

University of Maine System  
Board of Trustees

August 13, 2020

**Executive Committee  
Zoom Meeting**

**Present: Committee Members:** James Erwin; Chair; Mark Gardner; Vice Chair, David MacMahon, Kelly Martin, Lisa Eames, Trevor Hustus, Sven Bartholomew, James Donnelly, and Trish Riley. **Other Trustees:** Emily Cain. **Chancellor:** Dannel Malloy. **Staff:** Ellen Doughty, Ryan Low, Robert Placido, Rosa Redonnett, and James Thelen. **Presidents:** Edward Serna, Glenn Cummings, Ray Rice, Deborah Hedeem, and Joan Ferrini-Mundy. **Others:** Leigh Saufley, Nina Lavoie, Liz Lavoie, Sara Mlynarchek, and Kai McGintee – Bernstein Shur.

**Absent:** Sam Collins and Betsey Timm.

Trustee Erwin called the Executive Committee meeting to order, thanked everyone for participating, and roll call was taken.

**Executive Session**

On a motion by Trustee Hustus, which was seconded by Trustee Eames, and approved by a roll call vote of all Trustees present, the Executive Committee meeting went into Executive Session under the following provisions:

- 1 MRSA Section 405 6-C to discuss the condition, acquisition or disposition of real property or economic development if premature disclosure of the information would prejudice the competitive or bargaining position of the UMS.
- 1 MRSA Section 405 6-E to consult with its attorney concerning legal rights and duties of the university.

On a motion by Trustee Riley, which was seconded by Trustee Eames, and approved by a roll call vote of all Trustees present, the Executive Committee concluded the Executive Session.

Following the Executive Session, the meeting was reconvened to take action on the following item:

**UMS Title IX Policy Revision**

UMS Coordinator of Title IX Services Liz Lavoie and UMS General Counsel and Chief of Staff James Thelen provided an overview of the proposed changes to Board Policy 402 in order for UMS to be in compliance with the new Federal Title IX regulations prior to the August 14, 2020 deadline. In early May 2020 the U.S. Department of Education released long-awaited final regulations governing campus sexual assault under Title IX, the federal law prohibiting sex discrimination at federally funded institutions. U.S. colleges and universities that accept federal funding, as all UMS universities do, must come into compliance with the new regulations, which have the force of law, by August 14, 2020. The new regulations, which have been the subject of national controversy and even litigation, require substantial changes to UMS Title IX investigations and conduct hearing policies and practices, including at present UMS Board Policy 402, to come into compliance. UMS General Counsel, Title IX, and Student Affairs personnel reviewed the regulations and prepared necessary revisions to UMS Board Policy 402. A revised draft of Board Policy 402 was provided to the Executive Committee in the meeting materials. The purpose of this meeting is for the Board of Trustees Executive Committee to

adopt the proposed changes to Board Policy 402, with the full Board to ratify the changes at its regularly-scheduled September 28, 2020 meeting.

On a motion by Trustee Riley, which was seconded by Trustee Eames, and approved by a roll call vote of all Trustees present except for the two abstentions recorded below, the Executive Committee of the Board of Trustees, acting on the Board's behalf before its next regularly scheduled meeting, adopted the proposed revisions to Board Policy 402 to ensure UMS is in compliance with United States Department of Education Title IX regulations as of August 14, 2020. The Executive Committee recommends that the full Board ratify the Board Policy 402 revisions at its September 28, 2020 meeting.

Trustee Eames and Trustee Riley each abstained from the vote.

Additional information about the meeting can be found on the Board of Trustees website:  
<https://www.maine.edu/board-of-trustees/wp-content/uploads/sites/12/2020/08/MtgMat-EC-081320.pdf>

Adjournment

Heather A. Massey for  
Ellen N. Doughty, Clerk