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**CHAPTER 16
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§ 16100. Preamble.

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

As a resource in the Western Pacific, the University of Guam is committed to function as a dynamic institution in an environment of constant flux and growth. The University of Guam recognizes that it must carefully plan its contributions to human welfare and society. The University of Guam is determined to

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develop ever higher levels of expertise so that it can excel as a tertiary educational institution in the Western Pacific. To achieve this end the University of Guam shall offer advanced knowledge in various areas of resource development to the people of Guam and the region in order to produce leaders and expertise in the different professions for the benefit of island communities.

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

SOURCE: Added by P.L. 17-55, as R/R by P.L. 19-40:1.

§ 16101. Establishment.

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

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

SOURCE: GC § 11830, as repealed and added by P.L. 13-194, as R/R by P.L. 19-40:1.

§ 16102. Purpose.

The University of Guam shall provide instruction in the arts, sciences, and professional and technical curricula. It shall provide all support services necessary for its functions and for the maintenance of accreditation; shall conduct research within any or all fields of study as resources permit, and shall provide public

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service, including consultation services, to the people of Guam. It shall be the Guam's Land Grant Institution.

SOURCE: GC § 11831, as repealed and added by P.L. 13-194, R/R by P.L. 19-40:1.

§ 16103. Prohibition Against Discrimination.

It shall be the policy of the University of Guam that discrimination against any individual or group for reasons of age, race, color, sex, nationality, religious belief, marital status or physical handicap is specifically prohibited under any program, employment or activity for which the Board of Regents is responsible.

SOURCE: GC § 11832, as repealed and added by P.L. 13-194, R/R by P.L. 19-40:1.

§ 16104. Board of Regents.

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

SOURCE: GC § 11833; R/R by P.L. 14-135; amended by P.L. 17-31; R/R by P.L. 17-55, R/R by P.L. 19-40:1.

§ 16104.1. Duties of the Board of Regents.

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

SOURCE: Added by P.L. 17-55, as R/R by P.L. 19-40:1.

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§ 16104.2. Meetings.

Meetings of the Board shall be held at a regular time and place as determined by the Board. Special meetings may be called by the Chairman or by a majority of the members, as often as may be necessary. Meetings of the Board, regular or special, shall be subject to the Open Government Law of Guam. A majority of the members shall constitute a quorum and an affirmative vote of five (5) members is required for any action to be valid.

SOURCE: Added by P.L. 17-55, as R/R by P.L. 19-40:1.

§ 16104.3. Term of Office.

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

SOURCE: Added by P.L. 17-55, as R/R by P.L. 19-40:1.

§ 16104.4. Qualifications of Members of the Board of Regents.

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

SOURCE: Added by P.L. 17-55, as R/R by P.L. 19-40:1.

§ 16104.5. Regent Nominating Council; Establishment.

There is established the Regent Nominating Council ('Council') with sole responsibility to identify, recruit, evaluate

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and nominate all qualified candidates for non-student membership on the Board of Regents of the University of Guam ('UOG').

(a) Membership.

(1) The Council shall consist of eleven (11) members:

(i) one (1) Mayor-member to be appointed by the Mayor's Council;

(ii) one (1) member of the UOG Board of Regents to be appointed by the UOG Board of Regents;

(iii) one (1) member of the UOG Administrative Council to be appointed by the UOG Administrative Council;

(iv) one (1) member of the UOG Faculty Senate to be appointed by the UOG Faculty Senate;

(v) one (1) member of the UOG Student Government Association to be appointed by the UOG Student Government Association;

(vi) one (1) member of the UOG Alumni Association to be appointed by the UOG Alumni Association;

(vii) one (1) member of the UOG Staff Council to be appointed by the UOG Staff Council;

(viii) one (1) member of the Guam Youth Congress to be appointed by the Guam Youth Congress, and

(ix) three (3) members from the community at large.

(x) Three (3) members of the community at large shall be appointed by the Regent Nominating Council.

Three (3) members of the community at large shall be appointed by the Regent Nominating Council. The eight (8) members listed in Subsections a(i) to a(viii) shall serve for a term of one (1) year. The three (3) community at large

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members shall serve a term of two (2) years.

No community at large members shall be employees or students of UOG or employees of the government of Guam. Community at large members must be United States citizens or permanent resident aliens domiciled on Guam for at least two (2) years prior to appointment to the Council.

(2) The UOG Board of Regents member shall serve as temporary chairperson, and shall convene the first meeting of the Council. At its first meeting the Council shall elect from among its members a chairperson and a vice-chairperson. The chairperson shall preside at all meetings of the Council, shall act as the spokesperson of the Council and perform such other duties as the Council shall direct.

The vice-chairperson shall succeed to the duties of the chairperson in the absence or inability of the chairperson to serve. From among its members, the Council shall select a secretary and any other officers that the Council may deem necessary.

(b) Duties.

(1) The Council shall develop a statement of the selection criteria to be applied and a description of the responsibilities and duties of a regent, and shall distribute this to potential candidates.

(2) In making its nominations, the Council shall: consider the needs of the University; advertise; locate potential candidates; maintain a list of their names and contact information; match potential candidates with projected vacancies; review candidates' qualifications and references; conduct interviews; and carry out other recruitment and screening activities as necessary.

(3) The Council shall be responsible for submitting a list of at least one (1) and no more than three (3) qualified candidates for every vacancy on the Board to I Maga'láhen Guåhan.

(4) Nominations shall be made thirty (30) days prior to the expiration of a term, or within fourteen (14) days

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following an unforeseen vacancy. I Liheslaturan Guåhan [Guam Legislature] finds that it is critical that a vacancy on the Board be filled promptly. Therefore, I Maga'lahaen Guåhan [Governor] shall make the appointment of the qualified candidate from a list of candidates provided by the Council, which list shall contain at least one (1) and no more than three (3) qualified candidates submitted by the Council within forty-five (45) days of a vacancy, subject to the advice and consent of I Liheslaturan Guåhan.

If I Maga'lahaen Guåhan does not make the appointment within forty-five (45) days of a vacancy, the Speaker of I Liheslaturan Guåhan [Guam Legislature] shall make the appointment of the qualified candidate from the identical list submitted to I Maga'lahaen Guåhan [Governor] by the Council, subject to the advice and consent of I Liheslaturan Guåhan. Any appointment to fill a vacancy which is made by the Speaker of I Liheslaturan Guåhan pursuant to this Section shall not become void due to a later appointment by I Maga'lahaen Guåhan [Governor] to fill the same vacancy.

(5) The Council shall make an annual report to I Maga'lahaen Guåhan [Governor] and I Liheslaturan Guåhan [Guam Legislature] at the termination of each fiscal year setting forth a summation of its activities and general recommendations.

(c) Council Meetings. The Council shall hold at least one (1) meeting quarterly and as often as necessary. The Council shall conduct its first meeting within fourteen (14) days after approval of this Act. A majority of the Council members shall constitute a quorum. The vote of six (6) Council members shall be required for any action of the Council. The Council may adopt rules to govern its procedures.

(d) Support Services. The President of UOG shall provide administrative and support services for the Council.

SOURCE: Added by P.L. 17-55, as R/R by P.L. 19-40:1. Repealed/reenacted by P.L. 26-24:2.

§ 16104.6. Student Regent.

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

The student member shall be that person receiving the highest number of votes cast at an election of all students registered at the University of Guam whether full-time or part-time, to be held in March of each even numbered year. The election of the student member shall be conducted by the Student Body Senate in accordance with the regulations adopted by the Senate and approved by the Board. The Chairperson of the Board shall proclaim the day of the election. The student receiving the highest number of votes shall be certified by the Chairperson of the Board, provided that the student received at least a certain percentage of the votes cast of a certain percentage of those eligible to vote, as determined by the Board. In the event that no student receives sufficient votes, a run-off election will be held between the two (2) students with the most votes. The student receiving the most votes in the run-off election shall serve as the student member of the Board of Regents. The student member position shall *not* require the appointment by *I Maga'lahañ Guåhan* and the advice and consent of *I Liheslaturan Guåhan*.

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

The student member shall serve for a term of two (2) years beginning at twelve o'clock noon on the first Monday in May in the year in which he or she is elected. When a student ceases to be a full-time student or falls below the academic standing required for student membership, as specified in § 16104.6 of this Title, at the University, he shall be deemed to have vacated his position on the Board. Any vacancy during the term of a student member shall be filled for the remainder of the term by an election of a majority of the Student Body Senate.

SOURCE: Added by P.L. 17-55, as R/R by P.L. 19-40:1. Amended by P.L. 25-39:1.

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§ 16104.7. Tenure of Members Currently Serving as Regents.

The current members of the Board shall continue to serve until the expiration of their term as set out in § 16104.3 of this Chapter and in the event of a vacancy, the Governor shall fill said vacancy in accordance with this Chapter.

SOURCE: Added by P.L. 17-55, as R/R by P.L. 19-40:1. Eff. date of this Charter -12/30/88.

§ 16104.8. Naming of Buildings and Facilities.

The Board is authorized to designate by appropriate name, the buildings and facilities on the campus of the University of Guam and any buildings and facilities under its jurisdiction not located on the campus of the University of Guam. The Board shall develop a policy for the naming of buildings and facilities, which policy shall include provisions for such naming based on contributions to the University, local historical significance, academic achievement, and exemplary service to the University. Any name of any building or facility in effect at the time of the enactment of this Section shall continue in effect until a new name is assigned by the Board.

SOURCE: Added by P.L. 24-105:2.

§ 16105. Board Members Not Deemed Officers or Employees of the Government of Guam.

The members of the Board shall not, by reason of such membership, be deemed employees of the government of Guam.

SOURCE: GC § 11834, as repealed and added by P.L. 13-194, as R/R by P.L. 19-40:1.

§ 16106. Removal From Office.

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

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SOURCE: GC § 11835, repealed and added by 13-194; as amended by P.L. 15-55, as R/R by P.L. 19-40:1.

§ 16107. Officers.

Annually in April, the Board shall elect a Chairman, a Vice-Chairman, and a Treasurer from its membership by a majority vote of its total membership.

SOURCE: GC § 11836, repealed and added by P.L. 13-194; as amended by P.L. 15-55, as R/R by P.L. 19-40:1.

§ 16108. President, Academic Officers, and Faculty of the University.

The President, on the recommendations of appropriate administrators and guided by the recommendations of Search Committees, shall appoint faculty and administrators, such as may be necessary to fulfill the mission and purposes of the University. The Vice Presidents, on the recommendation of the appropriate administrators, shall appoint non-academic staff in accordance with Civil Service procedures, such as may be necessary to fulfill the mission and purposes of the University. While the authority of the Board to establish overall policy guiding the University shall not be diminished, the implementation of the expressed policy of the Board shall be vested in both the Administrative Officers and the Faculty through the collegial instrumentalities traditional in University affairs.

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

SOURCE: GC § 11837, repealed and added by P.L. 13-194; as amended by P.L. 15-55, as R/R by P.L. 19-40:1.

CROSS-REFERENCES: 4 GCA §6103 provides, in part:

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. . . The provisions of this Chapter do not apply to academic personnel of the Guam Community College and the University of Guam. The employment and terms and conditions of employment of academic personnel shall be exclusively governed by provisions of the enabling laws of Guam Community College and the University of Guam pertaining to academic personnel, as set forth in Title 17, Guam Code Annotated.

Added by P.L. 22-137:1 (6/22/94) and made prospective only by Section 2 of the same law.; as amended by P.L. 23-26:7 (5/95).

§ 16109. Powers.

The University of Guam has the power and duty to do any and all things necessary to further the purposes of this Chapter.

SOURCE: GC § 11838, as repealed and added by P.L. 13-194, as R/R by P.L. 19-40:1.

§ 16110. President of the University.

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

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

- (1) Knowledge and understanding of the people of Guam and Micronesia.
- (2) Training and experience in research, teaching, or the administration of higher education or similar discipline.
- (3) Possession of a terminal degree from a recognized institution of learning.

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The Board may prescribe additional requirements to those listed above.

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

SOURCE: GC § 11848, as originally added by P.L. 14-65; amended by P.L. 15-44, as R/R by P.L. 19-40:1.

§ 16111. Construction With Other Laws.

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

SOURCE: GC § 11848.1, as added by P.L. 15-44, as R/R by P.L. 19-40:1.

§ 16112. Personnel Rules: Academic Personnel.

(a) 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 funded (PTFEF) personnel, shall be adopted by the Board of Regents.

(1) Such rules and regulations shall provide for the employment and retention of persons on the basis of merit,

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and shall include an orderly and systematic method of recruitment and the establishment of a list of qualified applicants for employment purposes.

(2) *Academic personnel* are defined as faculty and administrators. For the purposes of this Section, an *administrator* is defined as one who holds any of the following positions: President or Vice-President, Assistant or Associate to the President or Vice-President, Dean, Associate or Assistant Dean, Director, Associate or Assistant Director, provided, however, that nothing in this Chapter shall be construed as preventing the Board of Regents from establishing other administrator positions or abolishing any of the existing positions indicated herein and further provided, however, that nothing in this Section nor in any other section of this Chapter involving the outlay of public funds shall become effective unless funds therefor shall have been provided in the University's annual budget.

(3) The term *administrator* does not include positions within the purview of the Director of Administration under Chapter 6 of Title 4, Guam Code Annotated, or other applicable laws.

(b) Professional, technical, federal, and externally funded (PTFEF) personnel are defined as professional and technical positions that are not management positions but require significant training and education, including four (4)-year degrees or other professional designations or specialized skills and federal grant and externally funded limited-term personnel that perform specified functions and possess unique skills necessary to carry out a designated scope of work. Nothing in this Chapter shall constrain the Board of Regents from adding to or subtracting from the number of professional, technical, federal and externally funded positions at the University subject to the same funding constraints as academic personnel positions described in this Section.

(c) Faculty shall have the right to form, join, assist and participate in the management of employee organizations of their choice and to act as organization representative or to refrain from any such activity, without interference, restraint, coercion or

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discrimination and without fear of penalty or reprisal; provided that, employees shall not participate in the management of an organization or act as an organization representative, where such activity would result in a conflict of interest or otherwise be incompatible with law or with the employee's official duties.

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

SOURCE: Added by GC § 11841 (P.L. 13-194:1); amended by P.L. 14-71:4; and P.L. 16-23:4. Included as part of this Chapter [Charter] by P.L. 19-40:1. Section amended by P.L. 23-26:10 (5/95). Amended by P.L. 28-068:IV:42 and 47 (Sept. 30, 2005), effective January 1, 2006; reference to Civil Service Commission changed to Director of Administration. Amended by P.L. 35-114:2 (Dec. 11, 2020).

2021 NOTE: Subsection designations added pursuant to authority granted by 1 GCA § 1606.

NOTE: See Cross-Reference to § 16109. The issue of Civil Service control of academic personnel was first settled by P.L. 22-137 in favor of UOG faculty not being within the classified service. The amendment by P.L. 23-26:10 further clarified the issue.

§ 16113. Classified Employees.

(a) Notwithstanding any law, rule, or regulation to the contrary, all non-academic personnel and non-professional personnel, with the exception of unclassified employees under § 4102 of Title 4, Guam Code Annotated, shall be classified. Matters relating to employment of classified personnel shall be governed by and in accordance with Title 4, Guam Code Annotated, and other applicable laws.

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

SOURCE: GC § 11842 enacted by P.L. 13-194; amended by P.L. 15-55; amended by P.L. 17-17; R/R by P.L. 17-55:8, as R/R by P.L. 19-40:1. Section amended by P.L. 23-26:11 (5/95). Amended by P.L. 35-114:3 (Dec. 11, 2020).

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2021 NOTE: Subsection designations added pursuant to authority granted by 1 GCA § 1606.

§ 16114. Attorney.

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

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

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

SOURCE: GC § 11840.1 added by P.L. 14-71:3; R/R by P.L. 19-40:1.

§ 16115. Retirement Fund.

(a) Officers and employees, excluding part-time student employees, of the University, not otherwise ineligible under the provisions of Chapter 8, Title 4 GCA shall be members of the Retirement Fund. The University shall contribute to the Government of Guam Retirement Fund on the basis of annual billings as determined by the Board of Trustees of Government of Guam Retirement Fund, for the employer's share of the cost of the retirement benefits applicable to the University's officers and employees, and their beneficiaries.

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

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SOURCE: GC § 11843 added by P.L. 13-194; amended by P.L. 16-23, as R/R by P.L. 19-40:1; R/R by P.L. 21-3 Chapter IV:5. Amended by P.L. 35-114:5 (Dec. 11, 2020).

2021 NOTE: Subsection designations added pursuant to authority granted by 1 GCA § 1606.

§ 16116. Workers' Compensation Fund.

The University shall contribute to the Workers' Compensation Fund on the basis of annual billings as determined by the Workers' Compensation Commissioner for the benefit payments made from such fund for the employees of the University.

SOURCE: GC § 11844, as repealed and added by P.L. 13-194; amended by P.L. 16-41, as R/R by P.L. 19-40:1.

§ 16117. Present Employees of University of Guam.

The University of Guam, established under this Chapter, shall be a successor to the presently existing University of Guam. All employees of the presently existing University of Guam shall be transferred to the University of Guam, a public corporation established under this Chapter.

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

SOURCE: § 11840.1, as added by P.L. 14-71, as R/R by P.L. 19-40:1.

§ 16118. Legislative Appropriation.

(a) On February 15th, or earlier, of each year, a budget requirement for the following Fiscal Year for personnel and operating costs necessary for carrying out the mission, purposes and general activities of the University, including funds necessary for student loans, scholarships, and financial aid, shall be certified by the Board and submitted to the Legislature. Following public budget hearings before the Legislature, an appropriation shall be made available to the University in an amount to be determined by the Legislature based upon the fiscal condition of the government of Guam, to be allotted in four (4) appropriately

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disproportional quarterly installments which shall be remitted on the first day of each quarter of the appropriate University Year, under the full fiscal control of the Board which shall be fully accountable for the appropriate expenditure of all University funds. Such appropriation for the annual personnel and operating costs of the University shall not include any sums collected by the University from student tuition and fees. University funds derived from fees shall be considered non-appropriated funds of the University under the fiscal control of the Board. One Hundred Percent (100%) of the funds derived from student tuition shall be deposited in the University of Guam Bond Fund for repayment of general obligation bonds in accordance with 5 GCA §22340(k). A Fiscal Year shall run concurrently with the Fiscal Year of the territorial agencies of the government of Guam. A University Year shall run from August 1 to July 31.

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

(c) No agreements to borrow money which shall be repaid in more than ten (10) years from the date of execution of such agreement shall be entered into by the University without prior Legislative approval.(d) The Board shall disburse such funds as the Legislature may appropriate for the purpose of carrying out the activities of the University.

SOURCE: GC § 11843, as repealed and added by P.L. 13-194, as R/R by P.L. 19-40:1. Amended by P.L. 21-136:3. Subsection 16118(a) was amended by P.L. 22-19:6; P.L. 22-41:1i (9/29/93). Subsection (c) amended by P.L. 35-114:6 (Dec. 11, 2020).

§ 16119. Health and Physical Education Complex: Authorization to Borrow.

The Board is authorized to negotiate a loan and incur such obligations as are necessary for the purpose of funding the construction of the initial phase of the Health and Physical Education Complex. Notwithstanding any provision of law, rule or regulation to the contrary, the Board may mortgage the Health and Physical Education Complex in order to obtain the loan necessary for the construction of the complex. The obligation incurred for the construction of the complex shall not be a general

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obligation of the government of Guam and income generated by the Complex, if any, or from tuition and other revenues accruing to the University of Guam, shall be pledged for repayment of the loan. Income earned by any lending institution on interest accruing from the loan authorized under this Section shall be exempt from income taxation. This Section does not preclude the University of Guam from accepting donation for the construction of the initial phase of the Health and Physical Education Complex. Such donations and gifts may be used for the purpose of repaying any obligation incurred by the University.

SOURCE: GC § 11844, as repealed and added by P.L. 13-194, as R/R by P.L. 19-40:1.

§ 16120. Same: Legislative Appropriations.

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

SOURCE: GC § 11845, as repealed and added by P.L. 13-194, as R/R by P.L. 19-40:1.

§ 16121. Transfer of Property.

There is transferred to the University of Guam title to all items of property, real and personal, now assigned to the University of Guam.

SOURCE: GC § 11846, repealed and added by P.L. 13-194; R/R by P.L. 17-55, as R/R by P.L. 19-40:1.

§ 16122. Restrictions on Alienation.

All services which may be rendered by, and all real and personal property, the title to which is held by, the University of Guam in accordance with §§ 16101, 16102 and 16124 of this Chapter, may not be given, rendered, transferred or conveyed to any private person or organization other than in the manner set forth in Sections 16101, 16102 and 16129(c) of this Chapter; provided, however, that this section shall not operate to prohibit the award of academic scholarships and/or other forms of financial

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assistance to qualified students as determined by University policies.

SOURCE: GC § 11846.1, as added by P.L. 15-32, as R/R by P.L. 19-40:1.

§ 16123. University of Guam Center for Island Sustainability.

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

SOURCE: GC § 11846.2, as added by P.L. 15-32, as R/R by P.L. 19-40:1. Repealed and reenacted by P.L. 35-114:7 (Dec. 11, 2020).

2021 NOTE: This provision was formerly entitled “Designation of Natural Energy Institute” and was renamed by P.L. 35-114:7 (Dec. 11, 2020).

§ 16124. University of Guam Sea Grant Special Fund.

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

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

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

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(d) Donations and charitable contributions relating to sustainability and coastal research and extension services may be deposited and credited to the University of Guam Sea Grant Special Fund. *I Liheslatura* (the Legislature) may appropriate or reappropriate to the University of Guam Sea Grant Special Fund any local matching funds necessary for approved University of Guam programs consistent with research and extension programs in the areas of Sustainability and Coastal Science, and any related programs.

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

SOURCE: GC § 11847, as repealed and added by P.L. 13-194; Subsection (g) added by P.L. 16-124, as R/R by P.L. 19-40:1. Repealed and reenacted by P.L. 35-114:8 (Dec. 11, 2020).

2021 NOTE: This provision was formerly entitled “The Guam Natural Energy Institute: Duties; Powers” and was renamed by P.L. 35-114:8 (Dec. 11, 2020).

§ 16125. Residents of the CNMI, the FSM, the Republic of Palau, and the Republic of the Marshall Islands; Advanced Placement Program; Residents of Guam Fifty-five (55) Years of Age or Older.

(a) Students who are residents of the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of Palau or the Republic of the Marshall Islands, enrolled in and matriculating at the University of Guam, shall be charged resident tuition for their attendance at the University of Guam.

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

(c) No tuition shall be levied upon any resident of Guam admitted who is fifty-five (55) years of age or older, provided that admission into a course(s) shall be on a space available basis or, if a course(s) is full, by permission of the instructor(s). Participation pursuant to this subsection shall require that the enrollee be a resident of Guam for no less than five (5) years preceding enrollment.

SOURCE: GC § 11848, as repealed and added by P.L. 13-194, as R/R by P.L. 19-40:1. Amended by P.L. 24-151:2.

§ 16126. University of Guam Land Grant Endowment Fund.

(a) For the purpose of compliance with Federal laws designating the University of Guam as one of the land-grant colleges eligible to receive donations of public land or land scrip for the endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts, there is hereby established the 'University of Guam Land Grant Endowment Fund' which shall be maintained separate and apart from any other funds of the government of Guam, and independent records and accounts shall be maintained in connection therewith by the University of Guam. A quarterly financial statement of the Fund shall be submitted to the Guam Legislature by the Board.

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

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

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

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

(f) There is hereby established the 'Land Grant Custodial Maintenance Fund' from which the payment of all expenses incurred in the management, investment, and disbursements of the Land Grant Endowment Fund shall be made, and no such expenses shall be paid or deducted directly from the Land Grant

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Endowment Fund or the interest or income received therefrom. The Land Grant Custodial Maintenance Fund shall be administered by the Board and shall be used solely for the purposes stated in this subsection and all monies appropriated to such fund by the Legislature shall be used only for such designated purposes. The fund shall be maintained separate and apart from any other funds of the government of Guam, and independent records and accounts shall be made in connection therewith by the University of Guam. A quarterly financial statement of the fund shall be submitted to the Guam Legislature by the Board at the same time that the quarterly financial statement for the University of Guam Land Grand Endowment Fund is submitted.

SOURCE: GC § 11844, as added by P.L. 14-40, as R/R by P.L. 19-40:1.

§ 16127. Assent to Provisions of Hatch and McIntire-Stennis Acts; Administration by University of Guam.

The provisions of the Hatch Act of 1887, as amended, and the McIntire-Stennis Act, the Federal formula funds and the purposes of such funds, authorized by said Acts, and the laws and regulations supplementary thereto providing for an Agricultural Experiment Station in connection with a College of Agriculture and Mechanic Arts, and by other Acts of Congress for similar purposes, are hereby assented to and accepted by the Legislature of Guam on behalf of the University of Guam. The Legislature further directs that the University of Guam shall administer and direct the Guam Agricultural Experiment Station which shall be established in consonance with said Acts.

SOURCE: GC § 11845, as added by P.L. 14-40, as R/R by P.L. 19-40:1.

§ 16128. Assent to Smith-Lever Act Relative to Extension Services; Administration by the University of Guam.

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

SOURCE: GC § 11845, as added by P.L. 14-40, as R/R by P.L. 19-40:1.

§ 16129. University of Guam Land Grant Research and Extension Special Fund.

(a) For the purpose of compliance with Federal laws designating the University of Guam as one of the Land Grant Colleges eligible to receive land grant Federal funds for the benefit of research and extension services, there is hereby established the 'University of Guam Land Grant Research and Extension Special Fund' (the 'Research and Extension Fund'), which shall be maintained separate and apart from any other funds of the government of Guam and independent records and accounts thereof shall be maintained by the University of Guam. A quarterly financial statement of the Research and Extension Fund shall be submitted to the Legislature.

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

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

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

SOURCE: Added by P.L. 17-55, as R/R by P.L. 19-40:1.

§ 16130. Amendments to This Charter of the University of Guam.

This Charter and all its provisions seek to provide the continuity and stability necessary for the University to function as an accredited institution of higher education. To ensure this continuity and stability this Charter of the University of Guam may be amended only after a resolution signed by seven (7)

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members of the Board request in writing Legislative approval of any such substantive amendment. No action shall be taken by Legislature unless and until a public hearing is held on the proposed Charter amendment.

SOURCE: Added on a different topic by P.L. 17-55; R/R by P.L. 19-40:1.

§ 16131. Studies to be Public.

As a condition of participation with the Federal Government or any other entity in any research projects, the University of Guam shall, by contract, in the agreement with the other entity, provide that the results, reports, and project notes of all studies and research projects in which the University of Guam participates with the other entity shall be submitted to the University for inclusion in the appropriate library archive at the University for future reference.

SOURCE: Added by P.L. 17-55 under a different subject. Not in P.L. 19-40 under this section number. Added by P.L. 21-46:8.

§ 16132. Creation of the University of Guam Capital Improvements Fund.

(a) There is hereby created, separate and apart from other funds of the government of Guam, a fund known as the University of Guam Capital Improvements Fund. The University of Guam Capital Improvements Fund *shall not* be commingled with either the General Fund, the Current Fund of the University of Guam, or any other fund of the government of Guam. The University of Guam Capital Improvements Fund *shall* be held in an account, or accounts, at a Guam financial institution, or institutions, separate and apart from all other accounts and funds of the government of Guam account. The University of Guam Capital Improvements Fund *shall* be expended exclusively for the payment of lease rental payments payable pursuant to the lease-back agreement entered into in order to secure financing or refinancing of the design, construction and collateral equipment of the College of Business and Public Administration, the replacement of the roof of the Fine Arts Building, the refinancing of the existing USDA Community Facilities Loan for the Jesus and Eugenia Leon Guerrero School of Business and Public Administration Building, the expansion and renovation of the University of Guam Student Services Center, and the construction of an Engineering Annex facility onto

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the existing College of Natural and Applied Sciences (CNAS) building for the School of Engineering.

There is hereby appropriated annually, beginning with Fiscal Year 2002, the sum of Five Hundred Thousand Dollars (\$500,000.00) from the Guam Highway Fund to the University of Guam Capital Improvements Fund for the purpose of paying the debt service incurred for the existing USDA Community Facilities Loan for the Jesus and Eugenia Leon Guerrero School of Business and Public Administration Building, or any USDA loan incurred to refinance such existing loan, until such debt service is fully paid. No funds appropriated herein shall result in a reduction of appropriations or allocation of funds appropriated or allocated to or in support of the Department of Public Works (DPW) Highway Division.

SOURCE: Added by P.L. 26-48. Placement changed from Title 11 GCA by Compiler to suit the subject matter of the section. Repealed/reenacted by P.L. 26-58:11 still as part of Title 11, GCA. Amended by P.L. 30-201:5 (Dec. 10, 2010), P.L. 31-229:20 (June 18, 2012).

§ 16133. Designation of UOG as Lead Agency for Aquaculture.

The University of Guam ('UOG') is hereby designated as the lead agency for the development of the aquaculture industry on Guam; and as such, UOG shall have purview over all matters related to the development of aquaculture on Guam

SOURCE: Added by P.L. 26-76:45. Section number changed by Compiler because § 16132 already exists on another topic.

§ 16134. Temporary Debt Relief.

Notwithstanding any other provision of law or administrative rule, the Board of Regents of the University of Guam is hereby authorized, for the period of January 1, 2002 to September 30, 2002, to extend the commencement or resumption of the repayment of financial assistance by means of service credit for any financial aid program where service credit is required in lieu of cash repayment for a period not to exceed two (2) years beyond the date such service credit is expected to commence or resume, on a case-by-case basis, when the recipient has been unable to secure employment after three (3) attempts, in the field for which the recipient has been trained, or a closely related field. Such

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request and authorization can only be granted once. For purposes of this Section, 'Financial Aid Program' means any program, including, but not limited to, those authorized by Chapters 15, 18, 19 and 22 of Title 17 of the Guam Code Annotated.

SOURCE: Added by P.L. 26-97:1 as § 16132. Renumbered by Compiler because that section was already in use.

§ 16135. Garnishment of Income Tax Refunds in the Event of a Default on Payment of Tuition and Fees.

The University of Guam may, subject to the terms and conditions of a Memorandum of Understanding with the Department of Revenue and Taxation, garnish the tax refunds due to any former student who has defaulted on the payment of tuition and fees and for which a judgment has been issued. Such garnishment shall not exceed the judgment amount.

SOURCE: Added by P.L. 27-106:VI:26.

§ 16136. Student Employees.

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

SOURCE: Added by P.L. 35-114:8 (Dec. 11, 2020).

§ 16137. Secretariat of the Pacific Regional Environmental Programme.

The University of Guam, upon the concurrence of the Executive Branch, *shall* be designated as the official government of Guam representative to the Secretariat of the Pacific Regional Environmental Programme.

SOURCE: Added by P.L. 35-114:10 (Dec. 11, 2020).

§ 16138. Short Term Borrowing.

The Board may, by a resolution adopted by a majority of all the members of the Board and approved by the Governor, incur

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indebtedness for any lawful purpose, and such indebtedness shall be repaid within a period not exceeding ten (10) years as evidenced by contract terms. Any such indebtedness shall be incurred subject and subordinate to any contractual obligation of the Board to the holders of any bonds and the principal thereof and interest thereon may be repaid from the University of Guam's revenues; or if incurred for a purpose for which bonds may be issued, from the University of Guam's revenues or from the proceeds of sale of bonds or other debt instrument.

SOURCE: Added by P.L. 35-114:12 (Dec. 11, 2020).

§ 16139. Long Term Leasing and Contracting.

Notwithstanding any other provision of law, including 21 GCA § 60112(a), the University of Guam is authorized to lease its properties, with the exemption of University of Guam Lot No. 5397 to comply with 21 GCA § 681503, for a period up to but not exceeding thirty (30) years, without prior Legislative approval, in order to create public-private partnerships as well as diversify the revenue streams of the University. The University shall hold a public hearing and allow for sixty (60) calendar days for public comment before executing such a lease. The University shall follow all appropriate laws and regulations to enter into any lease for a period exceeding thirty (30) years.

SOURCE: Added by P.L. 35-114:13 (Dec. 11, 2020).

§ 16140. Menstrual Hygiene Products at the University of Guam and Guam Community College.

The University of Guam and the Guam Community College shall provide menstrual hygiene products, such as tampons and sanitary pads, in their health services centers; and, such products shall be provided to students at no charge to students.

SOURCE: Added as uncodified law by P.L. 36-066:3 (Dec. 23, 2021) and codified to this section by the Compiler pursuant to 1 GCA 1606.
