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Board of Trustees Executive Session September 28, 1977

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UNIVERSITY OF MAINE
BOARD OF TRUSTEES

September 28, 1977
Machias, Maine

Not approved
Nov. 30/77

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EXECUTIVE SESSION

PRESENT: Chairman James Page, Francis Brown, Bernard Carpenter, Patricia DiMatteo, John Donovan, Stanley Evans, Susan Kominsky, Sawin Millet, Thomas Monaghan, Ellen Platz, Elizabeth Russell, Artemus Weatherbee, Nils Wessell. Staff: Chancellor McCarthy and Sumner Bernstein.

Chairman Page convened the meeting which was called 1) to provide an opportunity for the University Legal Counsel to advise the Trustees on the status of pending litigation and 2) to review recommendations for adjustments of executive salaries.

Legal Affairs. The Chairman presented attorney Sumner Bernstein, a senior partner in the firm of Bernstein, Shur, Sawyer and Nelson, the University's Legal Counsel. Mr. Bernstein indicated the executive session should be considered a confidential consultation between lawyer and clients. He informed the Trustees that they have been named as defendants in a suit brought by Mildred Francis-Sobel and that the University's Legal Counsel will be responsible for their defense. Mr. Bernstein briefly reviewed the background of the Sobel suit and advised that there are many defenses available to the University in this instance, technical, procedural and substantive, and that all will be exercised. He explained further that Trustees are named since the relief sought is such that only Trustees can grant. He requested that Counsel be advised by each Trustee when and how the papers are served and that if any Board member should receive interrogatories, these should be forwarded through the Chancellor's Office.

Mr. Bernstein discussed the status of one other case, the Beitzel suit, in which Trustees are also named. He reported that the University had successfully prosecuted the insurance company involved to force them to defend the University and the University's Legal Counsel will work with the insurance company in the defense.

There was general discussion of the University's insurance coverage for personal liability of Trustees and administrators and Mr. Bernstein pointed out that it was not unusual for university trustees to be sued. The Trustees requested that the administration continue efforts to increase awareness of potential legal problems among administrative and supervisory staff at the Campus level.

Executive salaries. Chancellor McCarthy initiated discussion of his recommendations for salary adjustments for the Presidents and Vice Chancellors. He reported first on his recently completed evaluation of the Presidents which he defined as the first in a series of evaluations which will take place over a five-year period. He reviewed the process established for the evaluations, the criteria used, which was arrived at in consultation with the Presidents, and the scoring system utilized to rate performance. Chancellor McCarthy pointed out that there are some problems with the evaluation process; if it is to be useful as a management tool, results must remain confidential. Direct conversion of performance scores to merit increases

would project a range of salary adjustments which could have a damaging effect on a president's ability to lead. He reported that in this instance, evaluation scores were not rigidly applied to the recommended percentage increases, and he presented his recommendation for presidential salary adjustments for FY 1978.

During discussion, objections were raised to the identical dollar increases. Trustees were concerned that this would be perceived as across the board increases and they pointed out that the University would be vulnerable if administrators appeared to be treated differently than faculty who received merit-based increases. After extensive discussion of the relative merits of evaluation and the implications of publicly defending differential merit increases for executives, there was consensus that evaluation is valuable and should be continued. The Chancellor suggested that with advance notice to executives, a strict application of the merit concept would be a reasonable expectation for another year. Chairman Page indicated the recommendation would be presented for action at the public meeting.

Chancellor McCarthy reported that the same evaluation process had been used for Vice Chancellors, with 26 criteria utilized. He presented his recommendation for salary adjustments for the Vice Chancellors, effective on their anniversary dates. After discussion, Chairman Page referred the recommendations to the public meeting agenda for action. Chancellor McCarthy and Counsel Bernstein were excused.

Dr. Evans initiated discussion of a salary adjustment for Chancellor McCarthy. He reported that the committee to evaluate the Chancellor which he chaired, had focused on several areas which included academic and management planning, legislative relationships, presidential evaluations, and objectives for 1977/78. Dr. Evans outlined the activities for which the Chancellor is responsible that reflect his performance and achievement of objectives over the past twelve months, taking note of development and implementation of Green Book recommendations, identification and implementation of management systems, development of long- and short-term budgeting processes and personnel evaluation plans, improvement in legislative relationships and public communications. Dr. Evans presented a recommendation for a 6% increase for the Chancellor. During discussion, Dr. Evans responded to an inquiry concerning the basis for determination of the 6% figure, which he indicated was the average of increases granted across the system. It was suggested that for the next phase of administrative evaluation, Trustees should have some indication of how the chief executive is perceived by the presidents and his staff, as one perspective among those considered. After further discussion, the recommendation was referred to the public meeting for action.

The Executive Session was adjourned to the public meeting.

JoAnne R. Magill

JoAnne R. Magill
Clerk of the Board