



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

Resolution No. 24-17

**RELATIVE TO APPROVING THE PRESIDENT'S REQUEST FOR
INDEMNIFICATION PURSUANT TO ARTICLE IV, SECTION 12, OF THE
UNIVERSITY OF GUAM BOARD OF REGENTS THIRD AMENDED BYLAWS**

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

WHEREAS, Article IV, Section 12, of the UOG Board of Regents (BOR) Third Amended Bylaws states, in relevant part, that UOG's Officers shall be indemnified against any and all claims and liabilities to which they have or shall become subject to by reason of serving as a UOG Officer, or by reason of any action alleged to have been taken by such Officer;

WHEREAS, Article IV, Section 12, of the UOG BOR Third Amended Bylaws also states, in relevant part, that UOG shall reimburse each such person for all legal expenses reasonably incurred by him/her in connection with any such claim or liability, provided, that no such person shall be indemnified against, or be reimbursed for, any expense incurred in connection with any claim or liability arising out of his/her own willful misconduct or gross negligence;

WHEREAS, Article IV, Section 12, of the UOG BOR Third Amended Bylaws also states, in relevant part, that the amount paid to any Regent or Officer by way of indemnification shall not exceed his/her actual, reasonable, and necessary expense;

WHEREAS, *Norman Analista v. University of Guam Board of Regents Ad Hoc Grievance Committee, and Anita Borja Enriquez*, SP107-24 (Superior Court of Guam) names UOG President Anita Borja Enriquez as a party to that lawsuit;

WHEREAS, the Verified Petition for Judicial Review filed in that lawsuit on August 9, 2024 alleges that President Enriquez terminated the Petitioner's UOG employment, that on April 8, 2024, the Petitioner filed a grievance against President Enriquez regarding his termination, that President Enriquez filed her answer to the Petitioner's grievance alleging that the first, second, and fifth claims of the grievance were untimely, and that those claims were subsequently dismissed; and

WHEREAS, on August 19, 2024, President Enriquez submitted her request to the UOG BOR for indemnification for her attorney fees, and any legal or court fees she incurs as a result of the Grievance and any lawsuit arising from the grievance.

NOW, THEREFORE, BE IT RESOLVED, the Board of Regents of UOG, a Guam Public Corporation, held a meeting on September 13, 2024, and hereby, pursuant to Article IV, Section 12 of UOG BOR Third Amended bylaws, approves President Enriquez's request for indemnification and hereby authorizes the reimbursement of all of President Enriquez's reasonable legal expenses that

she may incur as a result of the Norman Analista's Grievance dated April 8, 2024 or any lawsuit or other action arising from said grievance. The indemnification amount paid to President Enriquez as authorized herein shall not exceed her actual, reasonable, and necessary legal expenses.

Adopted this 13th day of September, 2024.



Sandra H. McKeever, Chairperson

ATTESTED:



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