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Board of Trustees March 28, 1983

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UNIVERSITY OF MAINE
BOARD OF TRUSTEES

University of Southern Maine
March 28, 1983

PRESENT: Chairman Thomas Monaghan, Severin Beliveau, Patricia DiMatteo, Alan Elkins, Stanley Evans, Joseph Hakanson, Peter Johnston, Richard Marshall, Richard Morin, Harrison Richardson, Elizabeth Russell and Ellen Wasserman. Absent: Francis Brown, Harold Reynolds. One vacancy. Staff: Chancellor McCarthy, Harlan Philippi, William Sullivan, Mary Ann Haas, Samuel D'Amico, Russell Smith, Richard Eustis, Hilton Power, Constance Carlson, Richard Spath, Robert Woodbury, Paul Silverman, Judith Sturnick, Frederic Reynolds, Sumner Bernstein. Press and public.

Chairman Monaghan convened the meeting. On motion made and seconded, the minutes of the meetings of February 7, 1983, were approved as circulated.

The Chairman welcomed the newly appointed Farmington President, Dr. Judith Sturnick, and Trustee Peter W. Johnston, potato grower from Fort Fairfield, who had just been appointed by the Governor to replace Mr. Maurice Keene, whose term has expired.

The Chairman announced that Trustee Francis Brown has received the Jefferson Award, which is conferred by the National Institute for Public Service through its local sponsor, WLBZ Broadcasting Corporation. The Institute, which is chaired by Jacqueline Kennedy Onassis, Robert Taft, Jr., and Samuel Beard, has been sponsoring awards for ten years to honor outstanding individuals for their public service commitments. Mr. Brown was one of four recipients from Eastern and Northern Maine.

Mr. Monaghan also noted that due to the length of the meeting, the Presidents' Reports were not on the agenda but Trustees were invited to ask any questions they might wish. Mr. Richardson said he found the reports very helpful and hoped the practice would be continued. President Silverman reported briefly on several pieces of legislation pending before Congress which are important to the University and the State. In summary, these included:

- The Sea Grant Act which requires reauthorization this year and which has been in jeopardy. The support of the entire Maine delegation has been obtained to work for reauthorization.

- Supporters are attempting to influence the Congress to restore funding and existing personnel levels for Wildlife and Fisheries Cooperating Units, which are about to be closed.
- Senator Cohen is involved in a major effort to reverse the trend to privatization of weather services, which would impact on the State's farming, fishing and recreation interests.
- Legislation is pending to replicate a so-called High-Tech Morrill Act which would provide additional revenue to enable UMO to move into the technology field in a more significant way.
- An amendment has been proposed which would delay for a year the implementation of a requirement for students who obtain federal aid, to provide proof that they have registered for the draft.

President Silverman also announced that UMO has just obtained a \$3 million contract with the Electric Power Research Institute to undertake a nationwide study which will extend over the next 3 - 5 years.

Committee Appointments. The Chairman announced that he had appointed Dr. Russell to the Educational Policy and the Student Affairs Committees, and Mr. Johnston has been assigned to Educational Policy, Physical Plant and to Personnel and Employee Relations Committees.

Lewiston Campus Proposal. Mr. Paul Dione, Mayor of the City of Lewiston had requested permission to present a proposal from the City for the development of a University Campus in Lewiston, and a delegation of City officials were in attendance to make the presentation. To provide some background information, Mr. Monaghan reported that the Chancellor was contacted initially last fall by Mayor Dione at the behest of the Governor, who has made it clear that the concept has his strong support. Mr. Monaghan said that the University's position has also been clearly stated, and its position is that considering the other financial problems facing the institution, the establishment of a Campus in Lewiston is not a priority of the Board at this time, and the only way the Trustees could even entertain such a proposal would be if the project were to be fully and completely funded in terms of both capital and operating costs. The Governor subsequently included \$2 million in his budget recommendation to the Legislature and the City has prepared a preliminary proposal for the consideration of the Trustees. Mr. Monaghan noted that there has been some publicity about

the concept which has raised numerous questions, and he suggested that after hearing the presentation, the Trustees consider undertaking an extensive feasibility study to explore the related issues in detail. He introduced the Lewiston delegation which included City Councillors James Begart, John Harkins and Roger Philippon; Lucian Gosselin, City Administrator and Michael Wing, Assistant to the Mayor. In the absence of Mayor Dione, who was unable to attend, Councillor Begart made the presentation which is outlined in summary form below.

- The Lewiston economy traditionally has been based on textile mills and shoe factories, with the result that education has not been a high priority for mill workers in the past.
- While there are many households where both parents work, 40% of Lewiston's households earned less than \$10,000 in 1979. Forty-three percent of the population has less than a high school education.
- The local economy must diversify to remain competitive and meet the needs of an increasingly technological society. Education and training of the community's work force must be improved.
- The level of educational attainment is significantly lower in Lewiston than in communities such as Portland, Bangor and Augusta, where University campuses are located.
- Technological development in the decades ahead will create a need for training of new workers in basic skills, and retraining and upgrading of skills of displaced workers.
- City officials believe there is an untapped market of prospective new students in the area.
- The percentage of high school graduates now going on to higher education is lower in Lewiston than in Portland, Bangor or Augusta, which is attributed to the lack of a significant University presence in the City.
- SAT scores demonstrate that Lewiston students consistently achieve scores which exceed national and State averages.

- City officials believe that a Lewiston Campus offering four-year programs with up-to-date curricula would fill an important community and regional need.
- The City is prepared to raise \$3.1 million which would be used to acquire and renovate the former Peck Building, and provide the necessary parking areas. Other land is available nearby which could provide a park setting for the Campus and it would become a focal point of the Community.
- The Governor has included \$2 million in his current budget recommendation to equip the facility, and will request an annual subsidy of \$2 million for operating costs beginning Fall, 1985. No funds from existing University budgets are being requested for the Campus.

Mr. Monaghan thanked Mr. Begart and the Lewiston delegation for their presentation. There was extensive discussion of the proposal, and major issues and questions are summarized below:

- No information was available concerning the number of students who might be interested in a Lewiston Campus but City officials expect that enrollment would reach 2,400 students over a four year period.
- Comparative figures of high school graduates going on to college are available for the smaller Campus communities of Presque Isle, Farmington and Fort Kent, and these will be furnished to Dr. Elkins at his request. A Lewiston spokesman said that comparisons for these communities, generally, approximate the State average.
- In view of the high drop-out rate reflected by the 45% of the population which has less than a high school education, Mr. Begart was asked how a Lewiston Campus would help that situation. He responded that as industrial operations become more technical, the industries would require a higher educational level as a prerequisite to employment.
- Mr. Begart was asked whether the City would be willing to raise additional money if the original commitment proved inadequate to fund the project. He said the City has several alternative sources of revenue but it would be premature to speculate about its response to the need for more funds.

- There was discussion of the impact of the outreach programs offered in the Lewiston area by the Augusta Campus. Mr. Begart acknowledged that the University has tried to address the needs but he indicated that the type of programs currently available are not adequate and the area will need a full curriculum for the future. President Power was asked to comment on the University's present involvement in Lewiston, from UMA's prospective. He reported that the Augusta Campus offers a number of programs especially for the Lewiston area through its Auburn Center, and that the Center accounts for 25% of UMA's student population. The courses offered include a degree program in Public Administration; three degree programs in Business ranging from an Associate Degree through a Masters Degree, which is delivered by the University of Southern Maine; Associate Degree programs in Criminal Justice, Liberal Studies, and Medical Laboratory Science; and beginning Fall, 1983, an Associate Degree in Computer Science. Asked if Lewiston would expect a full range of programs including the basic sciences and liberal arts, Mr. Begart said the new Campus would need to offer that range and flexibility to raise the community's educational level. In response to a question about the availability of programs at Bates College, Mr. Begart said the College has been cooperative but its program does not have the needed flexibility and tuition costs are substantial.

Mr. Beliveau offered a motion to direct the Chancellor to study the proposal, and the motion was seconded. During discussion Mr. Richardson listed some particular concerns to be explored in the study:

- comprehensive listing of the University's educational services available in the area, and information about ways these services could be enhanced
- evaluation of the impact on the University of Maine system;
- availability of other non-University educational activities, particularly VTIs, including enrollment figures and performance indicators which show capacity to meet the area's needs;

- costs of developing and delivering the proposed programs;
- assessment of the effectiveness of the University's outreach programs from UMF and USM as well as UMA.

Dr. Russell suggested that the study also evaluate the remedial efforts in the area, to determine what is being done to motivate students to go to college.

There was discussion of a suggestion from Mr. Johnston that the use of professional consultants would insure greater objectivity in the study. Chancellor McCarthy noted that there would be educational and political issues for the Board to consider as well as fact-gathering tasks to be performed. The educational and political issues relate to the allocation of resources among the constituent parts of the University. He said he thought the University's constituents should be heard and he didn't think a consultant would be useful in that process. He indicated it might be helpful to have some professional help later for sampling and projections. After further discussion, the original motion to authorize the study was enlarged to provide for professional assistance and a monthly progress report, and it was

VOTED: to direct the Chancellor to conduct a study of the proposal for a Lewiston campus, and present a final report to the Board at the September meeting. The Chancellor was further directed to provide monthly reports on the progress of the study, and he was authorized to make use of outside consultants if necessary.

The Chancellor requested that an advisory committee of Trustees be appointed to work with the staff on the study and the Chairman designated the following Trustees:

Francis Brown, Chairman
Peter Johnston
Severin Beliveau
Harrison Richardson
Richard Marshall

Mr. Begart thanked the Trustees for the opportunity to present the Lewiston proposal and indicated that the City's administration would be available to assist with the University study in any way they could be useful.

Appointment of President, UMA. Chancellor McCarthy presented his nomination and spoke briefly of the search process and the candidate's qualifications. On motion of Dr.

Evans, which was seconded, it was

VOTED: to appoint Byron R. Skinner as President of the University of Maine at Augusta at an annual salary of \$44,630 effective July 1, 1983, with the standard benefit package previously established for presidents.

Report on Pending Legislation. Mr. D'Amico, Associate Vice Chancellor for Employee Relations, briefed the Trustees on several bills affecting the University which are pending in the Legislature. Mr. Richardson requested that the Board take a position on the bills where appropriate, for the guidance of the Committee on Legislative Affairs.

LD-29 provides for the appointment of a Student Trustee through the system-wide student government structure. Mr. Richardson testified in opposition at the hearing and the bill is being held pending disposition of a similar bill, LD 1024.

LD-290 sets up a committee of faculty, students and administrative staff to review course equivalency issues at the University, and make recommendations to the Trustees. The Chancellor testified at the hearing, presenting information on the University's recent experience. It has been reported out of Committee and is expected to pass.

LD-1024 would increase the number of University Trustees from 15 to 19 and provide for the appointment of 2 University faculty to the Board.

During discussion, questions were raised about potential legal problems concerning conflict of interest and University counsel was directed to research the questions and render an opinion. Mr. Richardson reiterated his opposition to the representation of special interests on the Board. Mr. Monaghan reported that the student representatives had given mixed responses to the bill during the agenda briefing earlier in the day. He suggested that they communicate their positions in writing to the Chancellor. On motion made and seconded, it was

VOTED: to oppose LD 1024, an Act Relating to the Board of Trustees of the University of Maine.

LD-390 These three bills affect the University's
LD-709 Labor Relations Act. Mr. D'Amico briefed
LD-1204 the Trustees on the specific provisions.
On motion made and seconded, it was

VOTED: to oppose LD-390, An Act Concerning Arbitration Involving Municipal Fire and Police Departments; LD-709, An Act to Amend the University of Maine Arbitration Procedures; and LD-1204, An Act to Incorporate Last Best Offer Provisions into the Municipal Public Employees and the University of Maine Labor Relations Laws.

LD-546 Mr. D'Amico reported that these bills
LD-610 are technical amendments to the University's Labor Relations Act, and the Trustees concurred with his recommendation to take no position on either bill.

LD-970 requires that the Board provide time on its agenda for citizen input. Mr. Beliveau reported that he had appeared at the hearing and indicated to the Legislature's Education Committee that historically the Board has always been receptive to the public. He recommended that the Trustees inform the Education Committee that they will formalize a process for receiving public comments. On motion of Mr. Morin, which was seconded, the Board VOTED to reserve time on its agenda, beginning with the next meeting, to receive comments from the public. The Board reserves the right to establish appropriate ground rules and preclude exposure to possible grievances or law suits. The Chancellor will develop a format for the process.

LD-1193 provides for name changes for the University of Maine and for the University of Maine at Orono. On motion of Dr. Evans, which was seconded, it was

VOTED to oppose LD-1193, An Act to Change the Name of the University of Maine at Orono to the University of Maine and the University of Maine System.

LD-1267 provides for a major study of higher education by a commission which would develop recommendations for a report to the Legislature by January 1, 1985. Mr. D'Amico reported that he had little information about the intent of the bill as yet. There was consensus that the Board would take no position on the bill at this time and the staff was directed to obtain more information about the proposed study.

Gifts, Grants and Awards. Mr. Hakanson, Chairman of the Finance Committee presented the recommendation and moved acceptance. The motion was seconded and it was

VOTED: to accept with gratitude all gifts, grants and awards listed under the date of March 28, 1983. A complete listing is appended to the file of these minutes.

New Program, UMPI. Mr. Richardson, Chairman of the Educational Policy Committee, presented the recommendation and moved its adoption. The motion was seconded and it was

VOTED: to approve the program, Bachelor of Liberal Studies, as submitted by the University of Maine at Presque Isle.

Mr. Richardson called attention to the Revised Procedures for Program Review and the Uniform Course Numbering Proposal which were included for information with materials circulated for the meeting.

Honorary Degree Nomination, UMFK. On motion of Mr. Richardson, which was seconded, it was

VOTED: to authorize the awarding of an honorary degree at the University of Maine at Fort Kent, as presented.

Mr. Richardson announced that the Educational Policy Committee would meet on April 4th at 107 Maine Avenue in Bangor. Among the items on the Committee's agenda is discussion of the concept of post-tenure review. All Trustees were encouraged to attend.

Renovations to Andrews Hall, Gorham. Mrs. DiMatteo, Chair of the Physical Plant Committee, moved the recommendation. The motion was seconded and it was

VOTED: to authorize renovations to the bathrooms in Andrews Hall and authorizes the transfer of \$120,000 from the USM Campus Residence and Dining Reserve to an appropriate plant fund account to cover the cost of the project.

Concert Hall/Museum Progress Report, UMO. President Silverman took note of the outline, which was handed out for information, summarizing the efforts over the last eleven years to bring the Concert Hall/Museum project to fruition. He reported that in February 1981, the Board authorized the Orono Campus to raise up to \$2.5 million for construction of the facility, with specific approval required from the Board before construction commitments are made. Fundraising efforts have produced \$2.6 million thus far, which exceeds the authority granted by the Board. Since the project will cost more than originally estimated the President requested authorization to proceed with the fundraising until the necessary monies have been obtained. In response to questions, he reported that the campaign is going well and the Campus expects to return to the Board in April with a cost proposal. On motion of Mr. Morin, which was seconded, it was

VOTED: to authorize the continuation of fundraising by the Orono Campus to the extent necessary to complete the Concert Hall/Museum project.

President Silverman was congratulated and commended by Chancellor McCarthy and the Trustees for his efforts and success in the fundraising campaign.

Capital Construction Status Report. Mrs. DiMatteo called attention to the report which was included for information with materials circulated for the meeting.

Appointment of Visiting Associate Professor of Law, USM. Dr. Evans, Chairman of the Personnel and Employee Relations Committee, moved the recommendation. The motion was seconded, and it was

VOTED: to authorize the appointment of Ms. Tybe Ann Brett as Visiting Associate Professor of Law at the University of Southern Maine effective September 1, 1983, at a salary of \$31,500. The appointment is for one year, terminating May 31, 1984.

Appointment of Associate Professor of Law, USM. On motion of Dr. Evans, which was seconded, it was

VOTED: to authorize the appointment of Michael B. Lang as Associate Professor of Law at the University of Southern Maine effective September 1, 1983, at a salary of \$35,900. The appointment is a two-year, probationary, tenure track appointment.

Appointment of Director of the Public Policy and Management Program and Professor of Public Policy and Management, USM. Dr. Evans moved approval of the appointment of Dr. Mark R. Shedd, and the motion was seconded. During discussion, President Woodbury noted that Dr. Shedd will be the Director of a new graduate program which will open in September, 1984. This new program will tie together outstanding faculty at USM and provide links to a number of agencies outside the University and to leading figures in public life. Several Trustees commented on Dr. Shedd's excellent background. After further discussion, it was

VOTED: to authorize the appointment of Dr Mark R. Shedd as Director of the Public Policy and Management Program and Professor of Public Policy and Management at the University of Southern Maine effective April 1, 1983, at a salary of \$41,500. The fiscal year appointment is for a three-year renewable term, with annual evaluations. At the end of the second year the evaluation will include a recommendation concerning reappointment.

Collective Bargaining Update. Mr. D'Amico reported that the University has received initial bargaining demands from the Faculty Unit and the Clerical Unit and preliminary meetings are underway. In reponse to a question about the substance of the demands, he indicated that these have been shared with the Trustees but may not be made public at this time.

Appropriation Hearing. Chancellor McCarthy briefed the Trustees on his testimony before the Appropriations Committee in support of the University's budget request. He said he had explained that it would be essential for the University to put more money into the non-salary academic support areas, which have been unavoidably neglected in recent years due to the necessity to improve employee salaries. He told the Committee that if the University's request were full funded, he would recommend that the Board use the appropriation 100% for salaries and then allocate 100% of a prospective tuition increase

to the academic support areas. He indicated that this was the first time a division of this kind has been proposed but he thought it was an appropriate approach to funding. He noted that the University could not continue to forgo adequate funding of academic support areas without eroding the quality of the institution.

Mr. Monaghan announced that Mr. Brown, who was unable to be present, had intended to convene the Executive Committee for the purpose of appointing a Nominating Committee. There being no objections, it was agreed that Mr. Brown would convene the Executive Committee for that purpose, by telephone, and the Board would be duly notified of the result.

Pending Litigation. Sumner Bernstein, University Counsel, briefed the Trustees on pending litigation:

- Duran - A reverse discrimination suit is pending in Superior Court, brought by a male professor at UMF, who was not selected for a Division Chair.
- Weigang - This is the second suit brought by Professor Weigang. All but two aspects of the suit have been dismissed and a motion is pending for dismissal of the remainder of the case.
- Mirto - Discovery is continuing. No date has been set for the trial which will be held in the Federal District Court.

There being no further business, the meeting was adjourned.

JoAnne R. Magill
Clerk