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Policy Manual

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Contact Information

University of Maine System
 15 Estabrooke Drive, Office 251
 Orono, ME 04469
 207-581-5844
ums.trustees@maine.edu

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Policy Manual – Acquisition of Real Property

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FACILITIES

Section 801 Acquisition of Real Property

Effective: 10/23/75
 Last Revised: 01/22/07; 03/18/02; 05/17/99; 3/14/11
 Responsible Office: Facilities

Policy Statement:

Real Property is defined as land and/or the building or other improvements located on the land. The title or lease of all real property will be in the name of the University of Maine System.

The University of Maine System may acquire the use of real property through purchase, gift, bequest or lease. The Board of Trustees realizes the importance of voluntary charitable support of the University of Maine System and its programs, and recognizes that gifts of real property are an important form of giving.

All acquisition of real property with a cost exceeding \$50,000 must be approved by the Board of Trustees prior to transfer of title.

Any lease of real property with a total payment for the initial term that exceeds \$100,000 and/or greater than 5 years must go to the Board of Trustees for approval prior to the signing of the lease.

An annual information report on acquisitions and dispositions of real property will be prepared for the Board of Trustees.

Related Documents:

UMS Board of Trustees Policies:

- [Section 706 Acceptance of Gifts, Development Activities, and Fund Raising Campaigns](#)
- [Section 803 Naming of Physical Facilities](#)

Administrative Practice Letters:

- [Section IV – C: Signature Authority](#)
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FACILITIES

Section 802 Disposition or University as Lessor of Real Property

Effective: 01/23/89
 Last Revised: 01/22/07; 03/18/02; 05/17/99; 3/14/11
 Responsible Office: Facilities

Policy Statement:

Real Property is defined as land and/or the buildings or other improvements located on the land.

The University of Maine System may dispose of, lease or license use of real property when it has been determined that the action is in the best interests of the System.

The planning for Disposal of Real Property shall be administered by the University System Office and presented to the Board for approval, accompanied by all information required to indicate the conditions of the disposition, as well as findings as to the appropriateness of the action. Board approval covers those actions necessary to accomplish the objectives of the project. Leases or licenses for use of University real property if greater than \$100,000 and/or greater than five (5) years must be presented to the Board for approval, with all documentation. Exceptions are granted for minor uses (value under \$50,000) of University property to unrelated parties, e.g., leased for cell towers or environmental monitoring equipment, or for easements and rights-of-way granted to public entities.

An annual information report on acquisitions and dispositions of real property will be prepared for the Board of Trustees.

Related Documents:

- Administrative Practice Letters:
[Section IV – C: Signature Authority](#)
[Section II – F: Sale or Lease of Real Property to Third Parties](#)

[Delegation of Board of Trustees Authority to the Finance/Facilities Committee Matrix – January 2020](#)



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FACILITIES

Section 803 Naming of Physical Facilities

Effective: 04/10/70
Last Revised: 03/18/02; 05/17/99, 3/22/21
Responsible Office: Facilities

Policy Statement:

1. Definition. The term “physical facility” is defined as a building or assembly of buildings enclosing or defining an occupiable space or activity area. For the purposes of this Policy, this definition includes major additions and renovated structures, but does not include interior spaces within buildings, such as lobbies, auditoria, dining and function rooms, classrooms, and offices, exterior campus spaces such as fields, terraces, greens, courtyards, gardens, or athletic fields, or physical objects such as fixtures and equipment. Naming opportunities may include new facilities that are to be constructed or acquired, existing facilities that are undergoing major or minor renovations, or existing facilities that are not undergoing renovations.

2. Authority. The authority for naming any physical facility in the University of Maine System shall be reserved to the Board of Trustees, acting after receiving the proposal from the Chancellor at the recommendation of a University President or Dean of the Law School. Donors, honorees, or benefactors should be informed through any naming discussions that final naming approval for all University facilities rests with the Board of Trustees. Naming of any other campus area or object rests with the President of that University.

3. Commemorative Naming Criteria. A building name is a symbolic and public statement, reflecting the highest values and ideals of the University and its community. Generally, facilities are named for distinguished individuals who have made extraordinary contributions of a scholarly, professional, or public service nature related to the university’s mission. In some cases, buildings may be named for benefactors or donors who advance the university’s mission through significant philanthropy. While facilities may be informally assigned a working or administrative name at the campus level, the Board of Trustees shall formally assign commemorative names, which fall into two categories: honorific or memorial naming and benefactor naming.

a. Honorific or memorial naming: Facilities may be named to honor someone, living or dead, who embodies the university’s ideals and reputation through distinguished accomplishments that advance the university and/or the public good. Serving Trustees, current elected officials, and current UMS employees are not eligible for a naming opportunity except in extraordinary circumstances.

b. Benefactor naming: A donor may be recognized when a person, organization or corporation has provided substantial funding for a facility or other entity as defined below. Each University may offer such opportunities to acknowledge donors’ roles in advancing its mission and so that as an institution the university can express its deep appreciation in a concrete manner. Naming opportunities are not transactional in nature; they are not offered “for sale.” The university president will advise what is considered “substantial funding” based on the project and the naming opportunities. Consideration shall be given to the visibility and use of the space, current market, donor interest, and campus and peer institution comparables. Criteria shall include:

- i. New Construction:** (which may include maintenance endowments): Gift amounts shall provide a substantial portion of the project’s total cost.
- ii. Existing Facilities:** The gift(s) shall provide a substantial amount of funding for maintenance, repairs, and/or enhancement or renovation of a facility or space.

4. Morals Clause. The University of Maine System depends on public goodwill to accomplish its educational mission and to attract governmental and philanthropic support. As naming a facility is a public honor that implicitly associates the values, character and reputation of the honoree with the University of Maine System, it must be undertaken with well-considered judgment. Therefore, all gift agreements for naming physical facilities shall, without exception, include a morals clause. Should the UMS Board of Trustees find that a designed name brings discredit upon the university (as explained in items 7 and 8 below), the moral clause should state that the unusual circumstances leading to renaming shall not impose financial responsibilities on the UMS or the individual campus.

5. Naming Process. Recommendations to the Trustees for names of physical facilities shall be made by the Chancellor, after receiving a recommendation from the President of a University or Dean of the Law School, after consultation with such campus committees as may be established for this purpose. Before forwarding a name to the Board for consideration, the university shall undertake a thorough degree of due diligence to avoid potential areas of concern or conflicts of interest.

A commitment to name a facility associated with a gift shall not be executed – e.g., building signage not installed – until and unless the University has received an executed gift agreement and 50% of pledge payments towards the total gift commitment have been received.

The Chancellor may recommend exceptions to any of these guidelines under unusual circumstances for authorization by the Board of Trustees.

6. Duration of Naming. Naming for an honoree or a donor is generally granted for the useful life of the entity. The University may deem the naming period concluded in certain circumstances, including but not limited to:

- a.** If the purpose for which the named entity is or needs to be significantly altered, is no longer needed/ceases to exist.
- b.** If a physical entity is replaced, significantly renovated or no longer habitable.
- c.** The period of time of the naming specified in the gift agreement has expired. The appropriate University representative will make all reasonable efforts to inform in advance the original donors or honorees when the naming period is deemed concluded. The University may provide alternate recognition as may be appropriate in honor of the original gift.

7. Removal of Naming. The Board of Trustees reserves the right to remove a name from a facility under extraordinary circumstances when the continued use of the honoree’s name would compromise the public trust and reflect adversely upon

the university and/or University of Maine System and its reputation. Additionally, in the case of a naming associated with a gift, the Board of Trustees reserves the right to remove a name from a facility if the donor fails to fulfill the terms of the gift that is recognized by a naming. The appropriate University representative will make all reasonable efforts to inform in advance the original donors or honorees when the naming period is deemed concluded. The University may provide alternate recognition as appropriate in honor of the original gift.

8. Name Removal Process. The removal of a name from a facility must not be undertaken lightly, and it must be approached with respect for the considered judgments of the past, especially when exercised by the contemporaries of an honoree, and with an awareness of the fallibility of our own judgments. Consideration of renaming must include, at a minimum, the following:

- a. Proposals for removal of names from physical facilities shall be brought to the Board of Trustees by the Chancellor at the discretion of a campus President or Law School Dean after a campus-level review process, including soliciting perspectives from diverse stakeholders and public comment, has completed and identified the grounds for removal. The review team or task force shall present their findings and recommendation in a formal, written report to the respective President or Law School Dean.
- b. Before the Board of Trustees considers the issue, the name change or removal of the name shall be reviewed by the Chancellor and President's Council. After review by the Chancellor and President's Council, the Chancellor may forward the request to the appropriate Board Committee.
- c. If approved by the Board Committee, the recommendation will be presented to the full Board of Trustees for consideration.
- d. Upon the removal of a name, the name of the facility may revert to the name immediately previous. If there is no previous permanent name, an administrative name shall be adopted. The process for an initial naming shall be utilized if the facility is subsequently renamed.

