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Review of

UNIVERSITY OF MAINE SYSTEM

ADDENDUM

April 1988

Joint Standing Committee on Audit and Program Review

1987 - 1988



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INTRODUCTION

As a final part of its report on the Board of Trustees for the University of Maine System, the Committee on Audit & Program Review has assembled a number of documents in the form of this addendum. The purpose of this short volume is to document final Committee action, include a number of additional recommendations, update and revise several pieces of information contained in the original report and to provide an additional appendix which is a compilation of letters written by the Committee which represent formal action by the Committee which is not necessarily evident in the recommendations.

· FINAL DISPOSITION OF COMMITTEE RECOMMENDATIONS

RECOMMENDATION	DESCRIPTION	MOTION
Stat. Rec. 1	Repeal outdated provisions of Charter	OTP
Stat. Rec. 1-A	Continue the Board of Trustees	OTP
Stat. Rec. 2	Update selection process for Student Trustee	OTP
Finding 3	Communication between the Board of Trustees and students and faculty	OTP
Adm. Rec. 4	Revise Policy & Procedures Manual	OTP
Stat. Rec. 5	Discontinue the Advisory Committee for Maine Public Broadcasting. Recommenda amended to clarify that members of the MPBN help to provide adequate public oversight for the network	tion OTP-A
Adm. Rec. 6	Report on process of academic program	
Adiii. Rec. o	approval, review and elimination	OTP
Adm. Rec. 7	Develop proposal linking academic program review to state appropriation process	OTP
Adm. Rec. 8	Report on comprehensive planning results	OTP
Stat. Rec. 9	Continue the State Government Internship Program Advisory Committee	ip OTP
Finding 10	Members of the Advisory Committee should be appropriately compensated	OTP
Stat. Rec. 11	Direct the Bureau of Public Administra- tion to seek advice from Advisory Committee	- OTP
Adm. Rec. 12	Increase participation of the Advisory Committee	OTP
Adm. Rec. 13	Direct Bureau of Public Administration	to
	Improve dissemination of program announcements	OTP
Adm. Rec. 14	Amend application forms	OTP

Adm. Rec. 15	Explore idea of adding 12 month component	OTP
Finding 16	Sound financial status of the University of Maine System	OTP
Adm. Rec. 17	Development of budgetary submissions	OTP
Finding 18	Comparative underfunding of the University of Maine System	OTP
Stat. Rec. 19	Tax exempt borrowing status for the University of Maine System. Amended to reflect certain technical changes	OTP-A
Finding 20	Continued need for strengthening of development efforts	OTP
Adm. Rec. 21	Report on status of development efforts	OTP
Adm. Rec. 21-A	Report on development efforts for School of Law Library	OTP
Stat. Rec. 21-B	Repeal Legislative charter for the University of Maine Foundation	OTP
Adm. Rec. 21-C	Develop policy regarding University of Maine Foundation	OTP
Adm. Rec. 22	Increased campus maintenance budgets	OTP
Finding 23	Detrimental effects of deferred main- tenance	OTP
Finding 24	Full funding for new classification system	OTP .
Adm. 25	Report on size of USM administrative structure	OTP

RECOMMENDATION: BOARD OF TRUSTEES

STATUTORY

1-A.

In order to provide a system of public higher education for the people of the State of Maine, continue the Board of Trustees for the University of Maine System under the provisions of the Maine Sunset Law.

As mentioned in the introduction to this report, the Board of Trustees has been included as an agency subject to review under the provisions of the Maine Sunset Law (3 MRSA § 507). In brief, this law requires that each listed agency undergo review to determine whether there is a continuing need for the agency to exist. If so, the agency under review needs to be formally continued by Legislative act for a ten year period.

The Committee's review of the Board of Trustees of the University of Maine System has clearly established the Board's role in providing a system of higher education in the State of Maine. While questions about the Board's governance of the System will always remain, the Committee finds that at the present time, the Board of Trustees is the appropriate entity for the delivery of these services.

Therefore, to provide a system of public higher education for the people of the State of Maine, the Joint Standing Committee on Audit & Program Review recommends that the Board of Trustees for the University of Maine System be continued under the provisions of the Maine Sunset Laws.

RECOMMENDATIONS: FINANCE

ADMINISTRATIVE 21-A

Direct the Board of Trustees to report to the Joint Standing Committee on Audit & Program Review by July 1, 1989 on the specific status of development efforts to expand the law library facility for the School of Law.

As evidenced by the campus reviews contained in this report, the Committee reviewed a wide range of organizational units on each of the campuses. Of particular concern to the Committee was an assessment of the adequacy of existing facilities on each campus, and what potential funding sources might be used to provide improved facilities. The information included in the texts for Finding #20 and Administrative Recommendation #21, illustrates the high degree of importance the Committee attached to the System's use of future development efforts.

In particular, the Committee notes that the Law Library for the School of Law, located at USM, is located in a facility that is not adequate for present operations and holdings of the Law Library. The Committee finds that there may be considerable private fund raising potential to help remedy this situation and urges that this fund raising possibility be fully investigated.

Therefore, the Committee directs the Board of Trustees to report to the Joint Standing Committee on Audit & Program Review by July 1, 1989 on the specific status of development efforts to expand the law library facility for the School of Law.

RECOMMENDATIONS: AFFILIATED SUPPORT GROUPS

STATUTORY 21-B.

Repeal the Legislative Charter for the University of Maine Foundation because it is no longer necessary and represents an inconsistent approach to the creation of organizations which exist to raise funds in the name of, or on behalf of, the University of Maine System or any of its campuses.

The University of Maine Foundation is an organization which exists to receive, hold and administer gifts for the University of Maine. The Foundation was first incorporated as a non-profit corporation under the laws of the State of Maine on June 14, 1934.

In addition, the University of Maine Foundation was chartered by the Legislature in 1935 (P & S Law 1935, Ch. 10) as an educational and charitable institution to solicit and receive funds on behalf of the University of Maine. At that time, there appear to have been several reasons for the Legislature to have provided a charter for an organization already fully incorporated under the laws of the state:

- the charter was granted to establish beyond any reasonable doubt, the Foundation's tax-exempt status as a non-profit organization;
- a perception by some donors that giving their donations to a separate organization would be more desirable than giving directly to the University; and
- reportedly, there was an inclination on the part of the Governor to consider using endowment funds, instead of monies from the General Fund, as a means of funding the general operating expenses of the University. A number of potential donors wanted a separate private organization with a Legislative Charter to prevent this type of action.

Currently, the University of Maine Foundation exists as a non-profit corporation with a tax exempt status. The Committee finds that the Foundation's present tax-exempt status is fully confirmed under the present IRS code, and that any tax-exempt status accorded by the Foundation's Legislative Charter has been completely superseded by more current law and regulation.

Upon review, the Committee notes that the University of Maine Foundation is the only entity among the fund-raising organizations which exist to benefit the University of Maine System and its various campuses, that has a separate Legislative Charter. As evidenced in Appendix 7, all of these other separate fund-raising organizations are incorporated under the laws of the State of Maine.without individual Legislative Charters.

The Committee finds that the continuing existence of the University of Maine Foundation's Legislative Charter may have inadvertantly given the Foundation a special status. For example, because of its Legislative Charter, the University of Maine Foundation has been exempted by the Board of Trustees from their policy regarding affiliated support groups.

The Committee further finds that the University of Maine Foundation's Legislative Charter no longer serves a discernable purpose nor does it continue to reflect legislative intent. Finally, the Committee finds that repeal of the Foundation's Legislative Charter would in no way affect the Foundation's previously incorporated status.

Therefore, the Committee recommends that the Legislative Charter for the University of Maine Foundation be repealed because it is no longer necessary and represents an inconsistent approach to the creation of organizations which exist to raise funds in the name of, or on behalf of, the University of Maine System or any of its campuses.

ADMINISTRATIVE 21-C

Direct the Board of Trustees to develop what the Board considers to be an acceptable policy which clearly defines the University of Maine Foundation's relationship to the Board of Trustees in accordance with the Board's policy on affiliated support Report back to the Joint aroups. Standing Committee on Audit & Program Review by September 1, 1988 and again by March 1, 1989 on progress in developing this policy and a description of the Board's current relationship with the Foundation.

As mentioned earlier, most of the campuses within the University of Maine System benefit from the existence of a separate organization which exists primarily to raise private funds to benefit that particular campus (see Appendix 7). These organizations have been successful in raising significant amounts of private monies for the various campuses.

In November of 1987, the Board of Trustees approved a statement of policy regarding organizations which raise funds in the name of or on behalf of the University of Maine System or any of its campuses. In brief, this policy identifies these organizations as "affiliated support groups" and includes the following elements:

- affiliated support groups may be authorized to use the name, seal or logo of any University campus;
- independent fund-raising groups are prohibited from expressly, or by implication, using the name, seal, or logo of either the System or any of its campuses without approval from the Board;
- subject to Board approval, campus presidents may designate support groups as affiliated foundations;
- affiliated foundations must operate under by-laws which have been established by the Board;
- affiliated foundations must follow Board policy with respect to investment policy regarding public issues; and
- affiliated foundations may either have their financial records examined as a part of the System's annual audit or provide the Board with a copy of the foundation's audited financial statement.

The Committee noted that this statement of Board policy also exempts one prominent organization, the University of Maine Foundation, from its provisions. As stated in their policy manual, the Board of Trustees has exempted the University of Maine Foundation because it has a separate legislative charter enacted in 1935.

Upon review, the Committee found that in recent years the University of Maine Foundation had resisted requests from the Board of Trustees to divest itself of investments in all companies doing business in South Africa; an action the Board of Trustees itself undertook in July of 1982. Most recently, the Board of Directors of the University of Maine Foundation has voted to divest in a manner which parallels the legislatively mandated divestiture for the State Retirement System by 1992. The Committee noted, however, that the University of Maine Foundation has continued to resist being included under the terms of the aforementioned Board of Trustees' policy on affiliated support groups. The Foundation's rationale are as follows:

- the Foundation maintains that it is an <u>independent</u> support group which exists to raise funds to benefit the University of Maine;
- as an independently chartered and incorporated organization, the Foundation's Board of Directors has a fiduciary responsibility to its donors and members to make decisions in accordance with their best judgment as officers of the institutions; and
- the Foundation holds that their organization exists to solicit and collect private funds to benefit the University of Maine and that donors have given their gifts to the University of Maine through the Foundation with the express understanding that the Foundation would retain complete control over all aspects of its operations.

While the Committee commends the University of Maine Foundation for its many fund-raising successes on behalf of the University of Maine and for its recent divestiture decision, the Committee finds that the Board of Trustees has been given the ultimate responsibility to establish, administer and oversee the University of Maine System for the State. This authority necessarily includes broad responsibility for any organization or group which raises funds in the name of or on behalf of the System or any of its campuses.

The Committee also finds that the Board of Trustees' policy on affiliated support groups merely establishes that body's obligation to have broad oversight over the various organizations that raise funds for the University System.

Further, the Committee finds that the Board of Trustees' policy on affiliated support groups is one that affords considerable autonomy in day-to-day operations to these organizations, and, thus, would not in any way represent an inappropriate degree of interference from the Board of Trustees in the operation of such organizations. The Committee finds that the allegation that separately incorporated fund-raising groups exist primarily to ensure that private gifts are used in accordance with the donor's wishes to be spurious and without merit. Instead, the Committee finds that these organizations exist as alternatives to complement existing University System

fund-raising efforts. The Committee notes that the University System maintains its own pooled endowment, valued at more than \$19,000,000, which is composed of private gifts made directly to the Board of Trustees. The Committee further notes that, as evidenced by annual reports from independent external auditors, these gifts are used in complete accordance with donor specifications.

In reviewing this issue, the Committee also notes that none of the other campus foundations have expressed any resistance to the Board of Trustees' recently adopted policy on affiliated support groups. The Committee acknowledges that the University of Maine Foundation has expressed a willingness to be "guided by" the Board of Trustees' policies and procedures. However, the Committee finds that the Board of Trustees' policy on affiliated support groups is appropriate to their overall responsibility for the University of Maine System and is a policy which should apply without exception to each organization that raises funds on behalf of the University of Maine System or any of its campuses.

However, in recognition of the legislatively granted autonomy of the Board of Trustees, the Committee finds that it is appropriate to direct the Board of Trustees to develop what the Board considers to be an acceptable policy which clearly defines the University of Maine Foundation's relationship with the University of Maine System. The Committee recommends that the Board of Trustees report back to the Joint Standing Committee on Audit & Program Review by September 1, 1988 and again by March 1, 1989 on progress in developing this policy and a description of the Board's current relationship with the Foundation.

OFFICE OF FACILITIES

Table 2, which is located on page 98 of the original report, should be replaced with the revised version shown below. The original Table 2 did not properly reflect a distinction between maintenance budgeting for E & G facilities (classrooms, offices, etc.) and maintenance budgeting for Auxiliary Enterprise Facilities (self supporting operations such as dormitories, book stores, etc.) The new version of Table 2 depicts comparative figures for E & G Facilities within the University of Maine System.

TABLE 2

E & G BUILDING MAINTENANCE BUDGETING WITHIN THE UNIVERSITY OF MAINE SYSTEM

CAMPUS	ESTIMATED E & G BUILDING VALUE	1.5% of E & G BUILDING VALUE	FY 88 E & G BUILDING MAINTENANCE BUDGET
UMA	\$ 5,651,492	\$ 84,772	\$ 25,709
UMF	16,674,493	250,117	150,566
UMFK	5,952,615	93,041	55,737
UMM	9,4488,194	142,323	69,739
UM	143,916,695	2,158,750	923,608
UMPI	14,163,094	212,446	143,352
UMS	48,594,038	728,910	465,477
TOTAL	\$244,440,621	\$3,670,359	\$1,834,188

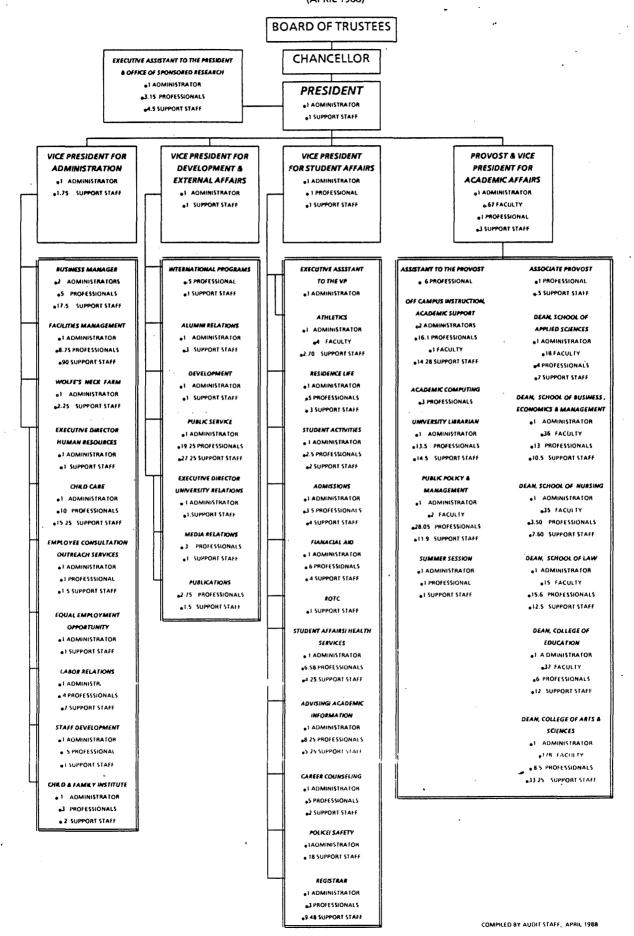
UNIVERSITY OF SOUTHERN MAINE

ORGANIZATION AND STAFFING

As mentioned in the original report, the Board of Trustees approved an administrative reorganization for the University of Southern Maine on September 28, 1987. To some degree, the approved reorganization was designed to address the types of issues raised by University of Southern Maine students during the Committee's review process. (See pages 184 and 185 of original report). In particular, these concerns focussed on a lack of meaningful student roles and the alleged inadequacy of the institution's response and lack of sensitivity to student needs. The reorganization creates a major new unit of student affairs headed by a Vice President. It is hoped by the USM administration that this new unit will help to improve the overall quality of services provided for students at the University of Southern Maine.

Adequate information on this reorganization was not available at the time of publication of the original report. Since that time, the Committee has received the information necessary to portray the University of Southern Maine reorganization. This new organizational structure is depicted in the following Diagram 11 which should replace the version which appears on page 175 of the original report. Finally, the narrative descriptions for the University of Southern Maine organizational structure which appeared on pages 174-177, should be replaced by the following:

- President. Functions as the chief executive officer for the institution and reports directly to the Board and to the Chancellor. The present University of Southern Maine President is Dr. Patricia Plante who was appointed by the Board in Unlike many of the other University of Maine System campuses, the University of Southern Maine President has few staff reporting directly to her. The only staff function that reports directly to the President is that of the Executive Assistant to the President who in turn is responsible These various for Sponsored Research. functions are staffed by a total of:
 - 2 administrators;
 - 3.15 professionals; and
 - 55 support staff.



- Provost and Vice President for Academic Affairs. In an arrangement which is typical of campus organization in the University of Maine System, this position is responsible for all programming and services pertaining to academic affairs. Under the new organizational structure, the Provost has the additional positions of Assistant to the Provost (part time) and Associate Provost. The current alignments of programming include:
 - the College of Arts and Sciences;
 - the College of Education;
 - the School of Business, Economics and Management;
 - the School of Applied Science;
 - the School of Nursing;
 - the School of Law;
 - Public Policy and Management;
 - University Libraries;
 - Summer Session;
 - Off Campus Instruction, Academic Support; and
 - Academic Computing.

This alignment of programs and service is staffed by a total of:

- 12.6 administrators;
- 114.85 professionals;
- 322.67 faculty; and
- 128.03 support staff.
- <u>Vice President for Administration</u>. This new position oversees a new organizational unit which has primary responsibility for all administrative services, budgetary functions and campus wide services. Under this organization, the following units report directly to the Vice President for Administration:
 - Business Manager;
 - Facilities Management;
 - Wolfe's Neck Farm; and
 - Executive Director, Human Resources.

In turn, a number of programs and functions report directly to the Executive Director, Human Resources:

- Child Care;
- Employee Consultation, Outreach Services;
- Equal Employment Opportunity;
- Labor Relations;
- Staff Development; and
- Child & Family Institute.

The various responsibilities grouped under the Vice President for Administration are currently staffed by a total of:

- 12 administrators;
- 32.25 professionals; and
- 140.25 support staff.
- Vice President for Development and External Affairs. This new position oversees an organizational unit which includes responsibilities for development activities, alumni relations and various services provided by the University for the community:
 - International Programs;
 - Alumni Relations;
 - Development;
 - Public Service; and
 - Executive Director, University Relations.

The Executive Director, University Relations oversees two functions: Media Relations and Publications

The programming grouped under Development and External Affairs is currently staffed by a total of:

- 5 administrators;
- 25 professionals; and
- 36.75 support staff.
- Vice President for Student Affairs. As mentioned earlier in this text, this newly created position oversees a strengthened effort to deliver services and programming directly to students. The Vice President has the services of an Executive Assistant who is directly responsible for athletics. Other programming responsibilities which are now grouped under the Vice President for Student Affairs include:

- Residence Life;
- Student Activities;
- Admissions;
- Financial Aid;
- ROTC;
- Student Affairs/Health Services;
- Advising/Academic Information;
- Career Counseling;
- Police/Safety; and
- Registrar.

This alignment of responsibilities is currently staffed by a total of:

- 12 administrators;
- 40.83 professionals;
- 5 faculty; and
- 56.68 support staff.

APPENDIX 8

COMPILATION OF LETTERS

TO THE UNIVERSITY OF MAINE SYSTEM

REPRESENTING FORMAL ACTIONS OF THE

JOINT STANDING COMMITTEE ON

AUDIT & PROGRAM REVIEW

SENATE

HOUSE

BEVERLY MINER BUSTIN, DISTRICT 19. CHAIR RAYNOLD THERIAULT, DISTRICT 1
MARY-ELLEN MAYBURY, DISTRICT 11

STAFF

OFFICE OF FISCAL AND PROGRAM REVIEW CHERYL RING, PRINCIPAL ANALYST LOCK KIERMAIER, ANALYST BARBARA J. GAGE, ANALYST



STATE OF MAINE

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HARRIET A. KETOVER, PORTLAND
JOHN C. BOTT, ORONO
ELEANOR M. MURPHY, BERWICK
WESLEY FARNUM, SOUTH BERWICK
BEVERLY C. DAGGETT, AUGUSTA

ONE HUNDRED AND THIRTEENTH LEGISLATURE

COMMITTEE ON AUDIT AND PROGRAM REVIEW

COMMITTEE ON AUDIT AND PROGRAM REVIEW

February 10, 1988

Senator Michael D. Pearson, Chair Representative Donald V. Carter, Chair Joint Standing Committee on Appropriations and Financial Affairs 113th Maine State Legislature Augusta, Maine 04333

Dear Senator Pearson and Representative Carter,

As part of our review of the University of Maine System, the Audit & Program Review Committee had requested that staff make presentations regarding recent funding proposals from the University of Maine System which are currently under consideration by the Legislature.

Accordingly, the Audit Committee recently reviewed the System's new classification proposal. We have enclosed a copy of the paper prepared by our staff on this topic. In addition to this paper, we also received testimony from several of the involved bargaining units, as well as from the Chancellor's office.

After careful consideration, the Audit & Program Review Committee has voted to issue a finding regarding the importance of funding this classification system in its entirety. The Audit Committee also requested that we write this letter to you and indicate our support for any decision you would make that identified complete funding for this plan as a top legislative priority for this session.

The Audit & Program Review Committee has made a number of other significant recommendations regarding the University of Maine System and plans to fully communicate these recommendations to both the Appropriations and Education Committees within the next several weeks.

Sincerely,

Beverly M. Bustin

Senate Chair

Neil Rolde House Chair

cc:

Senator Stephen C. Estes, Chair Education Committee Representative Stephen M. Bost, Chair Education Committee Chancellor Robert L. Woodbury

HOUSE

BEVERLY MINER BUSTIN, DISTRICT 19. CHAIR RAYNOLD THERIAULT, DISTRICT 1 MARY-ELLEN MAYBURY, DISTRICT 11

STAFF

OFFICE OF FISCAL AND PROGRAM REVIEW CHERYL RING, PRINCIPAL ANALYST LOCK KIERMAIER, ANALYST BARBARA J. GAGE, ANALYST



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ONE HUNDRED AND THIRTEENTH LEGISLATURE

COMMITTEE ON AUDIT AND PROGRAM REVIEW

February 18, 1988

Mr. Richard I. Morin, Chairman PO Box 32 Fort Kent, ME 04743

Dear Mr. Morin:

During our February 17, 1988 meeting, the Audit & Program Review Committee voted to request that we write to you to articulate several concerns held by Committee members.

The Committee acknowledges and commends the improved communication that has taken place between the University of Maine System and the Legislature in recent years. However, the University System appears to have made some recent decisions which have not been fully understood by the general public. Several legislators have expressed their frustration regarding a number of instances in which the System and its different campuses do not appear to have adequately consulted with local legislators and community leaders about decisions which directly effect those campuses. Due to a lack of information, legislators have not been able to respond knowledgeably to inquiries from their constituents about these matters.

In the opinion of Committee members, legislators stand ready to assist and have an interest in working constructively with the University System. The Committee holds that meaningful communication is an ongoing process and recommends that legislators and local community leaders be continually involved in the process of University development and growth.

Sincerely,

Mary Ellen May tury

Senator Mary-Ellen Maybury Subcommittee Chair

Beverly M. Bustin Senate Chair

Neil Rolde House Chair

cc: Members of the Joint Standing Committees on Appropriations and Education

HOUSE

BEVERLY MINER BUSTIN, DISTRICT 19. CHAIR RAYNOLD THERIAULT, DISTRICT 1 MARY-ELLEN MAYBURY, DISTRICT 11

STAFF

OFFICE OF FISCAL AND PROGRAM REVIEW CHERYL RING, PRINCIPAL ANALYST LOCK KIERMAIER, ANALYST BARBARA J. GAGE, ANALYST



STATE OF MAINE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

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COMMITTEE ON AUDIT AND PROGRAM REVIEW

April 8, 1988

Mr. Richard I. Morin, Chairman Board of Trustees University of Maine System 107 Maine Avenue Bangor, ME 04401

Dear Chairman Morin,

As you know, during the course of our review of the University of Maine System, we identified a number of specific topics that we wished to review in more detail. One of these topics was the School of Law of the University of Maine. On March 17, 1988, the Committee received a presentation on the School of Law that was attended by Dean L. Kinvin Wroth and USM Provost Helen L. Greenwood.

As a result of that meeting, the Committee became much more familiar with the particulars of the School of Law.

Several issues of concern arose from that meeting and the Committee voted to communicate these concerns in this letter. Namely, Committee members have a concern that the School of Law needs to consider the possibility of developing courses of a continuing education nature that can be offered either at night or on weekends. Over a period of time, Committee members have had comments from a significant number of constituents about the need for such programming. In recognition of the many logistical factors which need to be assessed in the consideration of any expansion of educational programming, the Committee urges the Board of Trustees to begin active consideration of expanding current School of Law offerings in the manner described.

The Joint Standing Committee of Audit & Program Review requests that the Board of Trustees report to the Committee in one year's time on what progress has been made in your consideration of this possibility.

Sincerely,

Beverly M. Bustin Senate Chair

Neil Rolde House Chair

cc: Senator Stephen C. Estes, Chair, Joint Standing Committee on Education; Representative Stephen M. Bost, Chair, Joint Standing Committee on Education; L. Kinvin Wroth, Dean

Helen L. Greenwood, Provost and Vice President for Academic Affairs