

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

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

**Regular Meeting Minutes - Amended  
November 17, 2022**

**1.0 CALL TO ORDER**

The Regular Meeting of the Board of Regents (BOR) was called to order by BOR Chairperson Liza J. Provideo on November 17, 2022 at 5:30 p.m., VIA ZOOM. Notice of such meeting have been duly and regularly provided by the BOR.

**QUORUM:**

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

**Chairperson  
Vice Chairperson  
Treasurer  
Member  
Member  
Member**

**ALSO PRESENT:**

**Thomas W. Krise  
Anthony Camacho  
Tessica Duenas  
David S. Okada**

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

**2.0 MEETING MINUTES**

**2.1 Regular Meeting Minutes of September 15, 2022**

Chairperson Provideo asked if there were any corrections or discussion regarding the regular meeting minutes as presented. Regent McKeever moved to approve, which was duly seconded by Regent Naholowaa. Chairperson Provideo requested that item 5.2.3 be more specific and to read "*it is recommended that the administrator's salary be aligned*". She also stated there were some typographical errors on items 9.4 and 9.5. Chairperson Provideo then called for the vote with changes as noted above. All voted in favor. The motion carried.

**3.0 CHAIRPERSON'S REMARKS**

Chairperson Provideo welcomed everyone to the November Regular Meeting. She hopes everyone continues to remain safe and healthy and appreciates everything being done to keep the mission of our University moving forward.

She appreciated all the 70<sup>th</sup> anniversary events showcasing what UOG is about and its many accomplishments and contributions and is looking forward to the Platinum Jubilee Finale and Holiday Party on Dec 3, at 6pm, UOG Calvo Field House.

## **Board of Regents Regular Meeting Minutes of November 17, 2022**

She then stated that they are also looking forward to the next commencement in December where around 210 students may be graduating and contributing to our professional workforce in our community and elsewhere.

She added that Dr. Krise will be retiring upon completion of his current contract. She stated that the BOR appreciates all that he has accomplished to date and will start the Presidential Search Process as soon as possible.

### **4.0 PRESIDENT'S REPORT**

President Krise 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 November 9<sup>th</sup> via zoom with a quorum present and presented and reviewed the proposed resolution for the Board's approval.

##### **5.1.2 Resolution No. 22-35, Relative to Approving the Proposed Changes to the Student Government Association Constitution and Bylaws and Add a Public Relations Officer**

Regent Malilay introduced Resolution No. 22-35 and moved to approve, which was duly seconded by Regent Diaz. She invited SGA representatives to explain the purpose of the resolution. SGA Vice President Ramos stated that there is an increased use of social media and other digital platform usages and that the position will be beneficial to the organization and future organizations to more effectively communicate information between SGA and all students. The motion carried.

##### **5.1.3 Resolution No. 22-36, Relative to Approving the Fanuchanan 2022 Commencement Graduate Listing**

Regent Malilay introduced Resolution No. 22-36 and moved to approve, which was duly seconded by Regent Laxamana. She summarized the resolution explaining the purpose. The motion carried.

##### **5.1.4 Resolution No. 22-37, Relative to Awarding the Honorary Degree of Doctor of Laws to Luis R. Baza**

Regent Malilay introduced Resolution No. 22-37 and moved to approve, which was duly seconded by Regent Diaz. She summarized the resolution explaining the purpose. The motion carried.

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

Chairperson Provido handed the role of Chairperson to Vice Chairperson McKeever so she can

## **Board of Regents Regular Meeting Minutes of November 17, 2022**

report as the Acting Chair for the AP&T committee, noting that Regent Leon Guerrero was off-island.

### **5.2.1 Committee Update**

Acting AP&T Chair Provideo presented the resolutions below for Board approval.

#### **5.2.2 Resolution No. 22-38, Relative to Establishing a Center for Island Sustainability and Sea Grant Director Position in the Administrator's Salary Pay Scale**

Regent Provideo introduced Resolution No. 22-38 and moved to approve, which was duly seconded by Regent Naholowaa. She summarized the resolution explaining the purpose. The motion carried.

#### **5.2.3 Resolution No. 22-39, Relative to Aligning the Pay for the Marine Laboratory Director Position to Similar Positions in the Administrator's Salary Pay Scale**

Regent Provideo introduced Resolution No. 22-39 and moved to approve, which was duly seconded by Regent Naholowaa. She summarized the resolution explaining the purpose. The motion carried.

#### **5.2.4 Resolution No. 22-40, Relative, to Awarding Emerita Dean of School of Business and Public Administration Status to Dr. Annette T. Santos**

Regent Provideo introduced Resolution No. 22-40 and moved to approve, which was duly seconded by Regent Diaz. She summarized the resolution highlighting Dr. Santos' accomplishments and service to the University. The motion carried.

#### **5.2.5 Resolution No. 22-41, Relative to Awarding Emeritus Director of Water & Environmental Research Institute of the Western Pacific Status to Dr. John W. Jenson**

Regent Provideo introduced Resolution No. 22-41 and moved to approve, which was duly seconded by Regent Naholowaa. She summarized the resolution highlighting Dr. Jenson's accomplishments and service to the University. The motion carried.

#### **5.2.6 Resolution No. 22-42, Relative to Awarding Emerita Vice Provost of Institutional Effectiveness to Deborah D. Leon Guerrero**

Regent Provideo introduced Resolution No. 22-42 and moved to approve, which was duly seconded by Regent Naholowaa. She summarized the resolution highlighting Ms. Leon Guerrero's accomplishments and service to the University. The motion carried.

#### **5.2.7 Resolution No. 22-43, Relative to Approving Steps for Updating the Faculty Salary Schedule for Equity/Parity within UOG and Market Competitiveness**

## **Board of Regents Regular Meeting Minutes of November 17, 2022**

Regent Provido introduced Resolution No. 22-43 and moved to approve, which was duly seconded by Regent Naholowaa. She summarized the resolution explaining the purpose. She then called on Chief Human Resources Officer (CHRO) Joseph Gumataotao to brief the Board. CHRO Gumataotao stated that the resolution outlines the culmination of many years of work to study and to review the current faculty schedule which impacts approximately 184 faculty members. He added that the five (5) resolved clauses as noted in the resolution basically sets the framework for the next steps and the pathway. He further added that it will be done in two phases provided the University gets the support in the upcoming FY2024 budget from the Legislature which will call for an immediate twenty percent (20%), and will work thereafter as a phased-in approach for the subsequent years. The motion carried.

### **5.2.8 Resolution No. 22-44, Relative to Amending the Negotiated Agreement By and Between the Board of Regents of the University of Guam and the UOG Faculty Union, American Federation of Teachers, Local 6282**

Regent Provido introduced Resolution No. 22-44 and moved to approve, which was duly seconded by Regent Naholowaa. She summarized the resolution explaining the purpose. President Krise stated the agreement addresses issues regarding the COVID-19 pandemic and that most universities in the country provide some amelioration of the schedule due to the disruption of COVID-19. The motion carried.

Chairperson McKeever returned the role of Chairperson back to Regent Provido.

## **5.3 Physical Facilities Committee**

### **5.3.1 Committee Update**

Regent Diaz reported that the Physical Facilities Committee met on November 9<sup>th</sup> at 4 p.m. via zoom with a quorum present.

He reported on the School of Engineering (SENG) and Student Services Center (SSC) stating that the Notice to Proceed (NTP) was issued for both projects. He stated the committee was briefed noting that there were additional requirements related to the funding that have come up and are being worked out. He added that it did not hamper the start or progress of the project.

He reported that the SENG contractor, Future World Corporation (FWC), has **730 days** to complete the project or until September 27, 2024. He stated that SENG is currently in design and that FWC and their designer are working with the SENG professors to make revisions, particularly with the laboratories.

He reported that the SSC contractor, Reliable Builders, has 785 days to complete construction or until November 2024. He further reported that the design is in progress and that the contractor has submitted the 35% drawings last month and that design reviews are in progress. He added that the 70% design is due in one month with the final design to be completed by mid-January 2023.

He further reported that the SSC tenants **were initially planned to be** moved to UOG's 13-unit container village located on the side of the Field House. He stated that the bids for the containers came in above budget, so Facilities Management Services (FMS) had to pivot. He added that

## **Board of Regents Regular Meeting Minutes of November 17, 2022**

the relocation plans will be moved to available space within existing facilities throughout the campus. He also added that demolition for the SSC is anticipated for mid-January.

He reported on the Water and Environmental Research Institute (WERI) and School of Health (SOH) Building stating the WERI project design is complete which includes obtaining the height variance and a zone variance with the Department of Land Management (DLM). He further stated that the SOH project design is also complete and did not need any variances. He added that the Issue for Bid (IFB) is estimated to be in December 2022 and that construction will take 20 months to complete and that completion for the WERI and SOH buildings is anticipated for August 2024.

He then reported that the committee was briefed that both USDA and USEDA required liens as part of the funding requirements. He noted that there was an existing process for sharing the lien between both federal agencies, and that a lesson learned is the need for subdividing properties to limit the scope of liabilities and other requirements.

He reported on the Guam Cultural Repository stating that a ribbon cutting ceremony was held last month, and that FMS is working to close out the grant and has until the end of the year to complete. He added that the MOU between UOG and the Department of CHamoru Affairs (DCA) grants UOG to operate the facility for 3 years. He further stated that should the transfer of the facility and land to DCA still occur in the future, it will push out the audit issue where we can depreciate the building in FY25 or FY26 and will have a huge write-off if the transfer proceeds.

He further reported on the life cycle/preventive maintenance with regards to air conditioning systems and generators. He also provided a brief report regarding personnel, the Siemens study, and an update on the Safety & Security Service/Office (SSO), Campus Signage, Safety curb and parking lot stripping, Student Security Force, UOG Green, and IT Infrastructure.

### **5.4 Investment Committee**

#### **5.4.1 Committee Update**

Regent McKeever reported that the Investment Committee met on November 10<sup>th</sup> via zoom with a quorum present.

She reported that they reviewed the status of the Short-Term Investment Manager request for proposal. She stated that according to VPAF Randy Wiegand, the proposals will be organized and should be available to review in the next investment committee meeting.

She added that Raymond James and Associates (RJA) provided an overview of the market and the portfolio balances. The total portfolio balance was valued at \$22.15M as of September 30, 2022. Markets remain volatile, however, an upswing occurred as a response to Mid-term elections in 2022. She stated that it seems that there may be a possibility of a mild recession in 2023. She added that Amanda Gima of RJA walked through the performance of the individual funds and managers and that most of the funds were performing in line with their benchmarks. However, there were some managers that fell below the benchmark. She then stated that the only main concern was the Winslow manager which manages the Equity Growth portion of the portfolio and that the committee will keep a close look and will decide if they will be put on a watchlist.

## **Board of Regents Regular Meeting Minutes of November 17, 2022**

She further reported that the Triton Investment Club made a presentation of the club's portfolio as of October 31, 2022, and noted that the fund is at \$38,140. The club is currently looking into investing in energy, finance, and healthcare stocks. The committee cautioned the club that certain sectors come in and out of favor and to look at the overall allocation instead of chasing the winners.

### **5.5 Budget, Finance, and Audit (BFA) Committee**

Regent Naholowaa reported that the BFA Committee met on November 10<sup>th</sup> via zoom and received an update on the financial condition of the University.

He stated that the University continues to receive its allotments on a timely basis, however, FY2023 budget levels remain low and missing an allotment would be very difficult for the University.

#### **5.5.1 Financial Update**

Regent Naholowaa reported that the unaudited financial statements as of September 30, 2022, reflect a reduction in the appropriation from the government of Guam and a reduction in tuition revenue of nearly \$2M. He stated this is somewhat offset by increases in federal funds and an uptick in auxiliary revenues.

He reported that expenses fluctuated in FY2022 as COVID-19 federal funds helped to assist various areas within the University and that institutional support increased by \$5M and research increased by \$3M.

He added that at the end of the fiscal year, volatility in the markets resulted in a net investment loss of \$5.1M.

He further reported that the changes in the balance sheet account appear to reflect timing issues between September 30, 2021, and September 30, 2022, and noted that cash has been set aside in anticipation for construction costs. He then added that the Guam Cultural Repository was also capitalized reflecting an increase in our assets.

#### **5.5.2 Collections Report**

He reported that the University exceeded its goal of recovering \$250,000 in student receivables collecting an actual amount of \$394,337. He added that the University procured collection services this year and a change in vendor has reinvigorated efforts in collections.

#### **5.5.3 Procurement Transactions and Contracts Report**

He reported that there were three large contracts entered into since the last meeting which included annual software maintenance costs with Ellucian, workflow automation services with Softdocs, and non-fabric furniture for the School of Education with The Product Solutions. The University also finalized an MOU with the Office of the Governor for the operations of the Guam Cultural Repository.

#### **5.5.4 Committee Update**

## **Board of Regents Regular Meeting Minutes of November 17, 2022**

He reported that Ms. Renee Paguirigan, UOG's Risk Officer, provided an update on the office's plans this upcoming year. He stated that the Risk Officer's role within the University is to provide objective assurance to university constituents as well as evaluating and improving the effectiveness of governance, risk management, and control process.

He then reported that the BFA committee endorsed Resolution Nos. 22-43 and 22-45.

He further reported that the Guam Legislature increased the amount of funds available to the University for financial aid by approximately \$500,000, however, they limited the use of the funds to specific types of financial aid. He stated that the changes prevented the University from using financial aid for scholarships and for the EPSCoR program as part of the match agreed by the University. He also noted the Legislature effectively ended the Regent Scholarship program. He then reported that the re-apportioned budget presumes the University will utilize operational funds to meet the EPSCoR match and spread the financial aid to the programs approved in the budget bill.

### **5.6 Executive Committee**

#### **5.6.1 Resolution No. 22-45, Relative to Initiating the 2023 Presidential Search Process**

Regent Naholowaa introduced Resolution No. 22-45 and moved to approve, which was duly seconded by Regent McKeever. 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 Provido opened the floor for open presentations. There were no presentations.

### **8.0 EXECUTIVE SESSION**

Regent Diaz motioned to move to Executive Session, which was duly seconded by Regent Naholowaa. The motion carried. The Executive Session commenced at 7:03 p.m.

#### **8.1 Recommendation for Tenure for Dr. Austin J. Shelton III, Associate Professor of Outreach and Extension, College of Natural and Applied Sciences**

The Executive Session ended at 7:09 p.m.

### **9.0 VOTING FILE**

#### **9.1 Recommendation for Tenure for Dr. Austin J. Shelton III, Associate Professor of Outreach and Extension, College of Natural and Applied Sciences**

**Board of Regents Regular Meeting Minutes of November 17, 2022**


Regent Diaz moved to approve the recommendation for Tenure for Dr. Austin Shelton, which was duly seconded by Regent McKeever. The motion carried.

**10.0 ADJOURNMENT**

Regent Malilay moved that the zoom meeting be adjourned, which was duly seconded by Regent Diaz. The motion carried. Chairperson Provideo adjourned the meeting at 7:10 p.m., CHamoru Standard Time.

  
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Liza J. Provideo, Chairperson

**ATTESTED:**

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