

Week of October 25

Trustees -

A rainy late fall weekend brings us to Halloween today. Perhaps the rain will lessen and we'll all be treated with (but not tricked by) happy costume-adorned children safely walking our neighborhoods and streets tonight!

With several committees and the full Board meeting over this past week, I want to start here by noting, as I have in the past, how grateful I am for your service. Our Board is engaged and active, and I appreciate that that requires a tremendous time commitment and service orientation to our universities and the State of Maine. So as I've said before, and as I'll say again, thank you for your service.

In between your ASA and HR/Labor Relations committee meetings on Monday, I joined my counterparts from the Maine Maritime Academy and Maine Community College System on a Zoom meeting of the Legislature's Joint Committee on Education and Cultural Affairs. With thanks to Sam Warren for coordinating my and President and Vice Chancellor Ferrini-Mundy's participation in the meeting, I provided a general update to the committee on a number of matters, including a fall enrollment preview, our pandemic status (more on that below), and our general budget and capital infrastructure situation considering the State's recent appropriations increase, relatively flat enrollment overall, and the various capital projects we are managing at present. With leadership transitions under way at two of our universities, there were questions about how our universities will work together more intentionally in our unified accreditation model, and I expect we'll provide a more focused update for the education committee on that issue in the near future. Certainly we'll want to engage the education committee in our strategic planning work in the months ahead as well.

I'd like to take a minute here to update you on a leadership transition in the UMS General Counsel's office.

You'll recall that I noted at your September 27 meeting that that meeting would be the last for Laurel Hyle, our Deputy General Counsel and Chief Compliance Officer. Laurel's last day with UMS was this past Friday.

Coming to Maine in the midst of the pandemic in September 2020, Laurel brought a wealth of experience and intellectual heft garnered from her previous work in a number of highly regulated and complex medical, research, and higher ed institutions. She introduced a new rigor to our growing focus on compliance in her 13 months with us and welcomed two new lawyers and a new administrative office manager to our General Counsel team. It's easy to say that UMS will be better for her time with us, and that she will leave with our great respect and gratitude for her work and dedication.

Starting tomorrow, Pat Peard will step in as Interim General Counsel for the next six months or so.

Pat may be familiar to some of you, either from her long and distinguished career in the Portland legal community or from her work with UMS for a number of years before retiring from private legal practice a few years ago.

Pat is a 1988 University of Maine School of Law graduate. From then until she retired in 2018, Pat worked at the Bernstein Shur firm in Portland, where she co-chaired the Litigation Practice Group and then chaired the Labor and Employment Group. Pat founded the Education Law Group at the firm as well, and represented UMS as outside counsel for 30 years, working with four different UMS General Counsels, including Jim Thelen and his predecessor, Kelley Wiltbank, over that time.

Through her career Pat represented UMS at all levels of the state and federal courts in Maine as well as state and federal agencies and commissions on employment issues and all matters involving student affairs. She advised Presidents and Deans and members of the System administration, including past Chancellors. She also worked on labor issues and policy development as well as providing training on such areas as academic freedom, FERPA, and Title IX.

Pat represented other higher education institutions as well, including the University of New England, the College of the Atlantic, and the Maine College of Art and Design, and she conducted Title IX investigations for Bates College. Her other educational clients included the Maine Association of Independent Schools and thirteen private independent schools in Maine.

With this history, I trust it's apparent to you as it is to me that Pat is eminently qualified to provide leadership in the General Counsel's office in this interim period. Ultimately, I expect Jim Thelen will set up to conduct a search for Laurel's (and Pat's) successor, and I'll share details on that at the appropriate time.

As always, I want to update you on our pandemic status too.

At week's end, we were managing just 24 COVID-19 cases among UMS students and employees. Over the last 14 days of COVID-19 testing, with nearly 4,000 tests over that time, our positivity rate was just over one-half of one percent, while the State of Maine's current testing positivity rate is roughly ten times that. And we've maintained a steady downward trend in testing positivity and new cases (by 7-day average) such that we're at our lowest points with these numbers since the beginning of the semester. For the current just-past week, our testing positivity was just 0.38 of a percent.

The more significant news relates to our vaccine protocols.

We've been diligent and tireless in seeking to have as many of our students, faculty, and staff as possible provide proof of vaccination, and at the same time, we're accommodating every member of our university communities who wishes to claim a medical or religious exemption to vaccination, as federal law provides. With that as our approach, we've achieved enviable vaccination rates: 94 percent of our fall in-person population is fully vaccinated. Within that number, nearly 98 percent of residential students and 95 of non-residential students are fully vaccinated, and nearly 93 percent of our full-time employees are as well; our part-time employee vaccination rate hovers just below 70 percent.

You'll recall that we required all students to either prove full vaccination or register a medical, religious, or fully-remote exemption. By this past Friday, just 122 students had failed to satisfy one of these requirements, and most of these have not logged any Brightspace learning management system activity for the entire semester. We deeply regret losing any students over this issue, but the reality of the pandemic requires responsibility and accountability to maintain public health and safety, and we need look no further than our own successful management of the pandemic thus far to appreciate the significance of nearly universal vaccination.

I [informed](#) the UMS community this week that we would fully comply with the President's [Executive Order](#) requiring vaccination or a medical or religious exemption for employees of federal contractors. In practice, this will require our faculty and staff to meet the same requirements to which we've held our students accountable -- every employee, including student employees and those working fully remotely, must prove either full vaccination or request a medical or religious exemption by December 8. At present, as I noted above, nearly 93 percent of our full-time faculty and staff have already verified their COVID-19 vaccination, leaving only 101 full-time employees who have yet to meet the federal executive order's requirements. Our managers and HR leaders will work with our union partners and every employee, including the larger number of active part-time employees yet to come into compliance, to support our full compliance -- and I note we join [a growing number](#) of higher education institutions in the nation in fully meeting this mandate.

It was a busy week in a number of other ways too. I was on campus at UMaine in Orono on Tuesday with a number of our System leaders to continue my fall Chancellor meetings with our university leaders and their faculties and staff. The week ahead will find us at Augusta Tuesday, Farmington Wednesday, and USM on Friday, the latter of which where I look forward to hearing from faculty and campus leaders on how we can successfully partner to launch the presidential search you authorized there this past week.

Thursday evening I and other System leaders joined Maine State Chamber Commerce leaders and members for the Chamber's first in-person annual dinner and program since the pandemic began. It was a wonderful evening and tribute to two giants of Maine's business and philanthropic communities, Harold Alfond and David Flanagan, who in their own ways have left indelible marks on this System and its universities. May our own commitments to service and leadership always be guided by their examples.

Best wishes for the week ahead.

Regards,  
Dan