UNIVERSITY OF MAINE SYSTEM
Board of Trustees Meeting

hosted by the University of Maine at Fort Kent
September 15-16, 2019

Board of Trustees Meeting


Absent: None.

Sunday, September 15, 2019

Trustee Erwin, Chair, welcomed everyone and called the Executive Session to order.

EXECUTIVE SESSION

On a motion by Trustee Michaud, which was seconded by Trustee Gardner, and approved by all members present, the Board of Trustees meeting went into Executive Session under the following provisions:

- 1 MRSA Section 405 6-A to discuss the evaluation of personnel and the consideration and discussion of appointments, employment and duties.
- 1 MRSA Section 405 6-C to discuss or consider economic development only if premature disclosure of the information would prejudice the competitive or bargaining position of the System.
- 1 MRSA Section 405 6-E to have consultation with legal counsel concerning matters where premature general public knowledge would clearly place the System at a substantial disadvantage

On a motion by Trustee Martin, which was seconded by Trustee Timm, and approved by all members present, the Board of Trustees concluded the Executive Session.

Trustee Erwin, Chair, called the Public meeting to order and welcomed everyone. He thanked UMFK President Tex Boggs for hosting the Board of Trustees meeting. He then welcomed UMFK Board of Visitors Chair, Mr. Douglas Cyr to the Board table.

Meeting with the UMFK Board of Visitors.

Members of the UMFK Boards of Visitors (BOV) met with the Board of Trustees for a discussion of campus BOV strategic goals and concerns. UMFK President welcomed the UMFK BOV members and expressed thanks to the members who were scheduled to end their term as BOV members, but agreed to stay on for another year to help President Boggs through his transition into the UMFK President role. He also thanked the UMFK BOV for putting together the agenda for this BOV meeting with the Board of
Trustees and introduced UMFK BOV Chair, Mr. Douglas Cyr. Mr. Cyr presented information on UMFK’s Early College program and the success UMFK has had with the program. He also talked about how the Early College program is an integral part of achieving the goals set forth in the UMS Board of Trustees Strategic Priorities to Address Critical State Needs. Mr. Cyr explained that fellow UMFK BOV member, Mr. Scott Voisine was not able to attend the meeting but that he had prepared a video for the Trustees to provide information on UMFK/Pleasant Street Academy’s Rural U program. UMFK Dean for the Undergraduate School of Nursing, Dr. Erin Soucy provided an update on the UMFK Nursing program and introduced Ms. Brittany Theriault, a former UMFK Nursing student. Ms. Theriault provided her perspective on how Early College and the UMFK Nursing program really helped her to earn her degree quickly and prepare her for her career as an ICU Nurse at Northern Maine Medical. Mr. Cyr thanked the Board of Trustees for their time and for holding the Board meeting at UMFK.

**Monday, September 16, 2019**

Trustee Erwin, Chair, reconvened the meeting and welcomed everyone and stated that Trustee James Donnelly would be participating by phone.

**CITIZEN COMMENT**

Citizen Comment is a time regularly set aside for comments from the public. The following individuals spoke during the Citizen Comment period:

- Jim McClymer – The University
- Dana Saucier – Welcome from the Fort Kent Chamber of Commerce
- Nathan Carlow – USM Name Change

**CHAIR’S REPORT.** Trustee James Erwin thanked UMFK President Boggs and the UMFK Staff for their hospitality and for hosting the Board meeting at UMFK. He welcomed UMFK BOV Chair, Mr. Douglas Cyr to the Board table and thanked him and the other UMFK BOV members for their insightful BOV presentation the night before.

Trustee Erwin explained that due to health issues Trustee Karl Turner has resigned as a member of the UMS Board of Trustees. He expressed appreciation for Trustee Turner’s leadership, years of service and dedication to public higher education in Maine. Trustee Erwin also acknowledged the retirement of Vice Chancellor for Academic Affairs, Dr. Robert Neely. He expressed thanks and appreciation on behalf of the Board for all of Dr. Neely’s commendable actions in supporting Academic Affairs and the University of Maine System. The Board will formally recognize Trustee Turner and Dr. Neely at a future Board meeting.

Trustee Erwin stated that the EduRisk article on sexual predators "Safeguarding Our Communities" was recently circulated to the Board. He thanked the Trustees for taking the time to review the article and for providing feedback on efforts to safeguard the UMS students and community. Trustee Erwin stated that the Board views this a very serious issue that requires constant diligence and that the Trustees will continue to work with UMS staff on a regular basis to make sure that UMS is doing everything that can be done to provide a safe environment for UMS students, staff, and community.

Trustee Erwin provided a brief overview of the Annual Board of Trustees Self-Assessment including areas of strength and areas needing improvement. He thanked the Trustees for taking the time to provide feedback for the evaluation and stated that plans to address areas of improvement are being developed.
CHANCELLOR’S REPORT. Chancellor Dannel Malloy announced that Dr. Robert Placido has accepted the position of Interim Vice Chancellor for Academic Affairs and that he looks forward to working with Dr. Placido in his new role. Chancellor Malloy has instructed Dr. Placido to share more data, more often than previously and to provide more detail on the data that has been provided. Chancellor Malloy also announced that Ms. Rosa Redonnett has been promoted to Associate Vice Chancellor for Student Success and Credentialing. He stated that Ms. Redonnett is one of the national experts on credentialing and that he is happy to have her in this new role and looks forward to working with her on many projects. Chancellor Malloy thanked UMS Deputy Vice Chancellor, Dr. Kay Kimball for her expertise and outstanding efforts since she took the Deputy Vice Chancellor position and for helping the Academic Affairs office through the transition of Dr. Robert Neely’s retirement. Chancellor Malloy also recognized Dr. Neely for his exceptional work during his time as former UMS Vice Chancellor for Academic Affairs and thanked him for his valuable guidance through Chancellor Malloy’s first months as Chancellor.

Chancellor Malloy stated that shortly after becoming the UMS Chancellor he realized that UMS needs to improve its success rate of attracting Maine high school graduates, as only 29.4% of them apply to the UMS. Chancellor Malloy charged Associate Vice Chancellor Redonnett and UMS Executive Director of Public Affairs, Mr. Dan Demeritt with developing a strategic plan to attract more Maine high school graduates. Mr. Demeritt provided information on current Maine high school graduate statistics and about the UMS Student Outreach Plan, which is being developed to improve the number of Maine students that apply to the UMS. He presented a draft advertisement video that will be finalized soon and explained details of the UMS Student Outreach Plan to encourage Maine high school graduates to apply to the UMS.

Chancellor Malloy stated that he provides a weekly update message to the Board of Trustees, and upon reflection he would like to instate a policy that these communications be made available to the general public on delayed basis, approximately 4 weeks post publication. He stated that protected information contained in the communications will be removed and the rest of the message would be made available on an ongoing basis. Chancellor Malloy expressed that it is very important to remain transparent and that the information and thought processes behind future actions should be shared with the public.

VICE CHANCELLOR FOR FINANCE, ADMINISTRATION, AND TREASURER’S REPORT. Vice Chancellor for Finance and Administration & Treasurer Mr. Ryan Low provided the following financial update. The Managed Investment Pool has a current market value of $346 million. It saw no returns for the month of July and it is up 10.4% calendar year to date. The Managed Investment Pool closed out FY2019 with a net of fees returned of 2.7%. The Pension Plan has a current market value of $26 million. It returned 0.5% for the month of July, and it is up 9% calendar year to date. The Pension Plan closed out FY2019 with a net of fees returned of 4.6%. The Operating Fund has a current market value of $274 million. It returned 0.2% for the month of July and preliminary August results are showing a 0.27% return, providing approximately $1.2 million in net investment income for the first two months of the fiscal year. The Operating Fund closed out FY2019 with a net of fees return of 4.1%, yielding $10.5 million or $6.1 million over budget. These funds are typically added to the budget stabilization fund; however, they are being held temporarily while decisions are made about the state appropriation and unified accreditation costs.

FY2020 Supplemental Budget Changes
Vice Chancellor Low stated that at the last Board of Trustees meeting a new process was explained that will help UMS more accurately reflect budget variance once the budget has already been approved each May. Going forward the Chief Business Officers (CBO) will be able to provide Vice Chancellor Low
with more accurate numbers once they have received their initial enrollment figures for the Fall. In the past, if campuses received fewer Fall enrollments than predicted, they would have to take measures such as lowering financial aid assistance in order to stay within their allotted budget. This new process will provide Vice Chancellor Low’s team an opportunity to fine-tune the budget to more closely reflect actual numbers and provide relief for the campuses. Vice Chancellor Low stated that later in the meeting Trustees will be asked to approve a supplement budget change for UM. UM’s requested adjustments are modest and create about a 1% impact on total System credit hours, but this adjustment is an important step in getting UMS budgets back into balance. Based on the experience with UM and after receiving information from the other campuses concerning their Fall enrollment numbers, the process has been reopened one more time this year to allow the other six campuses to make adjustments. All campuses have until October 11, 2019 to propose any supplemental budget changes, with a plan to provide the information to the Trustees by the end of October for approval.

**FY2021 Budget Process Update**
Vice Chancellor Low reminded the Trustees that building the UMS budget is approximately a 10 month process that starts in July each year. Beginning in October Vice Chancellor Low will turn over all the documents and information that will be essential for the campuses to build their budgets such as shared service rates, health insurance rates, and depreciation and debt service funding levels. From there the UMS campuses will begin working with their campus community to build their proposed FY2021 budgets. Although it will not be possible to keep shared services rate flat for FY2021, UMS is making every effort so minimize any increases. There is a possibility of UMS having two shared services rates until more information surrounding the States supplemental appropriation budget is more ironed out towards the end of the calendar year.

**State Appropriation Update**
Vice Chancellor Low explained that budget proposals are due to the Governor’s Office by the middle of October. One UMS request will be seeking to backfill the FY2021 appropriation that was originally in the Governor’s budget. This request will be approximately $4 million and will be critical to the campuses in FY2021 in order for UMS to be able to make appropriate investments and fund collective bargaining increases. The second request will be a targeted request for Maine Law appropriations in the amount of approximately $700 thousand to cover the changes outlined later in the meeting under the Maine School of Law update.

**VICE CHANCELLOR FOR ACADEMIC AFFAIRS’ UPDATE.** Interim Vice Chancellor for Academic Affairs (VCAA) Dr. Robert Placido provided an update on several Academic Affairs items.

**UMS Data Update**
Dr. Placido provided a brief overview of new initiatives and processes being developed surrounding UMS data and analysis. In the past very detailed data reports such as the UMS Annual Enrollment Report have been developed and presented to share information about the UMS and while all of this information is necessary, the format in which it is presented is not easily digestible. Dr. Placido explained that the UMS is working on different ways to present this information in a more visually comprehensible manner to promote a better understanding of the data that is being provided. Additionally, measures are being taken through the use of various technological tools and online resources to drive deeper into our data. Right now UMS data provides details such as how many students applied to UMS but did not actually enroll; however, these new tools will be able to provide additional information such as why didn’t they enroll and did they enroll somewhere else. This type of next level data mining is crucial for the success of UMS and it’s students.
UMS Board of Trustees Declaration of Strategic Priorities to Address Critical State Needs: Goal 3
Dr. Placido provided an update on the Academic and Student Affairs actions to address Aligning Academic Programs and Innovation to Drive Student Success and Employer Responsiveness, Goal 3, Action 1, of the UMS Trustees Declaration of Strategic Priorities to Address Critical State Needs. In response to this goal, the VCAA Office, with approval of the Board of Trustees in May 2019, has revised Board Policy 305 – Program Inventory to include the full scope of programs of study and revised Board Policy 305.1 – Academic Program Approval to streamline this process and enhance the relevance of academic program proposals. Additionally, the Program Innovation Fund will be more strategically deployed toward planning grants for programs identified by the System as having particular relevance for the state based in part upon Burning Glass analyses. The VCAA Office has also requested a campus-level review of the local program approval processes so that they can be revised to occur within a 120-day timeframe by the end of the 2019-2020 Academic Year.

ACTION ITEMS

Acceptance of Minutes
On a motion by Trustee Hustus, which was seconded by Trustee Michaud, the minutes from the following meetings were unanimously approved as presented:
July 15, 2019 – Board of Trustees Meeting
August 26, 2019 – Academic & Student Affairs Committee Meeting
August 26, 2019 – Human Resources & Labor Relations Committee Meeting
August 28, 2019 – Finance, Facilities, Technology Committee Meeting
August 29, 2019 – Investment Committee Meeting
August 30, 2019 – Executive Committee Meeting

Confirmation of Student Representative to the Board of Trustees.
On a motion by Trustee Doak, which was seconded by Trustee Collins, the Board of Trustees approved the following Student Representative to the Board of Trustees:
   Abigail Despres, UM – appointed for a two year term – September 2019 to September 2021

Tenure at Time of Hire, Professor of Mechanical Engineering, UM
On a motion by Trustee Gardner, which was seconded by Trustee Timm, the Board of Trustees accepted the recommendation of the Academic and Student Affairs Committee and approved tenure at the rank of Professor of Mechanical Engineering at the University of Maine to Dr. Sharmila Mukhopadhyay, effective January 1, 2020, in accordance with Board Policy 310.

FY2020 Proposed Operating Budget Revisions
On a motion by Trustee Collins, which was seconded by Trustee Hustus, the Board of Trustees accepted the recommendations of the Finance, Facilities and Technology Committee and approved the revised FY2020 Operating Budget for University of Maine and the System.

Unified Accreditation Recommendation
Chancellor Malloy provided an overview of the UMS Unified Accreditation Recommendations. He stated that he was presenting a detailed report to the Board for his recommendation to seek unified accreditation. Chancellor Malloy said that a Guiding Principles document was created as a first process in developing the report because although there is a long history of conversations surrounding a unified accreditation for the System, there was no exact outline of what unified accreditation means, how to achieve it, and the rules to address that consideration. Chancellor Malloy stated that what he was seeking today was direction to continue to move forward to develop a plan for unified accreditation, that would be presented to the Board at the November 17-18, 2019 Board of Trustees meeting as information item, with the anticipation
of another presentation and approval of the plan at the January 26-27, 2020 Board meeting or a Special Board meeting in February 2020 if needed. He also stated that in the process of developing his unified accreditation plan, he will visit each UMS campus 3 times each this semester and 3 times each next semester in order to gain the individual campuses perspectives on the process. Chancellor Malloy explained that the process of developing the unified accreditation plan will be a transparent process and that the last five years of conversations, reports, and letters concerning this subject have been posted on the new UMS Unified Accreditation website for the public to have access to the information.

At the July 15, 2019 Board of Trustees meeting, UMS Board Chair James Erwin stated that it was the Board’s sense that, in order for UMS to move forward with and attain the strategic goals established in the December 2018 Declaration of Strategic Priorities to Address Critical State Needs, UMS needs to be able to deliver significantly more collaborative, market-relevant cross-campus programming. In recent years, however, there have been significant challenges to developing, delivering, and managing such programs at the scope, scale, and pace the Board determines to be necessary to meet Maine’s higher education attainment needs, some of which stem from the fact that each UMS university is accredited separately from its sister campuses in the System. With these challenges in mind, Chair Erwin directed Chancellor Malloy to review UMS’s accreditation status and provide recommendations for what accreditation structure is most likely to permit UMS to achieve its strategic goals and best serve the higher education needs of its students and the State of Maine.

Since then, Chancellor Malloy has prepared a comprehensive report that reviews relevant UMS history and accreditation generally as well as within UMS. Based on this history, the Board’s strategic priorities and interest in increasing collaborative cross-campus programs, the imperative to improve the UMS higher educational experience overall, and the State’s interest in preserving all UMS universities where they currently exist, it is the Chancellor’s recommendation that UMS universities begin a process to unify their accreditations to a statewide accreditation within the University of Maine System. The Chancellor further recommends that the process be undertaken based on the Guiding Principles included in the report, which were developed by the Chancellor, the UMS Presidents, and Senior System Staff. The Guiding Principles are a set of eight principles that will guide the Chancellor, System and campus staff, campus Presidents, faculty, and students when making decisions on how to move forward with System unified accreditation.

UMS Chief of Staff (COS) and General Counsel, Mr. James Thelen provided an overview of the timeline in which unified accreditation has evolved from as early as 1986 to present day. COS Thelen stated that in researching the history of UMS unified accreditation there have been many recommendations and conversations surrounding unified accreditation for the System. In fact, at the February 24, 1986 UMS Board of Trustees meeting a motion was passed stating that the University of Maine will seek accreditation for the System in an appropriate time frame. COS Thelen stated that Chancellor Malloy recommends that with the current challenges for the UMS and it’s students, now is the time to move forward with unified accreditation.

UMS Deputy Vice Chancellor for Academic Affairs, Dr. Karen Kimball provided information on the academic challenges that the UMS faces as they embark on the process of seeking unified accreditation. Dr. Kimball explained UMS’s current and future challenges to academic collaboration. She also talked about the benefits for UMS faculty under unified accreditation and the crucial role the faculty will play in achieving a successful unified accreditation model.

UMPI President and Provost Ray Rice provided an overview of the small campus imperative as part of unified accreditation. President Rice provided insight on his experience in a President/Provost dual role
and talked about UMPI’s current campus collaborations with UMFK. He explained his experience with shared administrative and staff positions between the two campuses and shared academic programming as well as how it translates into program revenue.

UMS Director of Organizational Effectiveness, Dr. Kim Jenkins, provided information about the upcoming campus engagement process, the anticipated goals, and the content that will be developed from this process through the year. The overarching goal from these campus engagement opportunities is to have dynamic, detailed, and transparent conversations about campus goals, expectations, and concerns in order to guide the Chancellor when making his final recommendations to the Board for a unified accreditation process.

On a motion by Trustee Riley, which was seconded by Trustee Eames, the Board of Trustees approved the following resolution as amended:

1. Accepted the Chancellor’s Unified Accreditation Report and Recommendation.

2. Authorized and directed the Chancellor, with input from System Presidents and campuses, to develop a process, plan, and timeline to seek unified accreditation from NECHE that could successfully transition UMS to a statewide accreditation model. The Chancellor is directed to present the plan to the Board at its November 2019 meeting for discussion of any necessary additional Board actions and to seek approval of the plan at a future Board of Trustees meeting.

3. Authorizes and directs the Chancellor to visit and engage with all UMS campuses to obtain appropriate input from all UMS stakeholders in developing the implementation plan called for by this Resolution.

4. Accepts and ratifies all UMS communications with NECHE and the U.S. Department of Education to date regarding the consideration of unified accreditation, and authorizes and directs the Chancellor to continue such communications as necessary so that the implementation plan called for by this Resolution takes full account of the perspectives and requirements of those organizations.

**UMFK Presidential Search Criteria and Preferred Characteristics**

Trustee Kelly Martin stated that the Trustees serving on the UMFK Presidential Search Committee are herself, serving as search chair; Trustee Jim Donnelly, and Trustee Mike Michaud. The search committee is currently being formed with constituent groups just completing the identification of representative committee members. Trustee Martin provided a summary of pre-search activities already underway and details of the proposed preferred characteristics of candidates for the University of Maine at Fort Kent President/Provost. Additionally, Trustee Martin requested authorization for the Chancellor to officially charge the UMFK Presidential Search Committee.

On a motion by Trustee Michaud, which was seconded by Trustee Timm, the Board of Trustees approved the preferred characteristics and priorities for the University of Maine at Fort Kent Presidential search as discussed. When charging the committee, Chancellor Malloy will transmit the Board of Trustee’s preferred characteristics and priorities to the search committee and search consultant for use in describing the position and guiding the work of selecting the President.

**Initial Actions – University of Maine School of Law**

Chancellor Malloy provided a brief overview on the initial actions taken concerning the Maine Law School based on recommendations by the Committee to Advise the Future of the Maine Law School in
their report which was presented at the July 15, 2019 Board of Trustees meeting. On August 30, 2019, the Board’s Executive Committee approved a 3% pay increase retroactive to July 1, 2019 for Law School faculty and staff. Chancellor Malloy authorized Interim Law Dean Dmitry Bam to take necessary actions to search for and fill a Director of Academic Success position and two faculty positions and the Law School will also plan to replace one other retiring professor. Vice Chancellor Low will work with Interim Law Dean Bam to move forward on recommendations with minor fiscal impact that may be able to be covered in the Law School’s FY2020 budget.

Additionally, Chancellor Malloy will initiate actions to search for a Law School Dean based upon the following governance, if such actions are approved by the Board. The UMS Vice Chancellor for Finance and Administration and USM Chief Business Officer will develop a transition for the Law School’s budget and appropriation to be removed from USM financial administration and administered thereafter as a business unit within the University of Maine System by FY2022. The total appropriation and USM budget allocation to the Law School for FY2020 will remain as budgeted and for FY2021 as planned, except that in FY2021 USM will provide $212,000, with USM covering the remaining portion. The Law School Dean will report to the UMS Chancellor, who has discretion to invite the Dean’s participation in the UMS Presidents Council and the Law School Chief Business Officer (CBO) will interact and network with System CBOs in coordination with the UMS Vice Chancellor for Finance and Administration. The Chancellor, System Staff and Law School Dean will determine appropriate steps to obtain acquiescence in these actions from the ABA Section of Legal Education and Admission to the Bar. UMS and USM will coordinate the continued sharing of appropriate services and facilities between USM and the Law School. Additionally, with the Law School’s ongoing strategic importance and role in the University of Maine Graduate and Professional Center, as well as the existing academic leadership structure for the graduate programs that make up the Center, the Chancellor, who has already convened regular discussions with the Center programs’ Deans and Presidents, will review and propose to the Board for approval an appropriate academic leadership and oversight structure for the Center.

On a motion by Trustee Riley, which was seconded by Trustee Collins, the University of Maine System Board of Trustees acting pursuant to UMS Board Policy 309, approved the University of Maine School of Law’s reorganization to become a stand-alone unit of UMS, with budget independence from USM by FY2022, the Law School Dean reporting to the UMS Chancellor, and other terms as specified here, all effective immediately but subject to acquiescence from the ABA’s Section of Legal Education and Admission to the Bar.

**USM Name Change**

USM President Glenn Cummings presented the findings of the Broadreach Communications market research study recommending the University of Southern Maine change its name to the University of Maine at Portland. For the past six months, President Cummings has shared the market research data at over 20 forums with faculty, staff, students and alumni. He has also shared the data with several organizations that subsequently went on to endorse a name change. Endorsers of a name change include the Portland Regional Chamber of Commerce, the Portland Press Herald, USM’s Board of Visitors, USM’s Alumni Board, the USM Foundation Board, and 16 major Maine CEO and Business leaders who view a name-change as a means for addressing its workforce challenges. It is estimated that a name change will cost $1.2 million in up-front hard costs; these are costs mandatory for a name change such as signage, stationary/business cards, uniforms, ID cards, and web and logo redesign. There would also be an additional $1 million in soft costs, such as marketing and updating collateral to be spent over a three to five year period. It is estimated that in the first year alone, a name-change will attract 80-100 additional out-of-state students, meaning USM could pay for the hard costs of a name change in three years.
On a motion by Trustee Hustus, which was seconded by Trustee Eames, the Board of Trustees authorized the Chancellor and President Cummings, acting through the Office of Governmental Relations, to take such actions as are necessary before the Maine Legislature’s cloture date to preserve the ability to seek legislative approval in the January 2020 legislative session for a name change, while the Board of Trustees provides opportunities for appropriate USM, UMS, and public input on the action.

**CONSENT AGENDA**

On a motion by Trustee Martin, which was seconded by Trustee Michaud, the items on the Consent Agenda were unanimously approved by the Board of Trustees as follows:

The Board of Trustees reviewed the following agenda items as forwarded by the Academic & Student Affairs Committee to the Consent Agenda from its meeting on August 26, 2019:

**Approval of Academic Program Proposal: BS in Data Science at UMA**

The Board of Trustees approved the recommendation of the Academic & Student Affairs Committee and authorized the creation of the Bachelor of Science Degree in Data Science for the University of Maine at Augusta.

The Board of Trustees reviewed the following agenda items as forwarded by the Finance, Facilities, & Technology Committee to the Consent Agenda from its meeting on August 28, 2019:

**Darling Marine Center Waterfront Infrastructure Improvement, UM**

The Board of Trustees accepted the recommendation of the Finance, Facilities and Technology Committee and authorized the University of Maine System acting through the University of Maine to expend up to $5,200,000 for the Darling Marine Center Waterfront Infrastructure Improvement project pending authorization from the EDA of additional grant funding and the University’s match.


**DATE OF NEXT MEETING**

The next meeting of the Board of Trustees will be held on November 17-18, 2019, hosted by the University of Maine at Farmington.

Adjournment

Heather A. Massey for
Ellen N. Doughty, Clerk