



**UNIVERSITY OF GUAM
UNIBETSEDÁT GUÅHAN**

Board of Regents

UOG Station, Mangilao, Guam 96923
Telephone: (671) 735-2995 Fax: (671) 734-2296

**Regular Meeting Minutes
September 28, 2023**

1.0 CALL TO ORDER

The Regular Meeting of the Board of Regents (BOR) was called to order by BOR Chairperson Sandra H. McKeever on September 28, 2023 at 5:30 p.m., RFK Library, Silent Room, and via Zoom. Notice of such meeting have been duly and regularly provided by the BOR.

QUORUM:

**Sandra McKeever
Mike W. Naholowaa
Liza J. Provide
Agapito "Pete" Diaz
Janice Malilay
Julie Laxamana**

**Chairperson
Treasurer
Member
Member
Member
Member**

ALSO PRESENT:

**Anita Borja Enriquez
Anthony Camacho
Christine Mabayag
David S. Okada
Kalyne Roberto**

**President/Executive Secretary
General Counsel
Recording Secretary
CPO/Interim Chief of Staff
Support Staff**

2.0 MEETING MINUTES

2.1 Regular Meeting Minutes of April 27, 2023

Chairperson McKeever asked if there were any corrections or discussion regarding the regular meeting minutes as presented. Regent Naholowaa moved to approve, which was duly seconded by Regent Provide. The motion carried.

2.2 Special Meeting Minutes of June 6, 2023

Chairperson McKeever asked if there were any corrections or discussion regarding the special meeting minutes as presented. Regent Provide moved to approve, which was duly seconded by Regent Naholowaa. The motion carried.

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2.3 Special Meeting Minutes of June 22, 2023

Chairperson McKeever asked if there were any corrections or discussion regarding the special meeting minutes as presented. Regent Diaz moved to approve, which was duly seconded by Regent Malilay. The motion carried.

2.3 Special Meeting Minutes of July 27, 2023

Chairperson McKeever asked if there were any corrections or discussion regarding the special meeting minutes as presented. Regent Malilay moved to approve, which was duly seconded by Regent Laxamana. The motion carried.

3.0 CHAIRPERSON'S REMARKS

Chairperson McKeever stated that this is her first official meeting as the new Board of Regents Chairperson and the first meeting with the new 12th President, Dr. Anita Borja Enriquez, and is looking forward to working with the President. She thanked the UOG Team, Search Committee, chaired by Regent Diaz, and Board of Regents for managing a very well-run and successful search process in hiring our 12th President, Dr. Anita Borja Enriquez, and the Transition Committee for the transition process for our new President.

She added that they look forward to a strong partnership with the President and to continue moving UOG forward as she completes her Tulos Mo'na (propelling forward in unison) strategic plan, manages the next successful WASC accreditation review, completes a successful accreditation for the School of Engineering program, starts the actual construction of four new facilities, and many other initiatives to come.

She then thanked the University of Guam leadership and employees for all their hard work in managing the impacts of Typhoon Mawar. She and the BOR look forward to final recovery soon and hope UOG receives 90% reimbursement of typhoon expenses through the FEMA.

In closing, she asked that the BOR Save-the-Date for the Presidential Investiture on November 14, 2023, 2:30pm, UOG Calvo Field House and the Fanuchånan 2023 Commencement on December 17, 2023, at the UOG Calvo Field House.

4.0 PRESIDENT'S REPORT

President Enriquez gave the President's report, a copy of which is attached.

5.0 REPORTS FROM STANDING COMMITTEES

5.1 Student Affairs, Scholarship, Alumni Relations and Honorary Degree (SASARHD) Committee

5.1.1 Committee Update

Regent Malilay reported that the SASARHD Committee met on September 20th at 1pm with a quorum present and presented and reviewed the proposed resolutions for the Board's approval.

5.1.2 Resolution No. 23-22, Relative to Approving the Re-Appportioned

FY2024 Student Financial Assistance Program (SFAP) Budget

Regent Malilay introduced Resolution No. 23-22 and moved to approve, which was duly seconded by Regent Diaz. She summarized the resolution explaining the purpose. She added that the BOR Budget, Finance and Audit Committee also reviewed and endorsed the budget and resolution. The motion carried.

5.1.3 Resolution No. 23-23, Relative to Awarding the Honorary Degree of Doctor of Business Management to Paul Yin-lien Chen

Regent Malilay introduced Resolution No. 23-23 and moved to approve, which was duly seconded by Regent Diaz. She summarized the resolution highlighting his community accomplishments and service. The motion carried.

5.2 Academic, Personnel and Tenure Committee (AP&T) Committee

5.2.1 Committee Update

Regent Malilay reported that the AP&T Committee met on September 20th with a quorum present and presented and reviewed the proposed resolutions for the Board's approval.

5.2.2 Resolution No. 23-24, Relative to Expressing Appreciation to Dr. Thomas W. Krise for His Dedication and Outstanding Service to the University of Guam as the 11th President

Regent Malilay introduced Resolution No. 23-24 and moved to approve, which was duly seconded by Regent Provido. She summarized the resolution highlighting the accomplishments achievements, contributions and service to the University of Guam. Chairperson McKeever commented that Dr. Krise was a true gentleman and has a talent of working well with others. Regent Provido added that it was her privilege to serve as the Chairperson of the Board during Dr. Krise's tenure. She stated that there were many challenges, but we were able to resolve the problems and move forward. The motion carried.

5.2.3 Resolution No. 23-25, Relative to Expressing Appreciation to Maria Bernadette N. Valencia for Her Service as a Member of the Board of Regents

Regent Malilay introduced Resolution No. 23-25 and moved to approve, which was duly seconded by Regent Naholowaa. She summarized the resolution highlighting the accomplishments and service to the University of Guam. She added that Regent Valencia is outspoken, practical, down to earth, and insightful, and that she has brought value and strength to the Board, and the committee. Regent Naholowaa stated that he worked with Regent Valencia in various capacities and thanks her for all her help and input. The motion carried.

5.2.4 Resolution No. 23-26, Relative to Expressing Appreciation to James R. Hollyer for His Exemplary Service in Multiple Key Roles and as the Special Assistant to the President and Acting Chief Planning Officer with the University of Guam for 8 Years and 10 Months

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Regent Malilay introduced Resolution No. 23-26 and moved to approve, which was duly seconded by Regent Naholowaa. She summarized the resolution highlighting the accomplishments and service of Mr. Hollyer to the University of Guam. The motion carried.

5.2.5 Resolution No. 23-27, Relative to Expressing Appreciation to David S. Okada for His Exemplary Service in Multiple Key Roles and as the Chief Planning Officer and Interim Chief of Staff & Board Liaison with the University of Guam for 16 Years and 11 Months

Regent Malilay introduced Resolution No. 23-27 and moved to approve, which was duly seconded by Regent Provido. She summarized the resolution highlighting the accomplishments and exemplary service of Mr. Okada to the University of Guam. The motion carried.

5.2.6 Resolution No. 23-nn, Relative to Approving the Updated Student Policies Manual

Regent Malilay reported that a motion was made and approved unanimously by the AP&T committee to return the Student Policies Manual to Enrollment Management and Student Success (EMSS) for further review and for resubmission to the AP&T Committee when completed.

5.2.7 Resolution No. 23-28, Relative to Approving a Second Amendment to the Negotiated Agreement By and Between the Board of Regents of the University of Guam Faculty Union, American Federation of Teachers, Local 6282, December 1, 2018 – April 30, 2023

Regent Malilay introduced Resolution No. 23-28 and moved to approve, which was duly seconded by Regent Provido. She summarized the resolution explaining the purpose. The motion carried.

5.2.8 Resolution No. 23-29, Relative to Updating the University General Pay Plan for the Staff Employees in Order to Align with the Adjusted Government of Guam General Pay Plan

Regent Malilay introduced Resolution No. 23-29 and moved to approve, which was duly seconded by Regent Naholowaa. She summarized the resolution explaining the purpose. The motion carried.

5.2.9 Resolution No. 23-30, Relative to Approving a Revised Faculty Salary Scale and Adopting an Implementation Methodology

Regent Malilay introduced Resolution No. 23-30 and moved to approve, which was duly seconded by Regent Naholowaa. She summarized the resolution explaining the purpose. VPAF Wiegand provided a brief discussion on the methodology with regards to salary inversion. The motion carried.

5.3 Physical Facilities Committee

5.3.1 Committee Update

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Regent Diaz reported that the Physical Facilities Committee met on September 20th at 4 p.m. at the President's Conference Room with a quorum present. He noted that there were no items for action by the Board.

Regent Diaz reported on Typhoon Mawar. He stated that a lot of the notable damages was estimated to be about 5.3M to the University.

He reported that there was a lot of water damage to the buildings to include damage to the roll up doors at the Field House and the School of Business and Public Administration. He stated the estimated damage to all the roofs is 1.4M, and that we are seeking insurance claims. He added that the Hatchery also lost about 1.3M in inventory stock. He further reported that the university is applying for FEMA funds to again harden and make facilities more resilient, which will be focused on the shutters and generators for the buildings.

He stated that despite the damage from the typhoon, summer classes were still held, although they were delayed. He added that UOG's International student exchange programs still proceeded and that non-university events like high school graduations and the free medical and dental clinics were held at the UOG Calvo Field House.

He reported on the capital improvement projects noting that the USDA projects that funds the School of Engineering and Student Success Services Center. The USDA funds require that all matching and additional funds be paid out prior to using the loan proceeds. The UOG Endowment Foundation is helping the university by providing bridge financing, and the Endowment will loan 1.5M to this project.

He stated that the Student Services Center design is at 100%. The building permit is with DPW and are waiting for some changes to the elevator designs, but once that's received, we should have the permit.

He reported that the School of Engineering design is 100% complete. He reported that there was a slight setback with the preconstruction meeting in that the USDA wanted to do a hydrant flow to test the system's ability to provide water and acceptable pressure for health reasons, public health reasons, and for firefighting operations.

He reported the WERI and School of Health Annex stating that it was a multi-step bid for both USEDAs projects. He added that on July 7th the bidder qualifications were completed, and they were submitting the prices on August 2nd. He added that the project was awarded to Pacific Federal Management, and that the Notice to Proceed was issued on September 5th for \$21.8M. He added that funding for these projects is through an EDA grant at 12.8M and UOG and DOI funds at 8.9M. He stated that the contractor will be obtaining a building permit and target construction start is beginning of January of 2024.

He further reported on the Siemens project, and an update on IT Infrastructure and other ongoing projects.

5.4 Investment Committee

5.4.1 Committee Update

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Regent McKeever reported that the market is up, which is good news, and that our account is doing well. She added that the Investment Committee voted unanimously to replace Chartwell Funds with the Pacific Income Advisors High Yield Fund.

She further stated that we were in line with the benchmarks, and there's no other issues that they saw in the investments that we have.

5.5 Budget, Finance, and Audit (BFA) Committee

Regent Naholowaa reported that the BFA Committee met on September 21st and a quorum was present and presented and reviewed the proposed resolutions for the Board's approval.

5.5.1 Financial Update

He reported on an update of the Typhoon Mawar loss and stated that the University filed a claim of \$5.3M and has since been advised that the \$1.3M portion related to the Hatchery will probably not result in a payment. He added that the University is working closely with FEMA.

He reported that UOG had requested a \$42 million appropriation. He added that there had been a lot of indications that the University would get a good increase in appropriation this year. However, the only increase was for the 22% increase for staff salaries.

He reported that at the end of the budget deliberations, Senator Tina Muna-Barnes introduced an amendment to provide funding for the 20% increase for faculty salaries, and that there was a later amendment that said the funding should not be designated for faculty salary increases but for university priorities.

He reported that the University plans to use the additional funding for faculty salaries which is a significant priority for the University. He stated that when the University plugged the appropriation amount into the budget and included only critical costs such as insurance, the audit, the University software license, the University was left with a deficit of nearly \$5 million. He added that the university is planning to do a sweep of Non-Appropriated Fund accounts to try and get through this year.

He reported that many changes in the financial statements can be attributed to the fact that the HEERF funding is nearing completion, and that substantially less funding was available for Fiscal Year 2023 as compared to Fiscal Year 2022.

He further reported that they reviewed the budget to actual report and noted that a portion of Fanuchanan 2023 tuition has not been applied and that the report will look better once the funds are incorporated.

5.5.2 Collections Report

He reported we have an outstanding amount of \$4,619,000. He referred to the report as provided in the boardbook.

5.5.3 Procurement Transactions and Contracts Report

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He reported that there are some pass-through contracts and the purchase of a generator for OIT which was contracted in 2022 and is now appearing on the report.

5.5.4 Resolution No. 23-31, Relative to Approving the Re-Appportioned FY2024 General Operations and Special Appropriations Budget

Regent Naholowaa introduced Resolution No. 23-31 and moved to approve, which was duly seconded by Regent Diaz. He summarized the resolution explaining the purpose. The motion carried.

5.5.5 Resolution No. 23-32, Relative to Approving the FY2024 Non-Appropriated Fund Budgets

Regent Naholowaa introduced Resolution No. 23-32 and moved to approve, which was duly seconded by Regent Laxamana. He summarized the resolution explaining the purpose. The motion carried.

5.5.6 Resolution No. 23-33, Relative to Approving the FY2024 Auxiliary Fund Budgets

Regent Naholowaa introduced Resolution No. 23-33 and moved to approve, which was duly seconded by Regent Diaz. He summarized the resolution explaining the purpose. The motion carried.

5.5.7 Resolution No. 23-34, Relative to Authorizing the Signing of Checks and Corporation Resolutions and Opening of Closing Bank Accounts, Investment Account and Credit Facilities

Regent Naholowaa introduced Resolution No. 23-34 and moved to approve, which was duly seconded by Regent Diaz. He summarized the resolution explaining the purpose. The motion carried.

6.0 AD HOC REPORT: ENDOWMENT FOUNDATION UPDATE

Katrina Perez, Executive Director, provided the BOR with an update on the UOGEF projects and events. A copy of the update is attached.

7.0 OPEN PRESENTATION (3 Minute Limit per Person)

Chairperson McKeever opened the floor for open presentations.

Dr. Ron McNinch stated he is a professor of public administration and legal studies at the School Business Public Administration. He congratulated Regent McKeever on becoming chair, and Dr. Anita Enriquez on becoming the new President. He noted that Dr. Anita Enriquez is the first person with a graduate degree from the university to become the President of the University. He congratulated the great work that Dave and Jim have done and that they certainly earned their resolution tonight.

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He stated that WASC Standard 1.4 basically deals with policies and procedures at the University and in the language, in the standard, basically says, appropriate policies and business procedures, including timely and fair responses to complaints and grievances should be done.

He added that over the years he has complained a couple of times about this, when communications are made to the board, sometimes the board replies, and sometimes it doesn't. He further added that traditionally the past practice has been for the chair or for the President to reply to board correspondents, and so he'd just like to kindly remind the board of that, and that correspondences should be received and processed when it's submitted.

Secondly, what he wanted to mention is that there was an update on his disciplinary case processed by the Regents that came out in May, and if the board hasn't read the update from the faculty on the disciplinary action, he'd encourage them to do so and that it'll close the loop on that particular item. As part of the disciplinary case, he stated that he FOIA board member texts related to outside of board member discussions, and that he wasn't provided the information. He added that he'd like to renew that request because he knows some board members are transferring off the board and wants to try to get that information if possible, and he is just concerned a little bit about spoliation in terms of not getting the information that he requested.

In closing, he stated he is concerned about the University of Guam BOR Resolution 23-20, related to criminal indemnification. He added that he saw that the Board intends to withdraw it in the November meeting and encourages the BOR to do so. He further added that he finds it problematic just from a few standpoints. civil indemnification, common practice, criminal indemnification certainly isn't.

8.0 EXECUTIVE SESSION

Regent Malilay motioned to move to the Executive Session, which was duly seconded by Regent Naholowaa. The motion carried. The Executive Session commenced at 6:44 p.m.

- 8.1 Recommendation for Tenure for Dr. Kenneth Kuper, Associate Professor of Political Science, College of Liberal Arts and Social Sciences**
- 8.2 Recommendation for Tenure for Dr. Raymond M. Paulino, Assistant Professor of Mathematics, College of Natural and Applied Sciences**
- 8.3 Recommendation for Tenure for Dr. Hyunju Oh, Professor of Mathematics, College of Natural and Applied Sciences**
- 8.4 Recommendation for Tenure for Dr. JaeYong Choi, Associate Professor of Mathematics, College of Natural and Applied Sciences**

The Executive Session ended at 7:04 p.m.

9.0 VOTING FILE

- 9.1 Recommendation for Tenure for Recommendation for Tenure for Dr. Kenneth Kuper, Associate Professor of Political Science, College of Liberal Arts and Social Sciences**

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Regent Malilay moved to approve the recommendation for Tenure for Dr. Kenneth Kuper, which was duly seconded by Regent Naholowaa. The motion carried.

9.2 Recommendation for Tenure for Dr. Raymond M. Paulino, Assistant Professor for Mathematics, College of Natural and Applied Sciences

Regent Provideo moved to approve the recommendation for Tenure for Dr. Raymond Paulino, which was duly seconded by Regent Diaz. The motion carried.

9.3 Recommendation for Tenure for Dr. Hyunji Oh, Professor for Mathematics, College of Natural and Applied Sciences

Regent Malilay moved to approve the recommendation for Tenure for Dr. Hyunji Oh, which was duly seconded by Regent Naholowaa. The motion carried.

9.4 Recommendation for Tenure for Dr. JaeYong Choi, Associate Professor for Mathematics, College of Natural and Applied Sciences

Regent Malilay moved to approve the recommendation for Tenure for Dr. JaeYong Choi, which was duly seconded by Regent Provideo. The motion carried.

10.0 ADJOURNMENT

Regent Malilay moved that the meeting be adjourned, which was duly seconded by Regent Provideo. The motion carried. Chairperson McKeever adjourned the meeting at 7:06 p.m., CHamoru Standard Time.



Sandra H. McKeever, Chairperson

ATTESTED:



Anita Borja Enriquez, D.B.A., Executive Secretary