



**UNIVERSITY OF GUAM  
UNIBETSEDÁT GUÅHAN  
Board of Regents**

**Resolution No. 19-11**

**RELATIVE TO APPROVING AMENDMENTS TO THE UNIVERSITY OF GUAM  
CHARTER, TO RECREATE THE UNIVERSITY OF GUAM AS A 21<sup>ST</sup>  
CENTURY INSTITUTION TO MEET THE EDUCATIONAL NEEDS OF THE  
REGION WHILE DIVERSIFYING ITS REVENUE SOURCES TO LESSEN  
DEPENDENCE ON THE GENERAL FUND FOR ITS REVENUES, AND TO  
SEEK LEGISLATIVE APPROVAL**

**WHEREAS**, the University of Guam (UOG) is the primary U.S. Land Grant institution accredited by the Western Association of Schools and Colleges Senior College and University Commission (WSCUC) serving the post-secondary needs of the people of Guam and the Western Pacific region;

**WHEREAS**, the UOG Charter, codified at 17 Guam Code Annotated, Chapter 16, Section 16130 states that the Charter may be amended only after a resolution signed by seven (7) members of the Board of Regents (BOR) request in writing Legislative approval of such substantive amendment(s);

**WHEREAS**, the UOG Administration has determined that these amendments to the Charter are needed to meet the evolving educational needs of the UOG community and the region, and to further the UOG mission of *Ina, Deskubre, Setbe*;

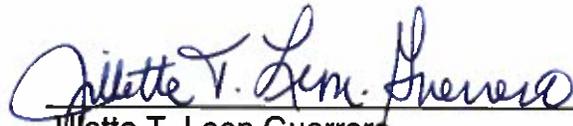
**WHEREAS**, the UOG Administration submits to the 35<sup>th</sup> Guam Legislature, / *Mina' Trentai Singko Na Liheslaturan Guåhan*, a bill entitled, "**AN ACT TO REPEAL AND REENACT §§ 16112, 16113, 16115, 16118, 16123 and 16124 of CHAPTER 16, TITLE 17, GUAM CODE ANNOTATED (GCA); AN ACT TO ADD A NEW SUBSECTION §§ 16136, 16137, 16138, 16139, 16140 to CHAPTER 16, TITLE 17, GUAM CODE ANNOTATED (GCA); RELATIVE TO RE-CREATE THE UNIVERSITY OF GUAM AS A 21<sup>ST</sup> CENTURY INSTITUTION MEETING THE EDUCATIONAL NEEDS OF THE REGION WHILE DIVERSIFYING ITS REVENUE SOURCES TO LESSEN DEPENDENCE ON THE GENERAL FUND FOR ITS REVENUES,**" a copy of which is attached and made an integral part of this resolution; and

**WHEREAS**, these amendments, which has been fully vetted by the appropriate University officials and endorsed by the UOG Administrative Council, is presented to the Budget, Finance and Audit (BFA) committee, who have reviewed and recommend BOR approval.

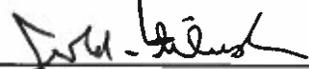
**NOW, THEREFORE, BE IT RESOLVED**, that in the best interests of UOG, the BOR approves these amendments to the UOG Charter and requests that the Legislature so approve, in accordance with 17 GCA §16130.

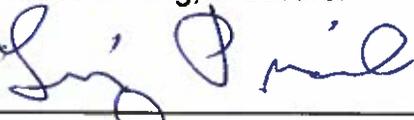
Adopted this 13<sup>th</sup> day of February, 2019.

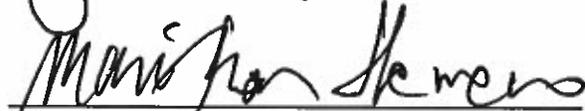
  
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Christopher K. Felix, Chairperson

  
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Jillette T. Leon Guerrero  
Vice Chairperson

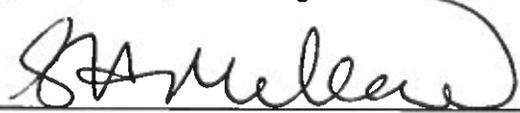
  
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Elvin Y. Chiang, Treasurer

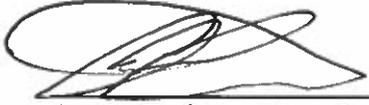
  
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Jerold W. Filush, Regent

  
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Liza J. Provido, Regent

  
\_\_\_\_\_  
Mari Flor Herrero, Regent

  
\_\_\_\_\_  
Hyo Sang Ji, Regent

  
\_\_\_\_\_  
Sandra H. McKeever, Regent

  
\_\_\_\_\_  
Annie F. Camacho, Student Regent

**ATTESTED:**

  
\_\_\_\_\_  
Thomas W. Krise, Ph.D., Executive Secretary

**I MINA' TRENTAIKUATTRO NA LIHESLATURAN GUAHAN  
2018 (SECOND) Regular Session**

**Bill No.       -34(COR)**

Introduced by:

Joe S. San Agustin

**AN ACT TO REPEAL AND REENACT §§ 16112, 16113, 16115, 16118, 16123 and 16124 of CHAPTER 16, TITLE 17, GUAM CODE ANNOTATED (GCA); AN ACT TO ADD A NEW SUBSECTION §§ 16136, 16137, 16138, 16139, 16140 to CHAPTER 16, TITLE 17, GUAM CODE ANNOTATED (GCA); RELATIVE TO RE-CREATE THE UNIVERSITY OF GUAM AS A 21<sup>ST</sup> CENTURY INSTITUTION MEETING THE EDUCATIONAL NEEDS OF THE REGION WHILE DIVERSIFYING ITS REVENUE SOURCES TO LESSEN DEPENDENCE ON THE GENERAL FUND FOR ITS REVENUES.**

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

**Section 1. Legislative Findings.**

*I Liheslaturan Guåhan* finds that it has not been able to increase the revenues of the University as enrollment has increased and thereby maintain the social contract that has been established in which tuition pays 50% of tuition and the General Fund pays the other 50% of tuition. The University will need to diversify its revenue sources and will require the freedom and independence to enter into partnerships that will provide revenue for the University and allow it the flexibility to compete for students in the changing universe of education brought on by the digital culture.

**Section 2. § 16112 of Chapter 16, Title 17, Guam Code Annotated is hereby repealed and reenacted to read as:**

**§ 16112. Personnel Rules: Academic Personnel.**

Rules and regulations governing selection, compensation, promotion, performance evaluation, disciplinary action and other terms and conditions of employment affecting academic personnel and professional, technical, federal and externally

1 funded (PTFEF) personnel shall be adopted by the Board of Regents. Such rules and  
2 regulations shall provide for the employment and retention of persons on the basis of  
3 merit, and shall include an orderly and systematic method of recruitment and the  
4 establishment of a list of qualified applicants for employment purposes. *Academic*  
5 *personnel* are defined as faculty and administrators. For the purposes of this Section,  
6 an *administrator* is defined as one who holds any of the following positions: President  
7 or Vice-President, Assistant or Associate to the President or Vice- President, Dean,  
8 Associate or Assistant Dean, Director, Associate or Assistant Director, Chief,  
9 provided, however, that nothing in this Chapter shall be construed as preventing the  
10 Board of Regents from establishing other administrator positions or abolishing any of  
11 the existing positions indicated herein and further provided, however, that nothing in  
12 this section nor in any other section of this Chapter involving the outlay of public  
13 funds shall become effective unless funds therefor shall have been provided in the  
14 University's annual budget. The term *administrator* does not include positions within  
15 the purview of the Director of Administration under Chapter 6 of Title 4, Guam Code  
16 Annotated, or other applicable laws.

17 Professional, technical, federal and externally funded (PTFEF) personnel are  
18 defined as professional and technical positions that are not management positions but  
19 require significant training and education including four-year degrees or other  
20 professional designations or specialized skills; and federal grant and externally funded  
21 limited-term personnel that perform specified functions and possess unique skills  
22 necessary to carry out a designated scope of work. Nothing in this chapter shall  
23 constrain the Board of Regents from adding to or subtracting from the number of  
24 professional, technical, federal and externally funded positions at the University subject  
25 to the same funding constraints as Academic personnel positions described above.

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

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

1  
2           **Section 3. § 16113 of Chapter 16, Title 17, Guam Code Annotated is**  
3 **hereby repealed and reenacted to read as:**

4  
5           **§ 16113. Classified Employees.**

6           “Notwithstanding any law, rule or regulation to the contrary, all non-academic  
7 personnel, non-professional personnel, with the exception of unclassified employees  
8 under §§ 4102 and 21031 of Title 4, Guam Code Annotated and student employees,  
9 shall be classified. Matters relating to employment of classified personnel shall be  
10 governed by and in accordance with Title 4 of the Guam Code Annotated and other  
11 applicable laws.

12           All employees of the University of Guam who have acquired government of  
13 Guam civil service tenure on the date of the enactment of this Chapter and who are  
14 transferred to the University in accordance with § 16117 of this Chapter shall retain  
15 their tenure and status as employees of the government of Guam.

16  
17           **Section 4. § 16115 of Chapter 16 of Title 17 of the Guam Code**  
18 **Annotated is hereby repealed and reenacted to read as:**

19  
20           **§ 16115. Retirement Fund.**

21           Officers and employees of the University, not otherwise ineligible under the  
22 provisions of Chapter 8, Title 4 GCA, excluding student employees of the University,  
23 shall be members of the Retirement Fund. The University shall contribute to the  
24 Government of Guam Retirement Fund on the basis of annual billings as determined by  
25 the Board of Trustees of Government of Guam Retirement Fund, for the employer's  
26 share of the cost of the retirement benefits applicable to the University's officers and  
27 employees, and their beneficiaries.

28           The University shall not be liable for any amount except for the annual statutory  
29 billings by the Board of Trustees of the Retirement Fund. In the event that the annual  
30 statutory billing rate is determined by any external auditor employed by the University  
31 to be less than the unfunded accrued liability of the University for Retirement Fund  
32 purposes, any such differences between the statutory and actuarial calculations shall  
33 be transferred to the Government of Guam General Fund.

34  
35           **Section 5. § 16118(c) of Chapter 16 of Title 17 of the Guam Code**  
36 **Annotated is hereby repealed and reenacted to read as:**

1  
2       **§ 16118. Legislative Appropriation.**

3       (c) No agreements to borrow money for more than 10 years shall be entered  
4 into by the University without prior Legislative approval.

5  
6       **Section 6. § 16123 of Chapter 16 of Title 17 of the Guam Code**  
7 **Annotated is hereby repealed and reenacted to read as:**

8  
9       **§ 16123. University of Guam Center for Island Sustainability.**

10       The 'Center for Island Sustainability' is hereby established at the University of  
11 Guam. Island Sustainability ensures that the needs of the current generation are met  
12 without compromising the ability of future generations to meet their needs. The  
13 University of Guam, through its Center for Island Sustainability, serves to facilitate  
14 leading Guam and the Micronesia region toward a sustainable future. The University  
15 conducts sustainability-related research and community outreach, in cooperation and  
16 coordination with other appropriate agencies, to help meet island needs in the broader  
17 areas of environment, economy, society, and education.

18  
19       **Section 7. § 16124 of Chapter 16 of Title 17 of the Guam Code**  
20 **Annotated is hereby repealed and reenacted to read:**

21  
22       ~~**§ 16124. The Guam Natural Energy Institute: Duties; Powers.**~~

23 ~~The Institute shall:~~

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

33 ~~(b) — Maintain a current file on all possible support programs (public and private) for~~  
34 ~~awards and grants to both educational and energy related research and development~~  
35 ~~programs through the University and notify and provide assistance in proposal~~  
36 ~~preparation and follow up with appropriate departments and institutes as these~~

1 programs arise.

2 (c) — ~~Maintain current information on natural energy resources to include:~~

3 (1) — ~~abstracts of pertinent publications;~~

4 (2) — ~~a card file on energy publications available in the University of Guam; and~~

5 (3) — ~~catalogs, lists of suppliers and price lists on natural energy, off the shelf items~~  
6 ~~such as solar collectors for water heating, windmills, solar photovoltaic systems and~~  
7 ~~waste digesters.~~

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

11 (e) — ~~Initiate, develop and coordinate the undertaking of natural energy system~~  
12 ~~development projects; provide some level of matching support to attract extramural~~  
13 ~~funding for these projects; and provide support for equipment requests for graduate~~  
14 ~~thesis projects and for faculty research initiation.”~~

15 ~~SOURCE: GC § 11847, as repealed and added by P.L. 13-194; Subsection (g) added~~  
16 ~~by P.L. 16-124, as R/R by P.L. 19-40:1.~~

17  
18 **§ 16124. University of Guam Sea Grant Special Fund.**

19 (a) The University of Guam Sea Grant Program, managed by the University of Guam  
20 Center for Island Sustainability, maintains a portfolio of federal cooperative  
21 agreements and grant-funded projects that provides an array of research and  
22 extension services to the people of Guam and Micronesia.

23 (b) To comply with federal matching requirements for grants under the Sea Grant  
24 Omnibus cooperative agreements, there is hereby established the “University of  
25 Guam Sea Grant Special Fund”, which shall be maintained separate and apart from  
26 any other funds of the government of Guam, and managed by the University of  
27 Guam Center for Island Sustainability.

28 (c) A primary purpose of this fund is to comply with federal requirements designating  
29 the University of Guam as a Sea Grant “Coherent Area Program,” and to support  
30 potential future designations as a “Sea Grant Institution” and “Sea Grant College  
31 Program.”

32 (d) Donations and charitable contributions relating to sustainability and coastal  
33 research and extension services may be deposited and credited to the University of  
34 Guam Sea Grant Special Fund. The Legislature may appropriate or reappropriate  
35 to the University of Guam Sea Grant Special Fund any local matching funds  
36 necessary for approved University of Guam Programs consistent with Research  
37 and Extension Programs in the areas of Sustainability and Coastal Science and any  
38 related programs.

1 All debts, liabilities and any other obligations incurred for programs described in  
2 Subsection (b) of this Section shall be paid from the University of Guam Sea Grant  
3 Special Fund.

4  
5 **Section 8. §16136 of Chapter 16 of Title 17 of the Guam Code Annotated**  
6 **is hereby added to read as follows:**

7  
8 **§ 16136. Student Employees.**

9 Notwithstanding any law, rule or regulation to the contrary, University of  
10 Guam student employees shall not be eligible for retirement, sick or annual leave  
11 benefits, and, except as may be specifically provided herein, the personnel rules shall  
12 not apply to such employment, provided, however, that such employment shall be  
13 considered employment for purposes of the Worker’s Compensation Act. The Board  
14 of Regents is authorized to adopt rules and regulations governing student  
15 employment.

16  
17 **Section 9. § 16137 of Chapter 16 of Title 17 of the Guam Code Annotated**  
18 **is hereby added to read as follows:**

19  
20 **§ 16137. Secretariat of the Pacific Regional Environmental Programme.**

21 The University of Guam shall be designated as the official government of Guam  
22 representative to the Secretariat of Pacific Regional Environmental Programme.

23  
24 **Section 10. § 16138 of Chapter 16 of Title 17 of Guam Code Annotated is**  
25 **hereby added to read as follows:**

26  
27 **§ 16138. Procurement regulations and Exceptions to Advance Payments.**

28 Notwithstanding any other provision of law, the Board of Regents is authorized  
29 to adopt procurement regulations which shall be consistent, to the maximum extent  
30 practicable, with Guam Procurement Law, except insofar as the University is exempt  
31 from the centralized procurement regime of the Government of Guam. Exceptions  
32 from the advance payment rule shall be made for the University’s procurement of  
33 textbooks and classroom, research and outreach materials, for rental arrangements,  
34 and for internet based purchases.

35  
36 **Section 11. § 16139 of Chapter 16 of Title 17 of Guam Code Annotated is**  
37 **hereby added to read as follows:**

1  
2 **§ 16139. Short Term Borrowing**

3 The Board may at any time or from time to time, by resolution adopted by  
4 a majority of all the members of the Board and approved by the Governor, incur  
5 indebtedness for any lawful purpose for any period not exceeding ten (10) years  
6 evidenced by contract with any person or by one or more promissory notes executed  
7 and delivered to any person. Any such indebtedness shall be incurred subject and  
8 subordinate to any contractual obligation of the Board to the holders of any bonds  
9 and the principal thereof and interest thereon may be repaid  
10 from revenues; or if incurred for a purpose for which bonds may be issued, from  
11 revenues or from the proceeds of sale of bonds or other debt instrument.

12  
13 **Section 12. § 16140 of Chapter 16 of Title 17 of Guam Code Annotated is**  
14 **hereby added to read as follows:**

15  
16 **§ 16140. Long Term Leasing and Contracting.**

17 The University of Guam is authorized to lease its administratively controlled real  
18 properties and to enter into long term contracts for a period up to but not exceeding  
19 thirty (30) years for public private partnerships in order to diversify the revenue  
20 streams of the University. The University shall hold a public hearing and allow for  
21 sixty (60) calendar days for public comment before executing such a contract.  
22 Nothing herein shall repeal, limit, or otherwise prohibit any law or regulation  
23 authorizing the University to enter into any contract for a longer period.