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Board of Trustees September 25, 1979

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Meet with PK, Chancellor Page and Comm. Gervais RE: Marine Bond

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UNIVERSITY OF MAINE
BOARD OF TRUSTEES

September 25, 1979
Machias, Maine

APPROVED BY THE BOARD OF TRUSTEES

Date: November 27, 1979
By: [Signature]

PRESENT:

Chairman Francis Brown, Bernard Carpenter, Patricia Dimatteo,
Alan Elkins, Stanley Evans, Joseph Hakanson, Susan Komsinky,
Thomas Monaghan, Harold Reynolds, John Robinson, Elizabeth
Russell, Thaxter Traflet, Absent: Ellen Platz, Artemus Weatherbee.
One Vacancy. Staff: Chancellor McCarthy, Robert Binswanger,
William Sullivan, Mary Ann Haas, Kenneth Allen, Donald Beattie, Roland
Burns, Arthur Buswell, Einar Olsen, Stanley Salwak and Robert Woodbury.
Counsel: Sumner Bernstein. Faculty Representatives: Doris Baker,
Albert Mitchell, Stephen MacDonald, Ralph Jans, Burton Hatlan and
John Petce. Student Representatives: Sandra Bovard, Jeffrey Rudom,
Eric Scharf and Steve Sherlock. Press and Public.

Chairman Brown convened the meeting and on motion made and seconded, the minutes
of all meetings held on July 24 and 25, 1979, were approved as circulated.

Committee Appointments. On motion made and seconded, it was voted to ratify
the Chairman's appointments to the following committees:

- to PRCOM - Thaxter Traflet, to a four-year term which will expire
in 1983.

- to Joint Committee with the State Board of Education - Francis
Brown and Thomas Monaghan

- to the Committee for Selection of a UMO President - Stanley Evans,
Thomas Monaghan and John Robinson

In his opening remarks, Chairman Brown took note of the concern voiced by
student representatives that their access to the Board had diminished with
implementation of the new meeting format. Mr. Brown said he wanted to reemphasize
that the Board has demonstrated by its past performance that it is interested
in maintaining its good relationship with the students and he indicated the
Board would continue to provide as many channels for communication as possible.
He reported that the Student Affairs Committee had held a meeting on the previous
day to which all student representatives were invited, for the purpose of discuss-
ing the items on the Board's agenda in advance of the Board meeting. He said he
thought this kind of session was productive and it would be scheduled regularly.
He noted that the Student Life Committee, which is just getting underway, will
provide additional opportunities for access to the Board.

Chancellor's Report. Chancellor McCarthy commended the Machias campus for the
recent expansion of its program, citing the addition of the bio-technology program
and the institution's emergence into the broad base of liberal arts as an
important step in the history of the Campus. The Chancellor reported that the
Administrative Council had met for a thorough review and discussion of Council
operations, particularly as these relate to matters which concern the Board.

As a result of these discussions, it was resolved that the Council, as such, should have a way to make its opinions and judgments known, in an informal way. The Chancellor said that a process has been devised and beginning with the October meeting he will be reporting on positions taken by the Council on the various matters which come before the Board. Chancellor McCarthy discussed his perceptions of the coming decade in which he said the rapid growth of educational institutions which characterized the 60's and 70's, would be sharply reduced. Focusing on the University's responsibility to add to public knowledge in a meaningful way, he discussed the University's research function. He indicated that within the next 12-18 months he would present a major report on research and the important role that he believes the University could play in this area. The Chancellor provided a brief update on the status of the several activities he spoke of at the last meeting:

- Creation of Honors College. A committee has been appointed to develop a pilot program which could be offered in the Spring semester. The Committee consists of President Woodbury, USM; Professor Robert Thomson and Professor Samuel Schuman, UMO; Professor Thomas Grady, UMRK.

- Public/Private Cooperation. The Chancellor and the Chairman of the Board are consulting on the appointment of a Committee and the Chancellor will be meeting with the Presidents of Colby, Bowdoin and Bates Colleges in October.

- Adult Learners/Credit Bank. Dr. Constance Carlson, former Dean of Bangor Community College, will be the chief staff resource for the study of the credits bank concept and development of a plan for adult learners.

- Collective Bargaining. The October meeting has been designated as a special meeting for collective bargaining. Speakers with expertise in collective bargaining in higher education will be present to share their perspectives.

- Energy Program. The Chancellor has established a three-part University-wide committee which will study 1) policy alternatives, 2) options for technical modifications and 3) logistical problems such as maintenance of adequate supplies.

To conclude his report, the Chancellor outlined the particular areas the individual campuses will be concentrating on during the coming academic year:

- Augusta, with its non-traditional program and commuting student body, will be working on marketing problems;
- Farmington will be polishing its planning process, as well as improving communications and public services;
- Fort Kent will continue to place emphasis on the development of its environmental studies and bilingual/bicultural programs;
- Machias will be focusing on the student services system;

- Orono - In addition to the search for a new President, it will be working on energy problems and will undertake evaluation of its relationships with state agencies, and long-range planning for its major programs;

- Presque Isle is developing an academic program review process for evaluation of strengths and weaknesses of existing programs;

- Southern Maine, with a new President and new Provost, will be focusing on the implementation of the Board-approved Academic Plan.

After conclusion of the Chancellor's Report, there was a brief discussion of the research function mentioned in the report and several questions were suggested for general discussion at some future time. These included 1) the possibility of developing Board guidelines to govern grants secured in the name of the University; 2) whether the University, as a public institution, has an obligation to direct some portion of its resources to research in the public interest and 3) whether some portion of such research should be dedicated to support of the State of Maine. The Chancellor indicated he would put these questions on the agenda for study.

Dr. Harold Reynolds was welcomed to membership on the Board. Dr. Reynolds was recently appointed State Commissioner of Educational and Cultural Services. Mr. Brown also announced the resignation of Trustee James H. Page.

Old Business.

1. Evaluation of Portland Residences. Mr. Monaghan had requested a report for this meeting on the status of the evaluation of certain residences owned by the University, and the Chairman solicited his comments. Mr. Monaghan said he believed the present use of these facilities is inappropriate considering the high levels of energy required for operation, and considering the loss of tax dollars to the Portland community. He said he was concerned only that the matter be thoroughly reviewed and alternatives considered. Mr. Carpenter, Chairman of the Physical Plant Committee which has undertaken the evaluation, reported that the Committee has met on site for examination of the residences and is reviewing a detailed report of the properties which will be the basis for the Committee's report to the full Board at a future meeting.

2. Student Conduct Code. Chairman Brown noted that action on revisions proposed at the last meeting had been deferred to provide time for review by student governments. Dr. Russell, Chairman of the Student Affairs Committee, reported that the student representatives have indicated they are satisfied with the proposed revisions. On motion of Dr. Russell which was seconded, it was

VOTED: to approve the University of Maine Student Conduct Code, as revised, effective September 25, 1979. A copy of the revised Code is appended to the file of these minutes.

3. Amendment to By-Laws. Chairman Brown summarized the background of this item which had been deferred from the July meeting where Mr. Robinson had proposed to reduce the number of votes required to amend the By-Laws of the Board. In the interim, Legal Counsel had prepared a report on bylaw amendment procedures in general. On the agenda for consideration at this meeting were two alternatives: 1) Mr. Robinson's original proposal to reduce the number of required votes from ten votes to a simple majority of Trustees present at a given meeting, and 2) a proposal submitted by the Chairman to reduce the number of votes required from ten to eight. The Chairman suggested that Mr. Robinson's proposal be considered first and Mr. Robinson moved that Article VI of the By-Laws be amended to read as follows:

"These by-laws may be amended at any regular meeting of the Board by approval of a majority of those present provided the proposed amendment shall have been presented in writing at the previous regular or special meeting of the Board or sent with the call of the meeting at which the amendments are voted upon."

The motion was seconded. During discussion, Mr. Carpenter, pointed out that since a quorum of eight was required to conduct business in any case, the two proposals under consideration appeared to have the same force and effect. Mr. Brown replied that with only a quorum present, a by-law amendment could be adopted, under Mr. Robinson's proposal, with the approval of a majority of the quorum, which could be as few as five members. The other proposal would require approval of at least eight members. Mr. Robinson said he did not agree with Counsel's suggestion that amending by-laws is akin to amending a constitution and he said he believes it is important not to frustrate the will of the majority. Mr. Brown said he concurred with Mr. Robinson in most respects on this issue and that he, too, had reservations about the need for a 10-vote requirement. He said he did believe, however, that something beyond a simple majority should be required. During further discussion, Mr. Robinson pointed out that his motion, if adopted, would not only change the number of votes required but would also eliminate the requirement in the current Article VI for the call of the meeting to be sent at least 10 days in advance of the meeting date. Before taking the vote on the motion, the Chairman reminded the members that adoption of this motion under the bylaws currently in force, would require a minimum of ten favorable votes. With seven Trustees voting in favor and four opposed, the motion failed to carry.

The Chairman inquired about the intent of the members with respect to the alternative proposal. On motion of Dr. Elkins which was seconded, it was VOTED: to amend Article VI of the By-Laws to read as follows:

"These by-laws may be amended at any regular meeting of the Board by approval of not less than eight members, provided the proposed amendment shall have been presented in writing at the previous regular or special meeting of the Board, or shall have been sent with the call of the meeting at least ten days prior to the date of the meeting."

4. Professional Unit - Memorandum of Understanding. Mr. D'Amico

reported that the Memorandum of Understanding with the Professional Unit,

discussed in a preliminary way at the July meeting, was now being presented

for formal adoption. He said it was an interim agreement with the

Professional Unit for the period ending June 30, 1980, during which the

negotiations for the initial contract will take place. Mr. D'Amico summarized

the provisions of the Memorandum which included an 8% across-the-board salary

increase; reimbursement for mileage at 18¢/mile; one-half tuition waiver for

dependents who are full time students of the University, and voluntary

dues check-off. After discussion and on motion made and seconded, it was

VOTED: to approve the Memorandum of Understanding negotiated by

the University with professional employees represented by

the University of Maine Professional Staff Association

(UMPSA) covering certain collective bargaining issues.

5. Ratification of Interim Action. On August 20, 1979, a copy of a proposed

contract negotiated by the University with the faculty represented by the

Associated Faculty of the University of Maine was circulated to the Trustees

along with a mail ballot which contained the following resolution:

"That the proposed collective bargaining agreement with the

faculty represented by the Associated Faculty of the University

of Maine (AFUM) be approved, and the Chancellor or his designee

be authorized to conclude the agreement."

On August 28, 1979, the Chairman and the Chancellor were notified that the

balloting was complete and that the resolution had been approved with 12 Trustees

voting in favor; Mr. Weatherbee was opposed and Mrs. Kominsky abstained. In

accordance with Section 4.8 of the By-Laws, Chairman Brown requested ratification

of this mail ballot. On motion made and seconded, it was

VOTED: to ratify the mail ballot completed on August 28, 1979.

New Business.

6. Gifts, Grants and Awards. On motion of Mr. Hakanson, which was seconded,

it was

VOTED: to accept with gratitude all gifts, grants and

awards listed under dates of September 25-26,

1979, a copy of which is appended to the file of

these minutes.

Chairman Brown expressed his interest in some Board involvement in a study of
the development function throughout the University. He noted that the Orono
development program is well established and that other Campuses have taken some
tentative steps. He suggested that the Board might want to explore ways to
further encourage the development function on the individual campuses and he
recommended that a plan be submitted for Board consideration at the November
meeting.



7. Appointment of Associate Dean, UMO. Dr. Kenneth Allen, Acting President, presented the recommendation and responded to questions from Trustees. On motion of Mr. Carpenter, which was seconded, it was

VOTED: to authorize the appointment of Dr. Charles E. Tarr as Associate Dean of the College of Arts and Sciences at the University of Maine at Orono at a base salary of \$27,000 plus a \$5,000 administrative stipend, effective September 1, 1979. The resulting salary of \$32,000 is for a fiscal year commitment.

8. Delegation of Authority for Appointment of Police Officers. Mr. Brown noted that delegation of authority for these appointments was made possible by a recent change in State law, and he indicated that the Board would continue to receive periodic reports on police and security functions. On motion of Mr. Carpenter, which was seconded, it was

VOTED: Pursuant to P.L. 1971, Chapter 544, Section 142, as amended,

the Board of Trustees hereby designates the President or, in the absence of the President, the Acting President of each campus as being vested with the power to appoint persons to act as policemen at the campus concerned. Each appointment hereunder shall be co-terminus with the individual's period of employment as a police officer at the campus concerned.

9. Non-Contributory Retirement Plan Committee. On motion made and seconded, it was

VOTED: to appoint Mary Yalouris, Director of Personnel, USM, to membership on the Retirement Plan Committee to fill the existing vacancy, the appointment to be effective October 1, 1979.

10. Appointment of Faculty Representatives. Mr. Brown introduced the faculty members who have been nominated to serve as representatives to the standing committees of the Board for the coming year. On motion made and seconded, the appointment of the following faculty representatives was authorized:

- UMA - Professor Doris Baker
- UMF - Professor Albert R. Mitchell
- UMFK - Professor Stephen C. MacDonald
- UMM - Professor Ralph T. Jans
- UMO - Professor Burton N. Hatlen
- UMPI - Professor Rebecca B. Herrick
- USM - Professor John A. Peirce

11. EEO - Information Report. In response to a request from the Board at the last meeting, Mr. D'Amico presented a report on the University Equal Employment Opportunity program. He touched briefly on the background of the program which was developed and initiated between 1972 and 1974 and he noted that the University has made some progress toward improving employment opportunities for minorities and women. He indicated that once the initial affirmative action plans were developed the implementation process has required constant updating of the plans and personnel policies, and the day-to-day monitoring of recruitment procedures, hiring and promotion practices. From reports prepared by the

Individual campuses, he cited statistics to illustrate improvements which have been achieved and he identified some of the problems which still exist. Among the problem areas, Mr. D'Amico reported that the costs of recruitment have risen sharply since 1974. Some of the increase can be ascribed to inflation but he said the primary cause was due to the extended network established by the University in its attempts to attract qualified minority and female applicants. The University of Southern Maine, for example, reported that the number of women applying for certain jobs is extremely low and the number of minorities applying for all jobs is nearly zero. The EEO officer at USM concluded that until the representation in the applicant pool improved there will be no significant change in the numbers of women or minorities in the USM work force. Mr. D'Amico pointed out that much of the recruitment takes place in the national market place where the University is hampered by non-competitive salaries for staff at all levels. Following the presentation, Mr. D'Amico responded to questions from the Trustees and the Trustees expressed their concern for the lack of more significant progress in the EEO program. Questions were raised about ways to improve the performance record and it was suggested that the matter should have further attention from the Board. Dr. Evans recommended that the staff develop an active strategy for Board approval. After extensive discussion of the need for further action by the Board, it was agreed that the Campus Affirmative Action officers should be available for discussion at the November meeting and that the Chancellor and staff would prepare an action plan for Board review at that meeting. Mr. Monaghan moved the appointment of an ad hoc committee of three Trustees to study the affirmative action program, collect information and report findings and recommendations to the full Board at the appropriate time. Mrs. Kominsky seconded the motion and said she would support it although she would prefer to have it deferred until the staff reported back in November. On motion of Mr. Robinson which was seconded, the Monaghan motion was tabled until November.

12. Transfer of Land - Fort Kent. Mr. Carpenter briefed the Trustees on a recommendation to transfer a strip of land to the Christ Church in Fort Kent for expansion of their cemetery. He noted that there are no legal obstructions to the transfer since recently enacted legislation permits the transfer of University-owned land to other non-profit entities without reimbursement. In response to a question from Mr. Robinson, Mr. Carpenter reported that it would not be possible to build on the parcel in question, and there is no foreseeable future use of this strip by the University. After further discussion and on motion of Mr. Carpenter, which was seconded, it was

VOTED: to convey by gift, a strip of land in Fort Kent, 20' wide by approximately 180' long to the Christ Church for expansion of their cemetery.

13. Major Maintenance Projects. Mr. Carpenter briefed the Trustees on the background and on the individual projects. On motion of Mr. Carpenter, which was seconded, it was

VOTED: to approve the following major maintenance projects to be funded from the special maintenance reserve:

1. repair of underground heating lines - Gorham estimated cost: \$220,000

- 2. replacement of boiler in Cyr Hall - Fort Kent
estimated cost: \$35,000
- 3. replacement of condensate receiver system - Orono
estimated cost: \$50,000

14. Capital Construction Status Report. Mr. Carpenter reported briefly on the status of capital construction projects which included the completion of the student housing project at Orono, re-roofing of Hart Hall, UMO, and Sennett Hall, UMM, and the balcony seating at the Alford Arena in Orono.

15. Collective Bargaining Activity. Mr. D'Amico reported briefly on the status of activity in the several units within the University.

REPORT OF COMMITTEES.

Student Affairs Committee. Dr. Russell, Committee Chairperson, reported that the

Committee had met on the previous day to provide an opportunity for the student representatives to review and comment on the Board agenda prior to the Board meeting. She noted that all student representatives were present and reviewed all items on the agenda. Dr. Russell said the students had no particular problems with any of the items for this meeting. After reviewing the agenda, they expressed their concern for improvement of communications between UMOSG, the staff and the Board. She said they pointed out that the Board's new meeting format tends to reduce the number of committee meetings and thereby reduces the opportunities students have had for significant input to matters which come before the Board. Dr. Russell reported that the Committee strongly recommends that ways be found to increase this input from the students. Chairman Brown urged committee Chairman to consider scheduling meetings to explore issues of interest to students.

Ad Hoc Committee on Student Life. Committee Chairman, Alan Elkins, indicated he had no report since the Committee would hold its first meeting later in the day.

Next Board Meeting. Chairman Brown announced that the next meeting would be a special seminar to be held in Bangor on October 23rd and that it would be devoted entirely to discussion of collective bargaining. The next regular meeting will be held on November 27 at the University of Maine at Farmington.

Mr. Carpenter inquired whether the faculty representatives had been, or should be, assigned to specific Committees. The Chancellor said he would provide a recommendation and a format for the November meeting.

Adjournment.

Joanne R. Magill
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Clerk, Board of Trustees