



**Testimony On Behalf of the University of Maine System Board of Trustees  
By Trustee Trish Riley, In Opposition To LD 1253, *An Act To Add a Faculty Member and  
Nonfaculty Staff Member to the Board of Trustees of the University of Maine System,*  
and LD 1391, *An Act To Enhance the Educational Expertise and Knowledge  
of the Board of Trustees of the University of Maine System* – April 27, 2021**

Senator Rafferty, Representative Brennan and distinguished members of the Joint Standing Committee on Education & Cultural Affairs: My name is Trish Riley and I serve on the University of Maine System (UMS) Board of Trustees (BOT), having been appointed by Governor Mills and confirmed by this Committee in Spring 2019. I am the executive director of the National Academy for State Health Policy and have taught at the University of Southern Maine's Muskie School of Public Service. Through my colleagues at the Muskie School, as an alumna of the University of Maine, and through my service on the BOT, I know first-hand the value of our faculty – and that they are talented, dedicated and deeply engaged, including in the work of our Board. Nevertheless, I am here today on behalf of the full Board to speak in opposition to LDs 1253 and 1391, two proposals that seek to change the composition of the System's 16-member governing board, creating troubling conflicts of interest and circumventing longstanding traditions of shared governance and labor relations.

My fellow Trustees are volunteers who devote hundreds of hours of service to your public university system and this state annually during their five-year terms, which can be renewed once by the Governor and Legislature. All have been unanimously confirmed and possess a depth and breadth of expertise – including in higher and PK-12 education, workforce development, law, finance and in my case, health care and public policy – that aligns appropriately with Board duties. The majority of us are alumni of one of our UMS universities – our careers are based on the excellence of education we received from the great faculty this System has long attracted and retained. I have found all Trustees to be thoughtful, informed, dedicated and driven by an unwavering commitment to the collective best interests of Maine students, university employees and the state's future. This sometimes requires Trustees to make decisions that are not entirely in keeping with their own personal beliefs or the loyalties they may feel toward their alma mater or region of residence, but that most maintain and enhance a cohesive structure of public higher education in Maine and uphold their fiduciary obligation to properly manage the System's assets and resources.

Longstanding Board policy appropriately guards against Trustees having real or perceived conflicts of interest in which they, their families or their employers benefit financially or otherwise from Board action. This is consistent with general State conflict of interest law for trustees of State offices or public institutions ([Title 17, Section 3104](#)) and also with the statutory prohibition specific to employees of public K-12 schools and their spouses, who may not serve on the board of their employing district ([Title 20-A, Section 1002](#)). BOT policy also explicitly bans Trustees from being employed by the UMS during their service or for one full year following its conclusion, though conversely, there is nothing to prevent retired UMS employees from being nominated to the Board.

This bright line between the governing board and employees in both Board policy and State law is not only necessary to uphold taxpayers' trust, but also because State law vests "the responsibility of the board of trustees or its designee to negotiate collective bargaining agreements and to administer such agreements." The role of unions is to bargain over terms and conditions of employment. Placing voting members, especially those selected or elected by the very unions the Board is charged to collectively bargain with, would significantly undermine the entire UMS Labor

Relations Act established in Title 26, Chapter 12. We are aware of no other large public employer in Maine for which active employees are allowed – let alone statutorily entitled – to serve on the Board, including the Maine Community College System or Maine Maritime Academy. Just as it would be a gross conflict, and I am sure most unwelcome, for UMS Trustees or administrators to be granted permanent seats on the executive council/boards of the Associated Faculties of the Universities of Maine (AFUM) or the Maine Education Association (MEA), so too would it be for union representatives to have seats on both sides of the collective bargaining table.

The stated intent of these bills is to enhance the educational expertise of the Board and ensure the academic knowledge of employees – especially full-time faculty represented by AFUM/MEA – can inform decision-making. It already does. Through the shared governance process required by the System’s accreditation standards and by long-standing tradition in higher education, faculty determine the curriculum and through duly elected faculty senates at each UMS university, are directly engaged in academic policy development, peer review and academic administrative selection processes, and budget and strategic planning. Faculty participate in the selection and review of their peers, including recommendations for appointment, reappointment, promotion and tenure, in accordance with the boundaries of the relevant collective bargaining agreement. Faculty also participate in the selection process for academic administrators, including the university presidents who collaborate closely with, and directly inform and influence, all Board action. A faculty member elected by each faculty senate serves as a representative to the BOT, ensuring faculty voice in System governance.

Our Board understands that the pace of progress within the UMS may make some uncomfortable. All of this work, much of it faculty-led, however, is in the best interest of our students and is absolutely necessary to adapt to the evolving needs and resources within our state and beyond, including the sustainability of our small campuses and the UMS workforce. Advances like our recent unified accreditation are bold and innovative to be sure, but they are not new nor are they pursued without careful consideration including input from faculty, staff, students and stakeholders. In fact, the idea of unified UMS accreditation was first recommended by a legislative task force in the 1980s, and the intention for our universities to cooperate and coordinate academic programs between them was the very purpose for which our System was established by the Legislature in 1968. Over the next year, to confirm our unified accreditation, more than 100 faculty and university leaders will be working to develop a comprehensive Self-Study of the System as a whole, giving faculty a leading role in the critical work of assessing the quality of the System’s universities working together.

That said, if this Committee has concern about the decisions of the BOT or the direction of the System, we very much want to know and are highly accessible to you. Prior to the pandemic, the BOT regularly invited local legislators and other elected officials to our meetings as they rotated among our universities and several of you have virtually participated this past year. By statute ([Title 20-A, Section 10902](#)), the Trustees or their board representative are to be formally invited to appear before this Committee annually, but in recent years, the Committee has only requested an early session briefing by the Chancellor. We welcome resuming that requirement and think doing so would foster a more productive partnership between the UMS and the Legislature.

Thank you for the opportunity to testify today and for your ongoing support of Maine’s public universities. Our faculty, and all UMS employees have our deepest respect and thanks for the work they do every day to ensure the success of our students, our universities and our state. I look forward to your questions.