



University of Guam Unibetsedåt Guahan

Regent Nominating Council
UOG Station, Mangilao, Guam 96923
Tel: (671) 735-2990 • Fax: (671) 734-2296

Regent Nominating Council

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Board of Regents

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Member-At-Large

Administrative Support

Christine Mabayag
Office of the President

Dear Regent Applicant,

Thank you for your interest in serving as a University of Guam (UOG) Regent. Vigorous, visionary leadership is essential to addressing the challenges facing UOG in today's ever changing higher education environment.

In accordance with Public Law 26-24, the 11-member Regent Nominating Council (the Council) is responsible for recommending *at least one (1) and no more than three (3)* qualified candidates to the Governor for every Board vacancy.

The Board of Regents is composed of nine members, including a UOG student body member. The Council invites applications from distinguished leaders, like yourself, representing various sectors of our community, to assist in guiding UOG's vision and achieving its mission.

It is, therefore, important that applicants embrace and support a(n):


- Commitment to the value of higher education
- Understanding of the University of Guam's mission
- Understanding of the land-grant nature of the University of Guam
- Willingness to commit time and energy, as necessary, for 6 years
- Willingness to forego political activity that may be disruptive or harmful to the University of Guam
- Overriding loyalty to UOG above any other specific constituency
- Commitment to UOG's Regents' Code of Conduct

Please review the enclosed application information package. For consideration, you must submit all required documentation to Chris Mabayag, in the Office of the President. Your completed application package will remain in the "eligible pool" of potential nominees for three years from the date your application is received.

If you have any questions, please feel free to call me at 647-1595 or email to mirenlore@hotmail.com.

Thank you for your interest in serving as a Regent for our University of Guam!

Sincerely,


Mari Flor Herrero, Chairperson
Regent Nominating Council



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This Information Packet Contains the Following:

1. Mission Statement of the University.
2. A Reprint of "*Governing in the Public Interest: External Influences on Colleges and Universities*," adopted by the Association of Governing Boards of Universities and Colleges, April 1, 2001.
3. The Statement of Selection Criteria for Regent Candidates.
4. The UOG Regents' Code of Conduct, adopted January 25, 2002.
5. Regent Applicant Eligibility and Commitment Verification Form.
(Please sign and attach to Regent Applicant Form and Check List)
6. Regent Application Form and Checklist. (Please complete and attach to all required application material)
7. Frequently Asked Questions of Prospective Regent Candidates



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MISSION STATEMENT OF THE UNIVERSITY OF GUAM

Ina, Diskubre, Setbe -To Enlighten, To Discover, to Serve

- The University of Guam is a U.S. accredited, regional Land Grant institution. It is dedicated to the search for the dissemination of knowledge, wisdom and truth.
- The University exists to service its learners and the communities of Guam, Micronesia, and the neighboring regions of the Pacific and Asia.
- The University prepares learners for life by providing the opportunity to acquire knowledge, skills, attitudes and abilities through the core curriculum, degree programs, research and outreach.
- At the Pacific crosscurrents of the east and west, the University of Guam provides a unique opportunity to discover and acquire indigenous and global knowledge.

Governing in the Public Trust: External Influences On Colleges and Universities

ADOPTED BY
THE AGB BOARD OF DIRECTORS
APRIL 1, 2001



Association of Governing Boards
of Universities and Colleges
One Dupont Circle, Suite 400
Washington, D.C. 20036
www.agb.org

“Governing in the Public Trust” is addressed to the trustees and academic leaders of America’s colleges and universities and to the nation’s elected political leaders and others who vigorously advocate their positions on higher education issues, policies, and practices. Its aim is to stimulate discussion within boardrooms and between trustees and elected political leaders and stakeholder groups.

Citizen trusteeship is a venerable American tradition that has served the nation well as a distinct and preferable alternative to direct governmental control. The principles this statement expresses are central to the work of the volunteer boards and trustees of public and independent institutions whose endeavors the Association of Governing Boards of Universities and Colleges promote. The nation’s 50,000 trustees embody the values that govern higher education institutions in our democracy—values that should not be taken for granted, lest they be lost.

Make no mistake, public and private colleges and universities are duty-bound to be attentive to the political, economic, and other priorities of their states and communities and to be actively engaged in the search for solutions to society’s problems. Recently, however, external pressures have led some trustees and political leaders to abandon long-accepted principles of citizen trusteeship. Some

believe board members should be responsive to narrow interests; others use their trusteeships inappropriately to advance personal visibility, aspirations, or policy goals; still others fail to grasp that trustees are responsible for seeking consensus and acting collectively as a board, and not as individuals. When such inappropriate behavior occurs, the tradition of citizen trusteeship is broken, and the public trust is compromised.

“Governing in the Public Trust” is a companion to the “AGB Statement on Institutional Governance,” which was adopted by the AGB Board of Directors in November 1998. That earlier document was a general expression, from a governing board perspective, of ways in which higher education leaders can examine the clarity, coherence, and appropriateness of their institutions’ decision-making processes.

This statement, on the other hand, responds to a more specific challenge: the need for all higher education leaders to thoughtfully consider the perspectives of external voices, while resisting purely political or ideological agendas.

In adopting this statement, it is not the intent of the AGB board to be prescriptive but rather to provide a template of good practices and policy guidelines for boards to consider and adapt to their needs.

“Governing in the Public Trust” is the product of more than one year of planning and discussions that included diverse focus groups in Chicago, Dallas, and Washington, D.C. Drafts of the document were reviewed by AGB’s board of directors, its national councils of board chairs and presidents, the advisory council of AGB’s Center for Public Higher Education Trusteeship and Governance, and AGB staff. A draft of the statement appeared on the AGB Web site to solicit comment from association members and the public before the final version was reviewed and approved by the AGB Board of Directors in April 2001.

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Governing in the Public Trust: External Influences on Colleges and Universities

The values of intellectual freedom, institutional diversity, and social responsibility are embedded deeply in the fabric of American higher education. The governing boards of public and independent institutions historically have perpetuated these values as buffers and bridges between the academy and society. Boards are not merely advocates for the institutions they serve, they also are guardians of the public trust, responsible for ensuring that institutions serve the larger society.

Colleges and universities today face new and challenging criticisms, expectations, demands for accountability, and pressures for reform from inside and outside the academy. These often are accompanied by direct attacks on the integrity and foundational principles of governing boards. Some criticisms are justified, but many result from a general misunderstanding of why the founders of our states and the nation saw virtue in citizen governance of colleges and universities. In the worst cases, such misunderstandings may lead to abuses of power.

External pressures on governing boards manifest themselves quite differently in various states and in institutions with disparate missions. Some boards navigate the waters of intensified public involvement successfully, through a combination of adroit internal leadership and attitudes of respect among external stakeholders toward the appropriate functions of boards. But other boards are having trouble maintaining a balance. Accustomed to being deferred to or left alone, they may find themselves with no traditions or with inadequate policies to guide them in working with external interests. The initial response of most

boards is to appear to resist public pressures for change, citing the principles of academic freedom or constitutional status to fend off what they see as intrusions on their prerogatives. Some become overly accommodating, imagining a duty to respond immediately to all the demands of external stakeholders—governors, state legislators, advocacy groups, business leaders, donors, and others.

Self-governance and self-regulation are crucial to institutional quality and integrity in American higher education. Such governance cannot be maintained if it is perceived as insular or dismissive of society's legitimate interests, concerns, and priorities. Yet the rationale for citizen self-governance remains as valid and important as ever, even where there is not widespread acceptance of or support for its underlying principles. For self-governance to endure, however, its principles should be revisited, debated, and embraced anew by today's leaders. Toward that end, this statement of principles has been developed as a vehicle for reflection and debate within the higher education community and with the publics it serves. To the extent that it stimulates dialogue about the principles of effective trusteeship, it will have served its purpose.

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Historic Principles for Citizen Governance

The rationale behind self-governance in higher education grows out of centuries-old tradition as well as the modern-day missions of colleges and universities. Some key components follow:

⟨ The primary reason governing boards are composed of lay citizens rather than government officials or members of professional societies harks back to the evolution of English common law, to the development of social institutions not directly controlled by the church, guilds, or government. Boards made up of surrogates of the citizenry were intended to ensure arm's-length independence of leadership for these institutions while not being responsible for running them on a day-to-day basis. Today, boards continue to have policy and oversight functions, rather than managerial or administrative ones.

⟨ Public and independent nonprofit colleges and universities are unique among social institutions in that their missions require them to work to benefit the whole of society through teaching, research, and service. Other institutions—churches, volunteer groups, and some for-profit institutions, for example—provide similar functions, but only colleges and universities combine all these functions. In so doing, they constitute a precious reservoir of expertise and cultural memory that simultaneously serves the past, the present, and the future. Citizen self-governance is designed to maintain this complex mission and public trust.

⟨ Colleges and universities serve a much wider range of internal and external stakeholder groups than do most of society's other institutions. This is another reason their governing boards are (or should be) structured to be stewards of the broad society rather than representatives of particular stakeholder groups. The involvement of lay citizens acting as collective bodies distinguishes higher education boards from representative or legislative models, under which individual members generally are considered proxies for constituent groups. The best boards reflect diverse perspectives and experiences, but higher education boards never were intended to be representative of narrow interests. In the end, individuals who accept the responsibilities of trusteeship implicitly

pledge a commitment to the whole institution—not to the appointing authority or to particular interests on or off campus—and to *all* citizens, not to a particular few. Although governors understandably exercise their public-sector appointive powers in ways that align with their larger agendas, board members of all institutions should reach independent judgments based on their own interpretations of institutional purpose and societal needs.

⟨ Ensuring that the teaching and research functions of colleges and universities are unencumbered constitutes another reason for self-governance. In the early days of the American democratic experiment, Thomas Jefferson articulated his vision of the special place of higher education in preparing citizens to be capable of questioning authority, be it the government or the church. In today's higher education environment, however, the degrees of freedom from direct government influence or control vary considerably—particularly in public higher education, where many contradictory policies and practices exist across the 50 states and the territories.

⟨ Perhaps the most enduring and compelling reason for self-governance in American higher education is the belief that the pursuit of truth, the generation of new knowledge, and the protection of intellectual inquiry are best preserved in institutions unencumbered either by direct governmental control or domination by any self-serving interest. The value of academic integrity and independence and their relation to self-governance have been articulated in important court decisions. Cited most often over the past 50 years is the ruling authored by Supreme Court Justice Felix Frankfurter in a decision on a loyalty-oath controversy:

It is the business of a university to provide that atmosphere which is most conducive to speculation, experiment, and creation. It is an atmosphere in which there prevail

“the four essential freedoms” of a university—to determine for itself on academic grounds who may teach, what may be taught, how it shall be taught, and who may be admitted to study. (*Sweezy v. New Hampshire, 1957*).



The Nature of External Influences

Long-standing and recent external challenges to the traditions of citizen governing boards require us to distinguish between broad, often healthy social trends that inevitably influence higher education and the more localized external pressures that can irreparably damage the institution of citizen self-governance. The changing place of higher education in society means that the business of the academy—who gets in, what is taught, and how much higher education costs and why—is a major public-policy issue. Decisions about the efficient management of resources and quality are too important to the larger society to be left entirely to academy insiders. Expectations for accountability continue to rise at the state and federal levels, while independent and public institutions alike increasingly are subject to a host of externally generated regulatory and reporting requirements. Issues concerning costs and efficiency are lightning rods for external interests, given the realities of rising college tuitions, new competition from for-profit education providers, and concern about who is able and unable to attend college.

Most colleges and universities are not merely reacting to public pressure for change but are seeking stronger engagements between campuses and the publics they serve—businesses, individual donors, and alumni, for example. Particularly in the arena of academic policy, many presidents and boards are actively cultivating partnerships with external constituencies to strengthen the capacity of their institutions to serve the public trust.

Heightened expectations for student and faculty performance and greater public accountability provide new opportunities for colleges and universities to connect with their local, regional, and national communities without damaging their governance processes. This is an essential goal.

It is equally true, however, that a single-issue interest easily can interfere with the ultimate policymaking authority of a governing board. Interventions most damaging to self-governance are those aimed specifically at governing board capacities to debate policy and make decisions (as opposed to those aimed generally at the institution). Some examples of common pressures:

- ⟨ directives from a governor to his or her appointed trustees to vote a certain way on such policy matters as admissions, curriculum content and program approvals, selection of a board chair, or the location of a new campus;
- ⟨ suggestions to change the composition of the board to designate seats for members expected to represent certain interests;
- ⟨ proposals from legislators or governors to restructure or abolish governing boards merely because they have resisted the wishes of elected leaders (rather than because such restructuring, by general consensus, is a sound response to changes in a state's economy, for example);
- ⟨ attempts by outside individuals to persuade one or more trustees to intervene on behalf of a particular individual or group in matters involving admissions, athletics, or employment;
- ⟨ collusion among board members to favor specific economic or personal interests;
- ⟨ manipulation of the presidential search process to ensure the selection of a candidate favorable to alumni, a political party, business leaders, or single-issue interest groups; and

acquiescence to pressure from well-intentioned donors whose gifts may bind the institution to financial obligations or other commitments that may contradict the institution's mission or values.

Furthermore, public colleges and universities are especially susceptible to legislative or political efforts to change the trustee-appointment process to favor individuals who may be expected to represent or serve specific views. Such interference often comes from ideological groups that seek not only to influence but also to dictate academic policy by, for example, bypassing governance consultation and collaboration to impose predetermined policies on the institution.

Independent institutions may be especially vulnerable to intrusions from separately incorporated alumni associations, sponsoring church authorities, or major donors. These groups or individuals may become powerful influences that may be antithetical to an institution's academic mission and independence.

Inappropriate external influences on a governing board have great potential to skew an institution's priorities and compromise its capacity to serve the public interest. They also may weaken a board's governing integrity and public credibility by creating imbalances that favor certain interests over others. Over time, imbalances of authority within a board erode its capacity to conduct business in a credible and straightforward manner. Even if there are no disastrous policies or inappropriate decisions over the short term, the institution is made vulnerable to control by single interests—economic, political, ideological, or professional.

Some boards inadvertently allow themselves to become vulnerable. A loss of respect for institutional self-governance, borne of impatience with the process or suspicion about motives, can precipitate external pressure for direct intervention into governance. The collaborative academic

decision-making process often is opaque, even to people inside the institution; to outsiders it may seem absolutely obstructive. Protracted timetables for consultation and collaboration are frustrating to those who demand action and who may interpret the need for internal consultation as a tactic to avoid decision making. In addition, institutions and their leaders sometimes appear aloof and unwilling to consider externally generated ideas simply because they came from outsiders.

Some board members and institutional leaders unfortunately have fallen into the habit of claiming constitutional autonomy or academic freedom to justify exceptions from public laws that apply to other institutions. Although sometimes valid, such claims often are perceived to be dismissive of the legitimacy of the public interest and can prompt unfortunate and dangerous political reactions. Further, disrespect for the capacity and quality of trustees may lead external groups to seek to intervene or to keep a board's authority as weak as possible. Skepticism about the ability of the board to act appropriately or responsibly is a frequent motive for ill-conceived pressures on board decision making.

The management of attention is one of the most important and difficult jobs a board faces. Unchecked attentiveness to external pressures can distract a board from setting priorities and maintaining a strategic and coherent path. A distracted board risks being overly reactive or unresponsive.

Credibility and integrity are precious assets. They derive from effective chief executive leadership, good management, academic reputation, and intellectual authority. Any board captured by narrow interests loses credibility in the local community, statewide, and even nationally. Boards that yield too easily to external pressures will find their institutions unable to recruit and retain the best presidents, faculty, and students. What is more, boards that allow the line between self-governance and governmental control to be crossed

on matters of curriculum, course content, and faculty review risk compromising their integrity.



Principles for Maintaining Accountability, Independence, and the Public Trust

The public's expectations for improved performance from higher education are straining relations between the academy and society over questions of control. Even though the historic principles of citizen governance by independent trustees are as valid today as ever, these principles should be newly affirmed in the context of the challenges of the day, in language that combines accountability and independence with the responsibility of serving the public trust. Toward that end, the following five principles are guideposts for dialogue, reflection, and action.

1. Recommit to the primacy of the board over individual members. Governing boards should be composed of carefully selected, independent-minded individuals of stature who are fully committed to higher education and who can focus on the intersection between society and the academic institution. To the extent that a board reserves seats for specific constituent interests, it fails to fully meet the test of true citizen-board governance. All trustees hold the institution "in trust" for all citizens. They can exercise this broad responsibility only if they feel they are free of all other obligations and can apply their individual consciences and judgments to all matters that come before them.

2. Keep the mission as a beacon. Governing boards should base their decisions on how the institution can best serve the public trust by respecting the boundaries of the institution's mission. Colleges and universities are under constant pressure to be all things to all people, with the ever-present risk that scarce resources

may become diluted. Boards that allow the mission of the institution to drift can lose the selective focus that is essential to maintaining high quality and effectiveness.

Boards of public institutions must recognize that institutional mission is a matter of public policy and that this mission, though ultimately the governing board's province, must be determined through credible public dialogue and respectful consultation. A board that is unable to explain the mission or that finds itself continually debating how to change it is likely to end up merely reacting to external pressures rather than governing appropriately and effectively.

3. Respect the board as both a buffer and a bridge. Governing boards should be both buffer and bridge between the institution (or multi-campus system) and the public. They must be able to anticipate the central issues that are likely to test their capacities in this dual role and craft a strategic agenda to address these challenges. The specific areas of pressure will vary by institution, yet the chief points of tension are similar and often predictable. Some examples: student admissions; faculty prerogatives in curriculum and learning standards; the creation of for-profit subsidiaries or partnerships with for-profit entities; and executive recruitment, performance review, and compensation.

Being a bridge to society means working with the chief executive to maintain a clearly understood process for soliciting views from, and speaking to, such external stakeholders as legislators, business groups, or the news media. At the same time, boards should be willing to make unpopular decisions in the best interest of their institution or society. Boards should address the challenges that top their agendas in ways that preserve a sense of balance and integrity without seeking to win popularity contests. When powerful constituencies demand specific actions or express displeasure, boards should assert their

policymaking prerogative and, when necessary, “take the heat.”

4. *Exhibit exemplary public behavior.* Through their personal demeanor, public respect for civilized dialogue, strict avoidance of conflicts of interest, and commitment to board self-regulation and periodic self-assessment, trustees should serve as models of public conduct. Many people unfortunately have become cynical about the integrity of society’s institutions and are likely to assume the worst even when there is little basis for doing so. Individually and collectively, board members must ensure that they continue to earn the respect essential to serving their civic purposes. Policies should clearly specify the responsibilities of boards and individual members while emphasizing collective and individual accountability.

5. *Keep academic freedom central.* Intellectual integrity and academic freedom are at the heart of the historic social justification for self-governance in colleges and universities. Board members should be able to articulate this value and be prepared to support and defend it in behalf of their institutions and individual professors.

But assertions of violations of academic freedom should be made carefully and rarely. Faculties and boards should be confident that such claims are fully justifiable, and they must understand that frequent claims can weaken their own credibility and effectiveness. In the end, the sanctity of academic freedom does not preclude boards from exercising appropriate oversight over academic policy.



The Need for Vigilance

Public and independent colleges and universities historically have been afforded significant indepen-

dence, the benefits of which have accrued to all of society. But colleges and universities never have been fully autonomous, nor should they be. Complete autonomy is incompatible with the mission of any social institution. Tension between private purposes and public interests—and debate about what constitutes the public interest—are natural in academic life. Campuses historically have been testing grounds for social ideas, and the history of higher education can be mapped in large part by tracing the successive relationships between the institutions and the societies they serve.

Active engagement with external constituencies can be extraordinarily beneficial to higher education. Yet boards must maintain the independence necessary to act decisively and with integrity. Institutions and boards can grow stronger by nurturing their relationships with the public, policymakers, the business community, and others. Doing so will enable them to maintain the standing of their institutions and their ability to recruit and retain top leaders.

Society’s expectations for colleges and universities to serve broad social purposes are real and reasonable. Higher education leaders must discard attitudes of isolation and arrogance that can drive away the goodwill, talent, and funding that have produced the unparalleled excellence of the American system. Similarly, the academy would be poorly served if the legitimate interests of external groups were manifested merely as insider-outsider power struggles within governing boards.

This statement asks boards to reaffirm their commitment to maintaining balanced, independent, and principled citizen governance as they fulfill their public trust. And it calls on those who would press their agenda on the academy to respect the principles that are the foundation of the academy and citizen trusteeship.



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STATEMENT OF SELECTION CRITERIA FOR REGENT CANDIDATES

Candidates for membership on the UOG Board of Regents will be evaluated with respect to the following criteria:

1. Be a US citizen or permanent resident.
2. Be a Guam resident for at least 3 years prior to appointment.
3. Not currently an employee of the Government of Guam or of UOG.
4. Not have held an elected government position in the last two years, which was filled through an island-wide election.
5. One regent must be an alumnus or alumna of UOG.
6. Have integrity, with a code of personal honor above reproach.
7. Be wise and have a breadth of vision.
8. Be independent.
9. Have an inquiring mind and ability to speak articulately and succinctly.
10. Have the ability to challenge, support, and motivate university administration.
11. Have an orientation to the future with an appreciation of the University's heritage.
12. Have the capability and willingness to function as a member of a diverse group in an atmosphere of collegiality and selflessness.
13. Have an appreciation of the public nature of the position and the institution, including the open process of election and service.
14. Have a record of accomplishment in one's own life.
15. Have a proven record of contribution with the governing body of one or more appropriate organizations.
16. Have knowledge and experience that can bear on university problems, opportunities, and deliberations.

Additional considerations of overall Board composition:

1. Seek ethnic diversity
2. Seek gender balance
3. Seek social diversity
4. Seek a balance of professional, technical, and entrepreneurial skills

The Regent's Nominating Council will seek to have 3 candidates submitted to the Governor each time there is a vacancy.

Adopted by the Regent Nominating Council on November 26, 2007



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UOG REGENTS' CODE OF CONDUCT

1. To become familiar with and committed to the major responsibilities of a governing board:
 - a. To appoint the President;
 - b. To support the President;
 - c. To monitor the President's performance;
 - d. To clarify the mission;
 - e. To approve long-term plans;
 - f. To approve the educational program;
 - g. To ensure financial solvency;
 - h. To preserve institutional independence;
 - i. To enhance the public image;
 - j. To assess their own performance;
2. To be independent-minded and to focus on the intersection between society and the academic institution;
3. To base our decisions on how the institution can best serve the public trust by respecting the boundaries of the institution's mission;
4. To be willing to make unpopular decisions in the best interest of the institution and the society;
5. To serve as models of public conduct through our personal demeanor, public respect for civilized dialogue, strict avoidance of conflict of interest, and commitment to board self-regulation and periodic self-assessment;
6. To be able to articulate that intellectual integrity and academic freedom are at the heart of the historical justification for self-governance in universities;
7. To resist pressure from outside individuals to intervene on behalf of a particular student or group of students;
8. To ignore directives from political leaders to vote a certain way on such policy matters as admissions, curriculum content, program approvals, and the selection of board officers and institutional administrators;

9. To refuse to change the composition of the board to designate seats for members expected to represent particular interests;
10. To oppose approvals from political leaders to restructure or abolish boards that have resisted or neglected their wishes;
11. To avoid favoring particular economic interests;
12. To not be manipulated in the presidential-search process to ensure the selection of a candidate favorable to the faculty, alumni, political party, business leaders, or special interest groups;
13. To support the institutions fund-raising efforts through personal giving in accordance with one's means and to be willing to share in the solicitation of others;
14. To devote time to learn how the institution functions - its uniqueness, strengths and needs – its place in post secondary education;
15. To carefully prepare for, regularly attend, and actively participate in board meetings and committee assignments;
16. To accept and abide by the fiscal responsibilities of the board as specified by institutional charter, by-laws, and government statutes and regulations;
17. To vote according to one's individual conviction, to challenge the judgment of others when necessary; yet to be willing to support the majority decision of the board and work with the other board members in a spirit of cooperation;
18. To maintain the confidential nature of board deliberations and to avoid acting as a spokesperson for the entire board unless specifically authorized to do so;
19. To understand the role of the board as a policy making body and to avoid participation in administration of policy;
20. To learn and use consistently designated institutional channels when conducting boards business in matters dealing with faculty and students;
21. To comply with conflict of interests policies and disclosure forms developed by the board;
22. To refrain from actions and involvements that might prove embarrassing to the institution and to resign if such actions or involvements develop;

23. To make judgments always on the basis of what is best for the institution as a whole and for the advancement of higher education rather than to serve a special interest.

Adopted by the University of Guam Board of Regents on January 25, 2002



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REGENT APPLICANT

ELIGIBILITY AND COMMITMENT VERIFICATION FORM

This is to verify that I, the undersigned, meet the following requirements for appointment to the University of Guam Board of Regents:

- I am a US citizen or permanent resident alien.
- I have been a resident of Guam for at least three years.
- I am not currently an employee of the Government of Guam or of UOG.

Furthermore, I have read the information provided and, if appointed as Regent, commit to uphold the mission statement of the University of Guam and to abide by the Regents' Code of Conduct.

Name (print): _____

Signature: _____

Date: _____



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REGENT APPLICATION FORM AND CHECK LIST

Please complete the following:

Name of Applicant: _____

Mailing Address: _____

E-mail Address: _____

Contact numbers:

(Home)_____ (Office)_____ (Cellular)_____ (Pager)_____

Please submit this Regent Applicant Form and Checklist with the required application material attached to Christine Mabayag, Office of the President, UOG.

Late or incomplete applications will not be considered.

Attach the following to this form:

1. Cover letter, stating why you would like to serve on the Board of Regents, addressed to;

Chairperson, Regent Nominating Council
C/O Office of the President
University of Guam
Mangilao, Guam 96923

2. Current curriculum vitae.
3. Please have a minimum of three letters of recommendation submitted directly to the Regent Nominating Council c/o Chris Mabayag, Office of the President, University of Guam, UOG Station, Mangilao, Guam 96923
4. Signed "Eligibility and Commitment Verification Form".
5. DD Form 214 (For applicants with prior military service).

For Verification Purposes:

/ _ / This is to verify that the application submitted is complete as of:

/ _ / This is to verify that the application submitted is incomplete as of:

Regent Nominating Council

Frequently Asked Questions of Prospective Regent Candidates

How do I apply?

Active recruitment of prospective Regents is ongoing by Council members. You may obtain an information packet by contacting Chris Mababayag at the Office of the President (735-2990) or from any Council member.

What is the term of appointment?

Six years. However, if a person is appointed to fill a term that has been vacated then the appointee serves only the remainder of that term.

How often do we meet?

The Board meets quarterly on the third Thursday of the month; however, there are additional committee meetings, training sessions and other University activities such as Commencement in December and May, which a Regent is invited to attend. The BOR committees are: Student Affairs, Scholarship, Alumni Relations and Honorary Degrees Committee; Academic Personnel & Tenure Committee; Budget, Finance, Investment, Audit and Physical Facilities Committee; Board Affairs Committee.

What is the amount of stipend?

Fifty dollars for each regularly scheduled monthly Board meeting. No stipend is given for committee or special meetings.

Do I have to accept the stipend?

You must accept the stipend; however, some Regents donate this to the UOG Endowment Foundation or a scholarship fund of their choice.

Can members of the Board of Regents be sued as individuals for any action taken by the board? There is a possibility that members may be sued as individuals in their official capacity but only if the Board member acts outside the scope of his/her authority.

Do I need to make a financial disclosure statement to be nominated?

You do not need to provide financial information to be nominated by the Council. However, financial disclosure and other forms (for example, police clearance) are required by the Office of the Governor if you are appointed to the Board. Please see 4GCA Public Officers & Employees, Chapter 13 Public Official Financial Disclosure Act (attached).

If I do business with the University, am I eligible to be appointed as Regent?

Yes. The University procurement process is intended to avoid any possible conflict of interest.

What are my duties as a Regent?

The duties and expectations of a Regent are described in Board of Regents Handbook and the UOG Regents Code of Conduct (included in the information packet). Additional duties are also assumed as a member of a Board committee. The Chair makes the appointments to committees.

Are there any training opportunities to learn how to be a Regent?

There is training on Boardsmanship provided by the President's office through coordination with the Chair. Other training is made available germane to the work of the Regents as the Board budget allows.

What happens if I am not nominated? Or I am nominated but not appointed?

You remain in the pool of eligible candidates for nomination for three years from the date of your completed application.

Who am I replacing on the Board?

Currently there is no vacancy on the board. Your name will be included in the pool for consideration as a regent nominee when the next vacancy occurs.

When do I start?

After you are confirmed by the legislature, you may be seated; however, you may not vote as a member of the Board until sworn in by the Governor.

Who are the current Board members?

Regents William Leon Guerrero, Marcos Fong, Antoinette Sanford, Elizabeth Gayle, Jillette Leon Guerrero, Mari Flor Herrero, Christopher Felix, Elvin Chiang and Vinni Orsini.

This Question and Answer sheet is updated as needed by the Regent representative, in consultation with the Chair of the Regent Nominating Council.

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CHAPTER 13
PUBLIC OFFICIAL FINANCIAL DISCLOSURE ACT

- § 13101. Title.
- § 13102. Definitions for Purpose of this Act.
- § 13103. Report to Be Filed With the Election Commission.
- § 13104. Contents of Report.
- § 13104.1. Contents of Reports Filed by Appointees to or Members of Boards and Commissions.
- § 13105. Election Commission to Report.
- § 13106. Failure to File: Punishment.

§ 13101. Title.

This Chapter shall be known and may be cited as the *Financial Disclosure Act*.

SOURCE: GC § 1800, as added by P.L. 12-153.

§ 13102. Definitions for Purposes of This Act.

(a) The term official means any person elected to any public office in Guam and any person appointed, with legislative concurrence or by the Guam Legislature, to any public office, to include, but not limited to:

(1) all elected officials;

(2) officials appointed by the Governor whose appointment is subject to the consent of the Guam Legislature, except ex-officio and student members of Boards and Commissions in their capacity as members of such Boards and Commissions; and

(3) the chief executive officers, by whatever title they may be known, of all agencies and instrumentalities of the government of Guam whether or not confirmation by the Guam Legislature is required.

(b) The term *candidate* means a candidate to any public office.

(c) The term *gift* means something of value voluntarily transferred from one party to another without compensation or monetary consideration.

(d) The term *fund* means a sum of money or other material resources available for the use of an official or candidate or anyone acting on his behalf.

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(e) The term *asset* means an item of value owned or in which exists a beneficial interest.

SOURCE: GC § 1801, as added by P.L. 12-153. Subsection (a) amended by P.L. 23-105:2. Subsection (a) repealed/reenacted by P.L. 24-14:47. The effect of this amendment is to greatly reduce the number of persons who must file financial statements. Subsection (a) amended by P.L. 24-91:2.

§ 13103. Report to be Filed With the Election Commission.

(a) Each official shall file with the Election Commission, on or before April 22 of each calendar year, a written report containing the information required by this Chapter covering the preceding calendar year (or other year if the individual official files a Guam Income Tax Return covering a period other than the calendar year). Each candidate who is not an official shall file with the Election Commission on the date he files his petition for candidacy, a written report containing the information required by this Chapter covering the preceding calendar year (or other year if the individual official files a Guam Income Tax Return covering a period other than the calendar year). The Executive Officer of the Election Commission shall grant extensions for the filing of reports herein required by officials; provided, however, that such extension shall not exceed one hundred eighty (180) days beyond April 22 of each calendar year.

(b) The report required to be filed under Subsection (a) of this Section shall be verified in the manner permitted by 6 GCA § 4308 (Unsworn Declaration Under Penalty of Perjury).

(c) All reports required to be maintained under this Section shall be maintained by the Election Commission as public records available for inspection. Copies of the reports shall be furnished to the public, upon the payment of reasonable copying fees. The Executive Officer of the Election Commission shall issue a certificate certifying that an official or candidate has filed his report as required by this Chapter.

(d) If an official or candidate dies after he has been granted an extension for filing the financial disclosure report, the Executive Director of the Election Commission shall have a statement placed in the file of the official or candidate that states: 'Unable to file Financial Disclosure Report as a result of death on _____ (date of death)'.

SOURCE: GC § 1802; added by P.L. 12-153 amended by P.L. 13-11 Repealed and reenacted by P.L. 17-7; subsection (d) was added by P.L. 22-109:10.

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§ 13104. Contents of Report.

(a) The report of the official or candidate as required in this Chapter shall include a complete account of the official's or candidate's gross income and that of his spouse and dependent children. For the purpose of this Chapter, gross income shall be defined as set forth in §61 of the Internal Revenue Code of 1954, as amended (26 U.S.C 61). The report of income shall specifically indicate, though not to the exclusion of other items listed in §61, the following information:

(1) The names and addresses of all persons and organizations from whom was received by the official or candidate or on his behalf with his knowledge and consent, any honorarium or compensation for services, including fees, commissions, salaries, and similar items, and the amount of such honorarium or compensation for services, if not money, the substance of the honorarium or compensation and the appraised value thereof;

(2) Gross income derived from business enterprises including the amount thereof, the nature of his interest in the business, and the names and addresses of such business;

(3) An itemization of all gains derived from dealings in real property, including the names and addresses of seller and purchaser and a brief description of the transaction which took place;

(4) The sources from which were derived income from interest and the amounts thereof.

(5) The sources from which rents were derived and the amount thereof;

(6) The sources from which royalties were derived and the amounts thereof;

(7) The sources from which dividends were derived and the amounts thereof;

(8) The names and addresses of all persons and organizations from whom he received assistance in the discharge of indebtedness and the aggregate amount of appraised value thereof;

(9) Itemization of income or benefits derived from distribution of the official's or candidate share in any partnership or professional group, and the names and addresses of all persons and organizations

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from whose payments such distributions are made; provided, however, that no such names and addresses need be furnished when the distribution to the official or candidate from any such person or organization in said year is less than One Thousand Dollars (\$1,000), or when said disclosure is derogation of a privilege granted by law.

(10) Itemization of income derived from an estate or trust in which the official or candidate has an interest and the nature of that interest.

(b) The report shall list all gifts to the official or candidate which in aggregate value exceed One Hundred Dollars (\$100) in the year from a particular source. Included in the report shall be the name and address of the donor, the amount or value of his gifts, and a description thereof. The report shall also contain the name and address of a donor to the official or candidate, his spouse and/or his dependent children when the amounts or values of such gifts given in the course of a calendar year from a particular source exceed Five Hundred Dollars (\$500), and shall describe each such gift and the value thereof;

(c) The report shall list assets held by the official or candidate, by his spouse or dependent children, or by any of them jointly. The list shall include the value of each asset and a brief description thereof, but household furnishings and personal effects need not be reported.

(d) The report shall include the names and addresses of each person and organization to whom the official or candidate, his wife, or dependent children, or any of them jointly owe an aggregate amount in excess of Five Thousand Dollars (\$5,000), and include a statement of the total aggregate indebtedness of the official or candidate and such family members.

(e) The report shall include a statement of any funds established by the official or candidate or on his behalf, to assist him in defraying expenses which may be incurred by reason of his being an official or candidate. The report shall set forth the names and addresses of all persons contributing to the funds, the amount of each contribution, the amount of each expenditure from such funds, and the purpose of each such expenditure.

SOURCE: GC § 1803, as added by P.L. 12-153.

§ 13104.1. Contents of Reports Filed by Appointees to or Members of Boards and Commissions.

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Notwithstanding any other provision of Public Law, all appointees to Boards and Commissions of the government of Guam, as defined by § 13102(5) of this Chapter, shall be required to disclose and submit a report containing only information where conflicts of interest or possible conflicts of interest exist at the time of appointment or as may be expected to exist during their tenure of service on the board or commission to which they are being appointed. Such information shall include conflicts of interest or possible conflicts of interests with the appointee's or member's place of employment, any entity in which the appointee or member serves as a director or consultant to and any entity to which the appointee or member or a family member of the appointee or member owns an interest of five percent (5%) or more in. A family member shall be defined as any relative by blood or marriage or cohabitation in lieu of marriage; within two (2) degrees of consanguinity. In the event that any conflicts of interests, as defined herein, arise subsequent to a member's appointment, the member shall, within thirty (30) days of the knowledge of such conflicts of interest, file an amended report with the Guam Election Commission or by the next filing deadline, whichever is sooner. For purposes of this Subsection, 'conflicts of interest' shall be defined under the provisions of § 15205 of Title 4, Guam Code Annotated. In the event that no conflicts of interests or possible conflicts of interest exist, the report shall state that 'no conflicts of interest exists.' The Election Commission shall prepare separate disclosure reports specifically for board and commission members. In the event that any Board or Commission is required to approve the purchase of any item from any SOURCE in which any of its members may have a conflict of interest as described herein, such member shall disclose for the record, the nature of such conflict and shall append a copy of the minutes of such meeting to the financial disclosure report.

SOURCE: Added by P.L. 24-91:3.

§ 13105. Election Commission.

On or before May 1, of every calendar year, the Election Commission shall cause to have published in a newspaper of local circulation for a period of three (3) consecutive days a report containing therein the names of all officials who have not filed their reports as required by this Chapter at least fifteen (15) days preceding the election for which the candidate has filed.

SOURCE: GC § 1804, as added by P.L. 12-153. References changed from Territorial Auditor to Election Commission pursuant to P.L. 17-7:3.

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§ 13106. Failure to File: Punishment.

Any official or candidate who fails to file a report required by this Chapter, or who knowingly and willfully files a false report under this Chapter shall be guilty of a misdemeanor. The Election Commission shall report to the Attorney General for appropriate action the name of any official or candidate who fails to file a report required by this Chapter, or who in its professional judgment has knowingly filed a false report. This Section shall not be construed to permit prosecution of a person who unintentionally filed an erroneous report, which report shall be subject to correction.

SOURCE: GC § 1805, as added by P.L. 12-153, amended by P.L. 13-187. References changed from Territorial Auditor to Election Commission pursuant to P.L. 17-7:3.
