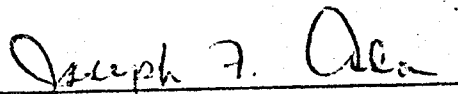


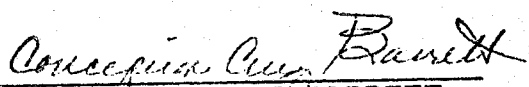
THIRTEENTH GUAM LEGISLATURE
1976 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

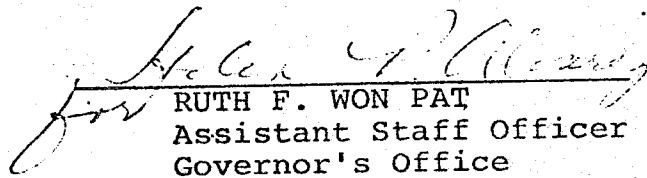
This is to certify that Substitute Bill No. 926, "An Act to Repeal and Reenact Chapter 10, Title XII, of the Government Code of Guam relative to the University of Guam and its purpose, government, control and operation," was on the 17th day of September, 1976, duly and regularly passed.


JOSEPH F. ADA
Speaker

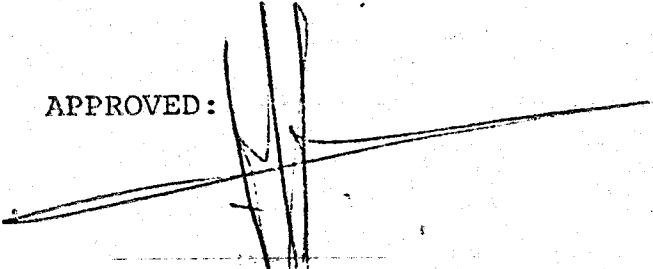
ATTESTED:


CONCEPCION CRUZ BARRETT
Legislative Secretary

This Act was received by the Governor this 22nd day of September, 1976, at 4:16 o'clock PM.


RUTH F. WON PAT
Assistant Staff Officer
Governor's Office

APPROVED:


RICARDO J. BORDALLO
Governor of Guam

DATED: October 4, 1976
11:30 AM

P.L. 13-194

THIRTEENTH GUAM LEGISLATURE
1976 (SECOND) Regular Session

Bill No. 926
As Substituted by the
Committee on Rules

Introduced by

T. V.C. Tanaka
F. F. Blas
J. F. Ada
E. M. Espaldon
J. H. Underwood
C. C. Barrett
E. T. Charfauros
A. L. Cristobal
E. R. Duenas
J. R. Duenas
R. P. Duenas
C. T.C. Gutierrez
B. M. Palomo
J. M. Rivera
G. R. Salas
A. C. Sanchez
F. R. Santos
A. A. Sekt
R. F. Taitano
A. C. Ysrael
B. D. Ada

AN ACT TO REPEAL AND REENACT CHAPTER 10,
TITLE XII, OF THE GOVERNMENT CODE OF GUAM
RELATIVE TO THE UNIVERSITY OF GUAM AND ITS
PURPOSE, GOVERNMENT, CONTROL AND OPERATION.

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

Section 1. Chapter 10, Title XII of the Government Code
of Guam is hereby repealed in its entirety and in its stead a
new Chapter 10 is hereby enacted as follows:

"CHAPTER 10

University of Guam

Section 11830. Establishment. There is established
in the Territory of Guam a non-membership, non-profit
corporation, which shall be known as the University of
Guam, which is successor to the presently existing
University of Guam.

1 Section 11831. Purpose. The University of Guam
2 shall provide instruction in the arts, sciences,
3 professional, technical, and vocational education; it
4 shall provide library and consultation services; it
5 shall conduct research on any of the fields of study
6 as its resources permit.

7 Section 11832. Prohibition Against Discrimination.
8 No student shall be denied admission to the University
9 by reason of age, race, sex, nationality, religious belief
10 or political affiliation.

11 Section 11833. Board of Regents. The government,
12 control, and operation of the University is hereby vested
13 in a board of regents to be known as the 'Board of Regents
14 of the University of Guam', hereinafter referred to as
15 the 'Board.' The Board shall be composed of seven (7)
16 members, all citizens of the United States of America
17 and residents of Guam for at least three (3) years, who
18 shall be appointed by the Governor, with the advice and
19 consent of the Legislature, for a term of four (4)
20 years, provided, however, that the members of the existing
21 Board of Regents of the University of Guam shall be
22 deemed appointed to terms which will expire at the end
23 of their current appointments without the necessity of
24 the advice and consent to the Legislature. In the case of
25 a vacancy in the Board, such vacancy shall be filled by
26 appointment by the Governor, with advice and consent of
27 the Legislature, for the duration of the unexpired term of
28 the office.

29 Section 11834. Same: Board Members Not Deemed
30 Officers or Employees of the Government of Guam. The

1 members of the Board shall not, by reason of such
2 membership, be deemed officers or employees of the
3 Government of Guam.

4 Section 11835. Same: Removal from Office. A member
5 of the Board may be removed by a vote of four members
6 for malfeasance in office or for persistent neglect of
7 or inability to discharge duties, or for offenses involving
8 moral turpitude, and for no other cause. However, no
9 member of the Board shall be removed from office before a
10 written bill of particulars shall have been given to
11 the accused and before an investigation and an open
12 hearing shall have been had. Any member who removes his
13 residence from Guam shall be deemed to have vacated his
14 office, thereby creating a vacancy on the Board.

15 Section 11836. Same: Officers. The Board shall
16 elect a chairman, a vice-chairman, and a treasurer from
17 its membership by a majority vote of its total membership.

18 Section 11837. Same: Meetings. Meetings of the
19 Board shall be held at a regular time and place as
20 determined by the Board, but not less than once a month.
21 Special meetings may be called by the chairman or by the
22 call of the majority of the members, as often as may be
23 necessary. Meetings of the Board, regular or special,
24 shall be subject to the Open Government Law of Guam

25 (Sections 3225-3240 of the Government Code). A majority
26 of the members shall constitute a quorum and, unless
27 otherwise provided herein, an affirmative vote of 4
28 members is required for any action to be valid.

29 Section 11838. Same: Powers. The University of
30 Guam has the power and duty to do any and all things

1 necessary to further the purposes of this Chapter.

2 Section 11839. President of the University. The
3 Board of Regents, by an affirmative vote of 4 members,
4 shall appoint the President of the University, whose
5 duties, compensation, and qualifications shall be
6 determined by the Board. He shall be the executive head
7 of the internal operating organization of the University;
8 as such, he shall be responsible for the administration
9 of the academic, business, and service activities thereof.
10 The President of the University shall serve as Executive
11 Secretary of the Board.

12 Section 11840. Officers of Administration. The
13 University shall have such other officers of administration
14 as may be determined by the Board.

15 Section 11841. Personnel Rules: Academic Personnel.
16 Rules and regulations governing selection, promotion,
17 performance, evaluation, demotion, suspension, and other
18 disciplinary action affecting academic personnel shall
19 be adopted by the Board. Such rules and regulations
20 shall provide procedures for the employment of persons on
21 the basis of merit, and shall include an orderly and
22 systematic method of recruitment and the establishment
23 of qualified lists for employment purposes.

24 Section 11842. Non-Academic Personnel. Notwith-
25 standing any law, rule or regulation to the contrary, all
26 non-academic personnel shall be classified and matters
27 relating to employment of non-academic personnel shall
28 be governed by and in accordance with Title V of the
29 Government Code.

30 All employees of the University of Guam who have

1 acquired Government of Guam civil service tenure on the
2 date of enactment of this Act and who are transferred to
3 the corporate university in accordance with Section 11845
4 of this Act shall retain their tenure and status as
5 employees of the Government of Guam.

6 Section 11843. Retirement Fund. The University shall
7 contribute to the Government of Guam Retirement Fund on the
8 basis of annual billings as determined by the Board of
9 Trustees, Government of Guam Retirement Fund, for the
10 employer's share of the cost of the retirement benefits
11 applicable to the University's employees, and their
12 beneficiaries.

13 Section 11844. Workmen's Compensation Fund. The
14 University shall contribute to the Workmen's Compensation
15 Fund on the basis of annual billings as determined by the
16 Workmen's Compensation Commissioner for the benefit
17 payments made from such fund on account of the employees
18 of the University.

19 Section 11845. University of Guam, present employees
20 of. The University of Guam, established under this
21 Chapter, shall be a successor to the presently existing
22 University of Guam. All employees of the presently
23 existing University of Guam shall be transferred to the
24 University of Guam, a corporation established under this
25 Chapter.

26 Any person accepting employment under this Section
27 will receive not less than the straight time rate of compen-
28 sation he was receiving immediately before the transfer
29 date. The other employment benefits and rights, including
30 retirement and leave, of such transferred employees shall be

1 governed under Sections 11841, 11842, 11843, and 11844
2 of this Chapter.

3 Section 11846. Legislative Appropriation. The Board
4 shall submit to the Legislature a total budget requirement
5 for each fiscal year and shall disburse such funds as the
6 Legislature may appropriate for the purpose of carrying
7 out the activities of the University.

8 Section 11847. Fiscal Authority, Accounting, and
9 Expenditures.

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

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

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

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

23 (e) At the close of each fiscal year, the Board
24 shall prepare a detailed report on the activities of the
25 University and shall transmit copies to the Governor and
26 to the Legislature.

27 (f) The Board shall prepare or cause to be prepared
28 a detailed financial summary, the accuracy and completeness
29 of which shall be attested to by an independent certified
30 public accountant selected by the Legislature, pursuant

-1 to Section 1400 of the Government Code.

2 Section 11848. Transfer of Property. There is
3 transferred to the University of Guam title to all items of
4 property, real or personal, now assigned to the University
5 of Guam."

6 Section 2. Paragraph (d) of Section 4204, Chapter III of
7 Title V, Government Code of Guam is hereby amended to read as
8 follows:

9 "(d) An employee of a public corporation of the
10 Government or of the University of Guam shall have the
11 option of accepting or rejecting membership, and shall
12 become a member only upon submission of a written request
13 to the Board for membership."

14 Section 3. This Act shall be known as the Higher Education
15 Act of 1976.

16 Section 4. This Act shall take effect thirty (30) days
17 after its enactment.