



Territory of Guam
Territorio Guam

OFFICE OF THE GOVERNOR
UFISINAN I MAGA'LAHI
AGANA, GUAM 96910 U.S.A.

LEGISLATIVE SECRETARY

JUL 22 1994

The Honorable Joe T. San Agustin
Speaker, 22nd Guam Legislature
155 Hesler Street
Agana, Guam 96910

RECEIVED
OFFICE OF THE SPEAKER
DATE: 22 July 1994
TIME: 5:15
RECD BY: [Signature]

Dear Mr. Speaker:

Enclosed herewith is Substitute Bill No. 853 which I have signed as Public Law 22-137. This legislation is essential to ensure the accreditation of the Guam Community College and the University of Guam.

Since 1991 we have been advocating legislative action regarding this issue and we are certainly pleased to see the Legislature address this important topic. It is highly unfortunate, though, that GCC was placed on probation by the accrediting association before the Legislature took action.

I have signed Bill No. 853 into law mainly because it is the first step in freeing GCC from its probationary status and it also would allow the two institutions to manage employee issues and concerns more appropriately.

However, I must point out that the law does contain a few flaws that need to be addressed in order to ensure full academic accreditation. A proposed measure containing remedial actions will be transmitted to the Legislature next week. Briefly, there exists some discrepancies in areas as personnel rules, regulations and pay determinations for all categories of employees of GCC and UOG. We want to guarantee that every employee will continue to receive equal and fair treatment as is presently accorded them as Government of Guam employees.

The issue of maintaining accreditation for the Guam Community College and the University of Guam is an extremely important one. This is not only important to the academic reputations of our institutions of higher learning but also to our students who receive diplomas and credentials from GCC and UOG every commencement. We certainly would not want to jeopardize either.

What we must do is work together to ensure that this never happens and that GCC and UOG are not threatened by that possibility. I thank you and your esteemed colleagues for taking this first step. As mentioned earlier, I will be transmitting a proposed measure to address the remaining personnel concerns in Public Law 22-137 that would ensure full academic integrity and accreditation for UOG and GCC. Thank you and si Yu'os ma'ase.

Sincerely,
[Signature]
JOSEPH F. ADA
Governor

220803



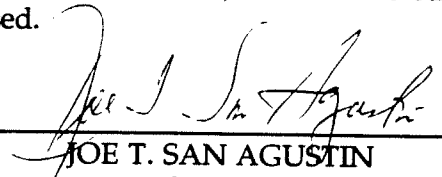
Commonwealth Now!



TWENTY-SECOND GUAM LEGISLATURE
1994 (SECOND) Regular Session

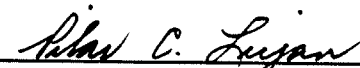
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 853 (LS), "AN ACT TO AMEND §6103 OF TITLE 4, GUAM CODE ANNOTATED, TO MAINTAIN THE ACCREDITATION OF THE GUAM COMMUNITY COLLEGE AND THE UNIVERSITY OF GUAM BY GIVING THEIR RESPECTIVE BOARDS FULL AUTHORITY OVER THEIR RESPECTIVE ACADEMIC STAFFS AND ADMINISTRATIVE OFFICERS; TO AMEND §3106 OF TITLE 17, GUAM CODE ANNOTATED, TO EXTEND THE TIME FOR FILING DECLARATIONS FOR CANDIDACY TO THE ELECTED SCHOOL BOARD; TO ADD SUBSECTION (d) TO §3104 OF TITLE 17, GUAM CODE ANNOTATED, TO REQUIRE THAT PERSONS RUNNING FOR ELECTED SCHOOL BOARD POSITIONS BE U. S. CITIZENS AND RESIDENTS OF GUAM; AND TO APPROPRIATE FUNDS TO OPEN THE OFFICE OF PUBLIC AUDITOR," was on the 6th day of July, 1994, duly and regularly passed.



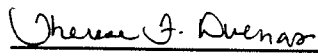
JOE T. SAN AGUSTIN
Speaker

Attested:



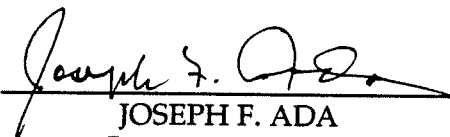
PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 11th day of July
1994, at 4:20 o'clock P.M.



Assistant Staff Officer
Governor's Office

APPROVED:



JOSEPH F. ADA
Governor of Guam

Date: JUL 22 1994
Public Law No. 22-137



TWENTY-SECOND GUAM LEGISLATURE
1994 (SECOND) Regular Session

Bill No. 853 (LS)

As substituted by the author, and
as further substituted by the
Committee on Education.

Introduced by:

M. Z. Bordallo
C. T. C. Gutierrez
T. C. Ada

H. D. Dierking
D. Parkinson
J. P. Aguon
E. P. Arriola
P. C. Lujan
T. S. Nelson
V. C. Pangelinan
E. D. Reyes
J. T. San Agustin
F. E. Santos
D. L. G. Shimizu
J. G. Bamba
A. C. Blaz
D. F. Brooks
F. P. Camacho
M. D. A. Manibusan
T. V. C. Tanaka
A. R. Unpingco

AN ACT TO AMEND §6103 OF TITLE 4, GUAM CODE ANNOTATED, TO MAINTAIN THE ACCREDITATION OF THE GUAM COMMUNITY COLLEGE AND THE UNIVERSITY OF GUAM BY GIVING THEIR RESPECTIVE BOARDS FULL AUTHORITY OVER THEIR RESPECTIVE ACADEMIC STAFFS AND ADMINISTRATIVE OFFICERS; TO AMEND §3106 OF TITLE 17, GUAM CODE ANNOTATED, TO EXTEND THE TIME FOR FILING DECLARATIONS FOR CANDIDACY TO



THE ELECTED SCHOOL BOARD; TO ADD SUBSECTION (d) TO §3104 OF TITLE 17, GUAM CODE ANNOTATED, TO REQUIRE THAT PERSONS RUNNING FOR ELECTED SCHOOL BOARD POSITIONS BE U. S. CITIZENS AND RESIDENTS OF GUAM; AND TO APPROPRIATE FUNDS TO OPEN THE OFFICE OF PUBLIC AUDITOR.

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

2 **Section 1.** §6103 of Title 4, Guam Code Annotated is hereby amended
3 as follows:

4 **"§6103. Scope.** Unless otherwise specified, this Chapter shall
5 apply to all positions, officers and employees, classified and
6 unclassified, inclusive of the Executive and Judicial Branches,
7 autonomous and semi-autonomous agencies, public corporations,
8 and other public instrumentalities of the government of Guam;
9 **provided,** that the provisions of this Chapter do not apply to
10 academic and administrative positions of the Guam Community
11 College or of the University of Guam, and the Board of Trustees of
12 the Guam Community College and the Board of Regents of the
13 University of Guam, respectively, shall have the exclusive authority
14 to hire and dismiss, and to set the selection, qualification,
15 classification, compensation, tenure, and promotion criteria for the
16 academic personnel and administrative officers of their respective
17 institutions. For the purpose of this section, an "administrative
18 officer" is defined as one who holds any of the following
19 positions: President or vice president; associate or assistant dean;
20 associate or assistant director; dean or director; associate to the
21 president or vice president."



1 **Section 2. Prospective effect only.** The amendment made to the Civil
2 Service law as set out in Section 1 of this Act is only prospective in effect, and
3 shall not affect any Civil Service Commission or court proceedings arising
4 before the effective date of this Act.

5 **Section 3.** Subsection (d) is hereby added to §3104, Title 17, Guam Code
6 Annotated, to read as follows:

7 "(d) Each candidate for the Board shall be a bona fide resident
8 and a registered voter of Guam."

9 **Section 4.** §3106 of Title 17, Guam Code Annotated, is hereby amended
10 to read as follows:

11 "**§3106. Nomination for election to the Board.** Nomination of
12 candidates for election to the Board shall be made by petition on
13 forms prescribed by the Election Commission and initiated by the
14 candidate. In order for a person's name to be placed on the ballot for
15 election to the Board, such petition must be signed by not less than
16 one hundred fifty (150) persons registered to vote in Guam and must
17 be filed with the Election Commission not more than seventy (70)
18 days nor less than fifty-five (55) days prior to the election for such
19 members. No defect in any nominating petition presented to the
20 Election Commission shall prevent the filing of another petition
21 which is presented within the allowed filing period. Such petitions
22 shall be maintained on file with the Commission for not less than ten
23 (10) years."

24 **Section 5. Appropriation.** Fifty Thousand Dollars (\$50,000) are
25 appropriated from the General Fund for the establishment of the Office of
26 Public Auditor.



TWENTY-SECOND GUAM LEGISLATURE

1993 (FIRST) Regular Session

Date: 7/6/94

VOTING SHEET (AS REVISED)

Bill No. 853
 Resolution No. _____
 Question: _____

NAME	AYE	NO	NOT VOTING/ ABSTAINED	ABSENT/ OUT DURING ROLL CALL
ADA, Thomas C.	✓			
AGUON, John P.	✓			
ARRIOLA, Elizabeth P.	✓			
BAMBA, J. George		✓		
BLAZ, Anthony C.	✓			
BORDALLO, Madeleine Z.	✓			
BROOKS, Doris F.	✓			
CAMACHO, Felix P.		✓		
DIERKING, Herminia D.	✓			
GUTIERREZ, Carl T. C.	✓			
LUJAN, Pilar C.	✓			
MANIBUSAN, Marilyn D. A.	✓			
NELSON, Ted S.	✓			
PANGELINAN, Vicente	✓			
PARKINSON, Don	✓			
REYES, Edward D.	✓			
SAN AGUSTIN, Joe T.	✓			
SANTOS, Francis E.	✓			
SHIMIZU, David L. G.	✓			
TANAKA, Thomas V. C.		✓		
UNPINGCO, Antonio R.	✓			

TOTAL 18 3 0 0





COMMITTEE ON EDUCATION
TWENTY-SECOND GUAM LEGISLATURE
KUMITEN IDUKASION
MINA'BENTE DOS NA LIHESLATURA

155 Hesler Street • Agaña, Guam 96910 • Tel: (671) 472-3581/2/3 • Fax: (671) 472-3585

June 28, 1994

Senators

Madeleine F. Bordallo
CHAIRPERSON

COMMITTEE ON
EDUCATION

Sen. Thomas C. Ada
Vice-Chairperson

MEMBERS

Vice Speaker John P. Aguon
 Sen. Elizabeth P. Arriola
 Sen. Herminia D. Dierking
 Sen. Carl T.C. Gutierrez
 Sen. Pilar C. Lujan
 Sen. David L.G. Shimizu
 Sen. J. George Bamba
 Sen. Anthony C. Blaz
 Sen. Marilyn D.A. Manibusan
 Sen. Thomas V.C. Tanaka

Speaker Joe T. San Agustin
Ex. Officio

The Honorable Joe T. San Agustin
 Speaker, Twenty Second Guam Legislature
 155 Hesler Street
 Agaña, Guam 96910

Dear Speaker San Agustin:

The Committee on Education, Twenty Second Guam Legislature, to which was referred BILL NO. 853, as substituted by the Committee on Education, "AN ACT TO REPEAL AND REENACT §31104, 31106, 31109 AND 33102 OF TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO THE ADMINISTRATION OF GUAM COMMUNITY COLLEGE; FOR THE PURPOSES OF RESTORING THE AUTONOMY OF THE COLLEGE AND ENABLING THE BOARD OF TRUSTEES TO MORE EFFECTIVELY IMPLEMENT PERSONNEL AND ADMINISTRATIVE POLICIES/PROCEDURES NECESSARY FOR THE CONTINUED SUCCESS OF THE COLLEGE IN PROVIDING THE VOCATIONAL EDUCATION AND TECHNICAL TRAINING NEEDS OF THE COMMUNITY", does hereby recommend that the provision be favorably considered and passed by the Twenty-Second Guam Legislature.

Votes of the Committee members were as follows:

To Pass	<u>8</u>
To Not Pass	<u>0</u>
To Abstain	<u>0</u>
To Report Out	<u>0</u>
To Place in Inactive File	<u>0</u>
Off-Island	<u>0</u>
Not Available	<u>5</u>

Respectfully Submitted,

Madeleine F. Bordallo
 MADELEINE Z. BORDALLO
 Chairperson

Enclosures





COMMITTEE ON EDUCATION
TWENTY-SECOND GUAM LEGISLATURE
KUMITEN IDUKASION
MINA'BENTE DOS NA LIHESLATURA

155 Hesler Street • Agaña, Guam 96910 • Tel: (671) 472-3581/2/3 • Fax: (671) 472-3585

VOTING SHEET

Senator
Madeleine E. Bordallo
 CHAIRPERSON

BILL NO. 853

(AS SUBSTITUTED BY THE COMMITTEE ON EDUCATION)

COMMITTEE ON
 EDUCATION

"AN ACT TO REPEAL AND REENACT §31104, 31106, 31109 AND 33102 OF TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO THE ADMINISTRATION OF GUAM COMMUNITY COLLEGE; FOR THE PURPOSES OF RESTORING THE AUTONOMY OF THE COLLEGE AND ENABLING THE BOARD OF TRUSTEES TO MORE EFFECTIVELY IMPLEMENT PERSONNEL AND ADMINISTRATIVE POLICIES/PROCEDURES NECESSARY FOR THE CONTINUED SUCCESS OF THE COLLEGE IN PROVIDING THE VOCATIONAL EDUCATION AND TECHNICAL TRAINING NEEDS OF THE COMMUNITY."

Sen. Thomas C. Ada
 Vice-Chairperson

MEMBERS

- Vice Speaker John P. Aguon
- Sen. Elizabeth P. Arriola
- Sen. Herminia D. Dierking
- Sen. Carl T.C. Gutierrez
- Sen. Pilar C. Lujan
- Sen. David L.G. Shimizu
- Sen. J. George Bamba
- Sen. Anthony C. Blaz
- Sen. Marilyn D.A. Manibusan
- Sen. Thomas V.C. Tanaka

Speaker Joe T. San Agustin
 Ex. Officio

<u>COMMITTEE MEMBER</u>	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>TO ABSTAIN</u>	<u>TO PLACE IN INACTIVE FILE</u>
<i>Madeleine E. Bordallo</i> SEN. MADELEINE E. BORDALLO Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>T.C. Ada</i> SEN. THOMAS C. ADA Vice Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Joe T. San Agustin</i> SPEAKER JOE T. SAN AGUSTIN (Ex-Officio Member)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>John P. Aguon</i> VICE-SPEAKER JOHN P. AGUON Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SEN. CARL T.C. GUTIERREZ Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Herminia D. Dierking</i> SEN. HERMINIA D. DIERKING Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



<u>COMMITTEE MEMBER</u>	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>TO ABSTAIN</u>	<u>TO PLACE IN INACTIVE FILE</u>
<u><i>[Signature]</i></u> SEN. DAVID L. G. SHIMIZU Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u><i>[Signature]</i></u> SEN. ELIZABETH P. ARRIOLA Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u><i>[Signature]</i></u> SEN. PILAR C. LUJAN Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>SEN. J. GEORGE BAMBA</u> Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>SEN. MARILYN D.A. MANIBUSAN</u> Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>SEN. ANTHONY C. BLAZ</u> Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>SEN. THOMAS V.C. TANAKA</u> Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



**COMMITTEE ON EDUCATION
TWENTY SECOND GUAM LEGISLATURE**

**SENATOR MADELEINE Z. BORDALLO
Chairperson**

COMMITTEE MEMBERS

**Senator Thomas C. Ada, Vice-Chairman
Vice-Speaker John P. Aguon
Senator Elizabeth P. Arriola
Senator Herminia D. Dierking
Senator Carl T. C. Gutierrez
Senator Pilar C. Lujan
Senator David L. G. Shimizu
Senator J. George Bamba
Senator Anthony C. Blaz
Senator Marilyn D. A. Manibusan
Senator Thomas V. C. Tanaka**

**Speaker Joe T. San Agustin
Ex-Officio Member**

**COMMITTEE REPORT
ON
BILL NO. 853**

(AS SUBSTITUTED BY THE COMMITTEE ON EDUCATION)

"AN ACT TO REPEAL AND REENACT §31104, 31106, 31109 AND 33102 OF TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO THE ADMINISTRATION OF GUAM COMMUNITY COLLEGE; FOR THE PURPOSES OF RESTORING THE AUTONOMY OF THE COLLEGE AND ENABLING THE BOARD OF TRUSTEES TO MORE EFFECTIVELY IMPLEMENT PERSONNEL AND ADMINISTRATIVE POLICIES/PROCEDURES NECESSARY FOR THE CONTINUED SUCCESS OF THE COLLEGE IN PROVIDING THE VOCATIONAL EDUCATION AND TECHNICAL TRAINING NEEDS OF THE COMMUNITY."

The Committee on Education of the Twenty Second Guam Legislature



conducted a Public Hearing on Bill No. 853, relative to restoring the autonomy of Guam Community College and enabling the Board of Trustees to effectively implement personnel and administrative policies necessary for the success of the college, on Tuesday, March 15, 1994, in the Public Hearing Room, Temporary Legislative Building, Agana, Guam.

COMMITTEE MEMBERS PRESENT

Senator Madeleine Z. Bordallo
Senator Thomas V. C. Tanaka

WITNESSES PRESENT: Dr. Richard G. Tennessen, Chairman, Board of Trustees, Guam Community College; Atanacio T. Diaz, Member, Board of Trustees, Guam Community College; John T. Cruz, President, Guam Community College; Dr. Lorraine C. Yamashita, Member, Board of Trustees, Guam Community College; Eloy Hara, Executive Director, Civil Service Commission; Willis Cannon, Chairman, Civil Service Commission; Mr. Ron Aguon, Legal Counsel, Civil Service Commission.

SUMMARY OF TESTIMONY

Dr. Richard G. Tennessen
Chairman, Board of Trustees, Guam Community College

Dr. Richard G. Tennessen, Chairman of the Board of Trustees of Guam Community College, presented oral and written testimony to the Committee in support of Bill No. 853. Dr. Tennessen urged the passage of Bill No. 853, and emphasized that rules and regulations governing the selection, compensation, and performance evaluation of faculty and administrative officers of the College need to be governed by the Board of the College. Dr. Tennessen further emphasized that the lack of authority in these areas compromises educational effectiveness and academic freedom, and the College Board no longer has authority to negotiate initial placement of faculty when considering education and experience, making it difficult to attract qualified faculty. Dr. Tennessen also stated that the lack of authority of the College Board does not meet the requirement as outlined in Standard Eight, set forth for accreditation. Dr. Tennessen concluded by asking that the powers of the Board of Trustees of Guam Community College be restored, and requested that Bill No. 853 be expeditiously passed by the



Twenty-Second Guam Legislature.

Dr. Lorraine C. Yamashita
Member, Board of Trustees, Guam Community College

Dr. Lorraine C. Yamashita, a member of the Board of Trustees of the Guam Community College, presented oral testimony in support of Bill No. 853. Dr. Yamashita stated that the Board over the years has demonstrated excellence in the governance of the College, and that should be allowed to continue. Dr. Yamashita concluded her comments by recommending that the Legislature pass the measure.

Mr. Atanacio T. Diaz
Member, Board of Trustees, Guam Community College

Mr. Atanacio T. Diaz, a member of the Board of Trustees of Guam Community College, presented oral testimony in support of Bill No. 853. Mr. Diaz reminded Committee members about the incident which occurred with the College in 1987, which placed the College on probationary status with its accreditation because the autonomy of the Board of Trustees was directly affected by what occurred. Mr. Diaz expressed his concern that he was afraid this may happen again, and therefore recommended that Bill No. 853 be passed by the Twenty-Second Guam Legislature.

Ms. Elizabeth J. Duenas
Support Staff Advisory Member, Board of Trustees, Guam Community College

Ms. Elizabeth J. Duenas, Support Staff Advisory Member of the Board of Trustees of Guam Community College, presented written testimony to the Committee in support of Bill No. 853. In her written testimony, Ms. Duenas stated that the provision would reinstate the authority of the Board of Trustees in matters regarding the recruitment, compensation, promotion, performance evaluation and disciplinary action which are necessary to ensure the quality of education and training being provided by the College. Ms. Duenas further stated that in order for the College to provide the best education possible, the Board of Trustees needs to possess the authority to effectively govern the College. Ms. Duenas concluded her comments by requesting the immediate passage of Bill No. 853.



Mr. Eloy P. Hara
Executive Director, Civil Service Commission

Mr. Eloy P. Hara, Executive Director of the Civil Service Commission, presented oral and written testimony to the Committee in opposition to Bill No. 853. Mr. Hara commenced his comments by stating that because of the varied compensation plans throughout the numerous agencies within the government of Guam, the Legislature in 1988 authorized the study and implementation of a unified compensation schedule, which became Public Law 21-59, and that the unified pay system will require approximately five years to fully and effectively function. Mr. Hara further stated that the concern on the impact of Public Law 21-59 on the College's accreditation is uninformed, particularly when California state universities' faculty members come under the purview of independent state agencies. Mr. Hara also mentioned that the Civil Service Commission and the Guam Community College have worked together constructively in the past, and there is no reason why this may not continue. Mr. Hara further stated that should Bill No. 853 be passed into law, it will set an irreversible precedent and signal the beginning of the end of the unified pay system. Mr. Hara further stressed the renumbering of the provisions relating to department and personnel rules of the government of Guam, and the promulgation of academic personnel rules. Mr. Hara concluded his comments by stating that the Civil Service Commission does not support Bill No. 853, and urged the Legislature to permit the Civil Service Commission and the Guam Community College to work together under current laws.

Mr. Willis Cannon
Chairman, Civil Service Commission

Mr. Willis Cannon, Chairman of the Civil Service Commission, presented oral testimony to the Committee opposing the provisions within Bill No. 853. Mr. Cannon stated that the Civil Service Commission presently has a case before Judge Taylor with the University of Guam, which is similar to what the provision would create. Mr. Cannon further stated that there are laws in place which question the jurisdiction of the Civil Service Commission, and that Bill No. 853 would not clarify this concern. Mr. Cannon concluded by stating that the Commission also opposes the measure because of the idea that the College would have the sole authority to hire, fire, and adjudicate adverse actions of its employees.



Mr. John C. Petersen
Executive Director, Western Association of Schools and Colleges (WASC)

Because concerns have been expressed about Bill No. 853 (which proposes to return the Board of Trustees' authority and autonomy which it possessed prior to the implementation of the Unified Compensation System of the government of Guam) and the direct impact of Public Law 21-59 on the future accreditation of the College, the Committee has included for the record a communication by Mr. John C. Petersen, Executive Director of the Western Association of Schools and Colleges (WASC), to Senator Madeleine Z. Bordallo, Chairperson.

In his written communication to Senator Madeleine Z. Bordallo on the impact of Public Law 21-59 on Guam Community College's future accreditation status, Mr. John C. Petersen explained that to be eligible for accreditation by the Western Association of Schools and Colleges, an institution must have an independent policy making body. Mr. Petersen further stated that under Public Law 21-59, it appears that the College Board lacks the necessary authority to govern the assignment, classification, and compensation of key officers of the institution. Mr. Petersen further stated that a postsecondary institution must be able to adapt and respond to changing conditions, thus colleges and universities have independent boards to select, assign, evaluate and compensate their staff. Mr. Petersen concluded his remarks by emphasizing that the Accreditation Visiting Team will be visiting Guam Community College in March, 1994, and that the team has the independent authority to report as they see compliance with standards of good practice.

COMMITTEE QUESTIONS/COMMENTS

Senator Madeleine Z. Bordallo, Chairperson, then opened the discussion for questions and comments by Committee members. Senator Bordallo commenced the discussion by asking Mr. Eloy Hara how many cases are pending on the unified pay schedule and how much longer the entertainment of such cases will take. Mr. Hara responded that he is presently working on the hazard and merit system compensation plan, and upon completion of these concerns, he will be addressing the unified pay schedule cases presently before the Commission pending review. Mr. Ron Aguon, Legal Counsel of the Civil Service Commission, stated that over the past year the Commission entertained between 600-700 cases, and presently have approximately 30-35 positions



pending review. Senator Bordallo then responded to Mr. Hara's earlier concern about not receiving notification on the hearing date for Bill No. 853, and informed him that the Governor's Office was provided a copy of the public hearing notice, which requested that all affected agencies of the government of Guam be provided proper notification of the public hearing on the proposals to be discussed. Senator Bordallo then asked representatives of Guam Community College about any communication they have had with the Civil Service Commission on their concerns regarding the compensation and concerns of the College. Dr. Tennessen responded that following the implementation of the Hay Study, the College was made aware of a system of faculty ranking which made no sense to the College, and only following several appeals with the CSC, the concern was addressed. Dr. Tennessen further stated that the Board understands that the CSC has jurisdiction of classified employees of the College, but it should be the responsibility of the Board to address the professional staff of the College.

Mr. Hara further mentioned that he has only been on the job for a number of months, and assured the Committee that he will be working to address the pending concerns before the Commission. Senator Thomas Tanaka then questioned GCC officials about its authority in adjudicating cases of the employees it hires and fires, and mentioned that there should be a third independent party which can determine the merits of a case.

Senator Bordallo then questioned the impact of the present arrangement with the accreditation of the College, Dr. Tennessen responded that according to Mr. Petersen, Executive Director of the Western Association of Schools and Colleges (WASC), the present situation may negatively affect the accreditation of the College because the Board now lacks the necessary authority to govern the assignment, classification, and compensation of key officers of the institution. Dr. Tennessen also reminded Committee members that in 1987 legislation was passed regarding one or more positions, the Accreditation Commission considered that an infringement on the authority of the Board and placed the Board on an accredited warrant; the legislature at that time corrected the deficiency, and the College then received full accreditation. Dr. Tennessen stated that he strongly suspects that the College, which is presently undergoing an accreditation visit, may be placed on an accredited warrant status, because of the Board's present situation.



COMMITTEE FINDINGS/RECOMMENDATIONS

The Committee on Education of the Twenty Second Guam Legislature finds that concerns have been expressed by both Guam Community College officials and by representatives of the Western Association of Schools and Colleges about the lack of authority the Board of Trustees presently possesses, due to the enactment of Public Law No. 21-59 which established a unified compensation plan for the government of Guam and removed the authority of the Board of Trustees in the hiring, firing and compensation of College administrators and faculty. Such concerns include: the College's belief that the Board of Trustees of the College should maintain the authority to govern the selection, compensation and performance evaluation of faculty and administrative officers of the College to insure educational effectiveness and academic freedom; and the concern that Public Law 21-59 may directly impact the future accreditation of the College. The Committee also finds that the Accreditation Visiting Team of the Western Association of Schools and Colleges (WASC) recently visited the College in March, 1994, for its full re-accreditation assessment; and also visited members of the Committee, during which time they once again expressed their concern about the Board of Trustees' present lack of control in the direct governance of the College, and its potential negative impact on the College's future accreditation status.

The Committee further finds that members of the Civil Service Commission have expressed their concern about the need to insure the continuance of the Unified Compensation System, as established through Public Law 21-59, and its application to all government of Guam agencies. The Committee believes that the Guam Legislature must do what is necessary to insure present mandates do not jeopardize the accreditation of Guam Community College and that the College Board retain necessary autonomy for the effective administration and management of the College. **THEREFORE, THE COMMITTEE ON EDUCATION OF THE TWENTY SECOND GUAM LEGISLATURE RECOMMENDS THAT BILL NO. 853, AS SUBSTITUTED BY THE COMMITTEE, "AN ACT TO REPEAL AND REENACT §§31104, 31106, 31109 AND 33102 OF TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO THE ADMINISTRATION OF GUAM COMMUNITY COLLEGE; FOR THE PURPOSES OF RESTORING THE AUTONOMY OF THE COLLEGE AND ENABLING THE BOARD OF TRUSTEES TO MORE EFFECTIVELY IMPLEMENT PERSONNEL AND ADMINISTRATIVE POLICIES/PROCEDURES NECESSARY FOR THE CONTINUED SUCCESS**



OF THE COLLEGE IN PROVIDING THE VOCATIONAL EDUCATION AND TECHNICAL TRAINING NEEDS OF THE COMMUNITY", BE FAVORABLY CONSIDERED AND PASSED BY THE TWENTY SECOND GUAM LEGISLATURE.

ATTACHMENT

1. Voting sheet on Bill No. 853, as substituted by the Committee on Education, Twenty Second Guam Legislature.
2. Bill No. 853, as substituted by the Committee on Education, Twenty Second Guam Legislature.
3. Bill No. 853, as introduced to the Twenty Second Guam Legislature.
4. Written testimony on Bill No. 853 by Dr. Richard G. Tennessen, Chairman, Board of Trustees, Guam Community College.
5. Written testimony on Bill No. 853 by Ms. Elizabeth J. Duenas, Support Staff Advisory Member, Board of Trustees, Guam Community College.
6. Written testimony on Bill No. 853 by Mr. Eloy P. Hara, Executive Director, Civil Service Commission.
7. Letter from John C. Petersen, Executive Director of the Western Association of Schools and Colleges (WASC), to Senator Madeleine Z. Bordallo, Chairperson of Committee on Education, Twenty Second Guam Legislature.
8. Copy of the Public Hearing agenda for Bill No. 853, conducted on Tuesday, March 15, 1994, in the Public Hearing Room, Temporary Legislative Building, Agana, Guam.
9. Witness attendance sheet on Bill No. 853 from the Public Hearing conducted on Tuesday, March 15, 1994, in the Public Hearing Room, Temporary Legislative Building, Agana, Guam.



**TWENTY-SECOND GUAM LEGISLATURE
1994 (SECOND) REGULAR SESSION**

BILL NO. 853.

(AS SUBST. BY THE COMMITTEE ON EDUCATION)

INTRODUCED BY:

M. Z. BORDALLO 

C. T. C. GUTIERREZ

T. C. ADA 

Hausking

"AN ACT TO REPEAL AND REENACT §31104, 31106, 31109 AND 33102 OF TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO THE ADMINISTRATION OF GUAM COMMUNITY COLLEGE; FOR THE PURPOSES OF RESTORING THE AUTONOMY OF THE COLLEGE AND ENABLING THE BOARD OF TRUSTEES TO MORE EFFECTIVELY IMPLEMENT PERSONNEL AND ADMINISTRATIVE POLICIES/PROCEDURES NECESSARY FOR THE CONTINUED SUCCESS OF THE COLLEGE IN PROVIDING THE VOCATIONAL EDUCATION AND TECHNICAL TRAINING NEEDS OF THE COMMUNITY."

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

3
4 Section 1. §31104 of Title 17, Guam Code Annotated, is hereby
5 repealed and reenacted to read as follows:

6 "§31104. Rules and Regulations.

7 The Board shall adopt reasonable rules and regulations not
8 inconsistent with the laws of the United States and this Territory (a) for its own
9 government, (b) for the government of the College and (c) for the purposes of
10 carrying out all other duties and powers herein conferred."



1 **Section 2.** §31106 of Title 17, Guam Code Annotated, is hereby
2 repealed and reenacted to read as follows:

3 "**§31106. Personnel Rules: Academic Personnel and Administrative**
4 **Officers.**

5 Rules and regulations governing selection, compensation, promotion,
6 performance evaluation and disciplinary action affecting academic personnel and
7 administrative officers shall be adopted by the Board in accordance with Sections
8 4 GCA 4104 and 4105. Such rules and regulations shall provide for the
9 employment of persons on the basis of merit, and shall include an orderly and
10 systematic method of recruitment and the establishment of qualified lists for
11 employment purposes. For the purpose of this Section, an "administrative
12 officer" is defined as one who holds any of the following positions: Associate
13 or Assistant Dean; Associate or Assistant Director; Dean or Director; Associate
14 to the President or Vice-President; provided, however, that nothing in this
15 Chapter shall be construed as preventing the Board from establishing other
16 administrative officer position or abolishing any of the existing positions
17 indicated herein."
18

19 **Section 3.** §31109 of Title 17, Guam Code Annotated, is hereby
20 repealed and reenacted to read as follows:

21 "**§31109. Powers of the Guam Community College and Board.**

22 The Guam Community College and Board shall have all the powers
23 necessary and convenient to carry out and perform the purposes and provisions
24 of this Division except the power to levy and collect taxes or special assessments
25 including the following in addition to other powers granted in the Division, it
26 may:

27 (1) have perpetual succession except if this Chapter shall expire in
28 accordance with Section 15 of this Chapter.

29 (2) have a seal and modify it.



1 (3) enter into and execute contracts and instruments of every kind and
2 nature necessary or convenient to the exercise of its powers and functions. The
3 provisions of Section 6107 of the Government Code shall not apply to such
4 contracts.

5 (4) in accordance with Title VII-A of the Government Code, acquire any
6 real or personal property or interest or estate therein by lease, option, purchase,
7 gift, grant,, donation, appropriation, bequest or devise or otherwise.

8 (5) to act as administrator for the Federal Adult Basic Education Program.

9 (6) to grant appropriate degrees and issue diplomas in accordance with its
10 rules and regulations.

11 (7) for such legal services as it may require the College may employ or
12 retain its own course and legal staff."
13

14 **Section 4.** §33102 of Title 17, Guam Code Annotated, is hereby
15 repealed and reenacted to read as follows:

16 "**§33102. Construction With Other Law.**

17 Except as expressly provided for herein and notwithstanding any
18 other law to the contrary, the College shall be autonomous and self-sufficient in
19 matters pertaining to its governance, organization and administration and the
20 promulgation of its rules and regulations, in accordance with the Administrative
21 Adjudication Law (5 GCA Chapter 9) pertaining to the following:

22 (1) courses of instruction;

23 (2) issuance of certificates, diplomas, credits and degrees;

24 (3) personnel recruitment, appointment, tenure, promotion, dismissal and
25 other personnel matters;




26 (4) obligation and disposition of funds, provided that appropriated funds are
27 used for the purpose or purposes stipulated in the Act appropriating said funds; and

28 (5) soliciting, receiving and using gifts of any kind whatsoever for the
29 purposes provided in this Chapter."



TWENTY-SECOND GUAM LEGISLATURE
1994 (SECOND) REGULAR SESSION

BILL NO. 853
INTRODUCED BY:

M. Z. BORDALLO 
C. T. C. GUTIERREZ 
T. C. ADA 

AN ACT TO REENACT CERTAIN SECTIONS OF TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO RESTORING THE AUTONOMY OF GUAM COMMUNITY COLLEGE, AND ENABLING THE BOARD OF TRUSTEES TO MORE EFFECTIVELY IMPLEMENT PERSONNEL AND ADMINISTRATIVE POLICIES AND PROCEDURES NECESSARY FOR THE CONTINUED SUCCESS OF THE COLLEGE IN ADDRESSING THE VOCATIONAL EDUCATION AND TECHNICAL TRAINING NEEDS OF THE COMMUNITY."

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:
2
3

4 Section 1. Title 17, Guam Code Annotated, Section 31104 is hereby repealed and
5 reenacted to read:

6 "Section 31104. Rules and Regulations.

7 The Board shall adopt reasonable rules and regulations not inconsistent with the
8 laws of the United States and this Territory (a) for its own government, (b) for the government
9 of the College and (c) for the purpose of carrying out all other duties and powers herein
10 conferred."

11
12 Section 2. Title 17, Guam Code Annotated, Section 31106 is hereby repealed
13 and reenacted to read:

14 "Section 31106. Personnel Rules: Academic Personnel and Administrative
15 Officers.

16 Rules and regulations governing selection, compensation, promotion, performance
17 evaluation and disciplinary action affecting academic personnel and administrative



1 officers shall be adopted by the Board in accordance with Sections 4 GCA 4104 and
2 4105. Such rules and regulations shall provide for the employment of persons on the
3 basis of merit, and shall include an orderly and systematic method of recruitment and
4 the establishment of qualified lists for employment purposes. For the purpose of this
5 Section, an "administrative officer" is defined as one who holds any of the following
6 positions: Associate or Assistant Dean; Associate or Assistant Director; Dean or
7 Director; Associate to the President or Vice-President; provided, however, that nothing
8 in this Chapter shall be construed as preventing the Board from establishing other
9 administrative officer position or abolishing any of the existing positions
10 indicated herein."

11
12 **Section 3.** Title 17, Guam Code Annotated, Section 31109 is hereby repealed
13 and reenacted to read:

14 "Section 31109. Powers of the Guam Community College and Board.

15 The Guam Community College and Board shall have all the powers
16 necessary and convenient to carry out and perform the purposes and provisions of this
17 Division except the power to levy and collect taxes or special assessments including the
18 following in addition to other powers granted in the Division, it may:

19 (1) have perpetual succession except if this Chapter shall expire in accordance
20 with Section 15 of this Chapter.

21 (2) have a seal and modify it.

22 (3) enter into and execute contracts and instruments of every kind and nature
23 necessary or convenient to the exercise of its powers and functions. The provisions of
24 Section 6107 of the Government Code shall not apply to such contracts.

25 (4) in accordance with Title VII-A of the Government Code, acquire any real
26 or personal property or interest or estate therein by lease, option, purchase, gift, grant,,
27 donation, appropriation, bequest or devise or otherwise.



- 1 (5) to act as administrator for the Federal Adult Basic Education Program.
2 (6) to grant appropriate degrees and issue diplomas in accordance with its
3 rules and regulations.
4 (7) for such legal services as it may require the College may employ or
5 retain its own course and legal staff."
6

7 **Section 4.** Title 17, Guam Code Annotated, Section 33102 is hereby
8 repealed and reenacted to read:

9 "Section 33102. Construction With Other Law.

10 Except as expressly provided for herein and notwithstanding any
11 other law to the contrary, the College shall be autonomous and self-sufficient in
12 matters pertaining to its governance organization and administration and the
13 promulgation of its rules and regulations, in accordance with the Administrative
14 Adjudication Law (5 GCA Chapter 9) pertaining to the following:

- 15 (1) courses of instruction;
16 (2) issuance of certificates, diplomas, credits and degrees;
17 (3) personnel recruitment, appointment, tenure, promotion, dismissal and
18 other personnel matters;
19 (4) obligation and disposition of funds, provided that appropriated funds are
20 used for the purpose or purposes stipulated in the Act appropriating said funds; and
21 (5) soliciting, receiving and using gifts of any kind whatsoever for the
22 purposes provided in this Chapter."
23





BOARD OF TRUSTEES

Kolehon Kumunidai Guahan

Accredited by the Western Association of Schools and Colleges

March 15, 1994

Bill 853 - "An act to reenact certain sections of Title 17, GCA, relative to restoring the autonomy of GCC and enabling the GCC BOT to more effectively implement personnel and administrative policies and procedures necessary for the continued success of the College in addressing the vocational education and technical training needs of the community."

I am Richard G. Tennesen, Chairman of the Guam Community College Board of Trustees. I am here on behalf of the Board of Trustees to testify in support of Bill 853.

The Board and administration urge the passage of Bill 853 which will restore the Board's full authority over the Guam Community College. The significance of that restoration is that the faculty and administrative officers of the College are those individuals in whom the nature and the quality of the educational enterprise is entrusted. The rules and regulations governing their selection, compensation, promotion, performance evaluation and disciplinary action need to be governed by the Board in accordance with appropriate laws.

The current situation, with the Board lacking authority in certain areas, can have a deleterious effect on the overall quality of the College. As an example, the authority to classify and compensate now lies with the external agency, the Board is powerless to maintain and establish qualification requirements for faculty, academic and administrative officers of the College -- a situation which compromises educational effectiveness and academic freedom.

Additionally, upon expiration in 1995 of the current negotiated contract for faculty, the College Board no longer will have the authority to negotiate initial placement of faculty. This means that the faculty cannot be placed at a level to commensurate with experience and education which will make attracting qualified faculty very difficult.

By a coincidence of timing, GCC is today being visited by the Western Association of Accrediting Commission as the College is currently up for reaccreditation. The Accreditation team is here to review evidence of our commitment to the standards set forth



COMMONWEALTH NOW!



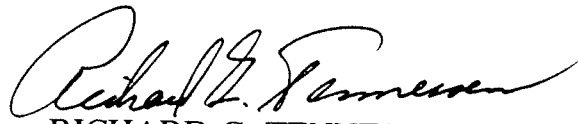
Testimony on Bill 853
Dr. Richard G. Tennessen
Chairman, GCC Board of Trustees
March 15, 1994
Page 2

for accreditation. Part of the evidence of sound educational practice is demonstration of an expected level of autonomy as outlined in Standard Eight. Given the current situation, GCC does not meet the requirements of that standard.

For the reasons cited above, the members of the Board of Trustees of Guam Community College ask that the powers of the Board of Trustees of GCC as originally vested in its enabling act, Public Law 14-77, and as outlined in Bill 853, be restored. Those powers were prudently exercised from 1977 to 1991, and upon restoration, will again be prudently exercised.

Legislation, such as Bill 853 helps to protect the integrity of our educational institutions. We, therefore, respectfully request the expeditious review and passage of Bill 853.

Thank you.


RICHARD G. TENNESSEN, Ed.D.





GUAM COMMUNITY COLLEGE

Kolehon Kumunidat Guahan

Accredited by the
Western Association of
Schools and Colleges

March 15, 1994

Bill 853 - "An act to reenact certain sections of Title 17, GCA, relative to restoring the autonomy of GCC and enabling the GCC BOT to more effectively implement personnel and administrative policies and procedures necessary for the continued success of the College in addressing the vocational education and technical training needs of the community."

I am Elizabeth J. Duenas, Support Staff Advisory Member of the Guam Community College. I am here to testify in support of Bill 853.

In order to maintain the integrity of Guam Community College, I am recommending the passage of Bill 853, a bill to reinstate the trusteeship to the Guam Community College Board of Trustees. The reinstatement of this authority to the GCC Board of Trustees will ensure the quality of the educational industry. The impact of the Board's current lack of autonomy in matters regarding the recruitment and compensation of personnel can have an unhealthy effect on the overall quality of the mission. In accordance with appropriate laws, the rules and regulations, governing their selection, compensation, promotion, performance evaluation and disciplinary action need to be governed by the Board. For this justification I respectfully request that the powers of the Board of the Guam Community College be reinstated.

I am sure that we all agree that the college needs to provide the best education possible for our community. A college's Board of Trustees governs the affairs for the best interest of the community and its mission. I, therefore, respectfully request the immediate review and passage of Bill 853.

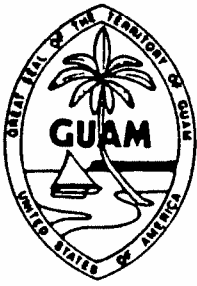
Respectfully,

[Handwritten signature] 3.15.94
ELIZABETH J. DUENAS
GCC Support Staff Advisory Member



COMMONWEALTH NOW!





GOVERNMENT OF GUAM

CIVIL SERVICE COMMISSION KUMISION I SETBISION SIBIT

Century Plaza, 2nd Floor, Upper Tamuning
P.O. Box 3156, Agana, Guam 96910

Tel: (671) 649-4272, 649-7955/57 • Fax: (671) 649-1272



15 MARCH 1994

SENATOR MADELEINE Z. BORDALLO

Chairperson

Committee on Education

3rd Floor, Bank of Guam

Santa Cruz Branch

Agana, Guam 96910

RE: Bill No 853(LS)

Dear Madam Chairperson and Members of the Committee:

The Civil Service Commission is offering comments on Bill No. 853 without a formal invitation from the Committee, since we believe Bill No. 853 may seriously undermine present efforts at developing a coherent salary administration program under P.L. 21-59.

As a brief reminder, the Legislature around 1988 or 1989, appropriated \$500,000 for the Commission to conduct a comprehensive classification and compensation study and to develop a unified pay system for the Government of Guam. This unified pay system was critically needed because of the external pay inequity in GovGuam created by the different pay methodologies and spending policies of those autonomous agencies who were authorized to administer their own pay systems.

In response to the mandate of the Legislature, the Commission contracted the Hay Group of Washington, D.C. to conduct a comprehensive pay study. Most positions were studied and assigned pay grades, including those at the Guam Community College. The study was reviewed, modified and enacted into law through Section 7 of Public Law 21-59. In anticipation of implementation problems, the Commission, together with the Legislature, formulated an appeals process for employees or departments to address questions or discrepancies associated with the Hay evaluations. The appeals process consisted of two phases. The first was completed and implemented on October 10, 1992, the second on September 20, 1993. There are still positions that need to be studied and eventually incorporated into the unified pay system.



Commonwealth Now!



We expect that the unified pay system will require approximately five years before it can function fully and effectively, assuming there is no interference through special interest piecemeal classification and pay legislation. In fact, the Legislature in P.L. 21-59, committed itself to the new plan by enacting a five (5) year moratorium on pay legislation. Apparently, the temptation to breach this commitment has been great and dangerously seductive in this election year.

This leads us into Bill No. 853. The Commission presumes that Bill No. 853 is intended to remove GCC faculty and administrators from the unified pay system. The rationale probably will be that it endangers accreditation and autonomy. As far as accreditation, the Commission has never been given an opportunity to dialogue with any accreditation team. Any conclusion by an accreditation team that the unified pay system impairs accreditation without the benefit of CSC input, is uninformed and purely parochial. GCC is a government institution and a creature of statute. It does not exist in a vacuum and is subject to local and federal laws, many of these are statutes enforced by external agencies. GCC falls under CSC jurisdiction in other areas such as the Mini Hatch Act, the ethics regulations, the EEO program, and other statutes. GCC is further subject to the jurisdiction of the federal Equal Employment Opportunity Commission and the U.S. Department of Labor, among others, through anti-discrimination and wage and hour laws. Likewise, California state universities and faculties come under the purview of independent state agencies. For example, the California State Personnel Board hears adverse action appeals of faculty pursuant to the Education Code; the Public Employment Relations Board enforces collective bargaining laws in accordance with the Government code; the Department of Fair Employment and Housing administers anti-discrimination laws under the Government Code. Certainly, California State Universities continue to be accredited and rank among some of the best in the nation. This notion of absolute isolation or insulated autonomy, while ideal, is unrealistic. The Legislature has made a policy decision to provide checks and balances in the administration of salaries and other personnel matters, with the objective of providing long-term stability and control of the compensation system and other areas of public employment.

The bottom line is that the Civil Service Commission is highly respectful of our institutions of higher learning. Most of CSC staff practitioners are products of these institutions. The Commission is not insensitive to the mission of academic institutions. P.L. 21-59 envisioned a cohesive, professional, flexible and interactive system of salary administration for the Government of Guam; one that is supportive and not obstructive. The Civil Service Commission and the GCC administration have worked well in the course of the Hay Study and all GCC staff have benefitted. There is no reason why CSC and GCC cannot continue to work together constructively. If Bill No. 853 is passed into law it will set an irreversible precedent and signal the proverbial beginning of the end of our unified pay system.



Commonwealth Now!



The millions of dollars invested by taxpayers to implement the unified pay system will be for naught and the hope for a more publicly responsible compensation system will be lost indefinitely, perhaps forever. We believe that Bill No. 853 will ultimately be the politically incorrect choice.

The Commission would also like to bring to your attention two (2) potential problem areas of statutory construction, not only in Bill No. 853, but as the laws are presently written. First, is the reference to 4 GCA §§ "4104 and 4105" in 17 GCA § 31106, the current law and as proposed in Bill No. 853. The Legislature should note that the amendment to Section 31106 incorporating "4104 and 4105" was originally made in Public Law 16-23, as amended by P.L. 16-41. Public Law 16-23 repealed the personnel chapter in the government code and enacted a new personnel code called the Civil Service Reform Act, which became Chapter 4 of the new Guam Code Annotated. Sections "4104 and 4105" as originally cited in P.L. 16-23, respectively referred to "Department Rules" and "Personnel Rules", or what is now 4105 and 4106 as a result of renumbering by the Compiler of Laws. Section 31106 was never amended to reflect the renumbering change. We suggest that the Section 31106 be amended to properly cite 4105 and 4106 instead of "4104 and 4105".

Secondly, Title 17, Section 33102, in its present form and as proposed in Bill No. 853, provides that personnel rules and regulations be promulgated pursuant to the Administrative Adjudication Law (AAL). Section 31106, however, mandates that academic personnel rules be adopted in accordance with 4GCA § 4105, which exclude the rules from the AAL process. We suggest for the sake of consistency that personnel rules be adopted as provided in the personnel laws, or § 4105.

In conclusion, the Commission does not support Bill No. 853. The Commission urges the Legislature to permit the CSC and GCC to continue to work together under the current laws. We further urge that the Legislature commit itself to the five (5) year moratorium and exercise legislative self-restraint in enacting piecemeal classification and pay legislation, and permit the unified pay system to function without interference.

Respectfully Submitted,


ELOY P. HARA
Executive Director



Commonwealth Now!





**ACCREDITING
COMMISSION
for COMMUNITY and
JUNIOR COLLEGES**

P.O. BOX 70
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Chairperson
JACK SCOTT
Superintendent-President
Pasadena City College

Vice Chairperson
CARMEN MALDONADO DECKER
Professor
Cypress College

Executive Director
JOHN C. PETERSEN
Aptos Office

Associate Director
JUDITH WATKINS
Aptos Office

Administrative Assistant
SUE LUNDQUIST
Aptos Office

January 25, 1994

Madeleine Z. Bordallo
Senator
Guam Legislature
c/o Frank Aguon, Jr.

FAX 671-472-3585

Dear Senator Bordallo:

Thank you for the opportunity which you presented for me to comment on the implications of personnel management law for Guam Community College. The request was timely, inasmuch as the Commission will send an evaluation team to Guam in mid-March, 1994 to review the status of the college. This will be the first comprehensive evaluation of Guam Community College since the adoption of the so-called "Hay Plan." The team and the Commission will examine governance and control issues as part of the evaluation.

Let me suggest which elements of the law could be problematic for the college.

1. To be eligible for accreditation by the Western Association of Schools and Colleges, an institution must have an independent policy making board. It appears to me that under Public Law 21-59 the College Board lacks the necessary authority to govern the assignment, classification, and compensation of key officers of the institution. The Board must have the authority to establish the organizational structure of the college. That necessarily requires that the Board be able to delete or add administrative positions and to assign its staff accordingly.
2. I know of only one institution where staffing is controlled by an external Civil Service Commission. In that case, only the classified (clerical, technical and maintenance) staff is under civil service, and the system works badly because of weak employee accountability to college administration. In this one case administrative and academic employees are under control of the College Board.

JAN 26 1994

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Madeleine Z. Bordallo
January 25, 1994
Page Two

Reliance on a government Civil Service Commission for staffing decisions necessarily means that the College Board and administration find it difficult to exert strong leadership with staff who are not accountable to them. The inevitable result is crippled leadership, politicization of personnel management, and an institution that will be less than it would be with a strong leadership structure.

3. A postsecondary institution of education is a complex organization, serving many societal needs. The institution must be able to adapt and respond to changing conditions. That is why colleges and universities have independent boards which select, assign, evaluate and compensate their own staff, rather than operating under legislatures and government ministries.

I shall look forward to the report of the evaluation team that will visit Guam Community College in March. I expect that the team will assess the effectiveness of the present arrangement to see if it meets the requirements of accreditation. At this point I cannot predict the team report -- the team has the independent authority to report as they see compliance with standards of good practice. However, I would not be surprised if the team were to express concern about the College Board's limited authority in critical issues of personnel management.

I hope that this will be helpful to you. I appreciate your concern for the well being of Guam Community College.

Sincerely yours,



John C. Petersen

sul





COMMITTEE ON EDUCATION

TWENTY-SECOND GUAM LEGISLATURE

KUMITEN IDUKASION

MINA'BENTE DOS NA LIHESLATURA

155 Hesler Street • Agaña, Guam 96910 • Tel: (671) 472-3581/2/3 • Fax: (671) 472-3585

Tuesday, March 15, 1994
Public Hearing Room
Temporary Legislative Building, Agaña

Sonata
Madeleine L. Bordallo
CHAIRPERSON

COMMITTEE ON
EDUCATION

Sen. Thomas C. Ada
Vice-Chairperson

MEMBERS

Vice Speaker John P. Aguon
Sen. Elizabeth P. Arriola
Sen. Herminia D. Dierking
Sen. Carl T.C. Gutierrez
Sen. Pilar C. Lujan
Sen. David L.G. Shimizu
Sen. J. George Bamba
Sen. Anthony C. Blaz
Sen. Marilyn D.A. Manibusan
Sen. Thomas V.C. Tanaka

Speaker Joe T. San Agustin
Ex. Officio

OVERSIGHT HEARING ON THE DEPARTMENT OF EDUCATION 9:00 a.m.

Agenda

- I. STATUS ON THE SOUTHERN HIGH SCHOOL/THREE ELEMENTARY SCHOOLS.
- II. STATUS ON THE AIR-CONDITIONING OF ALL PUBLIC SCHOOLS.
- III. INSTALLATION OF SECURITY SYSTEMS IN GUAM'S SCHOOLS.
- IV. GENERAL CONCERNS.

PUBLIC HEARING 1:00 p.m.

Agenda

CONFIRMATIONS:

- I. REAPPOINTMENT OF MR. FRANCISCO T. SAN NICOLAS TO SERVE AS A MEMBER OF THE CHAMORRO LANGUAGE COMMISSION (KUMISION I FINO' CHAMORRO), TO EXPIRE ON 09/24/96.
- II. APPOINTMENT OF DR. MARILYN C. SALAS TO SERVE AS A MEMBER OF THE GUAM PUBLIC LIBRARY BOARD, TO EXPIRE ON 01/27/97.

BILLS:

- I. BILL NO. 793
"AN ACT RELATIVE TO PROMOTING SITE-BASED MANAGEMENT ACTIVITIES IN GUAM'S PUBLIC EDUCATIONAL SYSTEM BY PROVIDING SCHOOL ADMINISTRATORS WITH GREATER AUTONOMY IN THE PROCUREMENT OF NECESSARY SCHOOL SUPPLIES/MATERIALS AND INCREASED CONTROL OVER THE MAINTENANCE OF RESPECTIVE SCHOOL FACILITIES, THEREBY PROVIDING FOR MORE POSITIVE INFLUENCE IN THE EDUCATION OF OUR ISLAND'S SCHOOL CHILDREN AND IN THE ADMINISTRATION OF GUAM'S PUBLIC SCHOOLS."
- II. BILL NO. 810
"AN ACT RELATIVE TO DIRECTING THE DEPARTMENT OF EDUCATION TO ESTABLISH AND IMPLEMENT A SYSTEM FOR EFFECTIVELY TRACKING THE DROP-OUT AND TRUANCY RATES WITHIN GUAM'S PUBLIC SCHOOLS; AND TO TRANSMIT A REPORT ANNUALLY CONTAINING SUCH FINDINGS AND ACTIVITIES OF THE DEPARTMENT IN ADDRESSING THESE CONCERNS TO THE GOVERNOR AND THE GUAM LEGISLATURE."
- III. BILL NO. 846
"AN ACT RELATIVE TO ADDRESSING THE NEED FOR COVERED CROSSWALKS OR CANOPIES THROUGHOUT GUAM'S PUBLIC SCHOOLS FOR THE PRIMARY PURPOSE OF PROTECTING STUDENTS FROM HEALTH AILMENTS DUE TO EXPOSURE TO



RAINSHOWERS, BY DIRECTING THE DEPARTMENT OF EDUCATION TO CONDUCT AN ASSESSMENT ON THE NEED FOR COVERED CROSSWALKS OR CANOPIES BETWEEN PERMANENT/TEMPORARY CLASSROOM FACILITIES AND MAIN SCHOOL BUILDINGS."

IV. BILL NO. 853

"AN ACT TO REENACT CERTAIN SECTIONS OF TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO RESTORING THE AUTONOMY OF GUAM COMMUNITY COLLEGE, AND ENABLING THE BOARD OF TRUSTEES TO MORE EFFECTIVELY IMPLEMENT PERSONNEL AND ADMINISTRATIVE POLICIES AND PROCEDURES NECESSARY FOR THE CONTINUED SUCCESS OF THE COLLEGE IN ADDRESSING THE VOCATIONAL EDUCATION AND TECHNICAL TRAINING NEEDS OF THE COMMUNITY."

V. BILL NO. 802

"AN ACT TO UTILIZE THE OLD GUAM MEMORIAL HOSPITAL BUILDING AS THE CENTRAL RECORDS OFFICE OF THE GOVERNMENT OF GUAM."

**THE GENERAL PUBLIC IS INVITED TO ATTEND
AND EXPRESS ITS VIEWS.**



COMMITTEE ON EDUCATION
T W E N T Y S E C O N D G U A M L E G I S L A T U R E

PUBLIC HEARING

Temporary Legislative Building, Agana

Tuesday, March 15, 1994

1:00 p.m.

WITNESS ATTENDANCE SHEET

Bill No. 853

NAME (PRINT)	SIGNATURE	TESTIMONY		AGENCY/INTEREST GROUP	COMMENT	
		Written	Oral		Favor	Against
Richard Torres	<i>[Signature]</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	GCC	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MARCOZ R. DIAZ	<i>[Signature]</i>	<input type="checkbox"/>	<input type="checkbox"/>	GCC	<input type="checkbox"/>	<input type="checkbox"/>
John T. Cruz	<i>[Signature]</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	GCC	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>[Name]</i>	<i>[Signature]</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<i>[Agency]</i>	<input type="checkbox"/>	<input type="checkbox"/>
Eloy HARA	<i>[Signature]</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	CSC	<input type="checkbox"/>	<input checked="" type="checkbox"/>
WILLIS CANXION	<i>[Signature]</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CSC	<input type="checkbox"/>	<input checked="" type="checkbox"/>



GCC

GUAM COMMUNITY COLLEGE

Kolehon Kumuniddat Guahan

Accredited by the
Western Association of
Schools and Colleges

Office of the President

John T. Cruz
President

July 2, 1994

Honorable Madeleine Z. Bordallo
Chairperson
Committee on Education
22nd Guam Legislature
155 Hesler Street
Agana, Guam 96910

Dear Senator Bordallo:

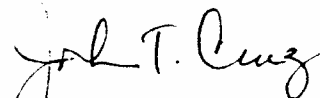
Thank you for the opportunity to review substitute Bill 853, as substituted by the Author.

We have reviewed the Bill and what it proposes to accomplish against the communications from the Accrediting Commission *and* the Evaluation Report of June 23, 1994 (copies enclosed). We have taken the liberty of drafting amendments to the Bill which, we feel, address all of the issues raised in the reports. The letter from the Executive Director of the Accrediting Commission, John Petersen, is not the entire report; consequently the issues as presented in substitute Bill 853 are not the only issues.

The amendments we offer address the issues of: *qualification, classification, selection, appointment, assignment, compensation, governance and organization*. These particular concerns are raised in the reports submitted to us. We believe that without addressing these issues Bill 853 as substituted by the Author will not satisfy the standards we are committed to uphold.

We remain ready to be of further assistance.

Sincerely,


JOHN T. CRUZ

enclosures

cc: Senator Carl T.C. Gutierrez
Senator Thomas Ada



COMMONWEALTH NOW!



PROPOSED LANGUAGE:

Section _____

Section 6104 of Title IV, Guam Code Annotated is hereby amended to read as follows:

"...Provided that notwithstanding the provisions of this Chapter, the Board of Trustees of the Guam Community College shall have the exclusive authority over its governance, organization and administration, and to hire, dismiss, set selection, qualification, classification, compensation, tenure, and promotion criteria for academic personnel and administrative officers, not in conflict with 17 GCA Section 31110, and to establish other administrative officer positions or abolish any of the existing administrative officer positions, but further provided, that nothing herein shall be construed as reducing the salary of any affected personnel..."



RECEIVED
OFFICE OF THE CLERK
DATE: 04/30/94
TIME: 4:30
RECD BY: V. V. V. V.

ACCREDITING COMMISSION FOR COMMUNITY AND JUNIOR COLLEGES

EVALUATION REPORT

**GUAM COMMUNITY COLLEGE
P.O. BOX 23069, GMF
Guam, MI 96921**

June 23, 1994





**ACCREDITING
COMMISSION
for COMMUNITY and
JUNIOR COLLEGES**

P.O. BOX 70
APTOS, CA 95001
TELEPHONE: (408) 688-7575
FAX: (408) 688-1841

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APTOS, CA 95003

Chairperson
JACK SCOTT
Superintendent-President
Pasadena City College

Vice Chairperson
CARMEN MALDONADO DECKER
Professor
Cypress College

Executive Director
JOHN C. PETERSEN
Aptos Office

Associate Director
JUDITH WATKINS
Aptos Office

Administrative Assistant
SUE LUNDQUIST
Aptos Office

June 16, 1994

John T. Cruz
President
Guam Community College
P.O. Box 23069 GMF
Guam, M.I. 96921

Dear President Cruz:

The Accrediting Commission for Community and Junior Colleges, Western Association of Schools and Colleges, at its meeting of June 13-14, 1994, reviewed the institutional self study report and the report of the evaluation team which visited Guam Community College on March 15-17, 1994. The team report and the institutional self study submitted by the College reflect notable progress and improvement. The Commission commends Guam Community College for its strengthened faculty, curricular improvements, progress in facility development and planning, and its strong Board.

Regretfully, in light of undeniable progress in some areas, the Commission must express its dismay and deep concern over a threat to the integrity of the institution. Public Law 21-59, which placed all administrative staff and faculty of Guam Community College under the control of the Guam Civil Service Commission, removes from the Board of Trustees the authority to determine the qualifications and classification of its administrative and academic staff. If left unchanged, this situation will subvert the ability of the Board of Trustees to manage the affairs of the College as required by the Standards for Accreditation. Because the Board of Trustees now lacks the required authority over the most crucial of decisions, the selection and classification of academic employees, the Commission has acted to impose probation, effective immediately.

The College is placed on probation until it demonstrates to the Commission that authority for appointment, assignment and classification of administrative and academic staff is properly vested in the chief executive officer and governing board, and that government will not interfere with the operation of the College by circumventing such duly constituted authority. Upon presentation of a report demonstrating that these conditions have been met, the Commission will remove probationary status and reaffirm accreditation. The Commission will review the situation in six months, and if no progress is achieved, a show cause order will be considered. Clearly, if appropriate authority is not restored to the Board of Trustees, the accredited status of Guam Community College will be in jeopardy.

The Commission's policy on probation states:

When an institution fails to respond to conditions imposed upon it by the Commission, including a warning, or when it deviates significantly from the Commission's eligibility criteria, standards, or policies but not to such an extent as to warrant a show cause order or the termination of accreditation, it may be placed on probation for a specified period of time. While on probation, the institution will be subject to special scrutiny by the Commission, including a requirement to submit periodic prescribed reports and special visits by representatives of the Commission. If the institution has not taken steps satisfactory to the Commission to remove the causes for its probation at the end of the specified time, the Commission will issue a show cause order. The accredited status of the institution continues during the probation period.

It is the sincere hope of the Commission that the Government of Guam will act promptly to restore necessary authority over academic and administrative staff to the appropriate authority, the Board of Trustees.

Sincerely yours,



John C. Petersen

sul

cc: Governing Board Chairperson
Maria Diaz, Accreditation Liaison Officer
Michael Rota, Team Chairperson
Evaluation Team Members
ACCJC Members

UNIVERSITY OF HAWAII

Office of the Chancellor for Community Colleges

May 10, 1994

Dr. John Petersen
Executive Director
Accrediting Commission for Community and Junior Colleges
P.O. Box 70
Aptos, CA 95003

Dear John:

Attached you will find the Evaluation Report for Guam Community College. The Report was reviewed by each of the members of the visiting team and President Cruz had the opportunity to suggest corrections of fact. I spoke with President Cruz last week and he felt that the report was an accurate assessment of the present situation at Guam Community College.

The College community was well prepared for the team visit. The faculty, staff, and students we met with were familiar with the self-study process and the resulting report and with our visit. The self-study report was well written and an accurate reflection of the current state of the institution. However, it was not clear that College has developed plans to address the issues which were highlighted during the self-study process. Rather than describe a plan to address issues within each of the eight ACCJC accreditation standards, a separate section at the end of the report describes general plans in nine areas which appear to be related to directions established in the 1989 College Master Plan.

It was clear to the Visiting Team that the College has made major progress in a number of important areas since the last comprehensive visit in 1989. The College has developed a mission statement and long range plan which clearly identifies its primary mission as a postsecondary institution. All of the key institutional leadership positions are filled by qualified individuals on a permanent basis. While there continue to be instances where communication within the College is problematic, similar to many institutions undergoing major change, there have been new processes and communication vehicles established to foster increased communication between students, faculty, staff, administration, the Board of Trustees, and the public. In 1989, the dilapidated state of the facilities and equipment presented problems both to the delivery of quality instruction and to the health and safety of students, faculty and staff. An extensive program of facilities renovation and equipment renewal has successfully resolved most of the problems in this area. In short, the College is much improved since 1989.

There is, however, a major problem, which if left unchanged, calls into question the ability of the Board of Trustees to appropriately manage the affairs of the College in a manner consistent with the autonomy called for in Standard Eight of ACCJC Standards for Accreditation. In 1993, the Guam Legislature passed

*An Equal Opportunity/Affirmative Action Employer
2327 Dole Street, Honolulu, Hawaii, USA 96822
Telephone: (808)956-7471/FAX: (808)956-3763*

Public Law 21-59 which placed all administrative staff and faculty of Guam Community College under the control of the Guam Civil Service Commission. This action removes from the Board of Trustees the authority to determine the qualifications and classification of its administrative and academic staff. Public Law 21-59 is currently in effect for administrative employees and will take effect for faculty when the existing collective bargaining agreement expires in 1995.

The College administration and the Board of Trustees recognize the problems this law creates and have sought to have Guam Community College removed from its provisions. A bill to remove GCC from Public Law 21-59 has been introduced in the Guam Legislature and testimony as to its importance has been presented by the College.

During our visit to GCC, Dr. Jack Bessire and I met with the Education Committee Chair, Senator Madeleine Bordallo. During our discussion, we pointed out the difficulties placing all administrators and faculty under civil service provisions could create in the future operation of the College, and I reminded her that in 1987, the College was placed under probation by ACCJC for a situation which is similar in nature to that established by the implementation of Public Law 21-59. Although currently there is not a stand-off between the Board of Trustees and members of the administration, as was the case in 1987, that potential exists and will be magnified when the faculty are brought under the provisions of Public Law 21-59 in 1995. Senator Bordallo was not optimistic that the bill would be passed unless the current situation resulted in the possible loss of accreditation.

The Team is of the belief that it is for critical steps be taken to restore the authority of the Board of Trustees over administrative, and faculty positions as soon as possible. Therefore we have recommended that the College be placed on probation until it demonstrates to the Commission that it is in compliance with its 1987 stipulation, "... that authority for appointment and assignment of administrative and academic staff is properly vested in the chief executive officer and governing board, and that government will not interfere with the operation of the college by circumventing such duly constituted authority."

I discussed the preliminary Team findings and specific recommendations with President Cruz prior to the Team's exit meeting with the College community. He was in satisfied with the with the results of the visit and the Team report. I also spoke with the Chair of the Board of Trustees, Dr. Richard Tennesen. I let him know that the Team was impressed with the significant progress made a the College since the last visit, but that we were quite concerned about the provisions of Public Law 21-59. He indicated the Board shared our concern and was anxious to have the law changed, and that they could understand the Commission's position if probation were reinstated.

In closing, let me thank you and your staff for selecting the members of the visiting team. They all came well prepared, they handled their assignments in a responsible and professional manner, and they functioned as a responsive team. I will be happy to serve with any them on any future team. Please feel free to call me if you have any questions on Report or our recommendations.



Michael T. Rota
Vice Chancellor for Academic Affairs

TEAM MEMBERS

Mr. Michael Rota, Chair
Vice Chancellor for Academic Affairs
University of Hawaii Community Colleges

Ms. Susan Moses
President
College of Micronesia - FSM

Dr. Jack Bessire
Assistant Superintendent/
Vice President for Instruction and
Student Services
Monterey Peninsula College

Ms. Patricia O'Brien
Dean Community/Occupational Education
American River College

Dr. Dean Colli
Dean of College Services
Modesto Junior College

Mr. Ivan Propst
English Instructor
Northern Marianas College

Mr. Glenn Farrell
Financial Aid Director (Retired)
Valley Vocational Adult School

Mr. Michael Unebasami
Vice Chancellor for Administrative Affairs
University of Hawaii Community Colleges

EVALUATION REPORT

GUAM COMMUNITY COLLEGE

Post Office Box 23069
Guam Main Facility
Barrigada, Guam 96921

A Confidential Report Prepared for the
Accrediting Commission on Community and Junior Colleges

This report represents the findings of the evaluation team that visited
Guam Community College on March 15-17, 1994

Michael T. Rota, Team Chair

SUMMARY OF THE EVALUATION REPORT

NAME OF INSTITUTION: Guam Community College

CHAIRPERSON OF EVALUATION TEAM: Michael T. Rota

Guam Community College was visited March 15-17, 1994 for a comprehensive validation of its accreditation status by an eight member team. The visiting team was comprised of four individuals from California, two from Hawaii and one each from the Federated States of Micronesia and the Commonwealth of the Northern Mariana Islands. Using the Self-Study prepared by the College based upon the AACJC standards adopted in 1990, the Visiting Team members reviewed the extensive materials organized in preparation for the visit, interviewed faculty, staff and students, and visited several off campus sites.

The College community was well prepared for the team visit. The faculty, staff, and students we met with were familiar with the self-study process and the resulting report and with our visit. The self-study report was well written and an accurate reflection of the current state of the institution. However, it was not clear that College has developed plans to address the issues which were highlighted during the self-study process. Rather than describe a plan to address issues within each of the eight AACJC accreditation standards, a separate section at the end of the report describes general plans in nine areas which appear to be related to directions established in the 1989 College Master Plan.

It was clear to the Visiting Team that the College has made major progress in a number of important areas since the last comprehensive visit in 1989. The College has developed a mission statement and long range plan which clearly identifies its primary mission as a postsecondary institution. All of the key institutional leadership positions are filled by qualified individuals on a permanent basis. While there continue to be instances where communication within the College is problematic, similar to many institutions undergoing major change, there have been new processes and communication vehicles established to foster increased communication between students, faculty, staff, administration, the Board of Trustees, and the public. In 1989, the dilapidated state of the facilities and equipment presented problems both to the delivery of quality instruction and to the health and safety of students, faculty and staff. An extensive program of facilities renovation and equipment renewal has successfully resolved most of the problems in this area. In short, the College is much improved since 1989.

There is, however, a major problem, which if left unchanged, calls into question the ability of the Board of Trustees to appropriately manage the affairs of the College in a manner consistent with the autonomy called for in Standard Eight of ACCJC Standards for Accreditation. In 1993, the Guam Legislature passed Public Law 21-59 which placed all administrative staff and faculty of Guam Community College under the control of the Guam Civil Service Commission. This action

removes from the Board of Trustees the authority to determine the qualifications and classification of its administrative and academic staff. Public Law 21-59 is currently in effect for administrative employees and will take effect for faculty when the existing collective bargaining agreement expires in 1995.

In 1987, the College was placed under probation by ACCJC for a situation which is similar in nature to that established by the implementation of Public Law 21-59. At that time, a senior administrative position was granted civil service status through legislative action. This resulted in the College President and the Board of Trustees being unable to direct and control the actions of an important member of the college management. Unfortunately, circumstances developed in which substantial disagreement arose between the individual holding that senior administrative position and the College administration. The loss of control by the Board of Trustees over the actions of that individual resulted in an unmanageable condition which eventually resulted in ACCJC probation. Although currently there is not a similar stand-off between the Board of Trustees and members of the administration, that potential exists and will be magnified when the faculty are brought under the provisions of Public Law 21-59 in 1995.

It is critical that steps be take to restore the authority of the Board of Trustees over administrative and faculty positions as soon as possible.

INTRODUCTION

The College is located on the island of Guam, an unincorporated territory of the United States. Guam, the largest and most populated island between Hawaii and Japan, covers approximately 209 square miles and is located approximately 3,800 miles west of Honolulu. There is a resident population (1992 estimate) of approximately 145,000, which consists primarily of the native Chamorro population (47%) and Filipino (25%). Approximately 35 percent of the population is below the age of 15. Although GCC's primary service area is the island of Guam, it is frequently called upon to assist in meeting needs throughout all Micronesia, a vast region of more than 2,000 islands spread over an ocean area the size of the entire continental U.S.

What is now Guam Community College (GCC) began in 1959 as Guam Trade and Technical High School. In 1977, Public Law 14-77 established the college and transferred Guam Vocational Technical High School from the Department of Education to the new college and assigned the institution the overall responsibility for vocational education on Guam. Under this mandate, the purposes of Guam Community College are to:

- Establish technical, vocational and other related occupational training and education courses of instruction aimed at developing educated and skilled workers on Guam;
- Coordinate vocational-technical education programs in all public schools;
- Establish and maintain short-term extension and apprenticeship training programs on Guam;
- Award appropriate certificates, degrees, and diplomas to qualified students; and
- Serve as the Board of Control for vocational education.

GCC is a public tax-supported institution which operates within the executive branch of the Government of Guam. The college is governed by a seven member board of trustees appointed by the Governor and confirmed by the Legislature.

Out of this history has evolved an institution which represents a unique organizational model among those institutions accredited by the Accrediting Commission for Community and Junior Colleges. GCC combines a vocational technical high school, adult basic education, and occupational postsecondary education within a single organizational entity. The GCC president also functions as the state director for vocational education and the administrator for apprenticeship training for Guam.

The college has been located on its present twenty-two acre site since 1966. There are twenty-nine buildings covering a total of 263,552 square feet. With the exception of a new building added in 1992, the facilities range in age from fourteen to twenty-one years in age. Since 1989, the college has invested more than \$2 million in facilities renovation and reconstruction.

According to the College 1993-94 catalog, students are able to enroll in over forty courses of study which are job related, including preparation for a wide range of occupations requiring less than a bachelor's degree. The GCC also offers courses of study to prepare students for transfer to four-year colleges and universities with advanced standing in professional and technical degree programs. In addition, a variety of community service and special programs are offered, including: English as a Second Language, Adult Basic Education, General Education Development preparation and testing, and an Adult High School Diploma program.

Fall 1993 enrollment in College sponsored programs was 4,812 students; 2,355 were enrolled in the post-secondary certificate and degree programs and in the adult high school programs offered by the College; the remaining 2,457 students were in secondary vocational programs. More than 75% of the students enrolled in the post-secondary and adult programs take classes offered in either late afternoons, evenings, or on Saturdays. A key characteristic of the College is the diverse ethnic composition of the student body, with more than seventeen different ethnic groups being represented. The principle ethnic groups in the postsecondary programs include: Chamorro (42%), Filipino (24%), White (8%), Chinese (5%), and Korean (5%).

In addition to the programs offered on the GCC campus, classes are also offered at four high schools on the island. Of the 2,457 students in the secondary vocational programs, 736, (30%) are enrolled in programs at one of these four high schools.

The College community was well prepared for the team visit. The faculty, staff, and students we met with were familiar with the self-study process, the resulting report, and with our visit. The President's staff was very efficient in responding to the Team's requests, thus allowing the Team members to meet with a broad cross-section of administrators, faculty, staff, and students during our limited visit to GCC. In addition, visitations were made to many classes on the GCC campus and most adult education classes offered at Kennedy High School. These visitations provided the Team with the opportunity to validate the accuracy and thoroughness of the self-study process and the resultant report.

The Team not only had the self-study report as a source, but also a well organized file of supporting reports, plans and other documentation. The self-study report was well written and an accurate reflection of the current state of the institution. However, it was not clear that College has developed plans to address the issues which were identified during the self-study process. Rather than describe a plan to address issues within each of the eight ACCJC accreditation standards, a separate section at the end of the report describes general plans in nine areas which appear to be related to directions established in the 1989 College Master Plan.

RESPONSES TO RECOMMENDATIONS OF THE PREVIOUS EVALUATION TEAM

STANDARD 1. Institutional Integrity, Purposes, Planning, and Effectiveness

GCC is encouraged to make mission clarification a high priority, to accelerate the five-year study which addresses the matter and to move to achieve congruence of vision and develop a comprehensive mission for the College.

In 1989 the College adopted its five-year master plan (1990-1995) which called for the development of a mission statement. In 1990 the Mission Statement Committee comprised of faculty, administrative, and community representatives developed the current mission statement.

Progress has been made in the delineation of the high school and postsecondary programs although further work in this area is still needed. It is clear that the College is assigning increasing priority to its postsecondary responsibilities. However, there exists a need for the College to communicate its intended directions both internally and externally.

As the self-study recommends, GCC is encouraged to fully staff and support the Planning and Development Unit it has established.

A Planning and Development Office has been established and staffed under the Department of Administrative Services. This office has recently produced a document entitled, *Proposed Framework for the Development of a Comprehensive Planning System* which defines the planning function of the College and proposes eight (8) guiding principles of planning at the College which support the involvement of all levels of administrators, faculty, staff, trustees, students, alumni, business/industry representatives, and other interested individuals in the planning process.

The College is advised to devise appropriate means for postsecondary faculty and students to participate in mission and goals clarification and the planning process.

The *Proposed Framework for the Development of a Comprehensive Planning System*, prepared by the newly established college Planning and Development Office proposes a process which defines the involvement of all levels of administrators, faculty, staff, trustees, students, alumni, business/industry representatives, and other interested individuals in the planning process.

STANDARD 2. Educational Programs

The College should consider the adoptions of a program review and evaluation policy which would call for the formal assessment of each major education program at least once every five years.

A Task Force has done extensive work to develop such a system. However, the proposal has not yet been officially adopted. It appears that the system will be ready for implementation in fall of 1994.

The College should evaluate the scope of curricular offerings at both the postsecondary and secondary levels to assure that the students have the opportunity to enroll in courses (art, health, physical education, etc.) which will broaden their educational background.

The College has not yet addressed this recommendation.

The College should continue the recently established practice of student evaluation of courses and teachers both at the postsecondary and secondary levels, and take steps to assure that all courses, both on-campus and off-campus, are covered by the evaluation.

Student evaluation occurs only at the post-secondary level. No plans exist to implement this practice at the secondary level.

The College should explore ways for postsecondary and secondary faculty, both full-time and part-time to meet together for program planning, curriculum development, and course and program articulation.

The College has established governance days in the academic calendar for this purpose. Eight one-half days are scheduled in the 1993-94 school year for full-time faculty participation. Presently, only a few part-time faculty participate. Limited course and program articulation is evident to date.

The College should review the composition, appointment and use of the Academic Affairs Committee to insure that mechanisms are in place to enable the Committee to function effectively.

The Academic Affairs Committee (AAC) has been functioning more effectively since the last self-study and has participated in the review of the curriculum. However, the overall functions and composition of the AAC do not appear to have been clarified.

STANDARD 3. Student Services and the Co-Curricular Learning Environment

The college should consider the adoption of a program review and evaluation policy which would call for the formal assessment of each major student support service at least once every five years.

A formal assessment of entire Student Services Division (SSD) did not take place until 1993 at which time the College established a new table of organization which replaced the SSD with the School of Student Development. This change essentially added Academic Services and Work Experience Education to the existing Division and added the position of Dean of Student Services which was filled in September of 1993.

The College should explore ways to increase the participation of postsecondary students in a program of student activities and in campus governance.

The Council of Postsecondary Student Affairs (COPSA) was formed in October of 1993 and is currently functioning as a representative body with elected officers, faculty sponsor, money raising projects and offices in the cafeteria.

The College should assess the extent to which the distribution of student services between the day and evening is appropriate and take steps to reduce any identified disparity of service.

The College acknowledges that they have not sufficiently addressed this issue. The vocational high school students, because they are on campus more hours of the day, still have the greater access to service from various sections on the GCC Campus. The newly appointed Dean of Student Services has placed service delivery as one of his highest priorities to meet the needs of students.

STANDARD 4. Faculty and Staff

The College should develop a method of broadly disseminating knowledge of vacancies in the support area so that all support staff know of existing vacancies and have opportunities to apply.

The College has responded to this recommendation by posting vacancy announcements at various places on the campus and by distributing vacancy announcements to all departments and sections of the College. Some staff indicated they were still not aware of vacant GCC positions and agreed that it would be helpful if the job titles for vacant positions were listed in the bi-weekly newsletter which is attached to staff's paycheck.

The College administration should explore better ways to communicate with all staff, in light of a variety of schedules, so faculty and support staff are aware of progress being made on policies, facilities, and other critical areas.

Communication with staff has been improved through the use of a bi-weekly newsletter (*Chalani*), issued from the Office of the President, and attached to each College employee's paycheck. Newsletter items are actively solicited from College staff by the Assistant Director for Communications and Promotions.

The College administration should assure that rules and regulations regarding selection of candidates are utilized in recruitment and selection of candidates, to ensure compliance with state and federal regulations of equal opportunity hiring practices, and to ensure the required collection of data on staffing patterns for compliance purposes.

The College consistently follows an established practice for recruiting and selecting candidates and plans to develop written procedures for such practices. Data regarding staffing patterns were collected and presented in the current self-study and the Personnel Department has entered such data into its data base and now updates this data base as new employees are hired.

It is recommended that the College regularly review and update College personnel policies and practices with the participation of a representative staff committee.

A Rules and Regulations Review Committee was formed last December and consists of two administrators, two support staff, and two faculty members. The recently-hired Personnel Director has requested that he be added to this committee, which has been meeting regularly. The work of the committee will be a revision and update of the GCC Interim Rules and Regulations completed in 1987 but not yet approved by the Guam Civil Service Commission.

It is recommended that the College plan for and annually budget professional development programs for all staff levels, building on the current request for staff development in the 1989-90 budget.

This recommendation has been thoroughly addressed as the Board of Trustees has approved \$50,000 for faculty professional development and \$20,000 for support staff professional development in FY 1994.

It is recommended that the College evaluate the composition and purpose of the College Advisory Committee to make it a more representative body which meets regularly to provide input and advice to the President. This should be facilitated by providing for release time or other arrangements to allow full participation from faculty, staff, and students.

The College response to this recommendation was that there is no College Advisory Committee. However, the College does have a College Affairs Committee (CAC) which "is responsible for faculty involvement in the non-instructional activities which affect the instructional programs." Detailed activities of the committee are listed in the Board/Union Contract for Faculty. The contract, however, does not define the committee's relationship with the President in regard to providing the President with input and advice. No change has been made in the CAC since the last accreditation visit.

STANDARD 5. Library and Learning Resources

The College should evaluate the functioning of the Library Advisory Committee, and clarify its purpose, membership, and support.

The College reports that the Library Advisory Committee has not met since the 90-91 school year and that, due in part to continued contention between the instructional faculty and the administration over a new location and facilities planning for the library, there has been faculty reluctance to serve on the Committee. There is a contractual obligation with the faculty for the Library Advisory Committee to exist as a part of the Academic Affairs Committee (AAC) process. Dialogue with instructional faculty, library faculty and staff and the administration did not indicate any progress in this area, either with regard to clarifying purpose, membership and support or with regard to reconvening the Committee's activity.

The College should consider incorporating into its long-range planning, a sub-plan which addresses the College's future need for learning resources.

The College reports that the issue of long-range planning for learning resources is being addressed through the *Comprehensive Instructional Development Plan, Activity II, Title III, 1993*. The activity described within the Title III document appears to be limited to expanding and integrating the use of instructional technology, which includes on-line access from across campus to GCC collection catalogues and the Internet. While these plans are considered a positive move forward, this plan is not viewed as addressing the future need for learning resources in a comprehensive way.

STANDARD 6. Physical Resources

The administration and staff should explore ways to improve the existing facilities while also continuing planning for a new or added facility.

It is clearly evident that the College has made repairs to campus facilities a priority. In addition to the construction of a new library/classroom facility, major renovations either

completed or in progress have resulted in a vastly improved physical plant. In its efforts to improve facilities, the College has made safety of facilities an equally high priority with the hiring of a Safety Administrator. Corrective actions have been taken to address all of the violations cited in the highly critical 1990 Department of Occupational Safety and Health (DOSH) report.

The College should provide off-campus facilities with proper maintenance and equipment resources in order to ensure equality of programs with those offered on campus.

GCC continues to deliver vocational education and adult education programs at public high schools throughout the island. The College has partially addressed the recommendation relating to off-campus facilities. While equipment provided to off-campus programs has increased tremendously, maintenance and daily cleaning of off-campus facilities remains a problem. The College has not been able to successfully negotiate a memorandum of agreement with the Guam Public School System (GPSS) delineating the responsibilities of the GPSS and Guam Community College in the maintenance and cleaning of GPSS facilities.

The administration should investigate ways of bringing facilities up to standards by correcting safety problems such as inoperative fire extinguishers, inadequate ventilation system in the auto shop, among others.

In its efforts to improve facilities, the College has made safety of facilities an equally high priority with the hiring of a Safety Administrator. Corrective actions have been taken to address all of the violations cited in the 1990 DOSH report.

The administration should consider involving the facilities planning committee including faculty, support staff, and students where appropriate, in any renovation of the gymnasium and utilization of that facility for activity programs.

The recommendations relating to the renovation of the gymnasium and the implementation of the Facilities Maintenance Plan have not been implemented. The renovation of the gymnasium is not a College priority and, therefore, no action has been taken in planning for this renovation.

The Facilities Maintenance Plan developed by the college should be implemented.

The College has decided not to implement the Facility Maintenance Plan.

STANDARD 7. Financial Resources

The College should make full use of the available fiscal processes that the Government of Guam has developed, e.g. the budget request process, the multi-level appeal process, the transfer of funds process, and the capital request process to make its ongoing needs known and to respond to the changing needs of the institution.

The College has upgraded the staff of its business office and is now making the full use of the Government of Guam's established fiscal processes.

The College has made significant improvements in its fiscal operations. The College has a much better grasp of its financial situation, and while some problems still exist with outstanding financial statements back to FY 1988-89, the College is committed to stabilizing its financial position once its financial statements are brought up to date and certified.

The College should continue its efforts to computerize its accounting records, and pursue the preparation of timely and accurate reports to support the planning and assessment processes of the College.

The College has successfully implemented the computerization of fiscal operations and reports are produced in a more timely manner.

The College should initiate a long-term financial planning process taking into account all of its sources of financial support.

The College has not yet initiated the long-term fiscal planning process called for in this recommendation. However, the *Proposed Framework for Development of a Comprehensive Planning System* includes a financial planning model as an integral part of the plan.

The college should develop an institutional budgeting process which is collegial in nature, identifies institutional priorities, and evaluates the extent to which resource allocation practices reflect those priorities.

The College has successfully implemented an institutional budgeting process which is collegial in nature.

STANDARD 8. Governance and Administration

The Board should make administrative stability a high priority to assure that GCC can address critical issues possibly long-delayed because of leadership turnovers.

The President had provided stable leadership for five years, while the Dean of Students position had remained vacant for over a year; the position has been filled. The Board issued a six year contract to the President, and it was apparent that this led to stability that allowed GCC to address critical issues.

The Board and administration should take advantage of the participation of the student trustee and the two non-voting representatives to improve communications and to promote full representative governance.

GCC believes that the representatives have contributed greatly to improve communication. A student trustee was recently appointed to a regular board seat, and she confirmed that she had been meaningfully involved. The student trustee serves with full voting rights on the board. The non-voting representatives (from the faculty and classified staff of the College) were clearly involved in board discussions as observed while attending a board meeting.

The President of GCC should develop a regular college newsletter, as recommended in the self-study to respond immediately to concerns about communications.

The College has appointed an Assistant Director for Communications and Promotions, and a monthly newsletter, Chalani, reports campus events and progress on initiatives.

The newsletter is a regular publication as is a campus bulletin. Furthermore, faculty and staff generally reported that communication had been significantly improved.

That the College, having made the decision regarding appropriate priority of postsecondary educational services, should work to devise appropriate strategies for postsecondary student and adjunct faculty participation in College governance matters.

The College established designated governance days to provide time for increased adjunct faculty participation in governance. In addition, the students have formed the Council on Postsecondary Student Affairs. As a result the students were represented on college committees. In addition, the appointment of the new Dean of Student Services was reported to allow for greater student participation.

The Visiting Team found that governance days are, in fact, scheduled and provide duty-free time for faculty to participate in governance matters. While some faculty elect to participate in these days, it was not clear how many adjunct faculty actually attend. Since

the time is scheduled in the afternoons, it may be difficult for many adjunct faculty to attend because of conflicts with their other full-time jobs. It was also evident that many full time faculty elect not to participate in governance days.

Students have become involved in governance and at the time of the visit were busy preparing for Chamorro Week and for Community College week. Students were represented on the self study committees.

EVALUATION OF THE COLLEGE USING ACCJC STANDARDS

STANDARD 1. Institutional Integrity, Purposes, Planning, and Effectiveness

Observations:

In addition to meeting with appropriate campus personnel, College documents were reviewed and several classes were observed. Key areas reviewed include: Policies regarding academic freedom and affirmative action; the integrity of published information - most particularly, the Catalog; the mission statement and the processes involved in its development; the establishment of planning processes and the involvement of faculty and staff in those processes; and the extent to which the College measures its effectiveness.

Conclusions:

A mission statement and an accompanying preamble was developed by a committee and adopted by the Board in 1990. This mission statement has not been consistently included in key College documents - including the most recent Catalogue.

The College has taken steps to implement a long-term institutional planning process as can be seen by the establishment and staffing of the Office of Planning and Development, the Request for Proposal for consultant services to assist in the development of a ten-year master plan for the College, the development of a Title III grant to strengthen planning functions, and the *Proposed Framework for Development of a Comprehensive Planning System*. However, a clear mechanism to ensure periodic review and updating of the College's plans is not currently in place.

Although various components of the College are involved in evaluating the effectiveness of their respective programs, institutional research and program review are not being conducted systematically. A Task Force on Program Evaluation has been established which has produced a draft report outlining procedures for implementing systematic program review. The Management Information System (MIS) Office under the Long-Range Planning and Development Office has not yet been staffed.

The Visiting Team was made aware of instances where a program or individual courses have been included in the Catalogue but are not being offered. The Visiting Team encourages the College to evaluate its process for reviewing key documents, such as the Catalogue, to ensure that these documents are complete, up-to-date, and accurate.

Recommendations:

1. The College's mission statement, preamble, philosophy, and goals should be included in a consistent fashion in the College's publications - in particular, the Catalogue. Also, mechanisms should be established to communicate the directions of the College as related to the mission statement to the campus community as well as to the community as a whole. (1B)
2. As part of the development of its ten-year master plan, the College should take steps to ensure that a mechanism for periodic review and updating of the plan is established. (1C)
3. The College should conduct on-going, systematic institutional research to measure its institutional effectiveness. Program reviews should be conducted for each educational and student service program at least every five years. (1D.1)

STANDARD 2. Educational Programs

Observations:

Guam Community College is a unique institution committed to high quality programs serving a diverse population at the secondary as well as post-secondary level. It provides certificates in 27 occupational fields and 19 associate degrees at the postsecondary level, adult high school diplomas, vocational high school diplomas in eight occupational fields, developmental programs and GED preparation, cooperative education at the secondary and postsecondary level, and credit and non-credit vocational and enrichment courses under its Community and Continuing Education program.

Courses and programs are offered on the main campus both day and evening and in several high school facilities on Guam. Apprenticeship training is provided in conjunction with three apprenticeship organizations on Guam: the military ship repair facility, local government and the private sector. Since 1990 GCC has provided apprenticeship training through government agreement in Kosrae, Pohnpei and the Marshall Islands.

In recent years the College has strengthened its focus on post-secondary education by increasing its full-time faculty from 11 in 1991 to 21 in 1993. Major improvements are evident in new programs and courses that have been developed and the improvements in facilities, equipment and supporting materials (Learning Resources Center, CAD lab, System One Training Center for computerized airline reservation training, etc.). The early childhood and tourism programs have met a significant local need, and instructors have provided community contacts, student advising, and curriculum planning. The Language Institute provides a strong program of ESL, which is clearly needed for the population served. Much progress has been made in many vocational program areas to develop a competency-based curriculum.

Conclusions:

Due to the large number of programs offered, relatively small enrollments in many programs, and heavy student attrition, it is difficult for the College to offer many of the required advanced courses in many programs. Therefore, advanced students may have to wait several semesters to take a specialized course needed for graduation. There is no apparent system for monitoring this situation and insuring student completion of programs. As a consequence, few students actually complete degrees and certificates. To address the significant problem of student turnover, staff have undertaken a variety of recruitment efforts; however, little attention appears to have been directed towards developing an institutional commitment to improve student retention.

College faculty and staff have participated in extensive efforts to improve its curriculum planning and development process. Roles of individuals and committees involved in the review have been clarified, and forms and process have been provided. The recommended process appears to have considerable support but has not yet been officially approved. It is anticipated that implementation will begin in fall of 1994. Major efforts have also been undertaken to develop a program review and evaluation system. A final recommendation is now being reviewed by the College President. If approved, the process will begin fall of 1994.

Computer equipment, obtained through varied grants, projects, and donations, is readily available. There are some program areas, however, where it is questionable whether the existing equipment is adequate to prepare students for the demands of the current workplace (e.g. automotive technology). No plans were evident to alleviate this situation through equipment sharing agreements with local business, government or industry.

The newly developed Community and Continuing Education program has been successful in serving a variety of credit and non-credit community needs and interests. It appears, however, there is still a large population on Guam that remains unserved in this area since few outreach efforts have been undertaken to determine community interests and needs, publicize programs or inform the public of the program opportunities. Short term training needs might be responded to through this office in coordination with the College's regular instruction program.

For a College that states as a goal to prepare students for transfer to four-year colleges with advanced standing, the general education program is extremely limited and few courses are currently articulated. No academic laboratory courses or fine arts are offered, and existing courses are few in number. The recommendation in this area by the prior Visiting Team has not yet been addressed.

Recommendations:

1. The College, within the next year, implement, evaluate, and refine its newly developed curriculum planning and development process and its newly developed program review

and evaluation system, including the supporting data collection, in order to ensure a relevant, dynamic and quality instructional program. (2B)

2. The College, within the next year, review its diplomas, certificates and degrees offered to ensure that all required courses are offered and that students have the opportunity to complete their entire program within a reasonable period of time. (2A)
3. The limited general education program of the College be more fully developed and/or coordinated with offerings provided by the University of Guam. (2C)
4. The College extend its services and programs in the community by strengthening, coordinating, and publicizing the opportunities provided by its Community and Continuing Education program. (2H)

STANDARD 3. Student Services and the Co-Curricular Learning Environment

Observations:

As described in the Self-Study, the College does indeed serve a very diverse student population with many interests and needs. In addition to meeting with appropriate campus personnel and students, classes were observed, and key documents were reviewed including registration documents, mission statements, the most recent Catalogue, counselor and coordinator worksheets, and organizational charts. The Visiting Team concluded that many of the concerns and descriptions delineated in the self-study are generally reflective of the situation at the College.

Conclusions:

The College has launched a reorganization of the Student Services area in an effort to provide upgraded support services to all students at Guam Community College. This reorganization included the addition of an Associate Dean with administrative responsibility for services previously administered by other divisions of the College. Assisting the Dean will be three associate deans with responsibilities in Academic Services, Student Support Services and Work Experience Education.

Since the last accreditation, the College has improved the overall quality of the training programs which they provide, the buildings, although old, have been maintained adequately, and there has been some improvement in the support services. With the interruption of leadership two years ago the chain of command was broken and various services drifted in different directions, producing an era of poor service in areas which were vital to the well-being of the students. At the time of the visit a new system had been in operation for about three months and those who were most effected were encouraged that the system could again be user-friendly and accountable.

It was clear to the Team that there is still the problem of unequal service between the vocational high school students, most of whom are at the GCC facility during the day, and the postsecondary students who frequently require services in evening. In spite of the reorganization, it is not yet clear that GCC will be able to meet all the support services needs of its diverse student body. As an example, some individuals expressed the belief that the Substance Abuse Prevention Project is not meeting the needs of the student population. There appears also to be a need for additional support for the Women Resources Program, and a need to upgrade educational and health counseling services to postsecondary students. Each of the eighteen student services programs organized within the new School of Student Development will need to evaluate their programs in terms of scope of students reached, effectiveness, and efficiency if they are truly going to accomplish their collective missions.

Recommendations:

1. The College establish a systematic mechanism by which students of all parts of GCC become aware of and express their needs for support services which will be of value to them. (Standards 3A.5, 3A.4, 3E)
2. The College provide the leadership to evaluate the need for and, if appropriate, redesign support programs to better meet the changing needs of students and the community. (3C, 3D, 3E)
3. The College provide the leadership in securing resources to support the sports program for the Vocational High School Students attending GCC Campus. (3C)

STANDARD 4. Faculty and Staff

Observations:

The College increased the number of full-time post-secondary teachers from 11 in 1991 to 21 in 1993. This increase has reduced the College's dependence on adjunct faculty; however, 103 adjunct faculty were hired for the Fall 1993 semester, a ratio of five adjunct faculty members to each full-time postsecondary faculty member. Over the five-year period from 1988 to 1993 there was a 25% increase in the total number of high school and post-secondary faculty members with a bachelor's degree, but a 17% decrease in the number of faculty with graduate degrees.

A concern about the lack of females in top management levels was recognized in the Self-Study, but there was not a stated plan to deal with this problem. The College has begun to collect data to show the ethnic composition of its faculty and its student population. The data show that while the College has a significant number of Micronesian students, there are no Micronesian faculty members. The College's affirmative action plan has been only partially implemented and is now outdated. Although a statement on affirmative action has been adopted, no apparent action has

been taken toward developing a new plan. A policy on sexual harassment has also been written and is now ready for Board approval.

Individuals interviewed stated that communication regarding College operations was generally adequate and that they could readily obtain information they wanted or needed to know. All persons interviewed remarked that the College newsletter, Chalani, contained information of use and of interest to them. It should also be noted that Chalani was used to keep the College community informed about the self-study development process.

Hiring procedures for new staff follow a uniform practice, but these procedures are not currently written and officially adopted. This situation is recognized as a problem and the development and adoption of written personnel policies and procedures are among top priorities.

An established procedure is followed for evaluating faculty but most faculty perceive that current evaluation processes for faculty need to be improved. Evaluation of administrators and support staff is currently informal and varies from supervisor to supervisor. The College has recognized this problem and an *ad hoc* committee on performance evaluation has recently completed a proposed Appraisal System Form for use in evaluation of administrators and support staff.

For FY '94 the Board of Trustees has allocated \$50,000 for professional development of faculty and \$20,000 for professional development of support staff. The Professional Development Subcommittee of the College Affairs Committee has established procedures for the use of the faculty funds and the Upward Mobility Subcommittee has established procedures for use of support staff funds. Most of the faculty funds are currently used for the development of administrative skills and curriculum development. A smaller amount is made available for improving teaching methods. The faculty appear to agree that professional development activities are meeting their needs. However, the need to upgrade the teaching skills of the large number of adjunct faculty is not currently addressed by staff development activities.

Conclusions:

Although the number of full-time post-secondary faculty has significantly increased over the past two years, the College continues to rely heavily on adjunct faculty to teach post-secondary classes. This heavy reliance on adjunct faculty, who are less likely to take advantage of the College's professional development opportunities, could negatively impact the College's effort at improving teaching effectiveness of its faculty.

Data collection capabilities now allow the College to continuously update reports on staffing patterns and thereby provide information which indicates whether the composition of the staff reflects the diversity of the College's student population and whether the College is complying with its affirmative action plan.

The proposed sexual harassment policy, if expeditiously adopted by the Board, will provide the College with a means of resolving current or future charges of sexual harassment within the college community.

Recommendations:

1. The College should consider increasing its efforts at improving the teaching effectiveness of its faculty by reducing its heavy reliance on adjunct faculty, by expending a greater portion of its faculty professional development funds on education and training designed to improve the teaching effectiveness of its faculty, and by exploring a variety of other means to improve the teaching effectiveness of adjunct faculty as well as full-time faculty. (Standard 4A.1 and 4C..2)
2. The College should take steps to demonstrate its commitment "to the educational benefit of diversity through its staffing" by updating and implementing an affirmative action plan which recognizes the need to increase the number of females in upper level management and the need to increase the number of Micronesian faculty members. (Standard 4A.4)

STANDARD 5. Library and Learning Resources

Observations:

A review of the collection found that the holdings and media resources are both diverse and, as a result of a recent weeding process, current. However, there was agreement that the size of the collection is much too small to adequately support the recent expansion of the College's mission and educational offerings. The collection had initially been developed to serve secondary vocational curricula and subsequent collection acquisitions have not allowed the holdings to appropriately complement the mission of also being a vocational-oriented community college.

While annual budgets for expansion of library holdings fall below American Library Association standards, recent budget years' allocations seemed to be at the same level or higher of similarly sized California community colleges. However, no provision was made for any funding for expansion of holdings during FY 94, due to a reduction of legislative appropriations in this area. The administration predicted that the local economy will not likely improve the fiscal situation at the college within the next year.

Interviews repeatedly validated the controversy with the new second-story location of the library. In spite of what has occurred, the President reported that, short of external funding to build a facility at a more central location, the library will remain at its current site for the near future. Available data did indicate that the use of the library has declined since its move. However, some reported that lack of use has less to do with location than it does with the disinclination of the faculty to assign students work that requires access to the resources the library might provide.

Several individuals stated that expansion of the collection and the library classroom capacity are limited by the building's ability to withstand the added weight. Investigation validated inefficient access to the lift by disabled or others not otherwise able to utilize the stairway to the second floor. Staff stated that this problem will soon be rectified by more training on how to use the lift and installation of an intercom to which library staff will respond.

Both faculty and students generally reported that library faculty and staff are extremely helpful and contribute to making the facility a friendly place. With the recent hiring of a second librarian, the current level of staffing in the main campus library seemed to adequately meet the regular school year needs of the students and faculty. There was broad appreciation for the regularly distributed newsletter ("Tracings") and other information provided by the library. As the self-study points out, however, there is no regular provision for a librarian during the summer session and no assurance that the budget will allow for coverage with temporary staff.

Recent purchases have made up-to-date learning resources technology available outside the library facility for general use by students and faculty. The overall integration of the use of these resources was judged to be in need of attention in order to gain maximum effectiveness. However, the use of technology within the library is limited by hardware and software which are no longer available to support a CD-ROM periodicals index.

Reacting to concerns regarding the general lack of reference materials available, the library has requested listings of materials held at the departmental offices. While responses from some departments have been collected, they have not been cataloged in a manner for easy access by staff and students. Decentralized distribution of audio-visual equipment was generally viewed as being effective.

A written procedure exists for collection maintenance and development to complement the curricula. Library staff, through personal contact and written communication, have encouraged some departments to provide input into acquisition decisions. Faculty broadly suggested that an annual dissemination of the procedure at the time that library materials funding is available would enhance the effectiveness of this process. No progress was found to have been made regarding the reactivation of the Library Advisory Committee.

Conclusions:

The size of the collection was easily the most significant weakness; additionally, use of the library by faculty and students was found to be less than desirable. The delivery of student orientation to the library needs to be enhanced. The staff have the inclination and capacity to provide a user-friendly environment in which to utilize the library's limited resources. The level of learning resources technology available to students and staff in facilities other than the library were up-to-date and usually in sufficient number to provide quality service.

A significant portion of the GCC instructional program is delivered through local high schools, thus placing a significant reliance upon the resources of the respective high school libraries. The Team found that, while no written agreement exists, there is an understanding that the high schools have the responsibility to provide resources to support the GCC curricula offered there. Similarly, the new GCC librarian reported that GCC students may access University of Guam Library materials but no written agreement supports that relationship.

The library staff are keeping the faculty and staff effectively informed of new resources as they become available. However, the College did not yet appear to have a formal process of integrating curriculum planning with collection maintenance and development. The Library Advisory Committee and procedures for collection maintenance and development were not being utilized as effectively as they should.

Recommendations:

1. Access to internal and external sources of funding should be enhanced so the library collection may be expanded, in coordination with curricular development, to a level appropriate for the size and purpose of the institution and so new technologies may be utilized to access information resources available through the University of Guam and other data bases. (5A.1, 5A.2, 5A.3)
2. The College should make use of the Library Advisory Committee, or some alternate means of communication, and raise the awareness of adopted formal procedures for integration of curriculum planning with collection maintenance and development. Additionally, the College should develop stronger professional relationships between the library staff and instructional faculty. (5B.1)
3. The College should consider entering into written agreements with the Guam Public School System regarding library support for the GCC curricula offered at high schools, and with the University of Guam regarding GCC student and faculty access to the University's library materials (5C.4)

STANDARD 6. Physical Resources

Observations:

A campus tour clearly indicated that repair and maintenance efforts to improve the physical facilities were a College priority. While there still remain some areas of concern, such as the condition of the restrooms, the College is addressing these concerns to the extent possible within available resources. Plans are already in place and funds allocated to renovate restrooms this summer to meet Americans With Disabilities Act (ADA) standards. A facilities requirements priority list has been developed for the budget planning process. However, effective interaction

between faculty/staff/students and the administration remains a problem. The role of the Facilities Subcommittee of the CAC remains unclear.

The tour of off-campus facilities indicated a real need for the College and the Guam Public School System (GPSS) to agree on responsibility for facilities maintenance and cleaning. The two entities have been operating without a Memorandum of Agreement (MOA) since the previous MOA expired several years ago. Equipment requirements of off-campus programs appear to be adequate met, while some on-campus programs do not yet have the equipment necessary to provide quality vocational technical training.

Conclusions:

The College has made great strides in improving the campus environment. With the delays in implement the New Campus Master Plan, the College has focused on improvements of present facilities to meet program needs. However, a Facilities Master Plan for the present campus has yet to be developed. More faculty/staff/student participation in the identifying and prioritizing of repairs and maintenance projects is needed.

The College has made a commitment to a comprehensive planning process. The Office of Planning and Development has drafted a *Proposed Framework for Development of a Comprehensive Planning System* which, when completed and implemented, will provide a participative planning process for the College. The development of a Facilities Master Plan is part of that process which should provide for planning for the present campus as the College slowly begins development of the new campus.

Recommendations:

1. The College needs to continue its efforts to implement the New Campus Master Plan and begin the new campus development as soon as economically feasible. (6A)
2. The College needs to develop a Facilities Master Plan for the present campus, establishing a process involving students, faculty, and staff to assist the administration in identifying and prioritizing facilities requirements. (6C)
3. The College should complete a Memorandum Of Agreement with the GPSS on facilities requirements and maintenance at high school campuses. (6A.3)

STANDARD 7. Financial Resources

Observations:

With the recent downturn in the economy, the College has not been receiving funds from the Government of Guam on a regular basis. Funds appropriated by the Guam Legislature to Guam Community College are not disbursed to the College in a timely manner creating a cash flow problem for the College. While the College has done much to improve its the financial operations, the slow flow of cash from the Government of Guam makes it very difficult for the College to develop any type of sound financial planning strategies. It is understandable that the Government of Guam may be experiencing a cash flow problem of its own; however, a better allocation process needs to be developed whereby the College can plan its expenditures on a more definitive basis, and not have to wonder whether they can meet the next payroll.

During the past two to three years, the College has made a commitment to improve financial management and accountability of all College funds. The Vice President of Business and Finance has initiated the difficult task of recreating the College's financial statements back to FY 1988-89 for certification by independent auditors.

A more formal campus budget development process has been established which includes input from students, faculty, and staff, and is now a much more open process. The budget document is detailed and provides programmatic information to support requests for funds. Improvements in this area are anticipated with the development and implementation of the College's comprehensive planning system.

Conclusions:

As a result of the improvements in its financial management and accountability, the College has taken control and accountability of all College funds. Financial reports are now timely and accurate and are routinely prepared and distributed.

There seems to be two overriding issues affecting the financial situation at the College. The larger issue — cash flow management — must be resolved with the Government of Guam if the College is to regain control of its financial resources. While great strides have been made in implementing internal financial controls and accountability, the College cannot initiate sound financial planning without control of its financial resources.

The second issue —the financial statements issue— should resolve itself once the financial statements dating back to FY 1988-89 are completed and certified. The College expects this task to be completed within the next few months, bringing the College current in its financial reporting. The fiscal staff can then concentrate its efforts in improving the internal controls and accountability of all College funds and begin the financial planning process.

Recommendations:

1. The College should work closely with the Government of Guam to insure release of funds on a timely basis to Guam Community College based on the approved allocation of appropriated funds. (7A)
2. The College must complete the preparation and certification of Financial Statements dating back to FY 1988-89 by the close of FY 1993-94 to insure the institution's financial records and internal control processes are current. (7C)

STANDARD 8. Governance and Administration

Observations:

A major concern expressed by the GCC board and administration regarding governance and administration was the implementation of Public Law 21-59 which limits the authority of the College to independently determine the qualifications and classification of its administrative and academic staff. The law transfers many existing areas of authority to the Guam Civil Service Commission and is already in effect for administrative employees. While an existing contract with the faculty bargaining unit has delayed the impact of the law until 1995 when the contract expires, there is serious concern that it will be difficult to compete for and employ competent faculty after that. A particularly difficult Civil Service regulation requires a new employee to be placed at the lowest salary step of the classification. To do otherwise requires advance authority from the Commission.

Legislation has been advanced to remove GCC from the requirements of this law, but the Civil Service has testified against the proposed legislation. It has held that exempting GCC would be the first step in undermining an effort to get public salaries under control in Guam.

Public Law 21-59 will make it very difficult for the governing board to meet Accreditation Standard 8A which holds the board responsible for the quality and integrity of the institution and for protecting the institution from external pressure while providing stability and continuity to the institution. For example, it would be impossible to protect integrity if the Board is not able to offer compensation that will assure high quality instruction.

In addition, accreditation standards hold the college board responsible for establishing the organizational structure of the college. That necessarily requires that the Board be able to delete or add administrative positions and to assign its staff accordingly. Even without PL 21-59, legislative approval is required for organizational changes, so the potential of legislative interference is a barrier to meeting accreditation standards.

The GCC Board of Trustees and the president have developed a working relationship that provides a clear and constructive role differentiation, placing the Board in the policy making role with the administration responsible for implementation of policy and managing the day to day affairs of the college. The administration has addressed critical issues and played a leadership role in developing plans for the college.

A new administrative organization was implemented in January 1994 with the intent of balancing administrative workload and making it more feasible to integrate related functions. The seriousness of reorganization is highlighted by the fact that it required legislative approval. Administrators appear to be finding the organization more functional, and a great deal of effort is being made to assure that it works. During the transition period there has been some confusion about responsibilities and reporting line, but steps have been taken to clarify these matters. Also, the role of the program specialist as contrasted to the department chair appears to result in overlapping duties.

The very comprehensive administrative organization has allowed the college to be proactive in meeting student and community needs; however, there may be economies that can be achieved as programs become mature enough to maintain themselves without permanent staffing devoted to developmental activities. Therefore, the College should closely examine the increasing ratio of administrators to faculty.

The current faculty committee structure appears to be cumbersome, not fully subscribed to by faculty, and not functioning in a timely manner within clear channels of communication.

Conclusions:

The stability in administrative leadership and the maturity of the Board of Trustees have provided a strong basis for GCC responding positively to significant issues. In addition, it is apparent that the administrative functions of the college are fully staffed. It is also clear that more attention has to be given to how faculty and staff are included in decision making in a consistent manner.

The self study generally addressed the accreditation standards except for Standard 8.A.7., "The board has a process by which its own performance can be assessed". The self study did not comment on this standard, and no formal process was documented; This does not imply that the Board is not functioning effectively. Rather, if addressed, it could serve as an opportunity to identify areas where improvements in Board performance might be made.

Based on the responses to the recommendations of the last Visiting Team and on the seriousness with which the self-study was conducted, it is apparent that the self-study has been valuable to the institution. However, there could have been more detailed focus on the analysis portion of Standard 8, which would have been useful in developing more refined plans to address governance issues.

The College efforts to assure administrative stability, improve communication, and involve faculty, staff, and students in governance has resulted in an improved institutional climate. In the "shared vision" portion of the self study, it is indicated that in order to make shared governance a reality, the postsecondary student organization and the staff will have to take a more active part in the development of mechanisms to foster that process. It is also indicated that to improve the timeliness of the decision-making process, the faculty will have to take advantage of the Executive Council. This is a worthy vision that deserves specific planning to achieve. The Executive Council could serve as a productive clearinghouse between faculty and administration, but regular meetings will have to be scheduled and a chair designated to give the committee credibility.

In 1987, the Western Association of Schools and Colleges placed GCC on "Probation" and stated: "Guam Community College will remain on probation until it demonstrates to the Commission that it is in compliance, that authority for appointment and assignment of administrative and academic staff is properly vested in the chief executive officer and governing board, and that government will not interfere with the operation of the college by circumventing such duly constituted authority." The implementation of the provisions of PL 21-59 brings this issue back for consideration in accreditation. In addition, there are other legislative requirements that have the potential for circumventing board authority, namely the requirement that reorganization be approved by the legislature. The College's 5-Year Master Plan called for the College to seek legislative changes to strengthen its status as an autonomous institution. It is essential that changes be made to protect the College's ability to function effectively and efficiently while meeting accreditation standards.

Recommendations:

1. Governmental interference in college governance must be eliminated. In 1987, the Western Association of Schools and Colleges placed GCC on "Probation" and stated: "Guam Community College will remain on probation until it demonstrates to the Commission that it is in compliance, that authority for appointment and assignment of administrative and academic staff is properly vested in the chief executive officer and governing board, and that government will not interfere with the operation of the college by circumventing such duly constituted authority." PL 21-59 appears to have circumvented such duly constituted authority. (8A)
2. Specific plans should be developed and implemented, including the role of support staff, to encourage and provide a more consistent, better understood, and meaningful decision making and governance process. (8C.1)
3. The Board should adopt a formal evaluation process. (8A.7.)



TWENTY-SECOND GUAM LEGISLATURE
1994 (SECOND) REGULAR SESSION

FEB 14 '94

BILL NO. 853 (LR)
INTRODUCED BY:

M. Z. BORDALLO 
C. T. C. GUTIERREZ 
T. C. ADA 

AN ACT TO REENACT CERTAIN SECTIONS OF TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO RESTORING THE AUTONOMY OF GUAM COMMUNITY COLLEGE, AND ENABLING THE BOARD OF TRUSTEES TO MORE EFFECTIVELY IMPLEMENT PERSONNEL AND ADMINISTRATIVE POLICIES AND PROCEDURES NECESSARY FOR THE CONTINUED SUCCESS OF THE COLLEGE IN ADDRESSING THE VOCATIONAL EDUCATION AND TECHNICAL TRAINING NEEDS OF THE COMMUNITY."

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:
2
3

4 Section 1. Title 17, Guam Code Annotated, Section 31104 is hereby repealed and
5 reenacted to read:

6 "Section 31104. Rules and Regulations.

7 The Board shall adopt reasonable rules and regulations not inconsistent with the
8 laws of the United States and this Territory (a) for its own government, (b) for the government
9 of the College and (c) for the purpose of carrying out all other duties and powers herein
10 conferred."
11

12 Section 2. Title 17, Guam Code Annotated, Section 31106 is hereby repealed
13 and reenacted to read:

14 "Section 31106. Personnel Rules: Academic Personnel and Administrative
15 Officers.

16 Rules and regulations governing selection, compensation, promotion, performance
17 evaluation and disciplinary action affecting academic personnel and administrative

94 FEB 10 PM 12:11

1 officers shall be adopted by the Board in accordance with Sections 4 GCA 4104 and
2 4105. Such rules and regulations shall provide for the employment of persons on the
3 basis of merit, and shall include an orderly and systematic method of recruitment and
4 the establishment of qualified lists for employment purposes. For the purpose of this
5 Section, an "administrative officer" is defined as one who holds any of the following
6 positions: Associate or Assistant Dean; Associate or Assistant Director; Dean or
7 Director; Associate to the President or Vice-President; provided, however, that nothing
8 in this Chapter shall be construed as preventing the Board from establishing other
9 administrative officer position or abolishing any of the existing positions
10 indicated herein."

11
12 **Section 3.** Title 17, Guam Code Annotated, Section 31109 is hereby repealed
13 and reenacted to read:

14 "Section 31109. Powers of the Guam Community College and Board.

15 The Guam Community College and Board shall have all the powers
16 necessary and convenient to carry out and perform the purposes and provisions of this
17 Division except the power to levy and collect taxes or special assessments including the
18 following in addition to other powers granted in the Division, it may:

19 (1) have perpetual succession except if this Chapter shall expire in accordance
20 with Section 15 of this Chapter.

21 (2) have a seal and modify it.

22 (3) enter into and execute contracts and instruments of every kind and nature
23 necessary or convenient to the exercise of its powers and functions. The provisions of
24 Section 6107 of the Government Code shall not apply to such contracts.

25 (4) in accordance with Title VII-A of the Government Code, acquire any real
26 or personal property or interest or estate therein by lease, option, purchase, gift, grant,,
27 donation, appropriation, bequest or devise or otherwise.



- 1 (5) to act as administrator for the Federal Adult Basic Education Program.
2 (6) to grant appropriate degrees and issue diplomas in accordance with its
3 rules and regulations.
4 (7) for such legal services as it may require the College may employ or
5 retain its own course and legal staff."
6

7 **Section 4.** Title 17, Guam Code Annotated, Section 33102 is hereby
8 repealed and reenacted to read:

9 "Section 33102. Construction With Other Law.

10 Except as expressly provided for herein and notwithstanding any
11 other law to the contrary, the College shall be autonomous and self-sufficient in
12 matters pertaining to its governanceil organization and administration and the
13 promulgation of its rules and regulations, in accordance with the Administrative
14 Adjudication Law (5 GCA Chapter 9) pertaining to the following:

- 15 (1) courses of instruction;
16 (2) issuance of certificates, diplomas, credits and degrees;
17 (3) personnel recruitment, appointment, tenure, promotion, dismissal and
18 other personnel matters;
19 (4) obligation and disposition of funds, provided that appropriated funds are
20 used for the purpose or purposes stipulated in the Act appropriating said funds; and
21 (5) soliciting, receiving and using gifts of any kind whatsoever for the
22 purposes provided in this Chapter."
23

