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Board of Trustees January 16, 1984

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UNIVERSITY OF MAINE
BOARD OF TRUSTEES

University of Southern Maine
January 16, 1984

SPECIAL MEETING

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

Chairman Monaghan convened the meeting and reported that this special session had been called:

- 1) to determine the position of the Board on the proposed legislation to create Boards of Overseers for USM and UMO;
- 2) to determine the position of the Board on the law passed by Congress in July, 1972, stipulating that no federal student aid funds be distributed to students failing to register with Selective Service (the so-called Solomon Amendment);
- 3) for discussion of the performance reviews of Presidents Silverman and Woodbury by Dr. Garry D. Hays and Dr. Richard T. Ingram, which discussion to be held in executive session, later in the meeting.

Pending Legislation re Boards of Overseers. This legislation had been drafted by the Committee for Academic Excellence (often referred to as the Wells Committee) and, among other provisions, called for the establishment of Boards of Overseers, within the existing University structure, for the University of Maine at Orono and the University of Southern Maine. Mr. Monaghan noted that some of the members of the Committee were in the audience and he asked Mr. Owen Wells, who chairs the Committee, if they wished to be heard on this issue. Mr. Wells indicated that Mr. John Menario, consultant and committee member, wished to speak, as did State Representative John Diamond, who is the prime sponsor of the proposed legislation. Mr. Monaghan called for a motion to initiate discussion. Mr. Beliveau moved that the Board oppose the bill, as proposed, and the motion was seconded. At the Chairman's invitation, Representative Diamond presented his comments on the bill. He indicated that the legislation actually was still being drafted and that it would be premature for the Board to take a position before the proposal is fully worked out. He said the purpose of the bill was to enhance and embellish the system and that despite the criticism and questions that have been raised in the

press, the Legislature and other forums, the sponsors are not trying to break up the University system. Mr. Diamond said he thought that discussion and action by the Trustees does have an impact on what is considered in the Legislature, and he expressed concern that Board opposition to the bill at this early stage would heighten the criticism and negative feelings, and serve to foreclose debate. Mr. Beliveau said that if there are subsequent amendments or modifications, the Board was prepared to consider those, but he pointed out that the sponsors had already submitted a specific proposal to the Legislative Research Office, and the motion before the Board related solely to that specific proposal. He noted that the parties in question, Trustees, Wells Committee members, as well as the sponsors of the Committee's legislation, all seek to assist the University in the best possible way. He indicated that many of the institution's problems are financial ones and that the University's request for additional funding for salaries and capital outlay, will come before the Legislature in this session. He expressed concern that available time and energy may focus on a debate on the Overseers issue, and obscure the financial needs which are so critical to the institution. He urged Mr. Diamond and the Wells Committee members to join with the Trustees in their effort to obtain the funds that have been requested. Mr. Diamond indicated that there were limitations on what government could achieve, and spoke to the need for advocacy boards for the University, which would deal with the Legislature and tap what he perceived as a vast reservoir of support for the institution in the private sector. Questions were raised about the need to reorganize the University structure to accomplish these objectives. Mr. Beliveau pointed out that functions proposed for the Boards of Overseers were parallel to those for which the Trustees are responsible. Mr. Diamond said the legislation is not intended to reduce the Board's control of the institution, and that the Overseers would be subordinate bodies. Dr. Elkins said he was concerned that creating new boards for two campuses would tend to de-emphasize the other five campuses and jeopardize the integrity of the system. Mr. Diamond indicated that other configurations are still being considered and that no final decisions have been made in this regard. He said he thought the final version of the bill might well be one the Board could support. Questions were raised about the possibility of designating a staff committee to work with the Wells group as they continue to prepare the legislation. Mr. Monaghan said the Trustees and the Chancellor's Office had already been most cooperative in providing information and material requested by the Wells Committee, and he thought this was entirely proper. However, to designate a committee to work with the group would imply that existing legislation needs to be changed, and he said that unless the Board were to take a position that changes are needed, such liaison would not be appropriate. Mr. Richardson concurred with this view. Mr. Beliveau suggested that the Board consider instead a vehicle for further dialogue in those areas on which there is agreement. Dr. Evans reiterated that the University's need for additional funding is critical at this time and that the support of the Wells Committee and the sponsors of their legislation would be of great value to the University's efforts in the Legislature. Mr. Diamond assured the Trustees that the group will use its resources to support the University, as well as to pursue its own legislative objectives. He added

added that the Committee's bill is still incomplete, that many questions remain to be resolved, and he urged the Trustees not to reject the concept. It was pointed out that the Board was not considering a concept, but the actual bill that was presented to the legislative leadership and which, in fact, has been the basis for discussion and debate on the issue in other forums as well. Mr. Diamond reported that the Wells Committee provided a draft, only, to the legislative leaders, and that the bill is not in final form. Mr. Richardson indicated that he would not support the motion before the Board because he thought it would be premature for the Trustees to take a position on the bill at this time. He said he did not support the bill, as presented, but he thought action by the Board at this time would leave the impression that the Trustees were unwilling to discuss the idea, and that the concept should be debated on its merits when the final document is available. Dr. Elkins concurred with Mr. Richardson and on his suggestion, Chairman Monaghan requested that the Trustee's Committee for Legislative Affairs meet with the Wells group to discuss their proposal. For further clarification, Mr. Beliveau reiterated that the bill as drafted was very controversial and would have a profound impact on the University, and the Board had a responsibility to convey its reaction to what had been proposed. He pointed out that his motion dealt only with this draft of the bill and did not preclude discussing amended versions if these are available at a later time.

Mr. John Menario consultant to and member of the Committee for Academic Excellence, was invited to comment on the proposal. He indicated that he supported the proposal in its present form. He said the bill actually addresses the economic issues. He pointed out that, allowing for inflation, there has been an 8% decline in the level of public support for the University since the creation of the system in 1968. He said the organizational structure of the University so neutralizes the Trustees in their relationship with the Legislature, and so minimizes the value of advocacy, that the System is at a competitive disadvantage in arguing for an effective share of public resources. He said the proposal was intended to help the Trustees to more effectively secure, through public policy, a higher order for the University, in its competition for public funds. Mr. Menario reported that he has worked for the growth of USM in the economic interests of the greater Portland area, and that not enough has been done to advance the University in the economic interests of the entire State. He said he favored the System and was impressed with the smaller campuses and their ability to provide quality education at reasonable prices. He supported the proposal to advance Orono and USM, however, although not at the expense of the other Campuses. He indicated that the creation of the system has neutralized concerns for the larger campuses and, to the extent that Trustees become system-oriented, the issues of importance to the two major graduate centers are obscured. He said the Wells Committee bill would force other publics into an understanding of the institution through the role they would play as overseers, and would create advocacy groups that would be valuable in the struggle for public resources. He noted that in studying the information on the University that was provided to the Committee, he concluded that Trustees spent a limited amount of time and effort on the budget. He said this practice would be a by-product of the Board's desire to stay away from individual Campus issues and let the

system work, but he thought that the Committee's proposed structure, which would give Overseers a greater opportunity to review and understand the budget, would enhance the institution's ability to compete effectively for public resources. He said he was pleased the Trustees had provided an opportunity for open discussion of the Committee's proposal and urged the Board to reject the motion before it, on the grounds that the Committee's bill had merit. After presenting his comments, Mr. Menario and the Trustees discussed some of the specific provisions of the proposed legislation and the substance of the discussion is summarized in outline form below.

- Asked about the nature of further amendments anticipated by the Committee, Mr. Menario said he was comfortable with the bill in its present form and had no further amendments to recommend, although he was willing to consider other suggestions. He noted that whether the bill is politically acceptable is a different issue. There may be ways to modify the bill to attract more support, but he hoped nothing would be done to weaken the primary thrust of the proposal, which is to build a more active advocacy role into the struggle for increased resources.
- Mr. Menario said he thought the University did not have a presence in Augusta when the funds are being allocated. Mr. Beliveau said the University has had a strong presence in Augusta which is reflected in the additional funds which have been appropriated over the past several years. He asked how the creation of more boards would strengthen the University's position. Mr. Menario suggested that if the Board believes it has argued effectively and that additional support is not in the institution's interest, it should vote against the proposal. Mr. Beliveau said his point was that no additional legislation was needed to enable private constituents to actively support the University.
- Mr. Menario said the proposed legislation would not diminish the role or responsibilities of the Board and would, in fact, motivate the Board and the Chancellor to undertake more long range planning.
- Dr. Evans expressed concern that the Board has not been as effective as it could be in supporting education in all of its parameters and that the proposed bill further emphasizes this traditional approach to higher education when the University should be focusing more on the educational needs of all the people of Maine. Mr. Menario pointed out that there are, in fact, two major campuses in the system and if all are treated the same these major centers are inadvertently held back. The Committee would like to influence the advancement of the major campuses and would like to think this could be accomplished without hurting the others. He said he had a greater appreciation for the smaller campuses now that he has visited

them. Dr. Evans indicated that the differences among and between the campuses are important and should be supported. The focus on the larger campuses, would be divisive.

- Mr. Menario indicated that the Committee recognizes that its bill will not be a panacea for all the ills of higher education, and expressed concern that the sensitivity for the smaller campuses has unintentionally hurt the major academic centers.
- Chancellor McCarthy reiterated that the real problem is the need for more money. He said there is no question that the University is underfunded, and he encouraged the Committee to support the institution. He pointed out that a dilution of the governance structure which shifts power from the Board to other boards, will create a gap between the responsibility for governing the University, and the authority to do that.
- Dr. Evans commended the Committee for its interest in the University and indicated that the University needs the Committee and its energy to work on its behalf, but he pointed out that the organizational structure of the institution doesn't need to be changed to achieve the Committee's objectives.
- Mr. Menario said he agreed with the concept of unity of command and the Committee has tried not to dilute the role of the Board in its bill. He said the question is one of organizational change, however, and the Committee is trying to adjust the organization to provide positive pressure on an ongoing basis.
- Mr. Brown concurred that the fiscal issues are of primary importance, but he said the bill in its present form would create serious problems. The Trustees are responsible for governance, planning and budgeting, and the proposal would give other bodies authority to perform these functions.
- The Presidents, who were asked to comment, opposed the bill in its present form. President Woodbury said he thought the bill does weaken the Board in that it delegates primary responsibilities to others, which would have serious implications for state-wide decision making and jeopardize the University's capacity for programmatic cooperation. He noted that the bill would divide authority and responsibility, which would disrupt relationships which obtain between the Presidents, Chancellor and the Board. President Silverman spoke to the need to maintain the relationships which now obtain between the Campuses, as critical to the

University's success in serving the people of the State. Dr. Carlson indicated that the smaller campuses serve as intellectual and cultural resources for their regions, which gives these campuses a special mission which needs special support. President Spath said the bill establishes noble goals to accomplish objectives that are already being achieved within the system and he recommended that interest in the University be channeled into areas not now being cared for without diluting the present organizational structure. Dr. Skinner indicated that the University's structure was not an obstacle to excellence and he said that if the Committee's proposal were to be enacted, similar committees would then be created in support of the other campuses.

There being no further discussion, the Chairman called for a vote on the motion which was approved by a vote of seven to three. With Trustees DiMatteo, Elkins and Richardson dissenting, it was

VOTED: to oppose An Act to Establish Boards of Overseers for the University of Maine at Orono and the University of Southern Maine, as proposed.

Solomon Amendment. To initiate discussion, Mr. Monaghan called for a motion on this item which had been reviewed in the Executive Committee's agenda meeting earlier in the session. Mr. Hakanson moved to postpone discussion indefinitely, and the motion was seconded. In support of his motion Mr. Hakanson pointed out that the Presidents and the Chancellor have publicly stated their opposition to this legislation and the Board has concurred, at least tacitly, by not overriding this opposition. He reported that the Supreme Court will render an opinion on the Amendment at some point, and he thought the Board should not take a position until the Supreme Court has ruled. Mr. Hakanson also noted that University campuses are proper places for discussion and debate of philosophical or political issues, and he indicated he was not opposed to resolving some of those issues at the Board level, but he said that routine involvement of the Trustees in these matters would dilute their ability to properly govern the system. Mr. Richardson inquired whether the intent of the motion was to table the matter indefinitely, and it was determined that the intent was to table, pending further consideration. The motion was carried by a vote of nine to one. With Mr. Brown dissenting, it was

VOTED: to table discussion of the Solomon Amendment, pending further consideration.

Appropriation Requests. Mr. Beliveau suggested that the Chancellor report on the status of the University's requests for appropriations which are pending before the current session of the Legislature. Chancellor McCarthy briefly summarized the requests which include a supplemental appropriation request of \$6.2 million, and a capital request of \$16.5 million. He indicated that the

\$6.2 million was designated for employee compensation and would enable the University more equitably to complete its contract negotiations. The capital request represents a priority selection from a much larger list that has been before the Board for some time, since the University has had no capital funds since 1975. The proposal would provide for major buildings at Orono and Southern Maine, needed facility improvements at every Campus, and also enable the University to invest in computer facilities for academic use. Mr. Beliveau reported that the State has only \$24 million bonding capacity available, and the University will be competing with the State agencies and VTI's for those funds.

Performance evaluations - Presidents Woodbury and Silverman. On motion of Mr. Brown, which was seconded, the Trustees voted to adjourn to executive session for discussion. Following the executive session, Chairman Monaghan reconvened the meeting. He announced that he would appoint a committee of Trustees to meet with Dr. Silverman and Dr. Woodbury to review their performance evaluations, and report back to the Board at the February meeting. He designated Mr. Hakanson Chairman of the committee, which also included Trustees Richardson and Elkins. There being no further business, on motion made and seconded, the meeting was adjourned.

JoAnne R. Magill
Clerk

