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Dannel P. Malloy  
Chancellor

August 9, 2021

Lawrence M. Schall, President  
New England Commission of Higher Education  
3 Burlington Woods Drive, Suite 100  
Burlington, MA 01803-4514

RE: Response to April 18, 2021 letter from Dr. Jim McClymer

the University of Maine

Dear President Schall:

University of Maine  
at Augusta

University of Maine  
at Farmington

University of Maine  
at Fort Kent

University of Maine  
at Machias

University of Maine  
at Presque Isle

University of  
Southern Maine

University of Maine  
School of Law

You wrote to University of Maine System (UMS) Chancellor Dannel Malloy on April 20, 2021 enclosing an April 18, 2021 letter (attached) NECHE received from Dr. Jim McClymer, faculty member at the University of Maine and President of the Associated Faculties of the Universities of Maine (AFUM), the MEA/NEA affiliate labor union representing most faculty in the University of Maine System. Your April 20 message invited UMS to respond to Dr. McClymer's letter by August 15, 2021 if UMS wished to do so.

We do not attempt to respond here to every claim Dr. McClymer advances. Rather, we focus on five concerns cited in the first half of his letter and one in the second, noting (where relevant) prior reports UMS and our universities have filed with NECHE on those subjects.

1. *Conflict of interest re. joint hiring of outside counsel.* Dr. McClymer asserts that because UMS and NECHE jointly retained experienced outside counsel to provide a legal opinion on the question of whether the University of Maine System, as organized and operating under Maine law, could be considered an "institution of higher education" under the federal Higher Education Act and therefore also considered an accredited institution, "NECHE was advocating for the outcome that they were then expected to critically review," and that "it is difficult to see this action as anything but a conflict of interest" (p. 1). We disagree and hold that step to have been both a reasonable and necessary predicate to NECHE's receptivity to accepting a substantive change application to consider the University of Maine System to be an accredited institution of higher education.

2. *NECHE's review of UMS substantive change application / Cooperating Departments.* On p. 1 and following, Dr. McClymer revisits concerns set forth in his [January 4, 2021 letter](#) to NECHE about the timing of NECHE's review of the [June 2020 UMS substantive change application](#), and the absence of any mention of

the Cooperating Departments provision of the [2019-2021 AFUM contract](#) in the first draft of that application. Our [March 31, 2021 letter](#) to you addresses those subjects in detail and continues to serve as our response to them.

3. *The UMS-Harold Alfond Foundation relationship and UMS academic program management.* On pp. 2-4, Dr. McClymer asserts that UMS, UMaine, and the University of Southern Maine should not have reorganized the Maine Business School (in 2018), and should not be working now to develop the Maine College of Engineering, Computing, and Information Science (MCECIS).

The University of Maine submitted a successful April 6, 2018 substantive change application for the reorganization of the Maine Business School, and shared subsequent updates on that effort in the [2019 UM-UMM comprehensive self study](#) (see for example pp. 19-20 and 65-66). Similarly, UMS described the early stages of the MCECIS initiative in its [April 12, 2021 progress report](#) on unified accreditation (p. 10). UMS will provide further updates on the Maine Business School and MCECIS in the Fall 2022 UMS self study.

Dr. McClymer's letter fails to present any legitimate grounds to suggest that UMS is unable to pursue these initiatives under the *Standards for Accreditation*.

4. *Appointment of senior administrative positions.* In a [March 3, 2021 message](#) to the UMS community, Chancellor Malloy announced that then-General Counsel and Chief of Staff James Thelen's position had been reorganized and retitled to reflect additional duties. Thelen was named Vice Chancellor for Strategic Initiatives and Chief Legal Officer while retaining his Chief of Staff role. At the same time, the Chancellor assigned UMaine President Joan Ferrini-Mundy the added title of UMS Vice Chancellor for Research and Innovation, a move reflecting the System-wide work she has visibly led in that arena since shortly after her July 2018 arrival at UMaine. Finally, the Chancellor reorganized the portfolio of Vice Chancellor for Academic Affairs Robert Placido with no change in title. No new UMS senior staff were hired consequent to these personnel actions, each of which sits squarely in the Chancellor's scope of authority as chief executive officer.

At the request of AFUM's University of Southern Maine faculty representative— in the context of her role (at the time) as chair of the Standard Three draft-writing team for the Fall 2022 UMS self study— in May 2021 UMS shared the current job descriptions of the three administrators named above along with those of five other UMS senior staff.

5. *The ongoing integration of the University of Maine at Machias (UMM) as a regional campus of the University of Maine (UM).* On pp. 4-5 of his letter, Dr. McClymer cites a variety of concerns about the UM-UMM relationship. We respond here to one of them: the second bullet on p. 4, where he argues that UMS comprises seven named universities. We agree— it does, as required by Maine statutes that dictate the organizational structure of the University of Maine System. The distinction UMS has been careful to draw is that, while there are seven named UMS universities (including UMM), UMS comprised six accredited universities through June 30, 2020, with UMM accredited as part of the University of Maine since 2018 and thus accurately classified as a regional campus of UMaine. UM and UMM began observing this distinction in

formal communications with NECHE more than two years ago (for example, in the [2019 UM-UMM self study](#), p. 13 and elsewhere), while it remained accurate that UMS included universities by name in all of the geographic locations required by Maine statute.

6. *Review of academic programs under unified accreditation.* Dr. McClymer charges UMS with failing to notify faculty— when the possibility of a System-wide unified accreditation was being explored— that if attained, "such accreditation would require increased UMS (non-academic, less accountable, further removed) oversight of academic programming" (p. 8). We respond on two fronts. First, we disagree that UMS oversight of academic programming is "non-academic," "less accountable," or "further removed," and we note that UMS oversight of academic programming was in place and in practice prior to the advent of unified accreditation (on July 1, 2020). Second, we observe that UMS addressed the subject of academic program oversight in the [April 12, 2021 progress report](#) because the Commission expressly identified it as an area of focus when granting unified accreditation to UMS in July 2020: "[T]he self-study prepared in advance of the Fall 2022 evaluation [should] give emphasis to the System's success in [. . .] further developing the system of reviewing academic programs, including an evaluation of the effectiveness of the methodology to ensure a System-wide perspective as well as qualitative judgments of the programs at the individual institutions" ([July 17, 2020 NECHE letter to Chancellor Malloy](#), p. 2).

We hope this letter is sufficient to resolve and conclude NECHE's considerations of further questionable expressions of concern from Dr. McClymer regarding these matters. If you have additional questions about Dr. McClymer's April 18, 2021 letter or this response, however, please contact me at your convenience. Thank you.

Respectfully,



Jeffrey St. John, Ph.D.  
Associate Vice Chancellor for Accreditation and Strategic Initiatives  
University of Maine System

cc: Mr. James Thelen, Vice Chancellor for Strategic Initiatives and Chief Legal Officer, UMS  
Dr. James McClymer, AFUM President, UM  
Rowena Clukey, Special Assistant to the Chancellor