

UNIVERSITY OF MAINE SYSTEM  
Board of Trustees Meeting

Zoom Meeting  
June 6, 2022

**Academic and Student Affairs Committee Meeting**

**Present: Committee Members:** Lisa Eames, Chair; Trish Riley, Chair Pro tem; Roger Katz, Beth Dobson, Michael Michaud, Emily Cain and David MacMahon. **Other Trustees:** Barbara Alexander and Donna Lorning. **Presidents & Law School Dean:** Joe Szakas, Ray Rice, Leigh Saufley, and Joan Ferrini-Mundy. **Faculty Representatives:** William Otto, Michael Scott, Patrick Cheek, Lisa Leduc and Clyde Michell. **Student Representatives:** Tony Lewis. **System Staff:** Robert Placido, Ellen Doughty, Rosa Redonnett, Carolyn Dorsey, Pat Peard, Ryan Low, Jamie Ballinger and Jeff St. John. **Others Present:** Donna Seppy, Amon Purinton, Nina Lavoie and David Fiacco.

**Committee Members Absent:** Pender Makin.

Trustee Lisa Eames, Chair welcomed everyone and called the meeting to order. The Clerk performed a roll call of the Committee members present. Trustee Eames stated that Trustee David MacMahon will be chairing the Academic & Student Affairs Committee for the next fiscal year. Vice Chancellor for Academic Affairs Robert Placido thanked Trustee Eames for chairing the Academic & Student Affairs Committee and he has enjoyed working with her in this capacity.

**Faculty Representatives Discussion**

UMPI Faculty Representative to the Board Lisa Leduc stated that the Faculty Representatives to the Board are meeting with Chair Riley and Vice Chair Eames on Friday and expressed her thanks for setting up the meeting. The Faculty Representatives met last week to discuss topics for discussion with Board Leadership. Professor Leduc recapped her concerns she raised during citizen comment at the May Board meeting. She feels that the faculty feel they are not provided opportunity to speak, nor do they feel they are being heard by the Board at the Academic & Student Affairs (ASA) Committee meeting and at Board meetings. They are hopeful that this can change. She commented that the timing of the outreach by the Board in January was a bit suspicious because it coincided with LD1820 being considered and there has been none since then. Trustee Riley and Trustee Rotundo met with the Faculty Reps but there has been no follow-up. After a great deal of faculty push back during citizen comment at the May Board meeting, now there is outreach again. What the Faculty Representatives are looking for is much more sustained, structural input and to be consulted on what that looks like. The 5 minutes for the Faculty Representatives discussion at the ASA Committee is not what they are looking for. Professor Leduc stated that the Faculty Representatives are also worried about the future of UMS and they want to engage with the ASA Committee and the full Board directly and not always filtered through System Staff. There is value and usefulness in that but sometimes there need to be direct engagement, which is their goal.

Trustee Eames commented that one of priorities established by Trustee Riley as Chair is to engage with the Faculty Representatives. Vice Chancellor Placido stated that a block of time will be allocated to the Faculty Representatives on the ASA Committee agenda. He is encouraging discussion and dialog with the Faculty Representatives not just updates. Vice Chancellor Placido stated that the Faculty Representatives has requested an update on the Maine College of Engineering and Computer Information Systems (MCECIS) initiative for the meeting today.

UMA Faculty Representative to the Board Patrick Cheek stated he is new to the role and would appreciate guidance. He also thanked Professor Leduc for her advocacy and comments as well as the openness of the Board. He would appreciate any parameters for the best use of the time for the faculty and student

representatives during the ASA Committee meetings. Vice Chancellor Placido offered to schedule an orientation session for the Faculty Representatives and would appreciate input from the other faculty representatives on what would be beneficial for new representatives. Professor Leduc commented that faculty representatives are reviewing the duties and responsibilities of the faculty representatives as well as System Support for the faculty representatives to do their jobs. In addition, they would like to schedule a summer retreat to meet with some Trustees and System Leadership. Professor Leduc commented that they look at the meeting minutes and agendas for issues of concern. In the past, part of the problem is the faculty do not have documents to submit prior to the meeting and when they raised an issue for discussion, documentation was requested. She feels that process is not useful because when they raised a concern about a policy change and submitted documentation, the Chancellor's Office prepared a rebuttal resulting in the discussion with Trustees at the Committee meeting not being productive. All of the faculty representatives are looking forward to a new start and moving forward. She also recommended that now that Board meetings are in-person, the faculty representatives can resume meeting as a group Sunday afternoon prior to the Board meeting or pre-meetings for the faculty representatives prior to the Board meeting.

Vice Chancellor for Research and Innovation and UM President Joan Ferrini-Mundy provided an update on the Maine College of Engineering and Computing and Information Science (MCECIS). The MCECIS agenda item was deferred at the last Board meeting because there has been a large group of faculty and outside advisors and stakeholders working on a variety of topics relative to the development of MCECIS. There have been six working groups focused on undergraduate engineering, undergraduate computing, fundraising, organizational structure, transition to MCECIS, and graduate education and research. The reports from these groups were being submitted just before the last Board meeting. These reports are substantial and full of recommendations. The MCECIS Steering Committee is developing a map to incorporate all of the recommendations. The resolution will be brought back to the Board after review of the recommendations. A search is underway for the inaugural Dean of the new Maine College of Engineering and Computing and Information Science.

Professor Otto asked if the MCECIS resolution will be brought back to the ASA Committee before it is forwarded to the full Board. Vice Chancellor Ferrini-Mundy stated that she is not sure and it will be up to the Steering Committee and others to decide if it will advance directly to the Board. Professor Otto recommended for clarity of process the issue should return to the ASA Committee for a dialog even if there are not changes to the resolution. Professor Leduc recommended that MCECIS vote by the Board not be scheduled for July when the faculty are off contract traveling and often doing research and suggested it be delayed until the September Board meeting.

### **Student Representatives Discussion**

The Student Representatives to the Board did not have any items to discuss. UMA Student Representative to the Board Tony Lewis was introduced.

### **Proposed Changes to Board of Trustee Policy 501: Student Conduct Policy**

Associate Vice Chancellor Redonnett explained that the Student Conduct Code is typically reviewed and updated every three years and is ultimately approved by the Board of Trustees. In their governance role, the Board of Trustees is responsible for reviewing and approving the Student Conduct Code with a focus on the policy portion; the implementation of the procedures and process is the responsibility of the Universities under the oversight of the UMS Chancellor's Office. The UMS Student Conduct Code applies to the entire University of Maine System. In July 2021, the Board of Trustees asked for an off-cycle review of the Student Conduct Code. The review was to both clarify the policy and the process for implementation; and to separate policy from process to create a more logical and agile approach to the review and approval of each, going forward.

The proposed revision to Board Policy 501- Student Conduct Code was previously reviewed by the Academic and Student Affairs (ASA) Committee on May 2<sup>nd</sup> and the full Board on May 23<sup>rd</sup>. It is now being presented for approval by the ASA Committee, followed by submission for final approval at the July 11, 2022 Board of Trustees meeting.

Associate Vice Chancellor Redonnett explained that coming out of the first reading of the Code from this Committee, the Code has incorporated an amendment that the final approval of the Code will have a clear line of authority and in this case with the Chancellor upon consultation with Legal Counsel. This change has been incorporated into the Policy and the Code. Coming out of the May Board meeting, a suggestion was made relating to the Trustees' roles specifically to the Code procedure itself. This has been clarified in this version of the Code.

Associate Vice Chancellor Redonnett explained that at a Student Conduct Code hearing, the student can have an advisor of their choice, who can be legal counsel. The advisor can not speak for the student or cross-examine. However, they can be with the student, offer advice and provide questions to the student and can help the student draft an appeal, etc. The National Association of Colleges and Universities Attorneys and the Association of Title IX Administrators were consulted to determine what the practice was related to the question of an attorney's ability to cross-examine in a student conduct hearing. The feedback received was no institution allows this for many solid reasons and would affect the quality of the process. Attorneys can write their client's opening statements, questions to ask the other party, witness and closing statements. They can also write notes to their client, whisper in their ear, or take a break at any time to talk with their client. UMS has a well-developed process that does a good job catching and correcting the rare mistakes. Not allowing full attorney participation reduces the time and complexity of the process and encourages more of our faculty and staff members to be a part of the process. Challenges sighted across the country on why the cross-examination piece is not allowed include a critical need for an equal level of advocacy for other parties in the process; payment for this advocacy; realistic feasibility; training for hearing board chairs; and what would essentially be a full civil procedure. The key is to provide enough due process without going overboard. This is a unique process and is not a court and there are good reasons why it is not a court.

Associate Vice Chancellor Redonnett reminded Committee members they are reviewing the Student Conduct Code, which is not Title IX. The UMS Policies related to Title IX are part of Board of Trustee Policy 402 - Sex Discrimination, Sexual Harassment, Sexual Assault, Relationship Violence, Stalking and Retaliation and Title IX Sexual Harassment.

Interim General Counsel Pat Peard explained that the Committee is being asked to approve the Board of Trustee Policy 501: Student Conduct Policy and with that approval it will separate the student conduct procedures from the actual policy. The procedures are being separated for efficiency and the ability for UMS to be flexible in dealing with this very important document. It is critical that UMS make changes to the Code procedures with greater ease than is currently available to better serve the students. This is a student led process with a large component being educational in nature and not punishment. The current process to change the procedures is extremely complex. If there is not agreement among the Student Conduct Code Officers about changes that may need to be made, those changes would be forwarded to the Chancellor in consultation with General Counsel will make the final decision.

Assistant General Counsel Amon Purinton provided an overview of some the changes to the Student Conduct Code procedures. The Board will not be approving the Code procedures, just the Policy. The code has been reorganized and duplicate language has been removed. The Presidential Appeal process has been eliminated and more robust definitions were added for violent crime, VAWA, witness, reporting party, etc.

UM Director of Community Standards, Rights and Responsibilities David Fiacco shared his perspective as a Student Conduct Officers for over 20 years. The Code requires frequent changes because of legal issues and case law. The ability to be flexible and nibble with code changes is imperative to afford the greatest amount of fairness as possible. The Code is an educational process and is not intended to be punitive. We advocate for the students to represent themselves with the assistance of an advocate. The Student Conduct Officers have constant contact with the General Counsel's office.

Trustee Alexander raised a concern about the training reference in the Policy and suggested defining the "individuals who are responsible for the oversight or administration" of the Code. She also raised the question of who is required to have training and if there will be a certification that these people have received the training. Interim General Counsel Peard responded that everyone agrees that training is critical to the process. The UMS has recently joined a SUNY student program that provides training in all areas of the Student Conduct Code. With this training there will not be a limit on the number of individuals that can access the training. The SUNY program will also keep track of everyone who have completed the training. Director of Student Success Initiatives and chair of the UMS Student Conduct Review Committee Donna Seppy explained that the individuals that require training is constantly changing and they used language that would be flexible to accommodate everyone.

Trustee Alexander suggested the following language amendment to add clarity to the Policy: "individuals who are responsible for the oversight or administration as identified by the Chancellor". An additional language amendment was suggested to clarify the training by stating "received and have evidence of receiving training". Trustee Katz raised concern about the due process component and feels if a student is getting expelled from a university, it is hard to view that as educational process instead of a punitive process.

Trustee Eames express appreciation to the Trustees and Steering Committee members for their efforts on the revisions to the Board Policy and the Code procedures.

On a motion by Trustee Cain, which was seconded by Trustee Michaud, and approved by a roll call vote of all Trustees present, the Academic and Student Affairs Committee agreed to forward the following resolution to the Board of Trustees for approval at the July 11, 2022 Board meeting:

That the Board of Trustees accepts the recommendation of the Academic and Student Affairs Committee and approves the proposed changes to Board of Trustee Policy 501 – Student Conduct Policy, as amended, to go into effect August 1, 2022.

Additional information about the meeting can be found on the Board of Trustees website:  
<https://www.maine.edu/board-of-trustees/meeting-agendas-materials/academic-and-student-affairs-committee/>

Adjournment,

Ellen N. Doughty, Clerk