

1983

Board of Trustees December 12, 1983

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UNIVERSITY OF MAINE
BOARD OF TRUSTEES

December 12, 1983
University of Maine at Orono

BOARD OF TRUSTEES MEETING

PRESENT: Chairman Thomas Monaghan, Francis Brown, Patricia DiMatteo, Robert Dunfey, Alan Elkins, Stanley Evans, Joseph Hakanson, Peter Johnston, Geneva Kirk, Richard Marshall, Richard Morin, Harrison Richardson, Ellen Wasserman and Robert Boose (part of the meeting). Absent: Severin Beliveau. Staff: Chancellor McCarthy, William Sullivan, Harlan Philippi, Mary Ann Haas, Samuel D'Amico, Richard Eustis, Russell Smith, Sumner Bernstein, and Campus Presidents, Byron Skinner, Judith Sturnick, Robert Woodbury, Constance Carlson, Frederic Reynolds, Richard Spath and Paul Silverman. Press and public.

Chairman Monaghan convened the meeting. On motion made and seconded, the minutes of the meetings held on October 24, 1983, were approved, as circulated.

1. Reconsideration of Prior Board Action. Mr. Monaghan said that, as is customary, time had been reserved at the beginning of the meeting for an executive session. He pointed out that State laws governing closed meetings require that three-fourths of those present approve an adjournment to executive session, and the item for discussion must be one that is permitted under the law. He reported that he had a request from Trustee Wasserman concerning two matters which were not on the agenda. The first matter was a request for discussion of the reason why the Chancellor's resignation and subsequent reassignment were not on the agenda circulated prior to the October 24th meeting. Mr. Monaghan said he had consulted University Counsel and had been informed that this item did not meet the statutory requirements for holding an executive session. Mr. Monaghan suggested that this item be dealt with as part of the agenda for the regular meeting. With respect to the second item, he said Mrs. Wasserman requested further discussion of granting tenure to Chancellor McCarthy, relative to Board policy on tenure. Mr. Monaghan announced that a delegation of system faculty expected to present a petition protesting the Chancellor's tenured appointment, and he had agreed that they could have an opportunity to make their presentation at 12:15 p.m., as they requested. Since Mrs. Wasserman's second item related to the same subject, he suggested that the Trustees deal with Item 2 after the faculty presented their petition, at which time the Board also could decide whether to discuss Item 2 in public or in executive session. Having voted in the affirmative on the issue at the October meeting, Mr. Richardson

MOVED: Reconsideration of the Board's action with respect to the circumstances of the Chancellor's stepping down.

The motion was seconded.

In support of his motion, Mr. Richardson said that in fairness to the Chancellor and to Board members, the matter should be discussed and that it should be discussed in executive session, since it was a personnel matter. As a point of procedure, Mr. Monaghan asked when the discussion would be expected to take place, and Mr. Richardson suggested that the question of reconsideration could be taken up later in the meeting, and the Trustees could decide at that time whether to hold the discussion in executive session. Questions were raised about the procedure for dealing with Item 1, i.e. discussion of the reason why the Chancellor's resignation and subsequent reassignment were not on the October agenda. It was not clear to some of the Trustees why this Item was deemed inappropriate for executive session. It was pointed out that the subject had been discussed originally in executive session at the October meeting, and that similar questions about other non-agenda items have been dealt with in executive session as well. There was extensive discussion of the rationale for public versus private debate. Chairman Monaghan and University Counsel, Sumner Bernstein, distinguished between the procedure for initiating discussion, and discussion of an item, per se. It was noted that the Board may take up any item, whether or not it is listed on its agenda. The Board may then decide, as a separate issue, whether to discuss the substance of the item in executive session. However, an issue of procedure should be debated in public. Mr. Monaghan took full responsibility for the failure to include the resignation and reassignment on the October agenda. He said he had communicated his explanation of the circumstances, and his apologies, in a letter to the Trustees after the October meeting, and he said he was willing to address the issue again. There was further discussion of the timing for taking up the Richardson motion for reconsideration, in view of a report that at least one Trustee might have to leave the meeting early. The Trustees wanted to accommodate both the faculty protestors and Board members, and the possibility of receiving the faculty group earlier than scheduled was considered. After extensive discussion, there was consensus that the Board would proceed with Item 1.

Item 1. Mrs. DiMatteo said she felt the Chancellor's resignation was handled in secrecy and most of the Trustees were unaware a Committee had been formed to present a proposal for reassignment. Mr. Monaghan said he has tried to insure that each Board member has an equal voice in the making of University policy, and wanted to dispel any feeling that there had been a conspiracy on his part. He reported that in response to criticism from Mr. Richardson after the October meeting concerning the way the issue was handled, he had written to the Trustees, acknowledging that criticism was justified, and he explained the circumstances which had resulted in the issue being rushed.

Mr. Monaghan read his letter to the Trustees in which he had reported that: *some months ago the Chancellor informally discussed the possibility of resigning upon the completion of ten years'

*The letter, which was read in its entirety at the meeting, is paraphrased herein.

service as Chancellor, and expressed interest in becoming a tenured faculty member. Vice Chairman Francis Brown was asked to explore the possibilities for this option based on practice at other institutions, with the assistance of Dr. Evans and Mr. Beliveau, who had served with Mr. Brown earlier on a committee for evaluation of the Chancellor. At the time, it was thought best to hold the possibility of a resignation in confidence until it became a certainty.

Mrs. DiMatteo interjected that her concern was not focused on the Chancellor as an individual, nor on personal issues, but on the fact that Trustees were not informed.

Continuing with the letter, Mr. Monaghan said he wrote that he had notified two area Trustees when the resignation became a certainty. For reasons of illness and medical emergency, Committee members were unable to inform the remaining Trustees, as they had planned to do. During discussion of the proposal in October, the Chairman realized that some Trustees had not received advance notice. He did not suggest delaying action since no one present seemed overly concerned about the proposal. He thought the end result was satisfactory and it seemed clear that those who voted shared that view.

After reading the letter, Mr. Monaghan reiterated that he was not satisfied with the way he dealt with the issue, but he was satisfied with the end result, and apologized again for any perceived slight, which he said was unintentional. Mr. Richardson said he had no question about the Chairman's good faith. He reported that he had been told that the Chancellor might step down, but was not aware a Committee was charged last Spring to review the options; nor that a specific recommendation would be presented at the October meeting. He said it has been a matter of concern to him that there has been little advance notice of most items the Trustees discuss in executive session. Mr. Richardson noted that during discussion of the issue in question, it became clear that there had been an extended series of negotiations with the Chancellor, that arrangements had been worked out on an informal basis, and his perception was that the issue had been decided. With respect to the substance of the issue, he said he was, and remains, satisfied with the tenure decision. He said he was not satisfied with the salary issue, and he believed that the majority of the Board went into the executive session without advance notice of any of the details of the proposal. He expressed the opinion that the Board could not function honestly and effectively with each other under these circumstances. He noted that even if the Trustees had been informed the night before the meeting, they would not have had a meaningful opportunity to reflect on what was being proposed. Mrs. Wasserman concurred with Mr. Richardson on most points, but said she wanted further discussion of the tenure issue. As a procedural matter, she also indicated that a letter of resignation should have been obtained and circulated to the Board before the meeting. To insure that all Trustees present would be available for discussion, Mr. Richardson moved that his motion to reconsider be taken up at this

point, and the motion was seconded. Dr. Elkins asked if the faculty could present their petition earlier than planned, and it was explained that a large number of faculty were assembling for a 12:15 p.m. presentation, and there was no way to inform them of a change in schedule. It was suggested that the discussion could take place at this juncture, and the vote on the reconsideration motion could be deferred until after the faculty presentation. With Trustees Brown and Elkins dissenting, it was

VOTED: to take up the Richardson motion for reconsideration out of order.

Mr. Richardson

MOVED: adjournment to executive session for discussion of a personnel matter.

The motion was seconded and carried by a vote of 8 - 4, with Trustees DiMatteo, Elkins, Kirk, Marshall, Morin, Johnston, Richardson and Wasserman voting in favor; Trustees Brown, Dunfey, Evans and Hakanson dissented.

Mr. Monaghan said he had intended to ask the Chancellor whether he preferred public or private discussion. Chancellor McCarthy said he had never had any doubts that the Board's action on his reassignment was right, and he had no doubts about the way he has done business over the past 8½ years. He said he believed that discussion of such a matter that affected him, his family and his reputation should be done in the open, and he would like to have people say what they feel about him in the open. Mr. Monaghan offered to entertain a motion to reconsider the action on executive session. On motion of Mr. Johnston, which was seconded, it was

VOTED: to reconsider the previous action on adjournment to executive session for discussion of a personnel matter.

The action carried by a vote of 7 - 6 in which the Chairman cast a tie-breaking vote in the affirmative, along with Trustees Hakanson, Evans, Morin, Johnston, Brown and Dunfey. Trustees DiMatteo, Elkins, Kirk, Marshall, Richardson and Wasserman were opposed.

Mr. Monaghan called for another vote on the original motion for executive session, and recognized Mr. Richardson, who wished to speak to the question.

Mr. Richardson said he was concerned that debate on this issue carried potential for enormous long-range damage to the institution, and if it were to take place in public it would exacerbate feelings of ill-will and hostility toward the University as a system. He said he felt that the University's interests were larger than those of any individuals involved, whether Trustees or the Chancellor. Dr. Elkins and Mrs. Wasserman noted that the issue related to tenure policy rather than to the Chancellor himself and suggested that Chancellor McCarthy could be invited to join the Trustees in executive session if the motion prevailed. The second vote on the

MOTION: to adjourn to executive session for discussion of a personnel matter,

failed to meet the requirement for a three-fifths majority with a vote of 7 - 5, in which Trustees Richardson, Kirk, DiMatteo, Elkins, Wasserman, Marshall and Morin voted in favor, and Trustees Hakanson, Evans, Dunfey, Brown and Johnston were opposed.

Motion to Reconsider Board Action. The Chairman opened the floor for discussion of Mr. Richardson's motion, i.e. reconsideration of the Board's action with respect to the circumstances of the Chancellor's stepping down. (The motion also encompassed Mrs. Wasserman's Item 2) Mr. Monaghan took note that action on the motion would be deferred until after the faculty presentation. To initiate discussion, Mr. Richardson indicated that his motion involved two issues: 1) whether tenure should be granted under the circumstances, and 2) the appropriateness of the salary suggested for the position. He recommended that the Chairman appoint a committee of the Board to review the potential salary considerations more fully. He noted that the salary of \$52,900 suggested for the Professorship would be among the highest paid to University faculty. He said he believed Mr. McCarthy has done a good job as Chancellor and that his executive compensation and benefits reflect the Board's view of his stewardship. He said the salary proposed for the faculty appointment is substantially out of line with the salaries of others with similar experience and background, and should be reconsidered. He expressed concern for the adverse affect the salary issue also may have in the Legislature. Dr. Elkins said he thought the Chancellor would be a talented professor and he had vigorously supported the proposal in the October meeting. However, he had not expected the subsequent reaction to the tenure issue and therefore would ask for reconsideration, with the idea that some faculty input be sought for the tenure question. He suggested that a long-term contract might be considered as an alternative. Mrs. Wasserman expressed concern about the tenure question, particularly with respect to the importance of maintaining the integrity of Board-approved processes and criteria. Dr. Evans

supported the tenure decision noting that it would be naive to assume that the Board could use faculty input for awarding tenure to the Chancellor. He pointed out that the Chancellor's peers are those who perform the kind of work that he performs, and he reported that communications have been received from such individuals, applauding the Board's action in supporting the Chancellor's leadership. Mrs. DiMatteo said that she had no qualms about the faculty appointment, but she was concerned for the adverse effect that bypassing formal procedures for tenure would have on the faculty, and she had reservations about a predetermined minimum salary which could be substantially higher when the faculty appointment becomes effective. Mr. Brown said that although he was unable to be present, he supported the action taken by the Board at the October meeting. He said he thought it was predictable that the tenure issue would evoke criticism. He noted that, historically, tenure was created in the 1930's as a safeguard for academic freedom. In this instance, the Chancellor has served for 8½ years, and in the process of implementing the Board's decisions, has drawn a lot of criticism that often belonged to the Board. Now that the Board has provided an opportunity for him to share his practical experience in a teaching position, it would be difficult for him to assume that position without protection. Mr. Brown pointed out that given the outspoken faculty opposition, it would be hard to obtain an impartial jury for his tenure review. He reiterated that the Board has the right to grant tenure and that he believed it was fully justified in this case. Further, he said there was some question in his mind whether, having granted tenure, the Board could revoke its decision. On that question, however, Mr. Bernstein said that, in his opinion, the Chancellor did not have a vested right at this point. In response to a question from Mr. Richardson, Mr. Brown said he supported the suggested salary as well, noting it was based on a formula that has been applied in other instances in the institution. Mr. Hakanson concurred with Dr. Evans and Mr. Brown on the tenure issue and confirmed his support for the salary level. Mr. Johnston said the Board should not lose sight of concerns expressed by Mr. Richardson, but he thought the contributions the Chancellor could make to students during his professorship transcends the other concerns. In response to a question from Mrs. DiMatteo, Mr. Monaghan said he did not believe the Board was compromising the tenure process. He pointed out that Board policy permits the action taken in that it specifies that "At the time of appointment, exceptionally qualified individuals may be awarded tenure at the rank of full Professor." He spoke to the Chancellor's credentials, which he said were excellent, and reiterated that he was eminently qualified for the position. He reported that innumerable individuals have applauded the action. Dr. Evans added that it would be important for the Trustees to understand that the Board's actions are not always popular. He expressed concern that, having approved the reassignment in a unanimous vote, the Board not move in a different direction in the face of a great outcry. He said the Board had a right to be concerned about the inadequacies of the process through which the proposal was presented, since the process was far from appropriate. Mr. Johnston raised questions about statutory provisions for

removal of tenured status. Mr. Bernstein reported that the law is silent on the issue; the Board has the discretion to award or withdraw tenure. There being no further discussion, and on motion of Mr. Richardson, which was seconded, it was

VOTED: to defer action on the motion to reconsider, until later in the meeting.

2. Citizen Input. Mr. Monaghan announced that at the September Board meeting, which was held in Presque Isle, several individuals from the Orono Campus had not been given an opportunity to deliver remarks they had prepared for presentation during the citizens' input period, and he invited those representatives to present their comments at this time. Craig Freshly, President, Student Government, UMO, said he had planned to comment on parking regulations which were being proposed for the Orono Campus, but he noted that this item was subsequently considered and acted upon by the Board at the October meeting. Mr. Monaghan said he had had an exchange of correspondence with Professor Jerome Nadelhaft on behalf of other UMO faculty who had expected to speak at Presque Isle, and he had assured Professor Nadelhaft that time would be made available at this meeting for those faculty. President Silverman reported that two Department Chairmen who had been prepared to comment on UMO funding at the Presque Isle meeting, have since communicated their views by letter and did not plan to raise the subject again at this meeting. The President said he understood that on his own behalf, Professor Nadelhaft would participate in the faculty presentation of its petition at 12:15 p.m.

Craig Freshley, who had registered to address this meeting on the issue of the Board's appointment of the Chancellor to a tenured University professorship, presented a petition which was signed by 480 members of the UMO student body, protesting the appointment. Mr. Freshley read the petition which stated:

Whereas our quality of education is not guaranteed if the Board of Trustees award tenured faculty positions to individuals failing to meet traditional criteria,

We, the undersigned students of the University of Maine at Orono, believe that your appointment of Patrick McCarthy to the position of full Professor with tenure is in obvious disregard of the standards of education which you are charged to uphold. We therefore ask that you rescind this decision.

3. Chairman's Remarks. Mr. Monaghan reported that he and several other University representatives had met with the Governor's Commission on the Status of Education in Maine, which is chaired by Richard Barringer, Director of the State Planning Office. Mr. Monaghan indicated that the

session had been very worthwhile. He said this Commission seems to look toward recommendations which would vest more central authority and power in the Board of Trustees, to do some of the things the Commission believes should be done. He noted that this perspective on central authority contrasts with the views of other groups studying the University at the present time, wherein less rather than more central authority seems to be the objective.

4. Chancellor's Report. Chancellor McCarthy reported on the status of the Lewiston study. He said he would restate actions taken by the Board on the Lewiston proposal because these were central to a solution of the problems facing the staff in implementing the Board's instructions. He took note also of a series of administrative steps that have followed as a result of the Boards actions:

- In voting against a separate Lewiston Campus the Board has determined that at least for the time being, there will be no more free-standing four-year institutions. This action constitutes notice that any increased delivery of education will be something other than a new campus.
- The Board voted to extend to Lewiston an increased educational presence. This action is taken to mean that delivery of education in Lewiston will be a brokered delivery. It is implied that delivery of an increased educational presence
 - . will recognize the implications of existing Campuses in the delivery area, i.e. UMA, UMF and USM;
 - . will be implemented at a four-year level;
 - . will be responsive to findings of the Lewiston study and the academic plans at Farmington, Augusta and Southern Maine;

In the process of developing the Lewiston presence, the Chancellor said he has met informally with Augusta faculty, among other groups. The faculty expressed interest in opportunities to teach in a four-year program and this interest will be addressed. The Chancellor took note of the basic premises for the Lewiston program and indicated it would be designed

- within the financial framework that has been put forward, i.e. \$3.1 million from the Lewiston community and the \$2 million annual appropriation approved by the Legislature;
- for planning purposes, as the 6th College of the University of Southern Maine. The Lewiston program will have to fit

into a governance structure which recognizes the opportunities and aspirations of both UMA and UMF and still have a structure which will be accountable. While the design as an extension of USM may not be the final one, it will be used as a starting place;

- by faculty who will be recruited from various campuses to develop the curriculum.

The Chancellor said the staff is operating within the constraints the Board intended and expects to propose a delivery system which will reflect the brokering concept, provide opportunities for faculty participation in offerings apart from their home Campus, and improve the delivery of education in Lewiston, as charged. In response to questions from Mrs. DiMatteo concerning alternative plans for the program if the anticipated funding is not available, Chancellor McCarthy said it must be assumed that the City of Lewiston has approached the University in good faith. The staff is moving forward with the assumption that the funds will be available. If funding does not become available, he acknowledged that there would be problems which would affect either the presence, the delivery or the timing of the delivery. The staff's objective is to develop the best possible academic solution to the problem. Other questions were raised concerning plans for the physical plant and the time frame for completion of the program design. The Chancellor said the primary problem is the need to design a program that meets the needs of Lewiston and he assumed the physical format would be state-of-the-art and different from anything else in the system at present. The staff has received comments and suggestions for criteria from a number of Trustees and anticipate having something specific for the Board to review by early Spring, although full development of the program may take longer. The timing of the Lewiston bond issue is a decision that will be made by the City, and the staff will try to be sure the City has a proposal on which to base the decision.

4. Host Campus Presentation. In his introductory remarks, President Silverman said the Campus had chosen to present a video tape production entitled "A Lifetime of Experience," which was prepared as a showcase for UMO's 60,000 alumni, who are an important part of the institution's constituency. The program was produced by Mr. Henry Nevison, Information Specialist, in a year-long project undertaken in cooperation with the General Alumni Association. The program featured interviews with outstanding alumni throughout the state and the nation, President Silverman, Presidents Emeritus Arthur Hauck and Winthrop Libby, and Chancellor McCarthy, among others, along with footage of alumni activities ranging from a recent Homecoming to events dating back to the late 1920's. Also included was footage, some of which was published for the first time in this production, of President John F. Kennedy's visit to the Orono Campus in October, 1963.

5. Cooperative Extension Service. Mr. Richardson, Chairman of the Educational Policy Committee reported that the Orono administration with appropriate assistance from the Chancellor's Office, will continue to explore budgetary alternatives for funding Extension, and the Committee expects to receive a report for the February meeting.

6. Admissions Standards. Mr. Richardson reported that the Administrative Council is preparing recommendations for the Educational Policy Committee which will focus on the possibilities for strengthening or amending standards. A report is expected at the February meeting.

7. Gifts, Grants and Awards. Mr. Hakanson, Chairman of the Finance Committee presented the recommendation for acceptance. Mr. Hakanson took note of a successful fund raising campaign by the Maine Public Broadcasting Network, and a gift of \$180,000 to the University of Maine at Orono from the estate of Juliette Riley. President Silverman expressed appreciation for the gift of the Robert B. Thomson Book Collection from Mrs. Arlene Thomson and reported it would be a valuable addition to the Honors Center Collection where it would be retained, as a collection, in memory of Professor Thomson. On motion of Mr. Hakanson, which was seconded, it was

VOTED: to accept with gratitude all gifts, grants
and awards listed under date of December 12,
1983.

8. University of Maine Long-Range Financial Plan. Chancellor McCarthy described the long-range financial plan which is being developed in response to the Trustees' request for a full-disclosure planning and budgeting system. He said it has become clear that the traditional incremental budgeting system does not provide the kind of insight necessary to create a rigorous advocacy for the institutions' objectives. For planning purposes, the long-range system will provide data from the last five years and projections for the coming five years, and will be designed to tie University admissions into the budget process. By the time the budget has been fully developed and approved by the Trustees, it will have been reviewed at all levels in the light of historical information, specific goals, plans and priorities. Where funds have been appropriated, the process will be reversed and distribution to the Campus also will incorporate consultation with faculty and students in the process. The Chancellor indicated that the system would equip all levels of the University with full knowledge of missions and budgets, which would enable the institution to make its most compelling request to the Legislature with the full support of all its constituents.

9. National Direct Student Loan - Report. Mr. Hakanson noted that the NDSL program is an important source of funds for students and the Audit Committee has been monitoring collection problems which it asked the

administration to pursue. Chancellor McCarthy briefed the Trustees on a study undertaken by Arthur Mraz to assess the University's experience with collections and determine how improvements could be achieved. The Chancellor reported that the Mraz study confirms that the University has a better record than most institutions for NDSL management and as a result of the study the collection system will be further improved. The final report is being circulated to the Campuses for review and the recommendations therein will be implemented early in 1984. Mr. Hakanson commended Mr. Mraz on behalf of the Finance Committee.

10. Student Activity Fee Increase - USM. President Woodbury recommended approval of the increase which has been supported by a student referendum in which 70% of the student body participated. He noted that this is the first increase in the Activity Fee for USM in ten years. On motion of Mr. Hakanson, which was seconded, it was

VOTED: to confirm the Student Activity Fees at USM effective with the spring 1984 semester as follows:

\$18 per semester for full-time students (12 or more credit hours)

\$9 per semester for part-time students (6 to 12 credit hours)

11. USM Campus Center. Mr. Hakanson reported that USM has been exploring alternative financing methods for renovation of the former International Harvester Building. The Finance Committee has endorsed and recommends Board approval of efforts to obtain a proposal from interested private citizens who would take advantage of tax incentives to purchase the building and lease it back to USM. President Woodbury added that other colleges and universities have been using this approach to renovation projects. On motion of Mr. Hakanson, which was seconded, it was

VOTED: to authorize the negotiation of sale/lease-back agreement in an amount not to exceed \$1,000,000 for the renovation and funding of the Campus Center at USM, subject to the approval of the final agreement by the Board of Trustees.

12. Capital Bond Issue. Mrs. DiMatteo, Chair of the Physical Plant Committee reported that the proposed capital projects and Capital Facilities Plan had been discussed in detail in a joint session of the Physical Plant and Finance Committee, on the previous day. There being no further discussion, on motion of Mrs. DiMatteo, which was seconded, it was

VOTED: to adopt the FY84 Capital Facilities Plan and further authorize the submission of the projects listed in Phase I of this plan to the Governor for funding by the Second Regular Session of the 111th Legislature.

Mr. Monaghan noted that the faculty delegation had arrived and he suspended discussion of the agenda to enable the group to make its presentation. The delegation consisted of an undetermined member of faculty from system campuses, in academic regalia. Professor Gerald Work, UMO, and President of the Associated Faculties of the University of Maine, served as spokesman.

13. Presentation of Faculty Petition. Professor Work presented petitions representing some 1100 faculty and friends of the University, protesting the appointment of Chancellor McCarthy to a tenured professorship. He said the protest represents the concern by the faculty of the system for the quality of the faculty and the obligation of a process designed to assure that quality.

For information purposes Mr. Monaghan advised the delegation of the discussion that had occurred earlier on the motion for reconsideration of the Board's action and reported that action on the motion had been tabled until the faculty delegation had had an opportunity to present its petitions. As sponsor of the motion for reconsideration, Mr. Richardson moved that the motion be taken from the table. The motion was seconded and carried.

14. Reconsideration of Prior Board Action. Mr. Monaghan opened the floor for further discussion of Mr. Richardson's motion, i.e., reconsideration of the Board's action with respect to the Chancellor's stepping down. The Chairman invited the Campus Presidents to comment if they wished. President Skinner spoke to the Chancellor's qualifications to be an outstanding professor, and expressed concern for exacerbating differences when the system needs more unity. President Woodbury noted he had already shared his comments in a letter that had been published in the Portland press and widely circulated. He expressed his support for the Board's action which he said was wholly appropriate. President Carlson concurred with Dr. Woodbury. President Reynolds supported the Board's action and spoke to the improved relationships and offerings within the system under the Chancellor's leadership. President Sturnick concurred with her colleagues' remarks. On the tenure issue, Mr. Richardson said he believed the Board has the absolute right to establish guidelines for consideration of tenure, and that the decision to grant, or not, rests solely with the Trustees. He reported that he had supported the tenure issue at the October meeting, although he was distressed about the way in which the matter was presented for consideration. He said he sponsored the motion for reconsideration

not primarily for the tenure issue, but because he thought the suggested salary was out of line and should be more in keeping with the average of faculty salaries in the system. He urged the Trustees to permit reconsideration of its action, to give each Board member an opportunity for full and meaningful discussion without suspicion of manipulative conduct, and to consider and vote on the issue as each thought it should be decided. He requested that action on the motion for reconsideration be taken by roll-call vote. Dr. Elkins said he had supported the Board's offer to the Chancellor, although it was presented with little notice. He said he had not predicted the reaction of the faculty, or the public and since the faculty consider tenure to be an academic prerogative, he would support reconsideration. He added that he believed the Chancellor would be a gifted teacher and looked forward to his serving on the faculty. There being no further discussion, the Chair called for a vote on the reconsideration motion which failed to carry by a vote of 6-7, with Trustees Kirk, DiMatteo, Richardson, Elkins, Wasserman and Boose voting in favor, and Trustees Dunfey, Johnston, Brown, Hakanson, Evans, Morin and Marshall opposed. Chancellor McCarthy expressed appreciation, to all the Trustees, for the openness and candor of the discussion, recognizing that it was difficult. The faculty delegation departed and the Chairman resumed discussion of the business agenda.

15. Kitchen Renovations Gorham Dining Center. Mrs. DiMatteo presented the recommendation and on her motion, which was seconded, it was

VOTED: to authorize the installation of a grill/deli serving line at the Gorham Dining Center, and further authorize the transfer of \$61,500 from the USM Residence and Dining Reserve to an appropriate plant fund account to cover the project cost.

16. Capital Construction Status Report. Mrs. DiMatteo called attention to the report which was furnished for information.

17. Intercollegiate Football Schedule. Mr. Richardson noted that the UMO Director of Athletics, who had been invited to speak to this issue, was not present and at Mr. Richardson's request, the item was deferred until the February meeting.

18. Request for Supplemental Appropriation. Dr. Evans, Chairman of the Personnel Committee, reported that the Committee had met in joint session with the Finance Committee on the previous day for full discussion of the proposed request. He noted that the shortfall in University funding has created problems in the collective bargaining efforts and the Chancellor has taken advantage of an opportunity to submit a request for a supplemental appropriation which has been submitted with the understanding that final approval of this initiative rests with the Board. The request, in

the amount of \$6.2 million, represents the shortfall between the amount requested and that actually appropriated in the second year of the biennium, and is earmarked for salaries and wages. During discussion Mr. Brown said it was unfortunate that the faculty delegation had not stayed to pledge their cooperation in this endeavor, since the effectiveness of the University's presentation to the Legislature will be of the utmost importance in obtaining the funding necessary to the completion of stalled negotiations for salary and wage increases. He pointed out that the University will be asking for a substantial sum of money for this purpose, at the same time it is requesting bonding authority for \$16 million. The Board has indicated its commitment, he said, and it recognizes the need for the entire University community to come together in a serious effort to obtain these funds. On motion of Dr. Evans, which was seconded, it was

VOTED: to authorize the administration to request \$6,232,709 in supplemental funding for the University of Maine for salaries and wages during the current biennium.

19. Collective Bargaining Update. Samuel D'Amico, Associate Vice Chancellor for Employee Relations, reported that the status of negotiations in each of the five bargaining units is slightly different but essentially, the staff is proceeding with negotiations with all units either on a formal or informal basis, pending resolution of the University's financial situation. In response to questions, he indicated that a reopener provision was offered to all units but not accepted. Unit representatives preferred either to suspend negotiations until such time as the University's financial position is clarified, or to continue on an informal basis, without prejudice. He noted that when the financial issues can be resolved, the contracts could be completed.

Before proceeding further, the Chairman acknowledged the presence of Dr. Robert Boose, recently appointed State Commissioner of Educational and Cultural Services who had arrived during the course of the meeting. He welcomed Dr. Boose to Maine and to the Board of Trustees as its ex officio member.

20. Appointment of Faculty and Student Representatives. In accordance with Board policy, nominations for appointments had been forwarded through the appropriate campus organizations. On motion of Mr. Richardson, which was seconded, it was

VOTED: to authorize the appointment of Faculty and Student Representatives for a term of one year, as follows:

<u>Faculty Representatives</u>	<u>Student Representatives</u>
UMA - Rodney M. Cole	UMA - James S. Bowers
UMF - Harry Kerr	UMF - Christina Fornili
UMFK - Sharon K. Zimmer- Boucher	UMFK - Nancy F. Scott
UMM - Ralph T. Jans	UMM - Edmund Lindemanis
UMO - Douglas M. Allen	UMO - Rodney Labbe
UMPI - Carol-Ann Hall	UMPI - Kathleen Hunt
USM - Robert J. Russell	USM - Paul Tyson

21. Voting Degrees. On motion of Mr. Hakanson, which was seconded, it was

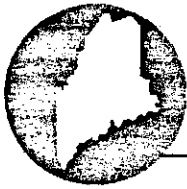
VOTED: to authorize the awarding of degrees in course for the Fall Commencement 1983 and the Spring and Summer Commencements 1984 to those students fully recommended by the appropriate faculties and the Presidents of the respective institutions and/or divisions of the University of Maine.

22. Status of Project Requests. Chancellor McCarthy reported that the only item not otherwise accounted for dealt with Campus security. At an earlier meeting, Trustee Beliveau had requested information concerning University policy on firearms for Campus police officers. Campus Presidents provided information which was distributed to Trustees at this meeting for their review.

23. Date of Next Meeting. Mr. Monaghan announced that the next meeting would be held on February 27, 1984, at the Bangor Community College, which would serve as the host Campus for the meeting.

There being no further business, and on motion made and seconded, the meeting was adjourned.

JoAnne R. Magill
Clerk



UNIVERSITY OF MAINE

System-wide Services

107 Maine Avenue
Bangor, Maine 04401-1805
207/947-0336

AGENDA ITEM SUMMARY

1. Name of Item: Acceptance of Gifts, Grants and Awards
2. Initiated by: Office of Funds Management
3. Board Information Board Action
4. Background: Board policy in the area of Financial Affairs requires Board acceptance of all gifts, grants, donations and bequests.
5. Text of Proposed Resolution
The Board of Trustees accepts with gratitude all gifts, grants and awards listed under date of December 12, 1983.
6. Action Taken:

UNIVERSITY OF MAINE

Board of Trustees
Meeting

December 12, 1983

Summary of Gifts

Gifts of cash and negotiable securities totaling \$589,658 and various in-kind gifts were received by the University of Maine since the last Board meeting.

The following is the distribution by campus:

	<u>CASH</u>
Augusta	\$ 1,300
Farmington	500
Fort Kent	5,455
Machias	1,350
Orono	466,952
Southern Maine	8,866
Presque Isle	20,700
MPBN	82,066
All Campuses	2,469

All gifts received fulfill the policy requirements of the Board of Trustees and follow the intent of the donors.

GIFTS OVER \$10,000

UMO	Est. Juliette Riley	Walter Riley Sch.	\$180,000
UMO	UMO Pulp & Paper Found.	Gottesman Prof.	44,833
UMO	UMO Pulp & Paper Found.	Visiting Prof.	17,440
UMO	UMO Pulp & Paper Found.	Gottesman Prof.	15,000
UMO	UMO Pulp & Paper Found.	Louis Calder Prof.	11,000
UMO	General Alumni Assoc.	Unrestricted	25,000
UMO	Wade Brackett Trust	W. & I. Brackett Fund	18,000
UMO	Georgia-Pacific Corp.	Coop. Forestry Research	10,471
UMO	UMO Foundation	Various Accounts	90,018
UMO	Arline K. Thomson	Book Collection of Robert B. Thomson	22,500
UMPI	Aroostook Medical Center	A.D. Nursing Program	10,000
UMPI	Cary Medical Center	A.D. Nursing Program	10,000

NEW ACCOUNTS

Endowed

The Walter E. Riley Scholarship - UMO

The Dena A. Brooks International Scholarship - USM

Restricted

The Gladys M. Esty Fund - UMO

The Daniel William Smilgys '84 Memorial Scholarship Fund - UMO

The Leory A. Burton '33 Memorial Scholarship Fund - UMO

The George & Clara Morris Scholarship - UMPI

University of Maine
Board of Trustees
December 12, 1983

NEW FUNDS:

Endowed Funds:

The Walter E. Riley Scholarship was established in 1983 at the University of Maine through a bequest from Juliette Riley, "to be used for engineering scholarships" No campus was specified in the will but Mr. Riley was a UMO graduate, and it is recommended that the fund be established as an endowed scholarship at the University of Maine at Orono. Details on the administration of the endowment will be provided to the Board by UMO in the future.

The Dena A. Brooks International Scholarship was established in 1983 at the University of Southern Maine in memory of Dena A. Brooks, wife of Kenneth Brooks, the former President of Gorham State College and the University of Maine at Gorham. This scholarship was created by friends and family in recognition of her services and contributions to the University and community. The income from this fund will be used to award an annual scholarship to a needy foreign student for study at the University of Southern Maine. The USM Honors Committee, in conjunction with Kenneth Brooks and the Director of International Exchange, will select the scholarship candidate subject to certification of financial need by the Director of Financial Aid.

Restricted Funds:

The Gladys M. Esty Fund as established at the University of Maine at Orono by a bequest from Gladys M. Esty. The fund shall be used for the education of deserving members of the Penobscot and Passamaquoddy Indian tribes resident in Maine at the University of Maine at Orono. Awards shall be made by the Office of Student Aid.

To provide for disbursement of income from funds previously established in the University of Maine Foundation:

The Daniel William Smilgys '84 Memorial Scholarship Fund was established in 1983 in the University of Maine Foundation at UMO by his family. The income from this fund shall be used to provide scholarship assistance to needy students majoring in Mechanical Engineering. Selection of the recipients shall be made by the Office of Student Aid.

The Leroy A. Burton '33 Memorial Scholarship Fund was established in 1983 in the University of Maine Foundation at UMO by his family. The income from this fund shall be used to provide scholarship assistance to junior or senior students majoring in Forestry for at least two semesters with a preference to be given to U.S. citizens. The recipients shall be selected by the Dean of the College of Forest

Resources and administered by the Office of Student Aid. If there are no eligible recipients in any given year, the funds for that year will be added to the principal.

To provide for disbursement of income from funds previously established in the Foundation of the University at Presque Isle.

The George and Clara Morris Scholarship in the Foundation of the University of Presque Isle was established at UMPI in 1983 by the George and Clara Morris Trust Agreement at Northern National Bank. The scholarship will be awarded to a student who must "1) be a graduate of Limestone High School, 2) have financial need, 3) show scholastic standing, 4) demonstrate upright character, 5) demonstrate leadership, and 6) provide service to the community."

UNIVERSITY OF MAINE - BOARD OF TRUSTEES
GIFTS ACKNOWLEDGEMENT

December 12, 1983

<u>DONOR</u>	<u>USE</u>	<u>ALUMNI</u>	<u>CORP.</u>	<u>FOUND.</u>	<u>MATCH.</u>	<u>INDIV.</u>	<u>OTHER</u>	<u>CAMPUS</u>
MPBN	Fundraising						82,066.47	MPBN
Est. Juliette Riley	Walter Riley S/S					5,000.00	180,000.00	UMO
Ellen Wasserman	Ellen Platz Sch.							UMO
UMO Pulp & Paper Fd.	Gottesman Prof.			44,833.00				UMO
	Visiting Prof.		76.00	17,440.00				UMO
Maine Soccer, Inc.	Soccer							UMO
UMO Pulp & Paper Fd.	Chemical Eng. Dept.			6,817.36				UMO
UMO Pulp & Paper Fd.	Gottesman Prof.			15,000.00				UMO
	Louis Calder Prof.			11,000.00				UMO
Amer. Agriculturist Fd.	Life Sciences & Agriculture			1,000.00				UMO
General Alumni Assc.	Unrestricted	25,000.00						UMO
Justin Merrill	Men's Swim Team			1,500.00		10.00		UMO
Holt Woodland Res. Fd.	Holt Foundation Sch.							UMO
Class of 1948	Computer Sci. Dept.	9,000.00						UMO
Wade Brackett Trust	W & I Brackett Fund						18,000.00	UMO
J.D. Irving, LTD	Coop. Forestry Res.		4,000.00					UMO
Georgia-Pacific Corp.	Coop. Forestry Res.		10,471.00					UMO
Est. Thomas Smith	General Sch. Fund						500.00	UMO
Union Camp Corp.	Career Planning & Placement		500.00					UMO
Class of 1953	Fogler Library	4,800.00						UMO
Mr./Mrs. Edward Myers	Darling Center					100.00		UMO
UMO Foundation	Attached Listing			90,017.95				UMO
General Alumni Assc.	Attached Listing	1,310.00						UMO
General Alumni Assc.	Attached Listing	760.00						UMO
Attached Listing	Patrons Fine Arts		350.00					UMO
Attached Listing	Maine Scholars Days		4,650.00				2,700.00	UMO
Attached Listing	Athletic Sch.	8,217.00	1,800.00			1,100.00	1,000.00	UMO
Ruth & Owen Evans	Stonecoast Writers' Conference					92.00		USM
USM Writers' Union	Stonecoast Writers' Conference						68.00	USM
USM Writers' Union	Stonecoast Writers' Conference						196.00	USM
Gerald & Irene Rudman	Abraham Rudman Sch. Fund					2,000.00		USM

<u>DONOR</u>	<u>USE</u>	<u>ALUMNI</u>	<u>CORP.</u>	<u>FOUND.</u>	<u>MATCH.</u>	<u>INDIV.</u>	<u>OTHER</u>	<u>CAMPUS</u>
Mr./Mrs. Arnold Potter Portland Chapter - S.P.E.B.S.Q.S.A.	Glassman Fund Library Gifts					5.00	60.00	USM USM
N. Richard Knudsen N.A.A.	Library Gifts School of Business W & I Brackett Fund					45.00	150.00 2,000.00	USM USM USM USM
Sebago Shoe, Inc. Mr./Mrs. Paul Silverman	Art Gallery Harry Glassman		2,000.00					USM USM
Anonymous Kenneth Baird, Esq. Mrs. Rene Minsky Edwin Pert Biddeford-Saco Rotary	Anonymous (School of Law) K & M Baird Sch. Abraham Rudman Fund Horace Libby Mem. Fund Charles Smith Mem.					100.00 1,000.00 1,000.00 25.00 25.00		USM USM USM USM USM USM
Nicholson & Ryan Attached Listing	Convocation Expenses Unrestricted		100.00				1,200.00	UMA UMA
Marie Schneider	M. Schneider Sch.					500.00		UMF
Attached Listing Attached Listing	Thomas Pinkham Sch. Unrestricted		300.00 2,925.00			170.00 2,060.00		UMFK UMFK
Attached Listing	Performing Arts Center					1,200.00	150.00	UMM
Foundation UMPI Aroostook County Life Underwriters Aroostook Med. Ctr. Cary Med. Ctr.	G & C Morris Sch. Library Mem. A.D. Nursing Program A.D. Nursing Program			500.00 200.00 10,000.00 10,000.00				UMPI UMPI UMPI UMPI
UMO Foundation	Unrestricted			2,469.24				ALL

UNIVERSITY OF MAINE - BOARD OF TRUSTEES
GIFT ACKNOWLEDGEMENT

December 12, 1983

IN-KIND

DONORS

Mrs. Arline K. Thomson

Franklin Savings Bank

Karen Zehring

Committee for Free World

Adelphi Press

Donald McNamara

David Foster

Institute for Study of Man

Bruce Clayton

Ben Etheridge

Frances Sayers

Dr. John Sutton, Jr.

Sandra Humphries

Dr. Betty R.G. Lance

Thomas E. Rosser, Esq.

Jeanne K. Malia

Dr. Edward J. Kormondy

American for Middle East Understanding, Inc.

Presbyterian Ministers' Fund

Petroleum Info. Committee

Wilson Sporting Goods, Co.

GIFT

8,000 books (collection of Robert B. Thomson)

Chandelier light fixture

1 volume

2 volumes

1 volume

2 volumes

1 book

2 titles

1 volume

24 volumes

1 volume

3 volumes

1 volume

1 volume

1 book

62 books

1 book

1 book

1 volume

1 volume

30 team travel bags

IN-KIND

CAMPUS

UMO

UMF

USM

USM

USM

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UMPI

GRANTS, AWARDS AND CONTRACTS
OCTOBER - NOVEMBER 1983

AUGUSTA:

State and Local Funds:

State of Maine - Dept. of Health & Human Services
Displaced Homemakers - New Horizons Outreach Project

\$ 5,473

Maine State Commission on the Arts and Humanities
Forum A FY84

9,500
\$ 14,973

Private Funds:

Maine Humanities Council
Educational Reform

\$ 1,000
\$ 1,000

FARMINGTON:

Federal Funds:

U. S. Dept. of Education
Upward Bound (add'l funds)

\$ 13,000
\$ 13,000

FORT KENT:

Federal Funds:

U. S. Dept. of Education
College Library Resources Program FY84

\$ 890
\$ 890

ORONO:

Federal Funds:

U. S. Dept. of Agriculture Downeast Resource Conservation and Development (add'l funds) Soil Sampling and Analysis (add'l funds) Water Stress and Potato Disease	\$ 87,794 7,433 25,000
U. S. Dept. of Health & Human Services Clinical Psychology Training Biomedical Research Support	56,670 15,404
U. S. Dept. of Energy Black Liquor Droplet Study	195,000
U. S. Fish and Wildlife Service Atlantic Salmon Feeding Habitat	5,000
National Science Foundation Theoretical Study of Polar Fluids Intergovernmental Personnel Act Assignment - Rasalah	49,990 55,166
U. S. Dept. of State Title XII Strengthening Grant Yr 5	100,000
U. S. Dept. of Education College Library Resources Program FY84	\$ 890 <u>\$598,347</u>
<u>State and Local Funds:</u>	
State of Maine - Dept. of Conservation Spatial Analysis Support System Shelterwood Thinning	\$ 47,249 8,380
State of Maine - Dept. of Health & Human Services Training Physically Handicapped in Data Processing U.M.O. Children's Center FY84	119,988 127,470

State of Maine - Dept. of Inland Fisheries & Wildlife	
Survival of Black Ducks (add'l funds)	10,000
Deer In Maine (add'l funds)	46,738
Ecology of Loons (add'l funds)	7,000
Bald Eagle Management FY84	42,590
Maine Historic Preservation Commission	\$ 19,000
Historic Archaeologist Position FY84	\$428,415
<u>Private Funds:</u>	
United Methodist Church	
Agriculture Project in Haiti (add'l funds)	\$ 17,050
Passamaquoddy Tribe	
Maine Indian Fund (add'l funds)	1,000
Maine Oil Dealers Association	
Maine-Wide Omnibus Telephone Survey	2,069
Virginia Polytechnic Institute	
Petrologic Problems in Eastern Maine (add'l funds)	6,000
Indiana State University	
Research in Production, Transmission, Distribution of Electric Energy (add'l funds)	12,500
International Paper Co.	
Cooperative Forestry Research (add'l funds)	10,000
Maine Yankee Atomic Power Co.	
Demonstration Program in Nuclear Radioactivity	50,485
E. C. Jordan Co.	
Archaeological Evaluation of Basin Mills Project	15,670
North Carolina State University	
Watershed/Acidification Lake Survey	30,069

Training & Development Corp.
 High School Equivalency Program 18,474
 Summer Youth Employment Program 9,155

Maine Humanities Council 1,199
 Early Peoples of Northern Maine

Boston University 16,853
 Maine OUI Law Evaluation Survey (add'l funds)

Westvaco \$21,000
 Union Camp, Corp. 21,000
 International Paper, Co. 18,000
 Weyerhaeuser, Co. 21,000
 HPD Incorporated 21,000
 Kraft Black Liquor 102,000

Various Donors (see listing) \$ 24,795
 Maine Agriculture Experimental Station Research Support \$317,319

SOUTHERN MAINE:

Federal Funds:

U. S. Dept. of Education \$467,696
 Title III Institutional Aid Program 94,572
 Improving Transitional Services for Handicapped Students 21,123
 Clinical Law Program

U. S. Dept. of Health & Human Services 81,364
 Child Welfare Leadership Training 69,784
 Gerontology Training \$734,539

State and Local Funds:

State of Maine - Dept. of Health & Human Services \$104,000
 Early Childhood Training Project

State of Maine - Dept. of Educational & Cultural Services
Project Network (Children's Special Needs)

93,369

State of Maine - Dept. of Mental Health & Corrections
Disability Information Center

78,859
\$276,228

PRESQUE ISLE:

Federal Funds:

U. S. Dept. of Education
Title III Institutional Aid Program
Upward Bound

\$148,670
125,016
\$273,686

SWS:

Private Funds:

Tufts University
Area Health Education Center

\$ 84,595
\$ 84,595

SUMMARY REPORT - FISCAL YEAR 1984

(ALL CAMPUSES)

<u>Grants, Awards and Contracts</u>	<u>Current Report</u>	<u>Fiscal Year</u>
Federal Funds	\$1,620,462	\$3,686,810
State and Local Funds	719,616	1,401,422
Private Funds	402,914	622,577
Total	\$2,742,992	\$5,750,809