



**Testimony from the University of Maine System
Presented by UMS Board of Trustees Chair Trish Riley
In Opposition to LD 897, *An Act Regarding the University of Maine System Hiring Practices*
March 15, 2023**

Senator Rafferty, Representative Brennan and distinguished members of the Joint Standing Committee on Education & Cultural Affairs: I am Trish Riley, chair of the University of Maine System Board of Trustees (BOT), here today in opposition to LD 897, *An Act Regarding the University of Maine System Hiring Practices*.

We have had the opportunity to meet with Representative Collings and appreciated our very productive conversation. We share his interest in ensuring university employment searches are transparent in seeking highly qualified, diverse candidates and stakeholder input, while assuring the opportunity – with clear, consistent criteria – to accommodate the sensitive nature of some searches.

Last July, in consultation with the Chancellor and senior System staff, I asked the Board's Human Resources and Labor Relations (HR/LR) Committee to work with the UMS Human Resources to review our personnel policies – including those pertaining to hiring and promotion – and assure they adequately provide fair, transparent, and effective processes that include accountability and oversight. A first draft of that analysis has been completed and just reviewed by our Board HR/LR Committee, and System staff are now incorporating the revisions we discussed. I expect a final report by our May full BOT meeting, with any recommendations for policy revisions at the Board level to follow. We believe this Board oversight and the System's responsibilities as an Equal Opportunity Employer as well as to our collective bargaining agreements negotiated with six labor units, which often detail the process for appointment and reappointment, provide the oversight sought in Section 3 of LD 897.

In this personnel policy review, we are striving to advance consistency across different types of positions within and between the System office and at each university but we also recognize the need for some flexibility, particularly given the profile of our public universities and workforce challenges today's demographics and economy pose to all employers. LD 897 would belie our ability to meet those challenges by imposing a one size fits all approach.

Let me provide a couple of examples. While we value consistency, applying the same standards to all positions within the university, as required in Section 2 of this bill, could increase the time and cost of searches. Today we may conduct additional reference checks for employees working in campus childcare centers or those handling sensitive financial records. If LD 897 were law, we could forgo those additional checks, which would be unwise, or apply them to all applicants, which would be unnecessary.

Similarly, the use of non-disclosure agreements may, from time to time, be important to assure that potential applicants feel free to apply without fear of public disclosure that could jeopardize their current employment. What if a high-level position became available in the Chancellor's Office and two provosts or two presidents applied from different UMS universities? In our review with the HR team, we are explicit in our expectation that policy is clear and transparent. How such a waiver from rules can be approved and by whom needs to be crystal clear, as does the process to assure

a comprehensive review by key stakeholders, particularly in searches for administrative positions, like provosts and presidents.

The Legislature's Education and Cultural Affairs Committee reviews every appointee to the Board of Trustees and makes a judgement on our ability to perform the tasks you entrusted to us in statute, before determining whether or not to advance us for full Senate confirmation. Directly, and through the leaders we in-turn appoint, you vest in us the authority to regularly review and set UMS policy and programs.

We take those responsibilities seriously. Our Board of Trustees and UMS staff are at work to review, update and clarify our personnel policies – an effort that we think addresses the intent of LD 897. We will certainly share a copy of that review with you when it is completed, and if we believe there is a need for any legislative action, will let you know.

We know UMS is only as strong and capable as its employees and efforts underway will assure our personnel policies are up to the task to recruit and retain the faculty, staff and administrators our students and our state deserve.

We value this Committee's commitment to UMS. I especially want to thank you for your strong recommendations earlier this month to your colleagues on the Appropriations Committee for increased investment in UMS education and research.

I'd be pleased to answer any questions you may have.