



Territory of Guam
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OFFICE OF THE GOVERNOR
UPSENAN I MAGA LAHI
AGANA, GUAM 96910 U.S.A.

11/17/89

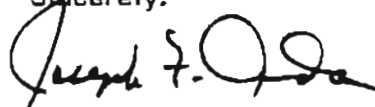
DEC 30 1988

The Honorable Franklin J.A. Quitugue
Speaker, Nineteenth Guam Legislature
Post Office Box CB-1
Agana, Guam 96910

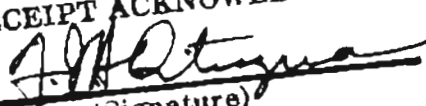
Dear Mr. Speaker:

Transmitted herewith is Bill No. 892, which I have signed into law this date as Public
Law 19-40.

Sincerely,


JOSEPH F. ADA
Governor


Attachment

RECEIPT ACKNOWLEDGED
By 
(Signature)
(Print Name)
Speaker's Office
(Department)
Date 12/20/88 Time 7:39 pm.

NINETEENTH GUAM LEGISLATURE
1988 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 892 (LS), "AN ACT TO REPEAL AND REENACT CHAPTER 16 OF TITLE 17 GUAM CODE ANNOTATED TO CLARIFY AND STRENGTHEN THE UNIVERSITY OF GUAM CHARTER, AND TO ADD A NEW CHAPTER 16A TO SAID TITLE ON JOINT MEETINGS OF EDUCATIONAL BOARDS," was on the 19th day of December, 1988, duly and regularly passed.


FRANKLIN A. QUITUGUA
Speaker

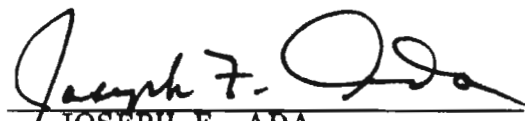
Attested:


A. J. SONNY SHELTON
Senator and Acting Legislative Secretary

This Act was received by the Governor this 19 day of Dec, 1988,
at 10 15 o'clock P.m.


Assistant Staff Officer
Governor's Office

APPROVED:


JOSEPH F. ADA
Governor of Guam

Date: DEC 30 1988

Public Law No. 19-40

NINETEENTH GUAM LEGISLATURE
1988 (SECOND) Regular Session

Bill No. 892 (LS)
As substituted by the Committee
on Education

Introduced by:

M. K. Hartsock
F. J. A. Quitugua
J. T. San Agustin

D. Parkinson
A. J. Shelton
F. J. Gutierrez
E. P. Arriola
E. R. Duenas
E. M. Espaldon
J. M. Rivera
J. G. Bamba
M. Z. Bordallo
H. Dierking
P. C. Lujan
M. D. A. Manibusan
J. G. Miles
T. S. Nelson
M. C. Ruth
F. R. Santos

AN ACT TO REPEAL AND REENACT
CHAPTER 16 OF TITLE 17 GUAM CODE
ANNOTATED TO CLARIFY AND STRENGTHEN
THE UNIVERSITY OF GUAM CHARTER, AND
TO ADD A NEW CHAPTER 16A TO SAID
TITLE ON JOINT MEETINGS OF
EDUCATIONAL BOARDS.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:
2 Section 1. Chapter 16 of Title 17 of the Guam Code Annotated is
3 repealed and a new Chapter 16 is added to said Title to read:

4 "CHAPTER 16

5 CHARTER

6 Section 16100. Preamble. The University of Guam is dedicated to
7 the continuing search for truth, justice, liberty, happiness, and
8 dignity among the people and islands of Guam and the Western Pacific.

1 As a resource in the Western Pacific, the University of Guam is
2 committed to function as a dynamic institution in an environment of
3 constant flux and growth. The University of Guam recognizes that it
4 must carefully plan its contributions to human welfare and society.
5 The University of Guam is determined to develop ever higher levels of
6 expertise so that it can excel as a tertiary educational institution in
7 the Western Pacific. To achieve this end the University of Guam shall
8 offer advanced knowledge in various areas of resource development to
9 the people of Guam and the region in order to produce leaders and
10 expertise in the different professions for the benefit of island
11 communities.

12 As a resource, the University of Guam will support island
13 priorities. The University of Guam and its various constituencies will
14 continually identify programs and projects consistent with the basic
15 socio-economic-political and cultural development goals sought by the
16 people and governments in the region. The University of Guam shall
17 experiment and pioneer in new approaches to human situations
18 responding to existing needs of the people and the islands of the
19 Western Pacific and shall help formulate public policies through the
20 freedom and flexibility to be innovative in its three-fold objective of
21 teaching, research and service.

22 Section 16101. Establishment. The University of Guam, already
23 established according to existing laws, is hereby confirmed as the
24 public territorial University and constituted a body corporate which
25 shall continue to be known as the 'University of Guam'. It shall have
26 title to all real and personal property now or hereafter set aside for or
27 conveyed to it. Its property shall be administered and disposed of
28 according to law.

29 All the rights, immunities, franchises and endowments heretofore
30 granted thereto by Guam are hereby perpetuated unto the said
31 University.

32 Section 16102. Purpose. The University of Guam shall provide
33 instruction in the arts, sciences, and professional and technical
34 curricula. It shall provide all support services necessary for its

1 functions and for the maintenance of accreditation; shall conduct
2 research within any or all fields of study as resources permit, and
3 shall provide public service, including consultation services, to the
4 people of Guam. It shall be the Guam's Land Grant Institution.

5 Section 16103. Prohibition Against Discrimination. It shall be the
6 policy of the University of Guam that discrimination against any
7 individual or group for reasons of age, race, color, sex, nationality,
8 religious belief, marital status or physical handicap is specifically
9 prohibited under any program, employment or activity for which the
10 Board of Regents is responsible.

11 Section 16104. Board of Regents. The government and control
12 of the University of Guam are vested in a Board of Regents to be
13 known as 'the Board of Regents of the University of Guam'
14 (hereinafter referred to as 'the Board'). The Board shall be composed
15 of nine (9) members, one (1) of whom shall be a student and at least
16 one (1) of whom shall be an alumni of the University of Guam,
17 appointed by the Governor as provided herein, with the advice and
18 consent of the Legislature.

19 Section 16104.1. Duties of the Board of Regents. The Regents
20 shall have general supervision over the University and the control and
21 direction of all funds of, and appropriated to, the University, subject
22 to such restrictions as may be prescribed by law. The Board shall set
23 the policies governing the duties, conditions of employment,
24 compensation, salary and emoluments, of all employees of the
25 University as herein provided. The Board shall submit an annual
26 budget to the Legislature in the manner prescribed by law. The
27 Board shall have the authority to delegate such of its powers as it may
28 deem appropriate, but shall retain the ultimate responsibility for the
29 exercise of its powers.

30 Section 16104.2. Meetings. Meetings of the Board shall be held
31 at a regular time and place as determined by the Board. Special
32 meetings may be called by the Chairman or by a majority of the
33 members, as often as may be necessary. Meetings of the Board,
34 regular or special, shall be subject to the Open Government Law of

1 Guam. A majority of the members shall constitute a quorum and an
2 affirmative vote of five (5) members is required for any action to be
3 valid.

4 Section 16404.3. Term of Office. The members of the Board of
5 Regents shall serve staggered terms of six (6) years. On the
6 expiration of the term of any member, or in the event of a vacancy on
7 the Board due to resignation, death or any other cause, the Governor
8 shall in the manner provided herein and with the advice and consent
9 of the Legislature appoint another member for a full term in the first
10 instance, or for the remainder of the unexpired term. When there is a
11 change of administration of the government of Guam after a
12 gubernatorial election, no courtesy resignation shall be requested by
13 the new administration nor offered by any member of the Board.

14 Section 16104.4. Qualifications of Members of the Board of
15 Regents. The composition of the members of the Board shall be
16 broadly based in terms of its members' personal expertise and shall
17 strive for a balanced representation of the general population.
18 Regents, and Regent candidates, must be United States citizens or
19 permanent resident aliens domiciled in Guam for at least three (3)
20 years prior to appointment to the Board. No person shall sit on the
21 Board as a member who is an employee of the government of Guam or
22 of the University of Guam.

23 Section 16104.5. Selection of Candidates for the Board of
24 Regents. When a vacancy in the membership of the Board occurs, a
25 committee comprised of the Chairperson of the Board who shall be the
26 committee Chairman, the President of the Commissioners Council, the
27 Chairperson of the University Faculty Council, the President of the
28 Student Body Association, the President of the Alumni Association of
29 the University of Guam, and the Speaker of the Guam Youth Congress
30 shall convene at the call of the Chairperson to recommend candidates
31 for membership to the Board of Regents of the University of Guam.
32 The committee shall establish a list not to exceed three (3) names for
33 each Regent position to be filled from outstanding residents of Guam
34 who are devoted to the promotion of the general welfare of the

1 University. A member whose term is expiring may be considered for
2 reappointment. Except for the selection of the student regent, who
3 shall be elected by the Student Body of the University, the committee
4 shall recommend to the Governor, who shall appoint, subject to the
5 advice and consent of the Legislature, the most qualified candidate for
6 the position of Regent from among the candidates submitted by the
7 committee.

8 Section 16104.6. Student Regent. The student member shall be
9 a full Board member with all rights, privileges and responsibilities
10 thereof. To be eligible to serve as a student member of the Board the
11 person shall be a full-time student at the University who has completed
12 one (1) year of study (at least 30 credits) and who has maintained
13 good academic standing as defined by the Board.

14 The student member shall be that person receiving the highest
15 number of votes cast at an election of all students registered at the
16 University of Guam whether full-time or part-time, to be held in March
17 of each even numbered year. The election of the student member shall
18 be conducted by the Student Body Senate in accordance with the
19 regulations adopted by the senate and approved by the Board. The
20 Chairperson of the Board shall proclaim the day of the election. The
21 student receiving the highest number of votes shall be certified by the
22 Chairperson of the Board who shall forward his or her name to the
23 Governor who shall appoint him or her pursuant to §16104 of this title,
24 provided that the student received at least a certain percentage of the
25 votes cast of a certain percentage of those eligible to vote, as
26 determined by the Board. In the event that no student receives
27 sufficient votes, a run-off election will be held between the two
28 students with the most votes. The student receiving the most votes in
29 the run-off election will be certified to the Governor who shall appoint
30 him pursuant to §16104 of this title.

31 Any student member candidate must be nominated by a petition
32 signed by one hundred (100) students attending the University of
33 Guam.

1 The student member shall serve for a term of two (2) years
2 beginning at twelve o'clock noon on the first Monday in May in the
3 year in which he or she is elected.

4 When a student ceases to be a full-time student or falls below the
5 academic standing required for student membership, as specified in
6 Section 16104.6 of this Title, at the University he shall be deemed to
7 have vacated his position on the Board. Any vacancy during the term
8 of a student member shall be filled for the remainder of the term by
9 an election of a majority of the Student Body Senate.

10 Section 16104.7. Tenure of Members Currently Serving as
11 Regents. The current members of the Board shall continue to serve
12 until the expiration of their term as set out in §16104.3 of this
13 Chapter and in the event of a vacancy, the Governor shall fill said
14 vacancy in accordance with this Chapter.

15 Section 16105. Board Members Not Deemed Officers or Employees
16 of the Government of Guam. The members of the Board shall not, by
17 reason of such membership, be deemed employees of the government of
18 Guam.

19 Section 16106. Removal From Office. A member of the Board may
20 be removed by a vote of five (5) members for malfeasance in office or
21 for persistent neglect of, or inability to discharge, duties, or for
22 offenses involving moral turpitude, and for no other cause. However,
23 no member of the Board shall be removed from office before a written
24 bill of particulars shall have been given to the accused and before an
25 investigation and an open and public hearing shall have been had.
26 Any member who removes his residence from Guam shall be deemed to
27 have vacated his office, thereby creating a vacancy on the Board.

28 Section 16106. Officers. Annually in April, the Board shall elect
29 a Chairman, a Vice-Chairman, and a Treasurer from its membership by
30 a majority vote of its total membership.

31 Section 16108. President, Academic Officers, and Faculty of the
32 University. The President, on the recommendations of appropriate
33 administrators and guided by the recommendations of Search
34 Committees, shall appoint faculty and administrators, such as may be

1 necessary to fulfill the mission and purposes of the University. The
2 Vice Presidents, on the recommendation of the appropriate
3 administrators, shall appoint non-academic staff in accordance with
4 Civil Service procedures, such as may be necessary to fulfill the
5 mission and purposes of the University. While the authority of the
6 Board to establish overall policy guiding the University shall not be
7 diminished, the implementation of the expressed policy of the Board
8 shall be vested in both the Administrative Officers and the Faculty
9 through the collegial instrumentalities traditional in University affairs.

10 The Board, on recommendation of the Administrative Officers and
11 the Faculty, shall establish personnel rules and regulations guiding
12 selection, employment, salary and other compensations, promotion,
13 performance evaluation, disciplinary action, and all other conditions of
14 work and employment as herein provided. Such rules and regulations
15 shall reflect the paramount objective of directing all efforts of the
16 University's mission and promoting stability and credibility of the
17 Territory's highest institution of learning. Notwithstanding any law,
18 rule or regulation to the contrary, the authority of the Board to
19 establish personnel and administrative rules and regulations shall not
20 be subject to the Administrative Adjudication Act.

21 Section 16109. Powers. The University of Guam has the power
22 and duty to do any and all things necessary to further the purposes
23 of this Chapter.

24 Section 16110. President of the University. (a) The President
25 shall be the executive head of the internal operating organization of
26 the University and shall be responsible for the administration of the
27 academic, business and services activities thereof. The Board acting
28 upon recommendations from a Search Committee, by an affirmative vote
29 of at least five (5) members, shall appoint the President of the
30 University for a specified contractual term. The President's duties
31 and compensation, salary and endowments, shall be determined by the
32 Board. The President of the University shall serve as Executive
33 Secretary of the Board.

1 (b) The President of the University of Guam shall possess
2 desirable qualities as an educational leader and administrator of a
3 higher educational institution. Among the requirements that the holder
4 of the office must adequately satisfy are:

5 1. Knowledge and understanding of the people of Guam and
6 Micronesia.

7 2. Training and experience in research, teaching, or the
8 administration of higher education or similar discipline.

9 3. Possession of a terminal degree from a recognized
10 institution of learning.

11 The Board may prescribe additional requirements to those listed
12 above.

13 (c) The Board shall set the tenure of office for the President of
14 the University of Guam. However, the term of employment for the
15 position of President shall not end six months prior to nor six months
16 after an election for Senators and Governor and Lt. Governor. The
17 Board by an affirmative vote of at least five (5) members may renew
18 the contract of a President. Similarly, the affirmative vote of at least
19 five (5) members may terminate the services of the President for cause
20 in the same manner and procedure as a Regent may be removed
21 pursuant to Section §16106 of this Chapter. Upon a change of
22 administration of the government of Guam after a gubernatorial
23 election, no courtesy resignation shall be requested by the new
24 administration nor offered by the President of the University.

25 Section 16111. Construction With Other Laws. Insofar as the
26 provisions of this Chapter are inconsistent with the provisions of any
27 other law, the provisions of this Chapter shall be controlling; and in
28 particular but not by way of limitation, except as may be provided in
29 this Chapter, no provision of any law with respect to employment of
30 personnel, shall be applicable to the University unless the Legislature
31 shall specifically so state; provided, however, that the University may
32 utilize in its operations the procedures and facilities provided by any
33 such law or by the executive agencies of the government of Guam.

1 Section 16112. Personnel Rules: Academic Personnel and
2 Administrative Officers. Rules and regulations governing selection,
3 compensation, promotion, performance evaluation and disciplinary action
4 affecting academic personnel and administrative officers shall be
5 adopted by the Board in accordance with Title 4 Guam Code Annotated
6 Sections 4104 and 4105. Such rules and regulations shall provide for
7 the employment of persons on the basis of merit, and shall include an
8 orderly and systematic method of recruitment and the establishment of
9 a list of qualified applicants for employment purposes. For the
10 purpose of this Section, an 'administrative officer' is defined as one
11 who holds any of the following positions: Associate or Assistant Dean;
12 Associate or Assistant Director; Dean or Director; Assistant to the
13 President or Vice-President; provided, however, that nothing in this
14 Chapter shall be construed as preventing the Board from establishing
15 other administrative officer positions or abolishing any of the existing
16 positions indicated herein and further provided, however, that nothing
17 in this Section nor in any other section of this Chapter involving the
18 outlay of public funds shall become effective unless funds therefore
19 shall have been provided in the University's annual budget.

20 Academic personnel shall have the right to form, join, assist and
21 participate in the management of employee organizations of their choice
22 and to act as organization representative or to refrain from any such
23 activity, without interference, restraint, coercion or discrimination and
24 without fear of penalty or reprisal; provided that, employees shall not
25 participate in the management of an organization or act as an
26 organization representative, where such activity would result in a
27 conflict of interest or otherwise be incompatible with law or with the
28 employee's official duties.

29 Within ninety (90) days of the effective date of this Act, the
30 Board, in cooperative consultation with the recognized bargaining
31 agent, shall develop and adopt reasonable rules for the settlement of
32 collective bargaining disputes, including access to impartial mediation
33 and arbitration.

1 Section 16113. Non-academic Personnel. Notwithstanding any
2 law, rule or regulation to the contrary, all non-academic personnel
3 shall be classified and matters relating to employment of non-academic
4 personnel shall be governed by and in accordance with Title 4 of the
5 Guam Code Annotated and other personnel laws applicable in Guam.

6 All employees of the University of Guam who have acquired
7 government of Guam civil service tenure on the date of the enactment
8 of this Chapter and who are transferred to the University in
9 accordance with Section 16117 of this Chapter shall retain their tenure
10 and status as employees of the government of Guam.

11 Section 16114. Attorney. The University of Guam may employ an
12 attorney to assist and represent it in all civil matters which concerns
13 the University. The Attorney General shall represent the University
14 in all litigation in which the University is interested, provided that the
15 Attorney General shall designate the attorney for the University as a
16 Special Assistant Attorney General for this purpose.

17 The University of Guam may set the terms and conditions of
18 employment for the attorney, his or her compensation and whether he
19 or she be appointed as a full-time employee, an independent
20 consultant. In the alternative, the University may utilize the
21 services of a law firm.

22 The Attorney so employed or engaged shall be admitted to
23 practice before the courts of Guam under the same conditions as are
24 attorneys employed by the government pursuant to Section 28002.2 of
25 the Government Code.

26 Section 16115. Retirement Fund. Officers and employees of the
27 University shall be members of the Retirement Fund. The University
28 shall contribute to the Government of Guam Retirement Fund on the
29 basis of annual billings as determined by the Board of Trustees,
30 Government of Guam Retirement Fund, for the employer's share of the
31 cost of the retirement benefits applicable to the University's officers
32 and employees, and their beneficiaries.

33 Section 16116. Workmen's Compensation Fund. The University
34 shall contribute to the Workmen's Compensation Fund on the basis of

1 annual billings as determined by the Workmen's Compensation
2 Commissioner for the benefit payments made from such fund for the
3 employees of the University.

4 Section 16117. University of Guam, Present Employees of. The
5 University of Guam, established under this Chapter, shall be a
6 successor to the presently existing University of Guam. All employees
7 of the presently existing University of Guam shall be transferred to
8 the University of Guam, a public corporation established under this
9 Chapter.

10 Any person accepting employment under this Section will receive
11 not less than the straight time rate of compensation he was receiving
12 immediately before the transfer date. The other employment benefits
13 and rights, including retirement and leave, of such transferred
14 employees shall be governed under Sections 16112, 16113, 16115 and
15 16116 of this Chapter.

16 Section 16118. Legislative Appropriation. (a) On February 15,
17 or earlier, of each year, a budget requirement for the following
18 University Year for personnel and operating costs necessary for
19 carrying out the mission, purposes and general activities of the
20 University shall be certified by the Board and submitted to the
21 Legislature. Following public budget hearings before the Legislature,
22 an appropriation shall be made available to the University, to be
23 allotted in four (4) appropriately disproportional quarterly installments
24 which shall be remitted on the first day of each quarter of the
25 appropriate University Year, under the full fiscal control of the Board
26 which shall be fully accountable for the appropriate expenditure of all
27 University funds. Such appropriation for the annual personnel and
28 operating costs of the University shall not include any sums collected
29 by the University from student tuition and fees. University funds
30 derived from student tuition and fees shall be considered
31 non-appropriated funds of the University under the fiscal control of
32 the Board. A minimum of seventy per cent (70%) of the funds derived
33 from student tuition and fees shall be earmarked for implementation of

1 the Physical Master Plan. A University Year shall run from August 1
2 to July 31.

3 (b) Anything herein to the contrary notwithstanding, the
4 Legislature may appropriate any additional funds for carrying out the
5 activities of the University.

6 (c) No agreements to borrow money shall be entered into by the
7 University without prior Legislative approval.

8 (d) The Board shall disburse such funds as the Legislature may
9 appropriate for the purpose of carrying out the activities of the
10 University.

11 Section 16119. Health and Physical Education Complex:
12 Authorization to Borrow. The Board is authorized to negotiate a loan
13 and incur such obligations as are necessary for the purpose of funding
14 the construction of the initial phase of the Health and Physical
15 Education Complex. Notwithstanding any provision of law, rule or
16 regulation to the contrary, the Board may mortgage the Health and
17 Physical Education Complex in order to obtain the loan necessary for
18 the construction of the complex. The obligation incurred for the
19 construction of the complex shall not be a general obligation of the
20 government of Guam and income generated by the Complex, if any, or
21 from tuition and other revenues accruing to the University of Guam,
22 shall be pledged for repayment of the loan. Income earned by any
23 lending institution on interest accruing from the loan authorized under
24 this Section shall be exempt from income taxation. This Section does
25 not preclude the University of Guam from accepting donation for the
26 construction of the initial phase of the Health and Physical Education
27 Complex. Such donations and gifts may be used for the purpose of
28 repaying any obligation incurred by the University.

29 Section 16120. Same: Legislative Appropriations. The
30 University of Guam is hereby guaranteed by the government of Guam
31 an adequate subsidy appropriation from the General Fund for its
32 annual operating costs, such guarantee to last the duration of any
33 outstanding loan which might be negotiated by the Board with the

1 Farmers' Home Administration, U.S. Department of Agriculture, for the
2 construction of the Health and Physical Education Complex.

3 Section 16121. Transfer of Property. There is transferred to
4 the University of Guam title to all items of property, real and
5 personal, now assigned to the University of Guam.

6 Section 16122. Restrictions on Alienation. All services which
7 may be rendered by, and all real and personal property, the title to
8 which is held by, the University of Guam in accordance with Sections
9 16101, 16102 and 16124 of this Chapter, may not be given, rendered,
10 transferred or conveyed to any private person or organization other
11 than in the manner set forth in Sections 16101, 16102 and 16129(c) of
12 this Chapter; provided, however, that this section shall not operate to
13 prohibit the award of academic scholarships and/or other forms of
14 financial assistance to qualified students as determined by University
15 policies.

16 Section 16123. Designation of Natural Energy Institute. The
17 University of Guam is designated as the 'Guam Natural Energy
18 Institute.'

19 Section 16124. The Guam Natural Energy Institute: Duties;
20 Powers. The Institute shall:

21 (a) Maintain liaison with federal agencies (Natural Science
22 Foundation, Energy Research and Development Administration, National
23 Aeronautics and Space Administration, Department of Housing and
24 Urban Development, Department of Transportation and Department of
25 Defense), the Government of Guam, the Guam Energy Office, the Guam
26 Environmental Protection Agency and Department of Public Works and
27 with other public and private natural energy-related projects in Guam;
28 keep a current inventory of all such projects and work with the Guam
29 Energy Office and other organizations to encourage coordination and
30 cooperation in all energy-related research projects through the
31 Territory.

32 (b) Maintain a current file on all possible support programs
33 (public and private) for awards and grants to both educational and
34 energy-related research and development programs through the

1 University and notify and provide assistance in proposal preparation
2 and follow-up with appropriate departments and institutes as these
3 programs arise.

4 (c) Maintain current information on natural energy resources to
5 include:

6 (1) abstracts of pertinent publications;

7 (2) a card file on energy publications available in the
8 University of Guam; and

9 (3) catalogs, lists of suppliers and price lists on natural
10 energy, off-the-shelf items such as solar collectors for water
11 heating, windmills, solar photovoltaic systems and waste
12 digestors.

13 (d) Provide as a public service, both in response to direct
14 inquiry and especially through a public education program, information
15 on natural energy systems that may or may not have potential for use
16 in Guam and Micronesia.

17 (e) Initiate, develop and coordinate the undertaking of natural
18 energy system development projects; provide some level of matching
19 support to attract extramural funding for these projects; and provide
20 support for equipment requests for graduate thesis projects and for
21 faculty research initiation.

22 Section 16125. Residents of the Commonwealth of the Northern
23 Mariana Islands, the Federated States of Micronesia, the Republic of
24 Belau, and the Republic of the Marshall Islands; Advanced Placement
25 Program. (a) Students who are residents of the Commonwealth of the
26 Northern Mariana Islands, the Federated States of Micronesia, the
27 Republic of Belau, or the Republic of the Marshall Islands, enrolled in
28 and matriculating at the University of Guam, shall be charged resident
29 tuition for their attendance at the University of Guam.

30 (b) No tuition shall be levied upon any student admitted to
31 study under the 'Advanced Placement Program.'

32 Section 16126. University of Guam Land Grant Endowment Fund.
33 (a) For the purpose of compliance with Federal laws designating the
34 University of Guam as one of the land-grant colleges eligible to receive

1 donations of public land or land scrip for the endowment and
2 maintenance of colleges for the benefit of agriculture and the mechanic
3 arts, there is hereby established the 'University of Guam Land Grant
4 Endowment Fund' which shall be maintained separate and apart from
5 any other funds of the government of Guam, and independent records
6 and accounts shall be maintained in connection therewith by the
7 University of Guam. A quarterly financial statement of the Fund shall
8 be submitted to the Guam Legislature by the Board.

9 (b) The sum of \$3,000,000 received from the Federal Government
10 in lieu of donation of public land or land scrip shall be credited to the
11 Fund. Said sum shall remain unimpaired and preserved.

12 (c) Said sum shall be invested in bonds of the United States or
13 of the States or Territories or bank certificates of deposit or some
14 other investment-grade investments as would normally be utilized by
15 higher education institutions in a manner adopted by the Board. The
16 Board shall administer the investment of the funds as trustees for the
17 benefit of the University of Guam.

18 (d) No portion of said sum, nor the interest thereon, shall be
19 applied, directly or indirectly, to the purchase, erection,
20 preservation, or repair of any building or buildings.

21 (e) The Board is designated Custodian or Trustee of the interest
22 from the investment of the \$3,000,000 for the benefit of the University
23 of Guam. The interest from the investment of said sum shall be
24 appropriated by the Legislature directly to the Board for the
25 endowment, support and maintenance of the University of Guam subject
26 to the provisions of Federal laws establishing the University of Guam
27 as a land-grant college.

28 (f) There is hereby established the 'Land Grant Custodial
29 Maintenance Fund' from which the payment of all expenses incurred in
30 the management, investment, and disbursements of the Land Grant
31 Endowment Fund shall be made, and no such expenses shall be paid or
32 deducted directly from the Land Grant Endowment Fund or the interest
33 or income received therefrom. The Land Grant Custodial Maintenance
34 Fund shall be administered by the Board and shall be used solely for

1 the purposes stated in this subsection and all monies appropriated to
2 such fund by the Legislature shall be used only for such designated
3 purposes. The fund shall be maintained separate and apart from any
4 other funds of the government of Guam, and independent records and
5 accounts shall be made in connection therewith by the University of
6 Guam. A quarterly financial statement of the fund shall be submitted
7 to the Guam Legislature by the Board at the same time that the
8 quarterly financial statement for the University of Guam Land Grant
9 Endowment Fund is submitted.

10 Section 16127. Assent to Provisions of Hatch and
11 McIntire-Stennis Acts; Administration by University of Guam. The
12 provisions of the Hatch Act of 1887, as amended, and the
13 McIntire-Stennis Act, the Federal formula funds and the purposes of
14 such funds, authorized by said Acts, and the laws and regulations
15 supplementary thereto providing for an Agricultural Experiment Station
16 in connection with a College of Agriculture and Mechanic Arts, and by
17 other Acts of Congress for similar purposes, are hereby assented to
18 and accepted by the Legislature of Guam on behalf of the University of
19 Guam. The Legislature further directs that the University of Guam
20 shall administer and direct the Guam Agricultural Experiment Station
21 which shall be established in consonance with said Acts.

22 Section 16128. Assent to Smith-Lever Act Relative to Extension
23 Services; Administration by the University of Guam. The Legislature
24 of Guam hereby assents to, and accepts the provisions and
25 requirements of the Smith-Lever Act and the laws and regulations
26 supplementary thereto. The Legislature further directs that the
27 University of Guam shall administer the formula funds made under such
28 Act and shall organize, conduct and administer the Cooperative
29 Extension Service in accordance with the terms and conditions of said
30 Act.

31 Section 16129. University of Guam Land Grant Research and
32 Extension Special Fund. (a) For the purpose of compliance with
33 Federal laws designating the University of Guam as one of the Land
34 Grant Colleges eligible to receive land grant Federal funds for the

1 benefit of research and extension services, there is hereby established
2 the 'University of Guam Land Grant Research and Extension Special
3 Fund' (the 'Research and Extension Fund'), which shall be maintained
4 separate and apart from any other funds of the government of Guam
5 and independent records and accounts thereof shall be maintained by
6 the University of Guam. A quarterly financial statement of the
7 Research and Extension Fund shall be submitted to the Legislature.

8 (b) All Federal grants, Federal formula funds, donations and
9 charitable contributions relating to agricultural and forestry research
10 and extension services shall be deposited and credited to the Research
11 and Extension Fund. The Legislature may appropriate or
12 reappropriate to the Research and Extension Fund any local matching
13 funds necessary for approved University of Guam Programs consistent
14 with Research and Extension Programs in the areas of Agriculture,
15 Home Economics, Forestry and any related programs.

16 (c) All income derived from the operation and services of the
17 research farm and cooperative extension services by the University of
18 Guam shall be deposited in and credited to the Research and Extension
19 Fund.

20 (d) All debts, liabilities and any other obligations incurred for
21 programs described in Subsection (b) of this Section shall be paid
22 from the Research and Extension Fund.

23 Section 16130. Amendments to This Charter of the University of
24 Guam. This Charter and all its provisions seek to provide the
25 continuity and stability necessary for the University to function as an
26 accredited institution of higher education. To ensure this continuity
27 and stability this Charter of the University of Guam may be amended
28 only after a resolution signed by seven (7) members of the Board
29 request in writing Legislative approval of any such substantive
30 amendment. No action shall be taken by Legislature unless and until a
31 public hearing is held on the proposed Charter amendment."

32 Section 2. Chapter 16A is hereby added to Title 17 of the Guam Code

33 Annotated to read:

1 "CHAPTER 16A

2 JOINT EDUCATIONAL BOARD MEETINGS

3 Section 16150. Joint Meetings.

4 (a) The Legislature finds that there is need for the governing
5 boards of Guam's educational institutions to communicate and discuss in
6 joint open meetings those educational concerns that touch on all
7 bodies, and that by requiring a minimum number of Joint Board
8 meetings the board members will have the opportunity to consider and
9 decide approaches by which educational issues and problems can be
10 most efficiently solved.

11 (b) The Board of Regents of the University of Guam, the
12 Territorial Board of Education and the Board of Trustees of the Guam
13 Community College shall hold at least two (2) joint open meetings per
14 year for the purpose of coordinating their activities and facilitating the
15 solution of problems of mutual concern. The joint meetings shall be
16 held in September and in January of each year on dates and places
17 determined by the chairman of the joint meeting. Other joint meetings
18 may be held at other times as determined by the joint boards.

19 (c) A majority of the members of the Board of Regents of the
20 University of Guam, the Territorial Board of Education and the Board
21 of Trustees of the Guam Community College shall constitute a quorum
22 for the transaction of the joint meeting business.

23 (d) The Chairman of the Board of Regents of the University of
24 Guam, the Chairman of the Territorial Board of Education and the
25 Chairman of the Board of Trustees of the Guam Community College
26 shall serve alternately, insofar as possible, as Joint Meeting Chairman,
27 beginning with the Chairman of the Board of Regents.

28 (e) Minutes of meetings of these board shall be transmitted
29 within seven (7) calendar days to the Governor and to the Legislature
30 by the Chairman of the meeting who in the letter of transmittal thereof
31 shall list those matters of concern to the boards which require action
32 of the Governor and the Legislature.

1 Section 16151. Financial Impact. As each of the joint meetings
2 provided for by §16150 of this Chapter, those assembled shall discuss
3 as agenda items the following:

4 (1) the financial concerns of the three (3) institutions as they
5 interrelate.

6 (2) the possibility of consolidating programs to achieve greater
7 economy;

8 (3) an assessment of the needs relating to existing programs in
9 terms of the manpower needs of the Territory;

10 (4) policies concerning proper utilization of resources by the
11 three (3) institutions;

12 (5) review and assessment of academic, administrative and other
13 programs periodically; when appropriate discontinuation of those
14 programs that are no longer relevant and encouragement of the
15 development of new programs that serve current needs; and

16 (6) other items the board may desire to discuss.

17 Section 16152. Powers and Duties of the Joint Board. The Board
18 of Regents of the University of Guam, the Territorial Board of
19 Education and the Board of Trustees of the Guam Community College
20 shall:

21 (1) determine if a certificate issued by any state or territory of
22 the United States should be recognized and suffice for issuing a
23 similar certificate to work in the public schools in Guam. The Joint
24 Board shall consider if (i) a state or territorial certificate was granted
25 with the minimum academic training and other general regulations for
26 the issuance of the same type of certificate on Guam, and (ii) the laws
27 and regulations of state or territory issuing such certificate provide
28 for similar recognition of certificates issued by the Joint Board;

29 (2) enter on behalf of the government of Guam and abide by
30 reciprocity agreements on certification of teachers and supervisors,
31 with one or more states or territories of the United States, if the
32 training, experience and other certification requirements of such states
33 or territories are the same or higher than the requirements for

1 professional certification by the Joint Board in effect at the time of the
2 signing of the agreement.

3 (3) establish criteria for professional education practices
4 including, but not limited, to the following:

5 (i) professional performance and continuance in professional
6 services,

7 (ii) teacher certification, and

8 (iii) educational consultants;

9 (4) provide recommendations to educational institutions or to
10 professional organization of educators which will promote improvement
11 of the education profession but it may not be a party in any labor
12 negotiation or disputes;

13 (5) adopt, pursuant to the provisions of the Administrative
14 Adjudication Act, such rules and regulations required for performance
15 of its duties not inconsistent with the laws of Guam; and

16 (6) levy fees for teachers' certificate and renewals in accordance
17 with the regulations of the Joint Board. The fees collected shall be
18 used to defray the administrative expenses of administering a basics
19 skills test to educators.

MAY 12 '88

Bill No. 892 (US)

Introduced by:

M. K. Hartsock MKH

AN ACT TO AMEND 17 GCA CHAPTER 16 RELATIVE
TO THE UNIVERSITY OF GUAM CHARTER.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

2 Section 1. 17 GCA Chapter 16 is amended to read:

3 "CHAPTER 16

4 [ADMINISTRATION] CHARTER

5 Section 16100. Preamble. The University of Guam is dedicated
6 to the continuing search for truth, justice, liberty, happiness, and
7 dignity among the people and islands of Guam and the Western
8 Pacific.

9 As a resource in the Western Pacific, the University of Guam
10 is committed to function as a dynamic institution in an environment
11 of constant flux and growth. The University of Guam recognizes that
12 it must carefully plan its contributions to human welfare and society.
13 As such, the University of Guam is determined to develop higher and
14 higher levels of excellence so that it can grow to be the best tertiary
15 level institution in the Western Pacific. To achieve this, the
16 University of Guam shall offer strengths in various areas of expertise
17 to the people of Guam and the region in order to produce leaders/

1 expertise in the different professions for the benefit of island
2 communities.

3 As a resource, the University of Guam will be supportive of
4 island priorities. The University of Guam and its various
5 constituencies will continually identify programs and projects
6 consistent with the basic socio-economic-political and cultural
7 development goals identified by the people and governments in the
8 region. The University of Guam shall experiment and pioneer in
9 new approaches to human situations in answer to the existing needs
10 of the people and the islands of the Western Pacific and shall help
11 formulate public policies through the freedom and flexibility to
12 innovate in its three-fold objective of teaching, research and
13 service.

14 Section 16101. Establishment. [There is established in the
15 territory of Guam a non-membership, non-profit corporation, which
16 shall be known as the 'University of Guam,' which is successor to
17 the presently existing University of Guam.] The Univeristy of Guam,
18 already established and located according to existing laws, is hereby
19 confirmed as the public Territorial University and constituted a body
20 corporate which shall continue to be known as the 'University of
21 Guam'. It shall have title to all real and personal property now or
22 hereafter set aside for or conveyed to it. Its property shall be

1 administered and disposed of according to law.

2 All the rights, immunities, franchises and endowments
3 heretofore granted thereto by the Territory of Guam are hereby
4 perpetuated unto the said University.

5 Section 16102. Purpose. The University of Guam shall provide
6 instruction in the arts, sciences, [professional, technical
7 and vocational education; it shall provide library and consultation
8 services; it shall conduct research on any of the fields of study
9 as its resources permit.] and professional and technical curricula.
10 It shall provide all support services necessary for its function and
11 for the maintenance of accreditation; shall conduct research within
12 any or all fields of study as resources permit, and shall provide
13 public service, including consultation services, to the people of the
14 Territory of Guam. It shall be the Territory's Land Grant Institution.

15 Section 16103. Prohibition Against Discrimination. [No
16 student shall be denied admission to the University by reason of age,
17 race, sex, nationality, religious belief or political affiliation.] It shall
18 be the policy of the University of Guam that discrimination against
19 any individual or group for reasons of age, race, color, sex,
20 nationality, religious belief, marital status or physical handicap is
21 specifically prohibited under any program or activity for which the
22 Board of Regents is responsible.

1 Section 16104. Board of Regents. The government [,] and
2 control [and operation] of the University of Guam is vested in a
3 Board of Regents to be known as [the ''] 'the Board of Regents of the
4 University of Guam' (hereinafter referred to as [the 'Board']
5 'the Board'). The Board shall be composed of nine (9) members,
6 [who shall be appointed by the Governor, with the advice and consent
7 of the Legislature. Of the nine (9) members, one member shall be a
8 student and at least one (1) shall be an alumnus of the University
9 of Guam.] one (1) of whom shall be a student and at least one (1)
10 of whom shall be a member of the Alumni Association of the
11 University of Guam, appointed by the Governor as provided herein,
12 with the advice and consent of the Legislature.

13 Section 16104.1. [Term of Office] Duties of the Board of
14 Regents. [With the exception of the student member, the members
15 of the Board of Regents shall serve staggered terms. After the
16 completion of the terms served by the current members pursuant
17 to §16104.5 of this Title, all succeeding appointments shall be for
18 a term of six years.

19 On the expiration of the term of any member, the Governor
20 shall be in the manner herein provided appoint another member
21 for a like term. In the event of a vacancy on the Board due to
22 resignation, death or for any cause resulting in an unexpired term,

1 the Governor shall promptly appoint, with the advice and consent
2 of the Legislature, a member to finish the unexpired term. When
3 there is a change of Administration of the government of Guam
4 after a gubernatorial election, no courtesy resignation shall be
5 requested by the new administration of the Government of Guam
6 nor offered by any member of the Board.] The Regents shall have
7 the general supervision of the University and the control and
8 direction of all funds of, and appropriated to the University, subject
9 to such restrictions as may be prescribed by law. The Board shall
10 set the policies governing the duties, conditions of employment,
11 compensation, salary and emoluments, of all employees of the
12 University as herein provided. The Board shall submit an annual
13 budget to the Legislature in the manner prescribed by law. The
14 Board shall have the authority to delegate such of its powers as it
15 may deem appropriate, but shall retain the ultimate responsibility
16 for the exercise of its powers.

17 Section 16104.2. [Qualification of Members of Board of
18 Regents] Meetings. [The composition of the Board of Regents shall be
19 broadly based in terms of personal expertise of its members. The
20 Board shall be a balanced representation of the general population.
21 Regent members must be capable of reflecting objectively the
22 sentiment and aspiration of the people of Guam into the

1 institution's programs and interpreting the University's mission.
2 Regent candidates must be United States citizens or permanent
3 resident aliens and domiciled in Guam for at least three (3) years
4 prior to appointment to the Board. No person shall sit on the Board
5 who is an employee of the Government of Guam when membership
6 on the Board will be inconsistent with or conflict with their
7 employment as determined by the advice and consent of the
8 Legislature. No person shall sit on the Board who is an employee
9 of the University of Guam.] Meetings of the Board shall be
10 held at a regular time and place as determined by the Board. Special
11 meetings may be called by the Chairman or by the call of a majority
12 of the members, as often as may be necessary. Meetings of the
13 Board, regular or special, shall be subject to the Open Government
14 Law of Guam. A majority of the members shall constitute a
15 quorum and an affirmative vote of five (5) members is required for
16 any action to be valid.

17 Section 16104.3. [Committee to Select Regent Candidates.]
18 Term of Office. [When a vacancy in the Board of Regents occurs, a
19 committee comprised of the Chairman of the Board of Regents who
20 shall be the Chairman, the President of the Commissioners Council,
21 the Chairman of the University of Guam Faculty Governance Body,
22 The President of the Student Body Association, the President of the

1 Alumni Association of the University of Guam, and the Speaker of
2 the Guam Youth Congress shall convene at the call of the Chairman
3 to recommend candidates for membership to the Board of Regents
4 of the University of Guam. The Committee shall establish a list not
5 to exceed three names for each regent position to be filled from
6 outstanding residents of Guam who are devoted to the promotion of
7 the general welfare of the University of Guam. A member whose
8 term is expiring may be considered for reappointment. Except for
9 the selection of the student regent, who shall be elected by the
10 Student Body of the Univeristy, the committee shall recommend to
11 the Governor, who shall appoint, subject to the advice and consent
12 of the Legislature, the most qualified candidate for the position of
13 Regent from among the candidates submitted by the Committee.]

14 The members of the Board of Regents shall serve staggered terms of
15 six (6) years. On the expiration of the term of any member, or in the
16 event of a vacancy on the Board due to resignation, death or for any
17 other cause, the Governor shall in the manner provided herein and
18 with the advice and consent of the Legislature appoint another
19 member for a full term in the first instance, or for the remainder
20 of the unexpired term.

21 Section 16104.4. Qualifications of Members of the Board of
22 Regents. The composition of the members of the Board of Regents

1 shall be broadly based in terms of personal expertise of its members
2 and shall be a balanced representation of the general population.
3 Regents, and Regent candidates, must be United States citizens or
4 permanent resident aliens and domiciled in Guam for at least three
5 (3) years prior to appointment to the Board. No person shall sit on
6 the Board as a member who is an employee of the Government of
7 Guam or of the University of Guam.

8 Section 16104.5 [Tenure of Members Currently Serving as
9 Regents.] Selection of Candidates for the Board of Regents. [Within
10 ten (10) days after the enactment of this Act, a special meeting of
11 the Board of Regents shall be held, with due notice properly served
12 the members as to time and place of the meeting. The main agenda
13 shall be the designation of the tenure of office for each member in
14 accordance with this Act. With the exception of the student member,
15 whose term is for two years, each of the remaining eight members
16 of the Board shall draw, by lottery, the term of office he or she is to
17 serve. Notwithstanding prior enactments on tenure of office of the
18 Regents of the University of Guam, the current members of the
19 Board of Regents shall serve according to the result of their
20 individual drawing to wit; two (2) for seven (7) years; three (3) for
21 five (5) years; and three (3) for three (3) years, commencing at the
22 date of drawing of the term. The current members who continue

1 serving shall not be required to undergo the legislative advice
2 and consent procedure.] When a vacancy in the membership
3 of the Board of Regents occurs, a committee comprised
4 of the Chairman of the Board of Regents who shall be the
5 committee Chairman, the President of the Commissioners
6 Council, the Chairman of the University Faculty Council, the
7 President of the Student Body Association, the President of the
8 Alumni Association of the University of Guam, and the Speaker of
9 the Guam Youth Congress shall convene at the call of the Chairman
10 to recommend candidates for membership to the Board of Regents
11 of the University of Guam. The committee shall establish a list not
12 to exceed three (3) names for each Regent position to be filled from
13 outstanding residents of Guam who are devoted to the promotion of
14 the general welfare of the University of Guam. A member whose
15 term is expiring may be considered for reappointment. Except for
16 the selection of the student regent, who shall be elected by the
17 Student Body of the University, the committee shall recommend to
18 the Governor, who shall appoint, subject to the advice and consent
19 of the Legislature, the most qualified candidate for the position of
20 Regent from among the candidates submitted by the committee.

21 Section [16104.4] 16104.6. Student Regent. The student
22 member shall be a full Board member with all rights, privileges

1 and responsibilities thereof. To be eligible to serve
2 as a student member of the Board the person shall be a full-time
3 student at the University who has completed one (1) year study
4 (at least 30 credits) and who has maintained good standing
5 academically.

6 The student member shall be that person receiving the highest
7 number of votes cast at an election of all students registered at the
8 University of Guam whether full-time or part-time, to be held in
9 March of each even numbered year. The election of the student
10 member shall be conducted by the Student Body Senate in
11 accordance with the regulations adopted by the senate and
12 approved by the Board. The Chairperson of the Board shall proclaim
13 the day of the election when one is to be held. The student re-
14 ceiving the highest number of votes shall be certified by the Chair-
15 man of the Board of Regents who shall forward his name to the
16 Governor who shall appoint him pursuant to §16104 of this title,
17 provided that the student received at least a certain percentage of
18 the votes cast and a certain percentage of those eligible to vote as
19 determined by the Board of Regents. In the even that no student
20 receives sufficient votes, a run-off election will be held between
21 the two students with the most votes. The student receiving the
22 most votes in the run-off election will be certified to the Governor

1 who shall appoint him or her pursuant to §16104 of this title.

2 Any student member candidate must be nominated by a
3 petition signed by one hundred (100) students attending the
4 University of Guam.

5 The student member shall serve for a term of two (2) years
6 beginning at twelve o'clock noon on the first Monday in May in
7 the year in which he or she is elected.

8 When a student member ceases to be a full-time student or
9 is not in good standing academically at the University of Guam he
10 shall be deemed to have vacated his position on the Board of
11 Regents. Any vacancy during the term of a student member shall
12 be filled for the remainder of the term by an election of a majority
13 of the Student Body Senate. The student elected by the Student
14 Body Senate must have the qualifications specified in [§16104.4]
15 Section 16104.6 of this Title.

16 Section 16104.7. Tenure of Members Currently Serving
17 as Regents. The current members of the Board of Regents shall
18 continue to serve until the expiration of their term as set out in
19 §16104.3 of this Chapter and in the event of a vacancy, the Governor
20 shall fill said vacancy in accordance with this Chapter.

21 Section 16105. [Same:] Board Members Not Deemed
22 Officers or Employees of the Government of Guam. The members

1 of the Board shall not, by reason of such membership, be deemed
2 [officers or] employees of the government of Guam.

3 Section 16106. [Same:] Removal From Office. A member of
4 the Board of Regents may be removed by a vote of five (5) members
5 for malfeasance in office or for persistent neglect of or inability to
6 discharge duties, or for offenses involving moral turpitude, and for no
7 other cause. However, no member of the Board shall be removed
8 from office before a written bill of particulars shall have been given
9 to the accused and before an investigation and an open hearing
10 shall have been had. Any member who removes his residence from
11 Guam shall be deemed to have vacated his office, thereby creating
12 a vacancy on the Board.

13 Section 16107. [Same:] Officers. Annually in April, the Board
14 shall elect a Chairman, a Vice-Chairman, and a Treasurer from its
15 membership by a majority vote of its total membership.

16 Section 16108. [Same: Meetings.] President, Academic
17 Officers, and Faculty of the University. [Meetings of the Board shall
18 be held at a regular time and place as determined by the Board, but
19 not less than once a month. Special meetings may be called by the
20 Chairman or by the call of the Majority of the members, as often as
21 may be necessary. Meetings of the Board, regular or special, shall
22 be subject to the Open Government Law of Guam (§§3225-3240 of

1 the Government Code). A majority of the members shall constitute
2 a quorum and, unless otherwise provided herein, an affirmative
3 vote of five (5) members is required for any action to be valid.]

4 The President, on the recommendations of appropriate administrators
5 and guided by the recommendations of Search Committees, shall
6 appoint faculty and administrators, such as may be necessary to
7 fulfill the mission and purposes of the University. The Vice
8 Presidents, on the recommendation of the appropriate administra-
9 tors, shall appoint staff as per Civil Service procedures, such as may
10 be necessary to fulfill the mission and purposes of the University.
11 While the authority of the Board to establish overall policy guiding
12 the University shall not be diminished, the implementation of the
13 expressed policy of the Board shall be vested in both the Adminis-
14 trative Officers and the Faculty through the collegial instrumentalities
15 traditional in University affairs.

16 The Board, on recommendation of the Administrative Officers
17 and the Faculty, shall establish personnel rules and regulations guiding
18 selection, employment, salary and other compensations, promotion,
19 performance evaluation, disciplinary action, and all other conditions
20 of work and employment as herein provided. Such rules and
21 regulations shall reflect the paramount objective of directing all efforts
22 of the University in pursuit of the University's mission and promoting

1 stability and credibility of the Territory's highest institution of
2 learning. Notwithstanding any law, rule or regulation to the contrary,
3 the authority of the Board to establish personnel and administrative
4 rules and regulations shall not be subject to the Administrative
5 Adjudication Act.

6 Section 16109. Powers. The University of Guam has the
7 power and duty to do any and all things necessary to further the
8 purposes of this Chapter.

9 [Section 16110. Joint Meetings. (a) The Legislature finds that
10 there is need for the governing boards of Guam's educational in-
11 stitutions to communicate and discuss in joint open meetings those
12 educational concerns that touch on all bodies, and that by requiring
13 a minimum number of Joint Board meetings the board members will
14 have the opportunity to consider and decide approaches by which
15 educational issues and problems can be most efficiently solved.

16 (b) The Board of Regents of the University of Guam, the
17 Territorial Board of Education and the Board of Trustees of the Guam
18 Community College shall hold at least two (2) joint open meetings per
19 year for the purpose of coordinating their activities and facilitating
20 the solution of problems of mutual concern. The joint meetings shall
21 be held in September and in January of each year on dates and places
22 determined by the chairman of the joint meeting. Other joint meetings

1 may be held at other times as determined by the joint boards.

2 (c) A majority of the members of the Board of Regents of the
3 University of Guam, the Territorial Board of Education and the Board
4 of Trustees of the Guam Community College shall constitute a quorum
5 for the transaction of joint meeting business.

6 (d) The Chairman of the Board of Regents of the University of
7 Guam, the Chairman of the Territorial Board of Education and the
8 Chairman of the Board of Trustees of the Guam Community College
9 shall serve alternately, insofar as possible, as Joint Meeting Chairman,
10 beginning with the Chairman of the Board of Regents.

11 (e) Minutes of meetings of these boards shall be transmitted
12 within seven (7) calendar days to the Governor and to the Legisla-
13 ture by the Chairman of the meeting who in the letter of transmittal
14 thereof shall list those matters of concern to the boards which require
15 action of the Governor and the Legislature.

16 Section 16111. Financial Impact. At each of the joint meetings
17 provided for by §16110 of this Chapter, those assembled shall discuss
18 as agenda items the following:

19 (1) the financial concerns of the three (3) institutions as they
20 interrelate;

21 (2) the possibility of consolidating programs to achieve greater
22 economy;

1 (3) an assessment of the needs relating to existing programs
2 in terms of the manpower needs of the Territory;

3 (4) policies concerning proper utilization of resources by the
4 three (3) institutions;

5 (5) review and assessment of academic, administrative and
6 other programs periodically; when appropriate discontinuation of
7 those programs that are no longer relevant and encouragement of
8 the development of new programs that serve current needs; and

9 (6) other items the board may desire to discuss.

10 Section 16112. Powers and duties of the Joint Board. The Board
11 of Regents of the University of Guam, the Territorial Board of
12 Education and the Board of Trustees of the Guam Community College
13 shall:

14 (1) determine if a certificate issued by any state or territory
15 of the United States should be recognized and suffice for issuing a
16 similar certificate to work in the public schools in Guam. The Joint
17 Board shall consider if (i) a state or territorial certificate was granted
18 with the minimum academic training and other general regulations
19 for the issuance of the same type of certificate on Guam, and (ii) the
20 laws and regulations of state or territory issuing such certificate
21 provide for similar recognition of certificates issued by the Joint
22 Board;

1 (2) enter on behalf of the government of Guam and abide by
2 reciprocity agreements on certification of teachers and supervisors,
3 with one or more states or territories of the United States, if the
4 training, experience and other certification requirements of such
5 states or territories are the same or higher than the requirements for
6 professional certification by the Joint Board in effect at the time of
7 the signing of the agreement;

8 (3) establish criteria for professional education practices in-
9 cluding, but not limited, to the following:

10 (i) professional performance and continuance in
11 professional services,

12 (ii) teacher certification, and

13 (iii) educational consultants;

14 (4) provide recommendations to educational institutions or to
15 professional organization of educators which will promote
16 improvement of the education profession but it may not be a party
17 in any labor negotiation or disputes;

18 (5) adopt, pursuant to the provisions of the Administrative
19 Adjudication Act, such rules and regulations required for per-
20 formance of its duties not inconsistent with the laws of Guam; and

21 (6) levy fees for teachers' certificate and renewals in
22 accordance with the regulations of the Joint Board. The fees

1 three candidates in terms of qualifications enumerated in sub-
2 section (b) of this section and as further prescribed by the Board
3 of Regents and forward the applications of these three persons to
4 the entire Board of Regents for its consideration and selection of
5 a President.]

6 [Section 16114. Officers of Administration and Faculty of
7 the University. The officers of administration and faculty of the
8 University shall be under the direction of a President. The Board,
9 on the recommendation of the President, shall appoint Vice-
10 Presidents, Deans, and Directors, and other employees as may be
11 required to carry out the purposes of the institution, prescribe
12 their salaries and terms of service, where such salaries and terms of
13 service are not specifically fixed by legislative enactment, make and
14 enforce rules governing sabbatical leaves with or without pay,
15 consistent with the practice of similar institutions on the mainland,
16 and notwithstanding the laws of Guam relative to vacations of the
17 officers and employees of other agencies or instrumentalities of the
18 Government of Guam. The Board may establish rules and regulations
19 pertaining to outside employment. Such rules and regulations shall
20 reflect the paramount objective of directing all efforts of employees
21 of the University in pursuit of the University's mission and pro-
22 moting stability and credibility of Guam's highest institution of

1 learning.]

2 Section 16111. Construction With Other Laws. Insofar as the
3 provisions of this Chapter are inconsistent with the provisions of
4 any other law, the provisions of this Chapter shall be controlling;
5 and in particular but not by way of limitation, except as may be
6 provided in this Chapter, no provision of any law with respect to
7 employment of personnel, shall be applicable to the University
8 unless the Legislature shall specifically so state; provided, however,
9 that the University may utilize in its operations the procedures and
10 facilities provided by any such law or by the executive agencies of
11 the government of Guam.

12 Section [16115] 16112. Personnel Rules: Academic Personnel
13 and Administrative Officers. Rules and regulations governing
14 selection, compenstaion, promotion, performance evaluation and
15 disciplinary action affecting academic personnel and administrative
16 officers shall be adopted by the Board in accordance with [Sections]
17 4 GCA Sections 4104 and 4105. Such rules and regulations shall
18 provide for the employment of persons on the basis of merit, and
19 shall include an orderly and systematic method of recruitment and
20 the establishment of qulified lists for employment purposes. For
21 the purpose of this Section, an 'administrative officer' is defined as
22 one who holds any of the following positions: Associate or

Assistant Dean; Associate or Assistant Director; Dean or Director; Assistant to the President or Vice-President; provided, however, that nothing in this Chapter shall be construed as preventing the Board from establishing other administrative officer positions or abolishing any of the existing positions indicated herein and further provided, however, that nothing in this Section nor in any other section of this Chapter involving the outlay of public funds shall become effective unless funds, therefore, shall have been provided in the University's annual budget.

Section [16116] 16113 Non-academic Personnel. Notwithstanding any law, rule or regulations to the contrary, all non-academic personnel shall be classified and matters relating to employment of non-academic personnel shall be governed by and in accordance with Title 4 of the Guam Code Annotated and other personnel laws.

All employees of the University of Guam who have acquired government of Guam civil service tenure on the date of the enactment of this Chapter and who are transferred to the corporate university in accordance with Section [16120] 16117 of this Chapter shall retain their tenure and status as employees of the government of Guam.

Section [16117] 16114. Attorney. The University of Guam

1 may employ an attorney to assist and represent it in all civil matters
2 which concern the University. The Attorney General shall represent
3 the University in all litigation in which the University is interested,
4 provided that the Attorney General shall designate the attorney for
5 the University as a Special Assistant Attorney General for this
6 purpose.

7 The University of Guam may set the terms and conditions of
8 employment for the attorney, his compensation and whether he be
9 appointed as a full-time employee, an independent consultant, or
10 may utilize the services of a law firm.

11 The Attorney so employed or engaged, shall be admitted to
12 practice before the courts of Guam under the same conditions as are
13 attorneys employed by the Government pursuant to Section
14 28002.2 of the Government Code.

15 Section [16118] 16115 Retirement Fund. The University
16 shall contribute to the Government of Guam Retirement Fund on
17 the basis of annual billings as determined by the Board of Trustees,
18 Government of Guam Retirement Fund, for the employer's share of
19 the cost of the retirement benefits applicable to the University's
20 employees, and their beneficiaries.

21 Section [16119] 16116. Workmen's Compensation Fund.
22 The University shall contribute to the Workmen's Compensation Fund

1 on the basis of annual billings as determined by the Workmen's
2 compensation Commissioner for the benefit payments made from
3 such fund on account of the employees of the University.

4 Section [16120] 16117. University of Guam, Present
5 Employees of. The University of Guam, established under this
6 Chapter, shall be a successor to the presently existing University of
7 Guam. All employees of the presently existing University of Guam
8 shall be transferred to the University of Guam, a corporation
9 established under this Chapter.

10 Any person accepting employment under this Section will
11 receive not less than the straight time rate of compensation he was
12 receiving immediately before the transfer date. The other employ-
13 ment benefits and rights, including retirement and leave, of such
14 transferred employees shall be governed under [§16115, §16116,
15 §16118 and §16119] Sections 16112, 16113, 16115 and 16116 of
16 this Chapter.

17 Section [16121] 16118. Legislative Appropriation. (a) On
18 [January 31] February 15, or earlier of each year a [total] budget
19 requirement for the following University Year for personnel costs
20 necessary for carrying out the mission, purposes and general activities
21 of the University shall be certified by the Board and submitted [by the
22 Board] to the Legislature. [The total appropriation request shall be

1 the sum of money that the Board has certified to be adequate for the
2 improvement, support and maintenance of the University, including
3 payment of salaries, current expenses, purchase of equipment,
4 supplies and materials, making necessary repairs and in general for
5 the payment of all such expenses connected with the management
6 of the University.] Following budget hearings before the Legislature,
7 an agreed-upon appropriation shall be made available to the
8 University, to be allotted in four (4) quarterly installments which
9 shall be remitted on the first day of each quarter of the appropriate
10 University Year, under the full fiscal control of the Board which shall
11 be fully accountable for the legal and appropriate expenditure of
12 all University funds. A University Year [will] shall run from
13 [October 1 to September 30] August 1 to July 31.

14 (b) Anything herein to the contrary notwithstanding, the
15 Legislature may appropriate any additional funds for carrying out
16 the activities of the University. The University of Guam is hereby
17 guaranteed by the Government of Guam an adequate subsidy
18 appropriation for its annual operating costs from the General Fund
19 which shall not include any sums collected by the University from
20 student tuition and fees.

21 (c) The Board shall disburse such funds as the Legislature
22 may appropriate for the purpose of carrying out the activities of

the University.

Section [16122] 16119. Health and Physical Education Complex: Authorization to Borrow. The Board of Regents of the University of Guam is authorized to negotiate a loan and incur such obligations as are necessary for the purpose of funding the construction of Phase I of the Health and Physical Education Complex. Notwithstanding any other provision of law, rule or regulation to the contrary, the Board of Regents of the University of Guam may mortgage the Health and Physical Education Complex in order to obtain the loan necessary for the construction of the complex. The obligation incurred for the construction of the complex shall not be a general obligation of the government of Guam and such income as is necessary derived from the use of the Health and Physical Educaiton Complex, tuition and other revenues collected by the University of Guam shall be pledged for repayment of the loan. Income earned by any lending institution on interest accruing from the loan authorized under this Section shall be exempt from income taxation. This Section does not preclude the University of Guam from accepting donations for the construcion of Phase I of the Health and Physical Education Complex. Such donations and gifts may be used for the purpose of repaying any obligation incurred by the University.

1 Section [16123] 16120. Same: Legislative Appropriations.

2 The University of Guam is hereby guaranteed by the government of
3 Guam an adequate subsidy appropriation from the General Fund
4 for its annual operating costs, such guarantee to last the duration of
5 any outstanding loan which might be negotiated by the Board of
6 Regents with the Farmers' Home Administration, U.S. Department
7 of Agriculture, for the construction of the Health and Physical
8 Education Complex.

9 [Section 16124. Fiscal Authority, Accounting and Expenditures.

10 (a) There is hereby established a fund to be known as the
11 'University of Guam Fund' which shall be maintained by the Univer-
12 sity separate and apart from other funds, and independent records
13 and accounts shall be maintained in connection therewith.

14 (b) All monies received by the Univeristy, through legislative
15 appropriation or otherwise, shall be deposited in said 'University of
16 Guam Fund' in eligible banks as defined in §6311 of the Government
17 Code of Guam.

18 (c) All expenditures shall be made from said 'University of
19 Guam Fund.'

20 (d) The Board shall adopt and maintain a uniform system of
21 accounting.

22 (e) At the close of each fiscal year, the Board shall prepare a

1 detailed report on the activities of the University and shall transmit
2 copies to the Governor and to the Legislature.

3 (f) The Board shall prepare or cause to be prepared a
4 detailed financial summary, the accuracy and completeness of which
5 shall be attested to by an independent certified public accountant
6 selected by the Legislature, pursuant to §1400 of the Government
7 Code.

8 (g) Title VII-A of the Government Code shall be applicable to
9 the procurement of supplies, services and construction of projects
10 by the University.]

11 Section [16125] 16121. Transfer of Property. There is
12 transferred to the University of Guam title to all items of property,
13 real and personal, now assigned to the University of Guam.

14 Section [16126] 16122. Designation of Natural Energy
15 Institute. The University of Guam is designated as the 'Guam
16 Natural Energy Institute.'

17 Section [16127] 16123. The Guam Natural Energy Institute:
18 Duties; Powers. The Institute shall:

19 (a) Maintain liaison with federal agencies (Natural Science
20 Foundation, Energy Research and Development Administration,
21 National Aeronautics and Space Administration, Housing and Urban
22 Development, Department of Transportation and Department of

1 Defense), the Government of Guam, the Guam Energy Office, the
2 Guam Environmental Protection Agency and Department of Public
3 Works and with other public and private natural energy-related
4 projects in Guam; keep a current inventory of all such projects and
5 work with the Guam Energy Office and other organizations to en-
6 courage coordination and cooperation in all energy-related research
7 projects through the Territory.

8 (b) Maintain a current file on all possible support programs
9 (public and private) for awards and grants to both educational and
10 energy-related research and development programs through the
11 University and notify, and provide assistance in proposal preparation
12 and follow-up with appropriate departments and institutes as these
13 programs arise.

14 (c) Maintain a clearinghouse of information on natural energy
15 resources to include:

16 (1) abstracts of pertinent publications;

17 (2) a card file on energy publications available in the
18 University of Guam; and

19 (3) catalogs, lists of suppliers and price lists on
20 natural energy, off-the-shelf items such as solar collectors for
21 water heating, windmills, solar photovoltaic systems and
22 waste digestors.

1 (d) Provide as public service, both in response to direct
2 inquiry and especially through a public education program,
3 information on natural energy systems that may or may not have
4 the possibilities for potential use in Guam and the Trust Territory.

5 (e) Initiate, develop and coordinate the undertaking natural
6 energy system development projects; provide some level of matching
7 support to attract extramural funding for these projects; and provide
8 support for equipment requests for graduate thesis projects and for
9 faculty research initiation.

10 (f) After three (3) years of existence, submit a comprehensive
11 report on the progress of the Guam Natural Energy Institute along
12 with a plan for improvement, further development and experimen-
13 tation, such plan to include funding proposals from federal, private
14 and local sources.

15 Section [16128] 16124. Residents of Northern Mariana and
16 Trust Territory; Advanced Placement Program. (a) Students who
17 are residents of the Commonwealth of the Northern Mariana Islands
18 and those islands currently denominated the Trust Territory of the
19 Pacific Islands who come to Guam to matriculate at the University
20 of Guam shall be charged resident tuition for their attendance at
21 the University of Guam.

22 (b) No tuition shall be levied upon any student admitted to

1 study under the 'Advance Placement Program.'

2 Section [16129] 16125. University of Guam Land Grant
3 Endowment Fund. (a) For the purpose of compliance with Federal
4 laws designating the University of Guam as one of the land-grant
5 colleges eligible to receive donations of public land or land scrip for
6 the endowment and maintenance of colleges for the benefit of
7 agriculture and the mechanic arts, there is hereby established the
8 'University of Guam Land Grant Endowment Fund' which shall be
9 maintained separate and apart from any other funds of the govern-
10 ment of Guam, and independent records and accounts shall be
11 maintained in connection therewith by the University of Guam. A
12 quarterly financial statement of the Fund shall be submitted to the
13 Guam Legislature by the Board of Regents.

14 (b) The \$3,000,000 received from the Federal Government
15 in lieu of donation of public land or land scrip shall be credited to
16 the Fund. Said sum shall remain unimpaired and preserved.

17 (c) Said sum shall be invested in bonds of the United States
18 or of the States or Territories or bank certificates of deposit or some
19 other safe [bonds bearing an interest rate not less than the highest
20 interest rate of U.S. Securities at the time of deposit,] investments
21 as would normally be utilized by higher education institutions in a
22 manner adopted by the Board of Regents [and approved by a

1 Resolution of the Legislature]. The Board of Regents shall
2 administer the investment of the funds [in the manner approved
3 by Legislative Resolution] as custodians or trustees and for the
4 benefit of the University of Guam.

5 (d) No portion of said sum, nor the interest thereon, shall
6 be applied, directly or indirectly, under any pretense whatever,
7 to the purchase, erection, preservation, or repair of any building
8 or buildings.

9 (e) The Board of Regents for the University of Guam is
10 designated Custodian or Trustee of the interest from the investment
11 of the \$3,000,000 for the benefit of the University of Guam. The
12 interest from the investment of said sum shall be appropriated by
13 the Legislature directly to the Board of Regents for the endowment,
14 support and maintenance of the University of Guam subject to the
15 provisions of Federal laws establishing the University of Guam as
16 as land-grant college.

17 (f) There is hereby established the 'Land Grant Custodial
18 Maintenance Fund' from which the payment of all expenses incurred
19 in the management, investment, and disbursements of the Land
20 Grant Endowment Fund shall be made, and no such expenses shall
21 be paid or deducted directly from the Land Grant Endowment Fund
22 or the interest or income received therefrom. The Land Grant

1 Custodial Maintenance Fund shall be administered by the Board of
2 Regents and shall be used solely for the purposes stated in this
3 subsection and all monies appropriated to such fund by the
4 Legislature shall be used only for such designated purposes. The
5 fund shall be maintained separate and apart from any other funds
6 of the government of Guam, and independent records and accounts
7 shall be made in connection therewith by the University of Guam.
8 A quarterly financial statement of the fund shall be submitted to
9 the Guam Legislature by the Board of Regents at the same time that
10 the quarterly financial statement for the University of Guam Land
11 Grant Endowment Fund is submitted.

12 Section [16130] 16126. Assent to Provisions of Hatch and
13 McIntire-Stennis Acts; Administration by University of Guam. The
14 provisions of the Hatch Act of 1887, as amended, and the McIntire-
15 Stennis Act, the Federal formula funds and the purposes of such
16 funds, authorized by said Acts, and the laws and regulations
17 supplementary thereto providing for an Agricultural Experiment
18 Station in connection with a College of Agriculture and Mechanic Arts,
19 and by other Acts of Congress for similar purposes, are hereby
20 assented to and accepted by the Legislature of Guam on behalf of
21 the University of Guam. The Legislature further directs that the
22 University of Guam shall administer and direct the Guam

1 Agricultural Experiment Station which shall be established in
2 consonance with said Act.

3 Section [16131] 16127. Assent to Smith-Lever Act Relative
4 to Extension Services; Administration by the University of Guam.

5 The Legislature of Guam hereby assents to, and accepts the provisions
6 and requirements of the Smith-Lever Act and the laws and regulations
7 supplementary thereto. The Legislature further directs that the
8 University of Guam shall administer the formula funds made under
9 such Act and shall organize, conduct and administer the Cooperative
10 Extension Service in accordance with the terms and conditions of
11 said Act.

12 Section [16132] 16128. University of Guam Land Grant
13 Research and Extension Special Fund. (a) For the purpose of
14 compliance with Federal laws designating the University of Guam as
15 one of the Land Grant Colleges eligible to receive land grant Federal
16 funds for the benefit of research and extension services, there is
17 hereby established the 'University of Guam Land Grant Research
18 and Extension Special Fund' (the 'Research and Extension Fund'),
19 which shall be maintained separate and apart from any other funds
20 of the governemnt of Guam and independent records and accounts
21 thereof shall be maintained by the University of Guam. A quarterly
22 financial statement of the Research and Extension Fund shall be

1 submitted to the Legislature.

2 (b) All Federal grants, Federal formula funds, donations and
3 charitable contributions relating to agricultural and forestry research
4 and extension services shall be deposited and credited to the
5 Research and Extension Fund. The Legislature may appropriate or
6 reappropriate to the Research and Extension Fund any local matching
7 funds necessary for approved University of Guam Programs
8 consistent with Research and Extension Programs in the areas of
9 Agriculture, Home Economics, Forestry and any related programs.

10 (c) All income derived from the operation and services of
11 the research farm and cooperative extension services by the
12 University of Guam shall be deposited in and credited to the Research
13 and Extension Fund.

14 (d) All debts, liabilities and any other obligations incurred for
15 programs described in Subsection (b) of this Section shall be paid
16 from the Research and Extension Fund.

17 Section 16129. Amendments to This Charter of the University
18 Guam. This Charter and all its provisions provide for the continuity
19 and stability necessary for the University to function as an
20 accredited institution of higher education. To ensure this continuity
21 and stability, this Charter of the University of Guam can only be
22 amended by affirmative votes of sixteen (16) of the twenty-one (21)

1 members of the Legislature following full public hearings. Should
2 the membership of the Legislature change in the future, the
3 affirmative vote necessary for amendment shall remain in the
4 same proportion."

Nineteenth Guam Legislature

Member

Committee on Energy and
Consumer Protection
Committee on Economic Development,
Insurance and Banking
Committee on Youth, Senior Citizens,
Human Resources and Cultural Affairs
Committee on Tourism,
Transportation and Communications



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Senator Marcia K. Hartsock

Chairperson, Committee on Education
Vice Chairperson, Committee on Rules

December 19, 1988

The Honorable Franklin J. Quitugua
Speaker, 19th Guam Legislature
Agana, Guam

Via: Committee on Rules

Dear Mr. Speaker:

The Committee on Education to which was referred Bill No. 892, "An Act to repeal and reenact Chapter 16 of Title 17 Guam Code Annotated to clarify and strengthen the University of Guam Charter, and to add a new Chapter 16A to said Title on Joint Meetings of Educational Boards," has had the same under consideration and wishes to report its findings and recommendations to do pass as substituted.

Vote from the Committee is as follows:

To Pass	<u>9</u>
Not to Pass	<u>0</u>
To Report Out Only	<u>0</u>
To Place In Inactive File	<u>0</u>
Off-Island	<u>1</u>

The Committee Report and all pertinent documents are enclosed for your information.

Sincerely,

MARCIA K. HARTSOCK

Enclosures

VOTE SHEET
Committee on Education

On Substitute Bill No. 892, "An Act to repeal and reenact Chapter 16 of Title 17 Guam Code Annotated to clarify and strengthen the University of Guam Charter, and to add a new Chapter 16A to said Title on joint meetings of Educational Boards."

<u>SENATOR</u>	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>TO REPORT OUT ONLY</u>	<u>TO PLACE IN INACTIVE FILE</u>
<u>Marcia K. Hartsock</u> MARCIA K. HARTSOCK, Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>E. P. Arriola</u> ELIZABETH P. ARRIOLA, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Eddie Duenas</u> EDWARD R. DUENAS, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>off-island</u> ERNESTO ESPALDON, Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Franklin J. Gutierrez</u> FRANKLIN J. GUTIERREZ, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Don Parkinson</u> DON PARKINSON, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Joe T. San Agustin</u> JOE T. SAN AGUSTIN, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>A.J. Sonny Shelton</u> A.J. SONNY SHELTON, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Jerry Rivera</u> JERRY RIVERA, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Franklin J. Quitugua</u> FRANKLIN J. QUITUGUA, Speaker Ex-Officio Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

1

**COMMITTEE ON EDUCATION
COMMITTEE REPORT
BILL NO. 892**

Bill No. 892: "An Act to amend 17 GCA Chapter 16 relative to the University of Guam."

The Committee on Education conducted a public hearing on Tuesday, August 2, 1988 at 9:00 a.m. at the Legislative Session Hall to hear public testimony on Bill No. 892. Senator Marcia Hartsock, Chairperson of the Committee on Education conducted the hearing and was joined by members; Senator Elizabeth Arriola, and Speaker Franklin Quitugua. Also at the public hearing was Senator Martha Ruth.

Background

This bill incorporates many months of collaborative efforts by a University of Guam committee representing the faculty governance organizations (University Academic Affairs Committee, Faculty Council and Faculty Union, the Student Body Association, the Administrative Council. The Board of Regents held three separate public hearings to assure that all interested persons had ample opportunity to provide testimony and to incorporate it in the document. The proposed Charter was then submitted to the Committee on Education and was introduced and sponsored by Senator Marcia Hartsock in the Nineteenth Guam Legislature.

In large part, the impetus for action was Bill 528, also sponsored by Senator Hartsock which would clarify the University's status as a public institution.

Further purposes of this legislation are to address the concerns of the Accreditation Commission and to provide resolutions to perceived problems in the current legislation in regards to autonomy and stability to the operation of the University. The primary benefit of Bill 892's enactment will be to allow the University to begin systematic implementation of its adopted Physical Master Plan for necessary capital improvements and expansion.

Testimony

UOG officials came to testify in support of the bill. They were: UOG President Wilfred Leon Guerrero, Board Chair Jesus Torres, Student Regent William Balajadia, Dr. Singh, Dr. Patty Jo Hoff, Karen Carpenter, Mark Heath and UOG Legal Counsel Phil Carbullido.

Chairperson Torres informed the committee that the Board of Regents conducted public hearings earlier this year and received public support on the concept of a Charter for UOG. President Leon Guerrero presented his written testimony (See Exhibit "A") in support of the passage of Bill 892. He added that the Committee on Education and the University should form a working committee to review and further amend the bill if needed to address the concerns of the legislature. Senator Hartsock acknowledge his concern and explained that she had plans to create a sub-committee of committee members and the University personnel.

Karen Carpenter identified herself as the Chairperson of the Faculty Union at the University of Guam and submitted written testimony (See Exhibit "B") in support of Bill 892. In her view, Bill 892 would clarify the status of the university as a public University. In this piece of legislation, she would like to see language added which would include the University faculty and staff under the Public Employee Management Relations Act, PEMRA. By doing so, she feels that there would be a guarantee that in future negotiation, faculty members and staff will have their rights protected and would be able to engage in collective bargaining.

UOG's Legal Counsel Phil Carbullido expressed that there was a section deleted and would like to see that added to the bill. He referred to page 7 of Bill 892, Section 16104.3 Terms of Office, to be added, would read:

"When there is a change of Administration of the Government of Guam after a gubernatorial election, no courtesy resignation shall be requested by the new administration of the Government of Guam nor offered any member of the Board."

He also commented on PEMRA's applicability once this bill becomes law. The charter specifically clarifies the status of the University and since PEMRA is statutory legislation itself, by definition it would apply, Carbullido said. His interpretation is that once the status of the University is defined, faculty and staff will fall under PEMRA and felt that language specifically stating this in the charter was not needed.

Discussion centered around major issues such as funding, amendments to the charter, and the applicability of the Public Employment Management Relations Act (PEMRA).

Phil Carbullido elaborated on Section 16129, amendments to the Charter of the University. He felt that this was probably the most controversial section of the Bill. Many have expressed concern as to whether or not the Legislature has the power to amend the charter. He explained that in his research and interpretation of the Organic Act, he saw no language that prohibits the Legislature from raising the number of votes

to pass a law. A minimum number of votes is required by the Organic Act. He explained that the Charter of the University is a contract between the Legislature and the University which ought not be unilaterally amended. He cited the legislation which establishes local banks on Guam as an example. "Certain restrictions and benefits were granted in that legislation. Subsequent legislation that impairs that contract stands a high chance of being held invalid. By the same token, if the Legislature passes the provision in this Charter that requires 16 votes to amend the Charter. Any subsequent legislation to amend the Charter by a less number of votes may raise legal problems", Carbullido said. He also added that he was pleased that the Legislature is entertaining the Charter bill with the intention of giving greater autonomy to the University.

Mrs. Carpenter said she would like to see clarification on four sections, stating that the current language was contradicting other sections. She lists: Section 16111 and 16113 regarding employees; Section 16118. Legislative Appropriation; Section 16124. Residents tuition for the Commonwealth and Trust Territory.

UOG President Leon Guerrero commented that he recognized the discrepancies that Mrs. Carpenter cited and felt that they could best be corrected if UOG and the Committee on Education would meet later and review the entire complex piece of legislation for further amendments.

Senator Hartsock thanked all present and stated that today's public hearing allowed for open and public discussion and she looked forward to working with the University through a Legislative Sub-Committee for more input in developing this piece of legislation to satisfy the needs of the University while providing the appropriate procedure for legislative oversight involvement. She then called for a recess on the discussion of this bill.

SUBCOMMITTEE REPORT

Senator Hartsock appointed Senators Joe T. San Agustin, Don Parkinson, and Speaker Franklin Quitugua to be members of the sub-committee and to meet with UOG officials to further review Bill No. 892. The first meeting was held on September 23 to discuss in detail the following issues:

- A. Method of Amending the Charter once passed.
- B. Source of Funding for the University.

- 4
- C Clarity in the status of University faculty and staff and the possible inclusion of the Public Employee Management Relations Act.
 - D Other technical amendments as needed for clarity.

The bill has been further amended to reflect the discussion, reseach, compromise worked out between UOG and the members of the sub-Committee on Education. It was agreed that a substitute bill essentially the same Bill 892, but without the confusing underline and deletion notations wouldbe most clear.

Sub-Committee Analysis

The following are changes from the present law:

- A. Clarity in status of University.
- B. Source of funding for personnel and operations, and use of non-appropriated funds for Physical Master Plan.
- C. Clarity in collective bargaining rights of University faculty.
- D. Restrictions on disposal of University property.
- E. Method of future amendment to Charter.

COMMITTTEE RECOMMENDATION

The Committee on Education recommends that Substitute Bill No. 892, be passed by the full Legislature.

3e

NINETEENTH GUAM LEGISLATURE
1988 (SECOND) Regular Session

Bill No. 892 (LS)
As substituted by the Committee
on Education

Introduced by:

M. K. Hartsock
F. J. A. Quitugua
J. T. San Agustin

Passed 12/19/88

D. Parkinson
A. J. Shelton
F. J. Gutierrez
E. P. Arriola
E. R. Duenas
E. M. Espaldon
J. M. Rivera
J. G. Bamba
M. Z. Bordallo
H. Dierking
P. C. Lujan
M. D. A. Manibusan
J. G. Miles
T. S. Nelson
M. C. Ruth
F. R. Santos

AN ACT TO REPEAL AND REENACT
CHAPTER 16 OF TITLE 17 GUAM CODE
ANNOTATED TO CLARIFY AND STRENGTHEN
THE UNIVERSITY OF GUAM CHARTER, AND
TO ADD A NEW CHAPTER 16A TO SAID
TITLE ON JOINT MEETINGS OF
EDUCATIONAL BOARDS.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

2 Section 1. Chapter 16 of Title 17 of the Guam Code Annotated is
3 repealed and a new Chapter 16 is added to said Title to read:

4 "CHAPTER 16

5 CHARTER

6 Section 16100. Preamble. The University of Guam is dedicated to
7 the continuing search for truth, justice, liberty, happiness, and
8 dignity among the people and islands of Guam and the Western Pacific.

1 As a resource in the Western Pacific, the University of Guam is
2 committed to function as a dynamic institution in an environment of
3 constant flux and growth. The University of Guam recognizes that it
4 must carefully plan its contributions to human welfare and society.
5 The University of Guam is determined to develop ever higher levels of
6 expertise so that it can excel as a tertiary educational institution in
7 the Western Pacific. To achieve this end the University of Guam shall
8 offer advanced knowledge in various areas of resource development to
9 the people of Guam and the region in order to produce leaders and
10 expertise in the different professions for the benefit of island
11 communities.

12 As a resource, the University of Guam will support island
13 priorities. The University of Guam and its various constituencies will
14 continually identify programs and projects consistent with the basic
15 socio-economic-political and cultural development goals sought by the
16 people and governments in the region. The University of Guam shall
17 experiment and pioneer in new approaches to human situations
18 responding to existing needs of the people and the islands of the
19 Western Pacific and shall help formulate public policies through the
20 freedom and flexibility to be innovative in its three-fold objective of
21 teaching, research and service.

22 Section 16101. Establishment. The University of Guam, already
23 established according to existing laws, is hereby confirmed as the
24 public territorial University and constituted a body corporate which
25 shall continue to be known as the 'University of Guam'. It shall have
26 title to all real and personal property now or hereafter set aside for or
27 conveyed to it. Its property shall be administered and disposed of
28 according to law.

29 All the rights, immunities, franchises and endowments heretofore
30 granted thereto by Guam are hereby perpetuated unto the said
31 University.

32 Section 16102. Purpose. The University of Guam shall provide
33 instruction in the arts, sciences, and professional and technical
34 curricula. It shall provide all support services necessary for its

1 functions and for the maintenance of accreditation; shall conduct
2 research within any or all fields of study as resources permit, and
3 shall provide public service, including consultation services, to the
4 people of Guam. It shall be the Guam's Land Grant Institution.

5 Section 16103. Prohibition Against Discrimination. It shall be the
6 policy of the University of Guam that discrimination against any
7 individual or group for reasons of age, race, color, sex, nationality,
8 religious belief, marital status or physical handicap is specifically
9 prohibited under any program, employment or activity for which the
10 Board of Regents is responsible.

11 Section 16104. Board of Regents. The government and control
12 of the University of Guam are vested in a Board of Regents to be
13 known as 'the Board of Regents of the University of Guam'
14 (hereinafter referred to as 'the Board'). The Board shall be composed
15 of nine (9) members, one (1) of whom shall be a student and at least
16 one (1) of whom shall be an alumni of the University of Guam,
17 appointed by the Governor as provided herein, with the advice and
18 consent of the Legislature.

19 Section 16104.1. Duties of the Board of Regents. The Regents
20 shall have general supervision over the University and the control and
21 direction of all funds of, and appropriated to, the University, subject
22 to such restrictions as may be prescribed by law. The Board shall set
23 the policies governing the duties, conditions of employment,
24 compensation, salary and emoluments, of all employees of the
25 University as herein provided. The Board shall submit an annual
26 budget to the Legislature in the manner prescribed by law. The
27 Board shall have the authority to delegate such of its powers as it may
28 deem appropriate, but shall retain the ultimate responsibility for the
29 exercise of its powers.

30 Section 16104.2. Meetings. Meetings of the Board shall be held
31 at a regular time and place as determined by the Board. Special
32 meetings may be called by the Chairman or by a majority of the
33 members, as often as may be necessary. Meetings of the Board,
34 regular or special, shall be subject to the Open Government Law of

1 Guam. A majority of the members shall constitute a quorum and an
2 affirmative vote of five (5) members is required for any action to be
3 valid.

4 Section 16404.3. Term of Office. The members of the Board of
5 Regents shall serve staggered terms of six (6) years. On the
6 expiration of the term of any member, or in the event of a vacancy on
7 the Board due to resignation, death or any other cause, the Governor
8 shall in the manner provided herein and with the advice and consent
9 of the Legislature appoint another member for a full term in the first
10 instance, or for the remainder of the unexpired term. When there is a
11 change of administration of the government of Guam after a
12 gubernatorial election, no courtesy resignation shall be requested by
13 the new administration nor offered by any member of the Board.

14 Section 16104.4. Qualifications of Members of the Board of
15 Regents. The composition of the members of the Board shall be
16 broadly based in terms of its members' personal expertise and shall
17 strive for a balanced representation of the general population.
18 Regents, and Regent candidates, must be United States citizens or
19 permanent resident aliens domiciled in Guam for at least three (3)
20 years prior to appointment to the Board. No person shall sit on the
21 Board as a member who is an employee of the government of Guam or
22 of the University of Guam.

23 Section 16104.5. Selection of Candidates for the Board of
24 Regents. When a vacancy in the membership of the Board occurs, a
25 committee comprised of the Chairperson of the Board who shall be the
26 committee Chairman, the President of the Commissioners Council, the
27 Chairperson of the University Faculty Council, the President of the
28 Student Body Association, the President of the Alumni Association of
29 the University of Guam, and the Speaker of the Guam Youth Congress
30 shall convene at the call of the Chairperson to recommend candidates
31 for membership to the Board of Regents of the University of Guam.
32 The committee shall establish a list not to exceed three (3) names for
33 each Regent position to be filled from outstanding residents of Guam
34 who are devoted to the promotion of the general welfare of the

1 University. A member whose term is expiring may be considered for
2 reappointment. Except for the selection of the student regent, who
3 shall be elected by the Student Body of the University, the committee
4 shall recommend to the Governor, who shall appoint, subject to the
5 advice and consent of the Legislature, the most qualified candidate for
6 the position of Regent from among the candidates submitted by the
7 committee.

8 Section 16104.6. Student Regent. The student member shall be
9 a full Board member with all rights, privileges and responsibilities
10 thereof. To be eligible to serve as a student member of the Board the
11 person shall be a full-time student at the University who has completed
12 one (1) year of study (at least 30 credits) and who has maintained
13 good academic standing as defined by the Board.

14 The student member shall be that person receiving the highest
15 number of votes cast at an election of all students registered at the
16 University of Guam whether full-time or part-time, to be held in March
17 of each even numbered year. The election of the student member shall
18 be conducted by the Student Body Senate in accordance with the
19 regulations adopted by the senate and approved by the Board. The
20 Chairperson of the Board shall proclaim the day of the election. The
21 student receiving the highest number of votes shall be certified by the
22 Chairperson of the Board who shall forward his or her name to the
23 Governor who shall appoint him or her pursuant to §16104 of this title,
24 provided that the student received at least a certain percentage of the
25 votes cast of a certain percentage of those eligible to vote, as
26 determined by the Board. In the event that no student receives
27 sufficient votes, a run-off election will be held between the two
28 students with the most votes. The student receiving the most votes in
29 the run-off election will be certified to the Governor who shall appoint
30 him pursuant to §16104 of this title.

31 Any student member candidate must be nominated by a petition
32 signed by one hundred (100) students attending the University of
33 Guam.

1 The student member shall serve for a term of two (2) years
2 beginning at twelve o'clock noon on the first Monday in May in the
3 year in which he or she is elected.

4 When a student ceases to be a full-time student or falls below the
5 academic standing required for student membership, as specified in
6 Section 16104.6 of this Title, at the University he shall be deemed to
7 have vacated his position on the Board. Any vacancy during the term
8 of a student member shall be filled for the remainder of the term by
9 an election of a majority of the Student Body Senate.

10 Section 16104.7. Tenure of Members Currently Serving as
11 Regents. The current members of the Board shall continue to serve
12 until the expiration of their term as set out in §16104.3 of this
13 Chapter and in the event of a vacancy, the Governor shall fill said
14 vacancy in accordance with this Chapter.

15 Section 16105. Board Members Not Deemed Officers or Employees
16 of the Government of Guam. The members of the Board shall not, by
17 reason of such membership, be deemed employees of the government of
18 Guam.

19 Section 16106. Removal From Office. A member of the Board may
20 be removed by a vote of five (5) members for malfeasance in office or
21 for persistent neglect of, or inability to discharge, duties, or for
22 offenses involving moral turpitude, and for no other cause. However,
23 no member of the Board shall be removed from office before a written
24 bill of particulars shall have been given to the accused and before an
25 investigation and an open and public hearing shall have been had.
26 Any member who removes his residence from Guam shall be deemed to
27 have vacated his office, thereby creating a vacancy on the Board.

28 Section 16106. Officers. Annually in April, the Board shall elect
29 a Chairman, a Vice-Chairman, and a Treasurer from its membership by
30 a majority vote of its total membership.

31 Section 16108. President, Academic Officers, and Faculty of the
32 University. The President, on the recommendations of appropriate
33 administrators and guided by the recommendations of Search
34 Committees, shall appoint faculty and administrators, such as may be

1 necessary to fulfill the mission and purposes of the University. The
2 Vice Presidents, on the recommendation of the appropriate
3 administrators, shall appoint non-academic staff in accordance with
4 Civil Service procedures, such as may be necessary to fulfill the
5 mission and purposes of the University. While the authority of the
6 Board to establish overall policy guiding the University shall not be
7 diminished, the implementation of the expressed policy of the Board
8 shall be vested in both the Administrative Officers and the Faculty
9 through the collegial instrumentalities traditional in University affairs.

10 The Board, on recommendation of the Administrative Officers and
11 the Faculty, shall establish personnel rules and regulations guiding
12 selection, employment, salary and other compensations, promotion,
13 performance evaluation, disciplinary action, and all other conditions of
14 work and employment as herein provided. Such rules and regulations
15 shall reflect the paramount objective of directing all efforts of the
16 University's mission and promoting stability and credibility of the
17 Territory's highest institution of learning. Notwithstanding any law,
18 rule or regulation to the contrary, the authority of the Board to
19 establish personnel and administrative rules and regulations shall not
20 be subject to the Administrative Adjudication Act.

21 Section 16109. Powers. The University of Guam has the power
22 and duty to do any and all things necessary to further the purposes
23 of this Chapter.

24 Section 16110. President of the University. (a) The President
25 shall be the executive head of the internal operating organization of
26 the University and shall be responsible for the administration of the
27 academic, business and services activities thereof. The Board acting
28 upon recommendations from a Search Committee, by an affirmative vote
29 of at least five (5) members, shall appoint the President of the
30 University for a specified contractual term. The President's duties
31 and compensation, salary and endowments, shall be determined by the
32 Board. The President of the University shall serve as Executive
33 Secretary of the Board.

1 (b) The President of the University of Guam shall possess
2 desirable qualities as an educational leader and administrator of a
3 higher educational institution. Among the requirements that the holder
4 of the office must adequately satisfy are:

5 1. Knowledge and understanding of the people of Guam and
6 Micronesia.

7 2. Training and experience in research, teaching, or the
8 administration of higher education or similar discipline.

9 3. Possession of a terminal degree from a recognized
10 institution of learning.

11 The Board may prescribe additional requirements to those listed
12 above.

13 (c) The Board shall set the tenure of office for the President of
14 the University of Guam. However, the term of employment for the
15 position of President shall not end six months prior to nor six months
16 after an election for Senators and Governor and Lt. Governor. The
17 Board by an affirmative vote of at least five (5) members may renew
18 the contract of a President. Similarly, the affirmative vote of at least
19 five (5) members may terminate the services of the President for cause
20 in the same manner and procedure as a Regent may be removed
21 pursuant to Section §16106 of this Chapter. Upon a change of
22 administration of the government of Guam after a gubernatorial
23 election, no courtesy resignation shall be requested by the new
24 administration nor offered by the President of the University.

25 Section 16111. Construction With Other Laws. Insofar as the
26 provisions of this Chapter are inconsistent with the provisions of any
27 other law, the provisions of this Chapter shall be controlling; and in
28 particular but not by way of limitation, except as may be provided in
29 this Chapter, no provision of any law with respect to employment of
30 personnel, shall be applicable to the University unless the Legislature
31 shall specifically so state; provided, however, that the University may
32 utilize in its operations the procedures and facilities provided by any
33 such law or by the executive agencies of the government of Guam.

1 Section 16112. Personnel Rules: Academic Personnel and
2 Administrative Officers. Rules and regulations governing selection,
3 compensation, promotion, performance evaluation and disciplinary action
4 affecting academic personnel and administrative officers shall be
5 adopted by the Board in accordance with Title 4 Guam Code Annotated
6 Sections 4104 and 4105. Such rules and regulations shall provide for
7 the employment of persons on the basis of merit, and shall include an
8 orderly and systematic method of recruitment and the establishment of
9 a list of qualified applicants for employment purposes. For the
10 purpose of this Section, an 'administrative officer' is defined as one
11 who holds any of the following positions: Associate or Assistant Dean;
12 Associate or Assistant Director; Dean or Director; Assistant to the
13 President or Vice-President; provided, however, that nothing in this
14 Chapter shall be construed as preventing the Board from establishing
15 other administrative officer positions or abolishing any of the existing
16 positions indicated herein and further provided, however, that nothing
17 in this Section nor in any other section of this Chapter involving the
18 outlay of public funds shall become effective unless funds therefore
19 shall have been provided in the University's annual budget.

20 Academic personnel shall have the right to form, join, assist and
21 participate in the management of employee organizations of their choice
22 and to act as organization representative or to refrain from any such
23 activity, without interference, restraint, coercion or discrimination and
24 without fear of penalty or reprisal; provided that, employees shall not
25 participate in the management of an organization or act as an
26 organization representative, where such activity would result in a
27 conflict of interest or otherwise be incompatible with law or with the
28 employee's official duties.

29 Within ninety (90) days of the effective date of this Act, the
30 Board, in cooperative consultation with the recognized bargaining
31 agent, shall develop and adopt reasonable rules for the settlement of
32 collective bargaining disputes, including access to impartial mediation
33 and arbitration.

1 Section 16113. Non-academic Personnel. Notwithstanding any
2 law, rule or regulation to the contrary, all non-academic personnel
3 shall be classified and matters relating to employment of non-academic
4 personnel shall be governed by and in accordance with Title 4 of the
5 Guam Code Annotated and other personnel laws applicable in Guam.

6 All employees of the University of Guam who have acquired
7 government of Guam civil service tenure on the date of the enactment
8 of this Chapter and who are transferred to the University in
9 accordance with Section 16117 of this Chapter shall retain their tenure
10 and status as employees of the government of Guam.

11 Section 16114. Attorney. The University of Guam may employ an
12 attorney to assist and represent it in all civil matters which concerns
13 the University. The Attorney General shall represent the University
14 in all litigation in which the University is interested, provided that the
15 Attorney General shall designate the attorney for the University as a
16 Special Assistant Attorney General for this purpose.

17 The University of Guam may set the terms and conditions of
18 employment for the attorney, his or her compensation and whether he
19 or she be appointed as a full-time employee, an independent
20 consultant. In the alternative, the University may utilize the
21 services of a law firm.

22 The Attorney so employed or engaged shall be admitted to
23 practice before the courts of Guam under the same conditions as are
24 attorneys employed by the government pursuant to Section 28002.2 of
25 the Government Code.

26 Section 16115. Retirement Fund. Officers and employees of the
27 University shall be members of the Retirement Fund. The University
28 shall contribute to the Government of Guam Retirement Fund on the
29 basis of annual billings as determined by the Board of Trustees,
30 Government of Guam Retirement Fund, for the employer's share of the
31 cost of the retirement benefits applicable to the University's officers
32 and employees, and their beneficiaries.

33 Section 16116. Workmen's Compensation Fund. The University
34 shall contribute to the Workmen's Compensation Fund on the basis of

1 annual billings as determined by the Workmen's Compensation
2 Commissioner for the benefit payments made from such fund for the
3 employees of the University.

4 Section 16117. University of Guam, Present Employees of. The
5 University of Guam, established under this Chapter, shall be a
6 successor to the presently existing University of Guam. All employees
7 of the presently existing University of Guam shall be transferred to
8 the University of Guam, a public corporation established under this
9 Chapter.

10 Any person accepting employment under this Section will receive
11 not less than the straight time rate of compensation he was receiving
12 immediately before the transfer date. The other employment benefits
13 and rights, including retirement and leave, of such transferred
14 employees shall be governed under Sections 16112, 16113, 16115 and
15 16116 of this Chapter.

16 Section 16118. Legislative Appropriation. (a) On February 15,
17 or earlier, of each year, a budget requirement for the following
18 University Year for personnel and operating costs necessary for
19 carrying out the mission, purposes and general activities of the
20 University shall be certified by the Board and submitted to the
21 Legislature. Following public budget hearings before the Legislature,
22 an appropriation shall be made available to the University, to be
23 allotted in four (4) appropriately disproportional quarterly installments
24 which shall be remitted on the first day of each quarter of the
25 appropriate University Year, under the full fiscal control of the Board
26 which shall be fully accountable for the appropriate expenditure of all
27 University funds. Such appropriation for the annual personnel and
28 operating costs of the University shall not include any sums collected
29 by the University from student tuition and fees. University funds
30 derived from student tuition and fees shall be considered
31 non-appropriated funds of the University under the fiscal control of
32 the Board. A minimum of seventy per cent (70%) of the funds derived
33 from student tuition and fees shall be earmarked for implementation of

1 the Physical Master Plan. A University Year shall run from August 1
2 to July 31.

3 (b) Anything herein to the contrary notwithstanding, the
4 Legislature may appropriate any additional funds for carrying out the
5 activities of the University.

6 (c) No agreements to borrow money shall be entered into by the
7 University without prior Legislative approval.

8 (d) The Board shall disburse such funds as the Legislature may
9 appropriate for the purpose of carrying out the activities of the
10 University.

11 Section 16119. Health and Physical Education Complex:
12 Authorization to Borrow. The Board is authorized to negotiate a loan
13 and incur such obligations as are necessary for the purpose of funding
14 the construction of the initial phase of the Health and Physical
15 Education Complex. Notwithstanding any provision of law, rule or
16 regulation to the contrary, the Board may mortgage the Health and
17 Physical Education Complex in order to obtain the loan necessary for
18 the construction of the complex. The obligation incurred for the
19 construction of the complex shall not be a general obligation of the
20 government of Guam and income generated by the Complex, if any, or
21 from tuition and other revenues accruing to the University of Guam,
22 shall be pledged for repayment of the loan. Income earned by any
23 lending institution on interest accruing from the loan authorized under
24 this Section shall be exempt from income taxation. This Section does
25 not preclude the University of Guam from accepting donation for the
26 construction of the initial phase of the Health and Physical Education
27 Complex. Such donations and gifts may be used for the purpose of
28 repaying any obligation incurred by the University.

29 Section 16120. Same: Legislative Appropriations. The
30 University of Guam is hereby guaranteed by the government of Guam
31 an adequate subsidy appropriation from the General Fund for its
32 annual operating costs, such guarantee to last the duration of any
33 outstanding loan which might be negotiated by the Board with the

1 Farmers' Home Administration, U.S. Department of Agriculture, for the
2 construction of the Health and Physical Education Complex.

3 Section 16121. Transfer of Property. There is transferred to
4 the University of Guam title to all items of property, real and
5 personal, now assigned to the University of Guam.

6 Section 16122. Restrictions on Alienation. All services which
7 may be rendered by, and all real and personal property, the title to
8 which is held by, the University of Guam in accordance with Sections
9 16101, 16102 and 16124 of this Chapter, may not be given, rendered,
10 transferred or conveyed to any private person or organization other
11 than in the manner set forth in Sections 16101, 16102 and 16129(c) of
12 this Chapter; provided, however, that this section shall not operate to
13 prohibit the award of academic scholarships and/or other forms of
14 financial assistance to qualified students as determined by University
15 policies.

16 Section 16123. Designation of Natural Energy Institute. The
17 University of Guam is designated as the 'Guam Natural Energy
18 Institute.'

19 Section 16124. The Guam Natural Energy Institute: Duties;
20 Powers. The Institute shall:

21 (a) Maintain liaison with federal agencies (Natural Science
22 Foundation, Energy Research and Development Administration, National
23 Aeronautics and Space Administration, Department of Housing and
24 Urban Development, Department of Transportation and Department of
25 Defense), the Government of Guam, the Guam Energy Office, the Guam
26 Environmental Protection Agency and Department of Public Works and
27 with other public and private natural energy-related projects in Guam;
28 keep a current inventory of all such projects and work with the Guam
29 Energy Office and other organizations to encourage coordination and
30 cooperation in all energy-related research projects through the
31 Territory.

32 (b) Maintain a current file on all possible support programs
33 (public and private) for awards and grants to both educational and
34 energy-related research and development programs through the

1 University and notify and provide assistance in proposal preparation
2 and follow-up with appropriate departments and institutes as these
3 programs arise.

4 (c) Maintain current information on natural energy resources to
5 include:

6 (1) abstracts of pertinent publications;

7 (2) a card file on energy publications available in the
8 University of Guam; and

9 (3) catalogs, lists of suppliers and price lists on natural
10 energy, off-the-shelf items such as solar collectors for water
11 heating, windmills, solar photovoltaic systems and waste
12 digestors.

13 (d) Provide as a public service, both in response to direct
14 inquiry and especially through a public education program, information
15 on natural energy systems that may or may not have potential for use
16 in Guam and Micronesia.

17 (e) Initiate, develop and coordinate the undertaking of natural
18 energy system development projects; provide some level of matching
19 support to attract extramural funding for these projects; and provide
20 support for equipment requests for graduate thesis projects and for
21 faculty research initiation.

22 Section 16125. Residents of the Commonwealth of the Northern
23 Mariana Islands, the Federated States of Micronesia, the Republic of
24 Belau, and the Republic of the Marshall Islands; Advanced Placement
25 Program. (a) Students who are residents of the Commonwealth of the
26 Northern Mariana Islands, the Federated States of Micronesia, the
27 Republic of Belau, or the Republic of the Marshall Islands, enrolled in
28 and matriculating at the University of Guam, shall be charged resident
29 tuition for their attendance at the University of Guam.

30 (b) No tuition shall be levied upon any student admitted to
31 study under the 'Advanced Placement Program.'

32 Section 16126. University of Guam Land Grant Endowment Fund.

33 (a) For the purpose of compliance with Federal laws designating the
34 University of Guam as one of the land-grant colleges eligible to receive

1 donations of public land or land scrip for the endowment and
2 maintenance of colleges for the benefit of agriculture and the mechanic
3 arts, there is hereby established the 'University of Guam Land Grant
4 Endowment Fund' which shall be maintained separate and apart from
5 any other funds of the government of Guam, and independent records
6 and accounts shall be maintained in connection therewith by the
7 University of Guam. A quarterly financial statement of the Fund shall
8 be submitted to the Guam Legislature by the Board.

9 (b) The sum of \$3,000,000 received from the Federal Government
10 in lieu of donation of public land or land scrip shall be credited to the
11 Fund. Said sum shall remain unimpaired and preserved.

12 (c) Said sum shall be invested in bonds of the United States or
13 of the States or Territories or bank certificates of deposit or some
14 other investment-grade investments as would normally be utilized by
15 higher education institutions in a manner adopted by the Board. The
16 Board shall administer the investment of the funds as trustees for the
17 benefit of the University of Guam.

18 (d) No portion of said sum, nor the interest thereon, shall be
19 applied, directly or indirectly, to the purchase, erection,
20 preservation, or repair of any building or buildings.

21 (e) The Board is designated Custodian or Trustee of the interest
22 from the investment of the \$3,000,000 for the benefit of the University
23 of Guam. The interest from the investment of said sum shall be
24 appropriated by the Legislature directly to the Board for the
25 endowment, support and maintenance of the University of Guam subject
26 to the provisions of Federal laws establishing the University of Guam
27 as a land-grant college.

28 (f) There is hereby established the 'Land Grant Custodial
29 Maintenance Fund' from which the payment of all expenses incurred in
30 the management, investment, and disbursements of the Land Grant
31 Endowment Fund shall be made, and no such expenses shall be paid or
32 deducted directly from the Land Grant Endowment Fund or the interest
33 or income received therefrom. The Land Grant Custodial Maintenance
34 Fund shall be administered by the Board and shall be used solely for

1 the purposes stated in this subsection and all monies appropriated to
2 such fund by the Legislature shall be used only for such designated
3 purposes. The fund shall be maintained separate and apart from any
4 other funds of the government of Guam, and independent records and
5 accounts shall be made in connection therewith by the University of
6 Guam. A quarterly financial statement of the fund shall be submitted
7 to the Guam Legislature by the Board at the same time that the
8 quarterly financial statement for the University of Guam Land Grand
9 Endowment Fund is submitted.

10 Section 16127. Assent to Provisions of Hatch and
11 McIntire-Stennis Acts; Administration by University of Guam. The
12 provisions of the Hatch Act of 1887, as amended, and the
13 McIntire-Stennis Act, the Federal formula funds and the purposes of
14 such funds, authorized by said Acts, and the laws and regulations
15 supplementary thereto providing for an Agricultural Experiment Station
16 in connection with a College of Agriculture and Mechanic Arts, and by
17 other Acts of Congress for similar purposes, are hereby assented to
18 and accepted by the Legislature of Guam on behalf of the University of
19 Guam. The Legislature further directs that the University of Guam
20 shall administer and direct the Guam Agricultural Experiment Station
21 which shall be established in consonance with said Acts.

22 Section 16128. Assent to Smith-Lever Act Relative to Extension
23 Services; Administration by the University of Guam. The Legislature
24 of Guam hereby assents to, and accepts the provisions and
25 requirements of the Smith-Lever Act and the laws and regulations
26 supplementary thereto. The Legislature further directs that the
27 University of Guam shall administer the formula funds made under such
28 Act and shall organize, conduct and administer the Cooperative
29 Extension Service in accordance with the terms and conditions of said
30 Act.

31 Section 16129. University of Guam Land Grant Research and
32 Extension Special Fund. (a) For the purpose of compliance with
33 Federal laws designating the University of Guam as one of the Land
34 Grant Colleges eligible to receive land grant Federal funds for the

1 benefit of research and extension services, there is hereby established
2 the 'University of Guam Land Grant Research and Extension Special
3 Fund' (the 'Research and Extension Fund'), which shall be maintained
4 separate and apart from any other funds of the government of Guam
5 and independent records and accounts thereof shall be maintained by
6 the University of Guam. A quarterly financial statement of the
7 Research and Extension Fund shall be submitted to the Legislature.

8 (b) All Federal grants, Federal formula funds, donations and
9 charitable contributions relating to agricultural and forestry research
10 and extension services shall be deposited and credited to the Research
11 and Extension Fund. The Legislature may appropriate or
12 reappropriate to the Research and Extension Fund any local matching
13 funds necessary for approved University of Guam Programs consistent
14 with Research and Extension Programs in the areas of Agriculture,
15 Home Economics, Forestry and any related programs.

16 (c) All income derived from the operation and services of the
17 research farm and cooperative extension services by the University of
18 Guam shall be deposited in and credited to the Research and Extension
19 Fund.

20 (d) All debts, liabilities and any other obligations incurred for
21 programs described in Subsection (b) of this Section shall be paid
22 from the Research and Extension Fund.

23 Section 16130. Amendments to This Charter of the University of
24 Guam. This Charter and all its provisions seek to provide the
25 continuity and stability necessary for the University to function as an
26 accredited institution of higher education. To ensure this continuity
27 and stability this Charter of the University of Guam may be amended
28 only after a resolution signed by seven (7) members of the Board
29 request in writing Legislative approval of any such substantive
30 amendment. No action shall be taken by Legislature unless and until a
31 public hearing is held on the proposed Charter amendment."

32 Section 2. Chapter 16A is hereby added to Title 17 of the Guam Code

33 Annotated to read:

1 "CHAPTER 16A

2 JOINT EDUCATIONAL BOARD MEETINGS

3 Section 16150. Joint Meetings.

4 (a) The Legislature finds that there is need for the governing
5 boards of Guam's educational institutions to communicate and discuss in
6 joint open meetings those educational concerns that touch on all
7 bodies, and that by requiring a minimum number of Joint Board
8 meetings the board members will have the opportunity to consider and
9 decide approaches by which educational issues and problems can be
10 most efficiently solved.

11 (b) The Board of Regents of the University of Guam, the
12 Territorial Board of Education and the Board of Trustees of the Guam
13 Community College shall hold at least two (2) joint open meetings per
14 year for the purpose of coordinating their activities and facilitating the
15 solution of problems of mutual concern. The joint meetings shall be
16 held in September and in January of each year on dates and places
17 determined by the chairman of the joint meeting. Other joint meetings
18 may be held at other times as determined by the joint boards.

19 (c) A majority of the members of the Board of Regents of the
20 University of Guam, the Territorial Board of Education and the Board
21 of Trustees of the Guam Community College shall constitute a quorum
22 for the transaction of the joint meeting business.

23 (d) The Chairman of the Board of Regents of the University of
24 Guam, the Chairman of the Territorial Board of Education and the
25 Chairman of the Board of Trustees of the Guam Community College
26 shall serve alternately, insofar as possible, as Joint Meeting Chairman,
27 beginning with the Chairman of the Board of Regents.

28 (e) Minutes of meetings of these board shall be transmitted
29 within seven (7) calendar days to the Governor and to the Legislature
30 by the Chairman of the meeting who in the letter of transmittal thereof
31 shall list those matters of concern to the boards which require action
32 of the Governor and the Legislature.

1 Section 16151. Financial Impact. As each of the joint meetings
2 provided for by §16150 of this Chapter, those assembled shall discuss
3 as agenda items the following:

4 (1) the financial concerns of the three (3) institutions as they
5 interrelate.

6 (2) the possibility of consolidating programs to achieve greater
7 economy;

8 (3) an assessment of the needs relating to existing programs in
9 terms of the manpower needs of the Territory;

10 (4) policies concerning proper utilization of resources by the
11 three (3) institutions;

12 (5) review and assessment of academic, administrative and other
13 programs periodically; when appropriate discontinuation of those
14 programs that are no longer relevant and encouragement of the
15 development of new programs that serve current needs; and

16 (6) other items the board may desire to discuss.

17 Section 16152. Powers and Duties of the Joint Board. The Board
18 of Regents of the University of Guam, the Territorial Board of
19 Education and the Board of Trustees of the Guam Community College
20 shall:

21 (1) determine if a certificate issued by any state or territory of
22 the United States should be recognized and suffice for issuing a
23 similar certificate to work in the public schools in Guam. The Joint
24 Board shall consider if (i) a state or territorial certificate was granted
25 with the minimum academic training and other general regulations for
26 the issuance of the same type of certificate on Guam, and (ii) the laws
27 and regulations of state or territory issuing such certificate provide
28 for similar recognition of certificates issued by the Joint Board;

29 (2) enter on behalf of the government of Guam and abide by
30 reciprocity agreements on certification of teachers and supervisors,
31 with one or more states or territories of the United States, if the
32 training, experience and other certification requirements of such states
33 or territories are the same or higher than the requirements for

1 professional certification by the Joint Board in effect at the time of the
2 signing of the agreement.

3 (3) establish criteria for professional education practices
4 including, but not limited, to the following:

5 (i) professional performance and continuance in professional
6 services,

7 (ii) teacher certification, and

8 (iii) educational consultants;

9 (4) provide recommendations to educational institutions or to
10 professional organization of educators which will promote improvement
11 of the education profession but it may not be a party in any labor
12 negotiation or disputes;

13 (5) adopt, pursuant to the provisions of the Administrative
14 Adjudication Act, such rules and regulations required for performance
15 of its duties not inconsistent with the laws of Guam; and

16 (6) levy fees for teachers' certificate and renewals in accordance
17 with the regulations of the Joint Board. The fees collected shall be
18 used to defray the administrative expenses of administering a basics
19 skills test to educators.

ROLL CALL SHEETBill No. 892DATE: 12/19/88

Res No. _____

QUESTION: _____

	<u>AYE</u>	<u>NAY</u>	<u>NOT VOTING</u>	<u>ABSENT</u>
<u>E. P. Arriola</u>	✓			
<u>J. G. Bamba</u>	✓			
<u>M. Z. Bordallo</u>	✓			
<u>H. D. Dierking</u>	✓			
<u>E. R. Duenas</u>	✓			
<u>E. M. Espaldon</u>	✓			
<u>F. J. Gutierrez</u>	✓			
<u>M. K. Hartsock</u>	✓			
<u>P. C. Lujan</u>				✓
<u>M. D. A. Manibusan</u>	✓			
<u>J. G. Miles</u>	✓			
<u>T. S. Nelson</u>	✓			
<u>D. Parkinson</u>	✓			
<u>F. J. A. Quitugua</u>	✓			
<u>J. M. Rivera</u>	✓			
<u>M. C. Ruth</u>	✓			
<u>J. T. San Agustin</u>	✓			
<u>F. R. Santos</u>	✓			
<u>A. J. Shelton</u>	✓			

18

1

TESTIMONY ON BILL NO. 892 - "An Act to amend 17 GCA Chapter 16 relative to the University of Guam Charter."

The University of Guam strongly supports the passage of Bill No. 892 applicable to the University of Guam Charter. The Charter has undergone several revisions based on written input from University members and based on two public hearings held on the University campus. I would like to point out that the Charter Committee included membership from all components of the University - Chair, BOR Academic & Personnel Committee; Chair, Administrative Council; Chair, Faculty Council; Chair, Faculty Union; Chair, University Academic Affairs Committee; and SBA President.

We are fully cognizant that certain sections of the Charter may appear to give the University too much authority, especially in light that the University is still very much dependent on the Guam Legislature for the majority of its funding. A few of the major amendments in the Charter are listed below.

Section 16101 - The section reaffirms that the University is a "public Territorial University".

Section 16108 - The substitution section relative to President, Academic Officers, and Faculty of the University will delegate authority to the President and appropriate administrators to appoint faculty, administrators and staff, subject to established policies of the Board of Regents. This section will address directly the concern of the recent Accreditation Team that "The Regents need encouragement to take on a policy and financial role, and to delegate authority in many areas to the President."

Section 16118 - The section allows the University to maintain all tuition and fee revenue as non-appropriated funds for use in its annual operating costs and capital outlay. This section may help toward alleviating the concern of the recent Accreditation Team relative to the inadequate funding of the University.

The University feels that it may be best for the Board of Regents and the University Charter Committee to meet with Senator Marcia K. Hartsock's Committee on Education to work out whatever discrepancies that may be found in the Charter, after the public hearing.



GUAM FEDERATION OF TEACHERS

P.O. Box 1801, Agaña, Guam 96910 Tel: 671-734-1111

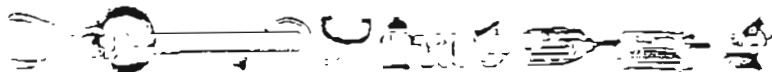
To: Chairperson, Committee on Education

From: University of Guam Faculty Union

Subject: Testimony on Bill 892

We would like to support the intent of Bill 892. For the most part it would allow for more efficient administration at the University of Guam as well as assuring the autonomy that the accreditors are so concerned about. We do feel though that there is a need for further dialogue between the committee members and the Board of Regents to resolve some discrepancies that now appear in the bill. In addition we would like to see one addition.

Although this bill would clarify that the University of Guam is a public institution, it does not clarify that the University would ~~not~~ fall under the jurisdiction of the Public Relations Act. We assume we would but feel it is important to explicitly say so. It is very important that the faculty are afforded the same rights as other workers and so that collective bargaining is the only recourse that the faculty have if the contract or fails. This is expensive for both



Where America's Work Lives

MAY 12 '88

Bill No. 892(15)

Introduced by:

M. K. Hartsock /MK ←

AN ACT TO AMEND 17 GCA CHAPTER 16 RELATIVE
TO THE UNIVERSITY OF GUAM CHARTER.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

2 Section 1. 17 GCA Chapter 16 is amended to read:

3 "CHAPTER 16

4 [ADMINISTRATION] CHARTER

5 Section 16100. Preamble. The University of Guam is dedicated
6 to the continuing search for truth, justice, liberty, happiness, and
7 dignity among the people and islands of Guam and the Western
8 Pacific.

9 As a resource in the Western Pacific, the University of Guam
10 is committed to function as a dynamic institution in an environment
11 of constant flux and growth. The University of Guam recognizes that
12 it must carefully plan its contributions to human welfare and society.
13 As such, the University of Guam is determined to develop higher and
14 higher levels of excellence so that it can grow to be the best tertiary
15 level institution in the Western Pacific. To achieve this, the
16 University of Guam shall offer strengths in various areas of expertise
17 to the people of Guam and the region in order to produce leaders/

1 expertise in the different professions for the benefit of island
2 communities.

3 As a resource, the University of Guam will be supportive of
4 island priorities. The University of Guam and its various
5 constituencies will continually identify programs and projects
6 consistent with the basic socio-economic-political and cultural
7 development goals identified by the people and governments in the
8 region. The University of Guam shall experiment and pioneer in
9 new approaches to human situations in answer to the existing needs
10 of the people and the islands of the Western Pacific and shall help
11 formulate public policies through the freedom and flexibility to
12 innovate in its three-fold objective of teaching, research and
13 service.

14 Section 16101. Establishment. [There is established in the
15 territory of Guam a non-membership, non-profit corporation, which
16 shall be known as the 'University of Guam,' which is successor to
17 the presently existing University of Guam.] The Univeristy of Guam,
18 already established and located according to existing laws, is hereby
19 confirmed as the public Territorial University and constituted a body
20 corporate which shall continue to be known as the 'University of
21 Guam'. It shall have title to all real and personal property now or
22 hereafter set aside for or conveyed to it. Its property shall be

1 administered and disposed of according to law.

2 All the rights, immunities, franchises and endowments
3 heretofore granted thereto by the Territory of Guam are hereby
4 perpetuated unto the said University.

5 Section 16102. Purpose. The University of Guam shall provide
6 instruction in the arts, sciences, [professional, technical
7 and vocational education; it shall provide library and consultation
8 services; it shall conduct research on any of the fields of study
9 as its resources permit.] and professional and technical curricula.

10 It shall provide all support services necessary for its function and
11 for the maintenance of accreditation; shall conduct research within
12 any or all fields of study as resources permit, and shall provide
13 public service, including consultation services, to the people of the
14 Territory of Guam. It shall be the Territory's Land Grant Institution.

15 Section 16103. Prohibition Against Discrimination. [No
16 student shall be denied admission to the University by reason of age,
17 race, sex, nationality, religious belief or political affiliation.] It shall
18 be the policy of the University of Guam that discrimination against
19 any individual or group for reasons of age, race, color, sex,
20 nationality, religious belief, marital status or physical handicap is
21 specifically prohibited under any program or activity for which the
22 Board of Regents is responsible.

1 Section 16104. Board of Regents. The government [,] and
2 control [and operation] of the University of Guam is vested in a
3 Board of Regents to be known as [the ''] 'the Board of Regents of the
4 University of Guam' (hereinafter referred to as [the 'Board']
5 'the Board'). The Board shall be composed of nine (9) members,
6 [who shall be appointed by the Governor, with the advice and consent
7 of the Legislature. Of the nine (9) members, one member shall be a
8 student and at least one (1) shall be an alumnus of the University
9 of Guam.] one (1) of whom shall be a student and at least one (1)
10 of whom shall be a member of the Alumni Association of the
11 University of Guam, appointed by the Governor as provided herein,
12 with the advice and consent of the Legislature.

13 Section 16104.1. [Term of Office] Duties of the Board of
14 Regents. [With the exception of the student member, the members
15 of the Board of Regents shall serve staggered terms. After the
16 completion of the terms served by the current members pursuant
17 to §16104.5 of this Title, all succeeding appointments shall be for
18 a term of six years.

19 On the expiration of the term of any member, the Governor
20 shall be in the manner herein provided appoint another member
21 for a like term. In the event of a vacancy on the Board due to
22 resignation, death or for any cause resulting in an unexpired term,

1 the Governor shall promptly appoint, with the advice and consent
2 of the Legislature, a member to finish the unexpired term. When
3 there is a change of Administration of the government of Guam
4 after a gubernatorial election, no courtesy resignation shall be
5 requested by the new administration of the Government of Guam
6 nor offered by any member of the Board.] The Regents shall have
7 the general supervision of the University and the control and
8 direction of all funds of, and appropriated to the University, subject
9 to such restrictions as may be prescribed by law. The Board shall
10 set the policies governing the duties, conditions of employment,
11 compensation, salary and emoluments, of all employees of the
12 University as herein provided. The Board shall submit an annual
13 budget to the Legislature in the manner prescribed by law. The
14 Board shall have the authority to delegate such of its powers as it
15 may deem appropriate, but shall retain the ultimate responsibility
16 for the exercise of its powers.

17 Section 16104.2. [Qualification of Members of Board of
18 Regents] Meetings. [The composition of the Board of Regents shall be
19 broadly based in terms of personal expertise of its members. The
20 Board shall be a balanced representation of the general population.
21 Regent members must be capable of reflecting objectively the
22 sentiment and aspiration of the people of Guam into the

1 institution's programs and interpreting the University's mission.
2 Regent candidates must be United States citizens or permanent
3 resident aliens and domiciled in Guam for at least three (3) years
4 prior to appointment to the Board. No person shall sit on the Board
5 who is an employee of the Government of Guam when membership
6 on the Board will be inconsistent with or conflict with their
7 employment as determined by the advice and consent of the
8 Legislature. No person shall sit on the Board who is an employee
9 of the University of Guam.] Meetings of the Board shall be
10 held at a regular time and place as determined by the Board. Special
11 meetings may be called by the Chairman or by the call of a majority
12 of the members, as often as may be necessary. Meetings of the
13 Board, regular or special, shall be subject to the Open Government
14 Law of Guam. A majority of the members shall constitute a
15 quorum and an affirmative vote of five (5) members is required for
16 any action to be valid.

17 Section 16104.3. [Committee to Select Regent Candidates.]

18 Term of Office. [When a vacancy in the Board of Regents occurs, a
19 committee comprised of the Chairman of the Board of Regents who
20 shall be the Chairman, the President of the Commissioners Council,
21 the Chairman of the University of Guam Faculty Governance Body,
22 The President of the Student Body Association, the President of the

1 Alumni Association of the University of Guam, and the Speaker of
2 the Guam Youth Congress shall convene at the call of the Chairman
3 to recommend candidates for membership to the Board of Regents
4 of the University of Guam. The Committee shall establish a list not
5 to exceed three names for each regent position to be filled from
6 outstanding residents of Guam who are devoted to the promotion of
7 the general welfare of the University of Guam. A member whose
8 term is expiring may be considered for reappointment. Except for
9 the selection of the student regent, who shall be elected by the
10 Student Body of the Univeristy, the committee shall recommend to
11 the Governor, who shall appoint, subject to the advice and consent
12 of the Legislature, the most qualified candidate for the position of
13 Regent from among the candidates submitted by the Committee.]

14 The members of the Board of Regents shall serve staggered terms of
15 six (6) years. On the expiration of the term of any member, or in the
16 event of a vacancy on the Board due to resignation, death or for any
17 other cause, the Governor shall in the manner provided herein and
18 with the advice and consent of the Legislature appoint another
19 member for a full term in the first instance, or for the remainder
20 of the unexpired term.

21 Section 16104.4. Qualifications of Members of the Board of
22 Regents. The composition of the members of the Board of Regents

1 shall be broadly based in terms of personal expertise of its members
2 and shall be a balanced representation of the general population.
3 Regents, and Regent candidates, must be United States citizens or
4 permanent resident aliens and domiciled in Guam for at least three
5 (3) years prior to appointment to the Board. No person shall sit on
6 the Board as a member who is an employee of the Government of
7 Guam or of the University of Guam.

8 Section 16104.5 [Tenure of Members Currently Serving as
9 Regents.] Selection of Candidates for the Board of Regents. [Within
10 ten (10) days after the enactment of this Act, a special meeting of
11 the Board of Regents shall be held, with due notice properly served
12 the members as to time and place of the meeting. The main agenda
13 shall be the designation of the tenure of office for each member in
14 accordance with this Act. With the exception of the student member,
15 whose term is for two years, each of the remaining eight members
16 of the Board shall draw, by lottery, the term of office he or she is to
17 serve. Notwithstanding prior enactments on tenure of office of the
18 Regents of the University of Guam, the current members of the
19 Board of Regents shall serve according to the result of their
20 individual drawing to wit; two (2) for seven (7) years; three (3) for
21 five (5) years; and three (3) for three (3) years, commencing at the
22 date of drawing of the term. The current members who continue

1 serving shall not be required to undergo the legislative advice
2 and consent procedure.] When a vacancy in the membership
3 of the Board of Regents occurs, a committee comprised
4 of the Chairman of the Board of Regents who shall be the
5 committee Chairman, the President of the Commissioners
6 Council, the Chairman of the University Faculty Council, the
7 President of the Student Body Association, the President of the
8 Alumni Association of the University of Guam, and the Speaker of
9 the Guam Youth Congress shall convene at the call of the Chairman
10 to recommend candidates for membership to the Board of Regents
11 of the University of Guam. The committee shall establish a list not
12 to exceed three (3) names for each Regent position to be filled from
13 outstanding residents of Guam who are devoted to the promotion of
14 the general welfare of the University of Guam. A member whose
15 term is expiring may be considered for reappointment. Except for
16 the selection of the student regent, who shall be elected by the
17 Student Body of the University, the committee shall recommend to
18 the Governor, who shall appoint, subject to the advice and consent
19 of the Legislature, the most qualified candidate for the position of
20 Regent from among the candidates submitted by the committee.

21 Section [16104.4] 16104.6. Student Regent. The student
22 member shall be a full Board member with all rights, privileges

1 and responsibilities thereof. To be eligible to serve
2 as a student member of the Board the person shall be a full-time
3 student at the University who has completed one (1) year study
4 (at least 30 credits) and who has maintained good standing
5 academically.

6 The student member shall be that person receiving the highest
7 number of votes cast at an election of all students registered at the
8 University of Guam whether full-time or part-time, to be held in
9 March of each even numbered year. The election of the student
10 member shall be conducted by the Student Body Senate in
11 accordance with the regulations adopted by the senate and
12 approved by the Board. The Chairperson of the Board shall proclaim
13 the day of the election when one is to be held. The student re-
14 ceiving the highest number of votes shall be certified by the Chair-
15 man of the Board of Regents who shall forward his name to the
16 Governor who shall appoint him pursuant to §16104 of this title,
17 provided that the student received at least a certain percentage of
18 the votes cast and a certain percentage of those eligible to vote as
19 determined by the Board of Regents. In the even that no student
20 receives sufficient votes, a run-off election will be held between
21 the two students with the most votes. The student receiving the
22 most votes in the run-off election will be certified to the Governor

1 who shall appoint him or her pursuant to §16104 of this title.

2 Any student member candidate must be nominated by a
3 petition signed by one hundred (100) students attending the
4 University of Guam.

5 The student member shall serve for a term of two (2) years
6 beginning at twelve o'clock noon on the first Monday in May in
7 the year in which he or she is elected.

8 When a student member ceases to be a full-time student or
9 is not in good standing academically at the University of Guam he
10 shall be deemed to have vacated his position on the Board of
11 Regents. Any vacancy during the term of a student member shall
12 be filled for the remainder of the term by an election of a majority
13 of the Student Body Senate. The student elected by the Student
14 Body Senate must have the qualifications specified in [§16104.4]
15 Section 16104.6 of this Title.

16 Section 16104.7. Tenure of Members Currently Serving
17 as Regents. The current members of the Board of Regents shall
18 continue to serve until the expiration of their term as set out in
19 §16104.3 of this Chapter and in the event of a vacancy, the Governor
20 shall fill said vacancy in accordance with this Chapter.

21 Section 16105. [Same:] Board Members Not Deemed
22 Officers or Employees of the Government of Guam. The members

1 of the Board shall not, by reason of such membership, be deemed
2 [officers or] employees of the government of Guam.

3 Section 16106. [Same:] Removal From Office. A member of
4 the Board of Regents may be removed by a vote of five (5) members
5 for malfeasance in office or for persistent neglect of or inability to
6 discharge duties, or for offenses involving moral turpitude, and for no
7 other cause. However, no member of the Board shall be removed
8 from office before a written bill of particulars shall have been given
9 to the accused and before an investigation and an open hearing
10 shall have been had. Any member who removes his residence from
11 Guam shall be deemed to have vacated his office, thereby creating
12 a vacancy on the Board.

13 Section 16107. [Same:] Officers. Annually in April, the Board
14 shall elect a Chairman, a Vice-Chairman, and a Treasurer from its
15 membership by a majority vote of its total membership.

16 Section 16108. [Same: Meetings.] President, Academic
17 Officers, and Faculty of the University. [Meetings of the Board shall
18 be held at a regular time and place as determined by the Board, but
19 not less than once a month. Special meetings may be called by the
20 Chairman or by the call of the Majority of the members, as often as
21 may be necessary. Meetings of the Board, regular or special, shall
22 be subject to the Open Government Law of Guam (§§3225-3240 of

1 the Government Code). A majority of the members shall constitute
2 a quorum and, unless otherwise provided herein, an affirmative
3 vote of five (5) members is required for any action to be valid.]

4 The President, on the recommendations of appropriate administrators
5 and guided by the recommendations of Search Committees, shall
6 appoint faculty and administrators, such as may be necessary to
7 fulfill the mission and purposes of the University. The Vice
8 Presidents, on the recommendation of the appropriate administra-
9 tors, shall appoint staff as per Civil Service procedures, such as may
10 be necessary to fulfill the mission and purposes of the University.

11 While the authority of the Board to establish overall policy guiding
12 the Univeristy shall not be diminished, the implementation of the
13 expressed policy of the Board shall be vested in both the Adminis-
14 trative Officers and the Faculty through the collegial instrumentalities
15 traditional in University affairs.

16 The Board, on recommendation of the Administrative Officers
17 and the Faculty, shall establish personnel rules and regulations guiding
18 selection, employment, salary and other compensations, promotion,
19 performance evaluation, disciplinary action, and all other conditions
20 of work and employment as herein provided. Such rules and
21 regulations shall reflect the paramount objective of directing all efforts
22 of the University in pursuit of the University's mission and promoting

1 stability and credibility of the Territory's highest institution of
2 learning. Notwithstanding any law, rule or regulation to the contrary,
3 the authority of the Board to establish personnel and administrative
4 rules and regulations shall not be subject to the Administrative
5 Adjudication Act.

6 Section 16109. Powers. The University of Guam has the
7 power and duty to do any and all things necessary to further the
8 purposes of this Chapter.

9 [Section 16110. Joint Meetings. (a) The Legislature finds that
10 there is need for the governing boards of Guam's educational in-
11 stitutions to communicate and discuss in joint open meetings those
12 educational concerns that touch on all bodies, and that by requiring
13 a minimum number of Joint Board meetings the board members will
14 have the opportunity to consider and decide approaches by which
15 educational issues and problems can be most efficiently solved.

16 (b) The Board of Regents of the University of Guam, the
17 Territorial Board of Education and the Board of Trustees of the Guam
18 Community College shall hold at least two (2) joint open meetings per
19 year for the purpose of coordinating their activities and facilitating
20 the solution of problems of mutual concern. The joint meetings shall
21 be held in September and in January of each year on dates and places
22 determined by the chairman of the joint meeting. Other joint meetings

1 may be held at other times as determined by the joint boards.

2 (c) A majority of the members of the Board of Regents of the
3 University of Guam, the Territorial Board of Education and the Board
4 of Trustees of the Guam Community College shall constitute a quorum
5 for the transaction of joint meeting business.

6 (d) The Chairman of the Board of Regents of the University of
7 Guam, the Chairman of the Territorial Board of Education and the
8 Chairman of the Board of Trustees of the Guam Community College
9 shall serve alternately, insofar as possible, as Joint Meeting Chairman,
10 beginning with the Chairman of the Board of Regents.

11 (e) Minutes of meetings of these boards shall be transmitted
12 within seven (7) calendar days to the Governor and to the Legisla-
13 ture by the Chairman of the meeting who in the letter of transmittal
14 thereof shall list those matters of concern to the boards which require
15 action of the Governor and the Legislature.

16 Section 16111. Financial Impact. At each of the joint meetings
17 provided for by §16110 of this Chapter, those assembled shall discuss
18 as agenda items the following:

19 (1) the financial concerns of the three (3) institutions as they
20 interrelate;

21 (2) the possibility of consolidating programs to achieve greater
22 economy;

1 (3) an assessment of the needs relating to existing programs
2 in terms of the manpower needs of the Territory;

3 (4) policies concerning proper utilization of resources by the
4 three (3) institutions;

5 (5) review and assessment of academic, administrative and
6 other programs periodically; when appropriate discontinuation of
7 those programs that are no longer relevant and encouragement of
8 the development of new programs that serve current needs; and

9 (6) other items the board may desire to discuss.

10 Section 16112. Powers and duties of the Joint Board. The Board
11 of Regents of the University of Guam, the Territorial Board of
12 Education and the Board of Trustees of the Guam Community College
13 shall:

14 (1) determine if a certificate issued by any state or territory
15 of the United States should be recognized and suffice for issuing a
16 similar certificate to work in the public schools in Guam. The Joint
17 Board shall consider if (i) a state or territorial certificate was granted
18 with the minimum academic training and other general regulations
19 for the issuance of the same type of certificate on Guam, and (ii) the
20 laws and regulations of state or territory issuing such certificate
21 provide for similar recognition of certificates issued by the Joint
22 Board;

1 (2) enter on behalf of the government of Guam and abide by
2 reciprocity agreements on certification of teachers and supervisors,
3 with one or more states or territories of the United States, if the
4 training, experience and other certification requirements of such
5 states or territories are the same or higher than the requirements for
6 professional certification by the Joint Board in effect at the time of
7 the signing of the agreement;

8 (3) establish criteria for professional education practices in-
9 cluding, but not limited, to the following:

10 (i) professional performance and continuance in
11 professional services,

12 (ii) teacher certification, and

13 (iii) educational consultants;

14 (4) provide recommendations to educational institutions or to
15 professional organization of educators which will promote
16 improvement of the education profession but it may not be a party
17 in any labor negotiation or disputes;

18 (5) adopt, pursuant to the provisions of the Administrative
19 Adjudication Act, such rules and regulations required for per-
20 formance of its duties not inconsistent with the laws of Guam; and

21 (6) levy fees for teachers' certificate and renewals in
22 accordance with the regulations of the Joint Board. The fees

1 collected shall be used to defray the administrative expenses of
2 administering a basics skills test to educators.]

3 Section [16113] 16110. President of the University. (a) The
4 Board of Regents, acting upon recommendations from a Search
5 Committee, by an affirmative vote of at least five (5) members, shall
6 appoint the President of the University for a specified contractual
7 term. The duties and compensation, salary and endowments, shall be
8 determined by the Board. The President shall be the executive
9 head of the internal operating organizations of the University and
10 shall be responsible for the administration of the academic, business
11 and service activities thereof. The President of the University
12 shall serve as Executive Secretary of the Board.

13 (b) The President of the University of Guam shall possess
14 desirable qualities as an educational leader and administrator of a
15 higher educational institution. Among the requirements that the
16 holder of the office must adequately satisfy are:

17 1. Knowledge of and appreciation for the people of
18 Guam and Micronesia.

19 2. Well-schooled and experienced in research,
20 teaching, or the administration of higher education or other
21 related area.

22 3. Possession of the terminal degree from a recognized

1 institution of learning.

2 Additionally, the Board of Regents may prescribe additional
3 requirements to those listed above.

4 (c) The Board of Regents shall set the tenure of office for the
5 President of the University of Guam. However, [any] the contract of
6 employment for the position of President shall not end six months
7 prior to or six months after an election for Senators and Governor
8 and Lt. Governor. The Board by an affirmative vote of at least
9 five (5) members may renew the contract of a President. Likewise,
10 the affirmative vote of at least five (5) members may terminate the
11 services of the President for cause in the manner and procedure
12 that a Regent may be removed as covered in Section 11835
13 (§16106) of this Chapter. When there is a change of Administration
14 of the government of Guam after a gubernatorial election, no
15 courtesy resignation shall be requested by the new Administration
16 nor offered by the President of the University.

17 [(d) When a vacancy occurs in the office of the President of
18 the University of Guam, a committee comprised of the Chairman of
19 the Board of Regents who shall be the Chairman and two members
20 of the Board of Regents shall solicit by advertisement candidates for
21 the position of President, shall accept and review applications,
22 interview applicants and shall select from the applicants the top

1 three candidates in terms of qualifications enumerated in sub-
2 section (b) of this section and as further prescribed by the Board
3 of Regents and forward the applications of these three persons to
4 the entire Board of Regents for its consideration and selection of
5 a President.]

6 [Section 16114. Officers of Administration and Faculty of
7 the University. The officers of administration and faculty of the
8 University shall be under the direction of a President. The Board,
9 on the recommendation of the President, shall appoint Vice-
10 Presidents, Deans, and Directors, and other employees as may be
11 required to carry out the purposes of the institution, prescribe
12 their salaries and terms of service, where such salaries and terms of
13 service are not specifically fixed by legislative enactment, make and
14 enforce rules governing sabbatical leaves with or without pay,
15 consistent with the practice of similar institutions on the mainland,
16 and notwithstanding the laws of Guam relative to vacations of the
17 officers and employees of other agencies or instrumentalities of the
18 Government of Guam. The Board may establish rules and regulations
19 pertaining to outside employment. Such rules and regulations shall
20 reflect the paramount objective of directing all efforts of employees
21 of the University in pursuit of the University's mission and pro-
22 moting stability and credibility of Guam's highest institution of

learning.]

Section 16111. Construction With Other Laws. Insofar as the provisions of this Chapter are inconsistent with the provisions of any other law, the provisions of this Chapter shall be controlling; and in particular but not by way of limitation, except as may be provided in this Chapter, no provision of any law with respect to employment of personnel, shall be applicable to the University unless the Legislature shall specifically so state; provided, however, that the University may utilize in its operations the procedures and facilities provided by any such law or by the executive agencies of the government of Guam.

Section [16115] 16112. Personnel Rules: Academic Personnel and Administrative Officers. Rules and regulations governing selection, compenstaion, promotion, performance evaluation and disciplinary action affecting academic personnel and administrative officers shall be adopted by the Board in accordance with [Sections] 4 GCA Sections 4104 and 4105. Such rules and regulations shall provide for the employment of persons on the basis of merit, and shall include an orderly and systematic method of recruitment and the establishment of qulified lists for employment purposes. For the purpose of this Section, an 'administrative officer' is defined as one who holds any of the following positions: Associate or

1 Assistant Dean: Associate or Assistant Director; Dean or Director;
2 Assistant to the President or Vice-President; provided, however,
3 that nothing in this Chapter shall be construed as preventing the
4 Board from establishing other administrative officer positions or
5 abolishing any of the existing positions indicated herein and further
6 provided, however, that nothing in this Section nor in any other
7 section of this Chapter involving the outlay of public funds shall
8 become effective unless funds, therefore, shall have been provided
9 in the University's annual budget.

10 Section [16116] 16113 Non-academic Personnel. Notwith-
11 standing any law, rule or regulations to the contrary, all non-
12 academic personnel shall be classified and matters relating to
13 employment of non-academic personnel shall be governed by and
14 in accordance with Title 4 of the Guam Code Annotated and other
15 personnel laws.

16 All employees of the University of Guam who have acquired
17 government of Guam civil service tenure on the date of the
18 enactment of this Chapter and who are transferred to the corporate
19 university in accordance with Section [16120] 16117 of this Chapter
20 shall retain their tenure and status as employees of the government
21 of Guam.

22 Section [16117] 16114. Attorney. The University of Guam

1 may employ an attorney to assist and represent it in all civil matters
2 which concern the University. The Attorney General shall represent
3 the University in all litigation in which the University is interested.
4 provided that the Attorney General shall designate the attorney for
5 the University as a Special Assistant Attorney General for this
6 purpose.

7 The University of Guam may set the terms and conditions of
8 employment for the attorney, his compensation and whether he be
9 appointed as a full-time employee, an independent consultant, or
10 may utilize the services of a law firm.

11 The Attorney so employed or engaged, shall be admitted to
12 practice before the courts of Guam under the same conditions as are
13 attorneys employed by the Government pursuant to Section
14 28002.2 of the Government Code.

15 Section [16118] 16115 Retirement Fund. The University
16 shall contribute to the Government of Guam Retirement Fund on
17 the basis of annual billings as determined by the Board of Trustees,
18 Government of Guam Retirement Fund, for the employer's share of
19 the cost of the retirement benefits applicable to the University's
20 employees, and their beneficiaries.

21 Section [16119] 16116. Workmen's Compensation Fund.
22 The University shall contribute to the Workmen's Compensation Fund

1 on the basis of annual billings as determined by the Workmen's
2 compensation Commissioner for the benefit payments made from
3 such fund on account of the employees of the University.

4 Section [16120] 16117. University of Guam. Present
5 Employees of. The University of Guam, established under this
6 Chapter, shall be a successor to the presently existing University of
7 Guam. All employees of the presently existing University of Guam
8 shall be transferred to the University of Guam, a corporation
9 established under this Chapter.

10 Any person accepting employment under this Section will
11 receive not less than the straight time rate of compensation he was
12 receiving immediately before the transfer date. The other employ-
13 ment benefits and rights, including retirement and leave, of such
14 transferred employees shall be governed under [§16115, §16116,
15 §16118 and §16119] Sections 16112, 16113, 16115 and 16116 of
16 this Chapter.

17 Section [16121] 16118. Legislative Appropriation. (a) On
18 [January 31] February 15, or earlier , of each year , a [total] budget
19 requirement for the following University Year for personnel costs
20 necessary for carrying out the mission, purposes and general activities
21 of the University shall be certified by the Board and submitted [by the
22 Board] to the Legislature. [The total appropriation request shall be

1 the sum of money that the Board has certified to be adequate for the
2 improvement, support and maintenance of the University, including
3 payment of salaries, current expenses, purchase of equipment,
4 supplies and materials, making necessary repairs and in general for
5 the payment of all such expenses connected with the management
6 of the University.] Following budget hearings before the Legislature,
7 an ^{remove} (agreed-upon) appropriation shall be made available to the
8 University, to be allotted in four (4) quarterly installments which
9 shall be remitted on the first day of each quarter of the appropriate
10 University Year, under the full fiscal control of the Board which shall
11 be fully accountable for the legal and appropriate expenditure of
12 all University funds. A University Year [will] shall run from
13 [October 1 to September 30] August 1 to July 31.

14 (b) Anything herein to the contrary notwithstanding, the
15 Legislature may appropriate any additional funds for carrying out
16 the activities of the University. The University of Guam is hereby
17 guaranteed by the Government of Guam an adequate subsidy
18 appropriation for its annual operating costs from the General Fund
19 which shall not include any sums collected by the University from
20 student tuition and fees.

21 (c) The Board shall disburse such funds as the Legislature
22 may appropriate for the purpose of carrying out the activities of

1 the University.

2 Section [16122] 16119. Health and Physical Education

3 Complex: Authorization to Borrow. The Board of Regents of the
4 University of Guam is authorized to negotiate a loan and incur such
5 obligations as are necessary for the purpose of funding the
6 construction of Phase I of the Health and Physical Education Complex.
7 Notwithstanding any other provision of law, rule or regulation to the
8 contrary, the Board of Regents of the University of Guam may
9 mortgage the Health and Physical Education Complex in order to
10 obtain the loan necessary for the construction of the complex. The
11 obligation incurred for the construction of the complex shall not be
12 a general obligation of the government of Guam and such income as
13 is necessary derived from the use of the Health and Physical
14 Educaiton Complex, tuition and other revenues collected by the
15 University of Guam shall be pledged for repayment of the loan.
16 Income earned by any lending institution on interest accruing from
17 the loan authorized under this Section shall be exempt from income
18 taxation. This Section does not preclude the University of Guam
19 from accepting donations for the construcion of Phase I of the
20 Health and Physical Education Complex. Such donations and gifts
21 may be used for the purpose of repaying any obligation incurred by
22 the University.

1 Section [16123] 16120. Same: Legislative Appropriations.

2 The University of Guam is hereby guaranteed by the government of
3 Guam an adequate subsidy appropriation from the General Fund
4 for its annual operating costs, such guarantee to last the duration of
5 any outstanding loan which might be negotiated by the Board of
6 Regents with the Farmers' Home Administration, U.S. Department
7 of Agriculture, for the construction of the Health and Physical
8 Education Complex.

9 [Section 16124. Fiscal Authority, Accounting and Expenditures.]

10 (a) There is hereby established a fund to be known as the
11 'University of Guam Fund' which shall be maintained by the Univer-
12 sity separate and apart from other funds, and independent records
13 and accounts shall be maintained in connection therewith.

14 (b) All monies received by the Univeristy, through legislative
15 appropriation or otherwise, shall be deposited in said 'University of
16 Guam Fund' in eligible banks as defined in §6311 of the Government
17 Code of Guam.

18 (c) All expenditures shall be made from said 'University of
19 Guam Fund.'

20 (d) The Board shall adopt and maintain a uniform system of
21 accounting.

22 (e) At the close of each fiscal year, the Board shall prepare a

1 detailed report on the activities of the University and shall transmit
2 copies to the Governor and to the Legislature.

3 (f) The Board shall prepare or cause to be prepared a
4 detailed financial summary, the accuracy and completeness of which
5 shall be attested to by an independent certified public accountant
6 selected by the Legislature, pursuant to §1400 of the Government
7 Code.

8 (g) Title VII-A of the Government Code shall be applicable to
9 the procurement of supplies, services and construction of projects
10 by the University.]

11 Section [16125] 16121. Transfer of Property. There is
12 transferred to the University of Guam title to all items of property,
13 real and personal, now assigned to the University of Guam.

14 Section [16126] 16122. Designation of Natural Energy
15 Institute. The University of Guam is designated as the 'Guam
16 Natural Energy Institute.'

17 Section [16127] 16123. The Guam Natural Energy Institute:
18 Duties; Powers. The Institute shall:

19 (a) Maintain liaison with federal agencies (Natural Science
20 Foundation, Energy Research and Development Administration,
21 National Aeronautics and Space Administration, Housing and Urban
22 Development, Department of Transportation and Department of

1 Defense), the Government of Guam, the Guam Energy Office, the
2 Guam Environmental Protection Agency and Department of Public
3 Works and with other public and private natural energy-related
4 projects in Guam; keep a current inventory of all such projects and
5 work with the Guam Energy Office and other organizations to en-
6 courage coordination and cooperation in all energy-related research
7 projects through the Territory.

8 (b) Maintain a current file on all possible support programs
9 (public and private) for awards and grants to both educational and
10 energy-related research and development programs through the
11 University and notify, and provide assistance in proposal preparation
12 and follow-up with appropriate departments and institutes as these
13 programs arise.

14 (c) Maintain a clearinghouse of information on natural energy
15 resources to include:

16 (1) abstracts of pertinent publications;

17 (2) a card file on energy publications available in the
18 University of Guam; and

19 (3) catalogs, lists of suppliers and price lists on
20 natural energy, off-the-shelf items such as solar collectors for
21 water heating, windmills, solar photovoltaic systems and
22 waste digestors.

1 (d) Provide as public service, both in response to direct
2 inquiry and especially through a public education program.
3 information on natural energy systems that may or may not have
4 the possibilities for potential use in Guam and the Trust Territory.

5 (e) Initiate, develop and coordinate the undertaking natural
6 energy system development projects; provide some level of matching
7 support to attract extramural funding for these projects; and provide
8 support for equipment requests for graduate thesis projects and for
9 faculty research initiation.

10 (f) After three (3) years of existence, submit a comprehensive
11 report on the progress of the Guam Natural Energy Institute along
12 with a plan for improvement, further development and experimen-
13 tation, such plan to include funding proposals from federal, private
14 and local sources.

15 Section [16128] 16124. Residents of Northern Mariana and
16 Trust Territory; Advanced Placement Program. (a) Students who
17 are residents of the Commonwealth of the Northern Mariana Islands
18 and those islands currently denominated the Trust Territory of the
19 Pacific Islands who come to Guam to matriculate at the University
20 of Guam shall be charged resident tuition for their attendance at
21 the University of Guam.

22 (b) No tuition shall be levied upon any student admitted to

1 study under the 'Advance Placement Program.'

2 Section [16129] 16125. University of Guam Land Grant
3 Endowment Fund. (a) For the purpose of compliance with Federal
4 laws designating the University of Guam as one of the land-grant
5 colleges eligible to receive donations of public land or land scrip for
6 the endowment and maintenance of colleges for the benefit of
7 agriculture and the mechanic arts, there is hereby established the
8 'University of Guam Land Grant Endowment Fund' which shall be
9 maintained separate and apart from any other funds of the govern-
10 ment of Guam, and independent records and accounts shall be
11 maintained in connection therewith by the University of Guam. A
12 quarterly financial statement of the Fund shall be submitted to the
13 Guam Legislature by the Board of Regents.

14 (b) The \$3,000,000 received from the Federal Government
15 in lieu of donation of public land or land scrip shall be credited to
16 the Fund. Said sum shall remain unimpaired and preserved.

17 (c) Said sum shall be invested in bonds of the United States
18 or of the States or Territories or bank certificates of deposit or some
19 other safe [bonds bearing an interest rate not less than the highest
20 interest rate of U.S. Securities at the time of deposit,] investments
21 as would normally be utilized by higher education institutions in a
22 manner adopted by the Board of Regents [and approved by a

1 Resolution of the Legislature]. The Board of Regents shall
2 administer the investment of the funds [in the manner approved
3 by Legislative Resolution] as custodians or trustees and for the
4 benefit of the University of Guam.

5 (d) No portion of said sum, nor the interest thereon, shall
6 be applied, directly or indirectly, under any pretense whatever,
7 to the purchase, erection, preservation, or repair of any building
8 or buildings.

9 (e) The Board of Regents for the University of Guam is
10 designated Custodian or Trustee of the interest from the investment
11 of the \$3,000,000 for the benefit of the University of Guam. The
12 interest from the investment of said sum shall be appropriated by
13 the Legislature directly to the Board of Regents for the endowment,
14 support and maintenance of the University of Guam subject to the
15 provisions of Federal laws establishing the University of Guam as
16 as land-grant college.

17 (f) There is hereby established the 'Land Grant Custodial
18 Maintenance Fund' from which the payment of all expenses incurred
19 in the management, investment, and disbursements of the Land
20 Grant Endowment Fund shall be made, and no such expenses shall
21 be paid or deducted directly from the Land Grant Endowment Fund
22 or the interest or income received therefrom. The Land Grant

1 Custodial Maintenance Fund shall be administered by the Board of
2 Regents and shall be used solely for the purposes stated in this
3 subsection and all monies appropriated to such fund by the
4 Legislature shall be used only for such designated purposes. The
5 fund shall be maintained separate and apart from any other funds
6 of the government of Guam, and independent records and accounts
7 shall be made in connection therewith by the University of Guam.
8 A quarterly financial statement of the fund shall be submitted to
9 the Guam Legislature by the Board of Regents at the same time that
10 the quarterly financial statement for the University of Guam Land
11 Grant Endowment Fund is submitted.

12 Section [16130] 16126. Assent to Provisions of Hatch and
13 McIntire-Stennis Acts; Administration by University of Guam. The
14 provisions of the Hatch Act of 1887, as amended, and the McIntire-
15 Stennis Act, the Federal formula funds and the purposes of such
16 funds, authorized by said Acts, and the laws and regulations
17 supplementary thereto providing for an Agricultural Experiment
18 Station in connection with a College of Agriculture and Mechanic Arts,
19 and by other Acts of Congress for similar purposes, are hereby
20 assented to and accepted by the Legislature of Guam on behalf of
21 the University of Guam. The Legislature further directs that the
22 University of Guam shall administer and direct the Guam

1 Agricultural Experiment Station which shall be established in
2 consonance with said Act.

3 Section [16131] 16127. Assent to Smith-Lever Act Relative
4 to Extension Services; Administration by the University of Guam.
5 The Legislature of Guam hereby assents to, and accepts the provisions
6 and requirements of the Smith-Lever Act and the laws and regulations
7 supplementary thereto. The Legislature further directs that the
8 University of Guam shall administer the formula funds made under
9 such Act and shall organize, conduct and administer the Cooperative
10 Extension Service in accordance with the terms and conditions of
11 said Act.

12 Section [16132] 16128. University of Guam Land Grant
13 Research and Extension Special Fund. (a) For the purpose of
14 compliance with Federal laws designating the University of Guam as
15 one of the Land Grant Colleges eligible to receive land grant Federal
16 funds for the benefit of research and extension services, there is
17 hereby established the 'University of Guam Land Grant Research
18 and Extension Special Fund' (the 'Research and Extension Fund'),
19 which shall be maintained separate and apart from any other funds
20 of the governemnt of Guam and independent records and accounts
21 thereof shall be maintained by the University of Guam. A quarterly
22 financial statement of the Research and Extension Fund shall be

1 submitted to the Legislature.

2 (b) All Federal grants, Federal formula funds, donations and
3 charitable contributions relating to agricultural and forestry research
4 and extension services shall be deposited and credited to the
5 Research and Extension Fund. The Legislature may appropriate or
6 reappropriate to the Research and Extension Fund any local matching
7 funds necessary for approved University of Guam Programs
8 consistent with Research and Extension Programs in the areas of
9 Agriculture, Home Economics, Forestry and any related programs.

10 (c) All income derived from the operation and services of
11 the research farm and cooperative extension services by the
12 University of Guam shall be deposited in and credited to the Research
13 and Extension Fund.

14 (d) All debts, liabilities and any other obligations incurred for
15 programs described in Subsection (b) of this Section shall be paid
16 from the Research and Extension Fund.

17 Section 16129. Amendments to This Charter of the University
18 Guam. This Charter and all its provisions provide for the continuity
19 and stability necessary for the University to function as an
20 accredited institution of higher education. To ensure this continuity
21 and stability, this Charter of the University of Guam can only be
22 amended by affirmative votes of sixteen (16) of the twenty-one (21)

1 members of the Legislature following full public hearings. Should
2 the membership of the Legislature change in the future, the
3 affirmative vote necessary for amendment shall remain in the
4 same proportion."