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CHAPTER 31
GCC ADMINISTRATION

2011 NOTE: In maintaining the general codification scheme of the GCA the Compiler changed the hierarchy of subsections beginning with “Numbers” to “Lowercase Letters” in this chapter.

- § 31101. Administration of the Guam Community College.
- § 31102. Advisory Committee.
- § 31102.1. Hotel/Restaurant Apprenticeship. [Repealed]
- § 31103. Compensation.
- § 31104. Rules and Regulations.
- § 31105. Same: Availability.
- § 31106. Personnel Rules: Academic Personnel and Administrative Officers.
- § 31107. Purposes.
- § 31108. Duties.
- § 31109. Powers of the Guam Community College and Board.
- § 31110. President.
- § 31111. Custody of Federal Funds; Expenditures.
- § 31112. Non-appropriated Funds.
- § 31113. Employees.
- § 31113.1. President and Vice President.
- § 31114. Instructional Divisions.
- § 31115. Same: Division Chief. [Repealed]
- § 31116. Fees and Tuition.

§ 31101. Administration of the Guam Community College.

(a) All powers vested in the Guam Community College, *except* as provided herein shall be exercised by the Guam Community College Board of Trustees. The Board shall consist of seven (7) trustees, six (6) of whom shall be nominated and appointed by *I Maga 'lahen Guåhan* with the advice and consent of *I Liheslaturan Guåhan*. Three (3) trustees shall be appointed to terms of three (3) years, three (3) trustees shall be appointed to terms of five (5) years and the seventh (7th) shall be an elected student member who shall serve a term of one (1) year. Their successors shall be appointed each for a term of five (5) years, with the exception of the student member. The student member shall be elected by a plurality vote of students of the school. The student member must be a student at the college and may be re-

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elected to no more than one (1) successive one-year term The procedures for election of the student member shall be developed by the Board of Trustees. The first election for student member shall take place during the school year 1999-2000. The student member position shall not require the appointment by *I Maga'lahaen Guahan* and the advice and consent of *I Liheslaturan Guahan*. No courtesy resignations shall be required. All vacancies occurring on the Board of Trustees, *except* the student member, shall be filled by *I Maga'lahaen Guahan* with the advice and consent of *I Liheslaturan Guahan* for the unexpired term.

(b) *I Maga'lahaen Guahan* shall appoint one (1) trustee to represent business and industry and employer organizations; one (1) trustee to represent organized labor organizations on Island. The remaining four (4) trustees shall be members of the general public. As these positions on the Board become vacant, they shall be filled in a like manner. No person may serve as a trustee if the trustee is a government of Guam employee or if the trustee's service would amount to a conflict of interest.

(c) The concurrence of four (4) members of the Board at a duly called and noticed regular or special meeting of the Board, which is open to the public in accordance with law, shall be necessary to the validity of its *acts*; *provided*, that the Board need *not* meet in public when it is discussing litigation or impending litigation with its attorney.

(d) The trustees shall elect the chairperson from among their number.

SOURCE: GC §11963, as added by P.L. 14-77. Subsection (a) amended by P.L. 18-12:6. Amended by P.L. 25-39:2.

§ 31102. Advisory Committee.

The Board *shall* establish Advisory Committees for each of the different career programs or levels of instruction and appoint committee members from among people in the community who can best advise the Board in their area of expertise or on matters pertaining to the Board's responsibilities as established by law.

SOURCE: GC §11964, as added by P.L. 14-77. Amended by P.L. 31-099:4 (Sep. 30, 2011)

§ 31102.1. Hotel/Restaurant Apprenticeship. [Repealed]

SOURCE: GC §11964.1, as added by P.L. 16-117. Repealed by P.L. 31-099:5 (Sep. 30, 2011).

§ 31103. Compensation.

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The voting members of the Board shall be compensated not to exceed Fifty Dollars (\$50) per regularly called meeting at which a quorum is present and the voting member is in attendance or One Hundred Dollars (\$100) per month as determined by the Board and all members shall be reimbursed for reasonable and necessary expenses incurred in the performance of their duties.

SOURCE: GC §11965, as added by P.L. 14-77.

NOTE: See 5 GCA §43104, enacted by the 15th Guam Legislature, which sets a uniform rate of compensation for all Boards and Commissions. As this is a later, general, law on the same subject, enacted in addition to amendments to specific laws, the Compiler will treat it as amending this section by implication. The former meeting rate was \$75 dollars per meeting with a maximum of \$150 per month.

§ 31104. Rules and Regulations.

The Board shall adopt reasonable rules and regulations not inconsistent with the laws of the United States and this Territory (a) for its own government, (b) for the government of the College and (c) for the purpose of carrying out all other duties and powers herein conferred.

SOURCE: GC §11966, as added by P.L. 14-77.

§ 31105. Same: Availability.

All rules and regulations adopted by the Board pursuant to this Division shall be made available to the public.

SOURCE: GC §11967, as added by P.L. 14-77.

§ 31106. Personnel Rules: Academic Personnel and Administrative Officers.

Rules and regulations governing selection, compensation, promotion, performance evaluation and disciplinary action and other terms and conditions of employment affecting academic personnel shall be adopted by the board in accordance with 4 GCA §4104 and §4105. Such rules and regulations shall provide for the employment of persons on the basis of merit, and shall include an orderly and systematic method of recruitment and the establishment of a list of qualified applicants for employment purposes. 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 or Director, Associate or Assistant Director, Associate or Assistant Dean; provided, however, that nothing in this Chapter shall be construed as preventing the Board from

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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 therefore shall have been provided in the college's annual budget. The term *administrator* does not include positions within the purview of the Civil Service Commission under Chapter 6 of Title 4, Guam Code Annotated, or other applicable laws.

SOURCE: GC § 11966.1, as added by P.L. 16-23. Section amended by P.L. 23-26:8 (5/95).

NOTE: P.L. 22-137:1 amended 4 GCA §6103, with respect to the subject matter of this section. 4 GCA § 6103 states:

“ § 6103. Scope. Unless otherwise specified, this Chapter shall apply to all positions, officers and employees, classified and unclassified, inclusive of the Executive and Judicial Branches, autonomous and semi-autonomous agencies, public corporations, and other public instrumentalities of the government of Guam; provided, that the provisions of this Chapter do not apply to academic and administrative positions of the Guam Community College or of the University of Guam, and the Board of Trustees of the Guam Community College and the Board of Regents of the University of Guam, respectively, shall have the exclusive authority to hire and dismiss, and to set the selection, qualification, classification, compensation, tenure, and promotion criteria for the academic personnel and administrative officers of their respective institutions. For the purpose of this section, an “administrative officer” is defined as one who holds any of the following positions: President or vice president; associate or assistant dean; associate or assistant director; dean or director; associate to the president or vice president.”

However, both § 31106 and the section referenced in this NOTE were amended by P.L. 23-26 to further clarify the position of *academic personnel* vis-a-vis the regular personnel system of the government.

§ 31107. Purposes.

The purposes of the College *shall* be:

(a) to establish career and technical education, and other related occupational training and education courses of instruction aimed at developing educated and skilled workers for Guam;

(b) to coordinate with the Guam Education Board the development of career and technical education programs in all public schools;

(c) to establish and maintain short-term extension and apprenticeship training programs in Guam;

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(d) to expand and maintain secondary and post-secondary educational programs in the career and technical fields;

(e) to award appropriate certificates, degrees and diplomas to qualified students; and

(f) to serve as the State Agency and the Board of Control for Vocational Education for purposes of the United States Vocational Education Act of 1946 and 1963, and subsequent amendments thereto. The government of Guam hereby accepts together with the benefits of funds appropriated thereunder the Vocational Education Act of 1946 and any act or acts amendatory thereof or supplementary thereto as enacted by the Congress of the United States.

SOURCE: GC §11968, as added by P.L. 14-77. Amended by P.L. 31-099:6 (Sep. 30, 2011).

2011 NOTE: Subsections (1) through (6) changed to (a) through (f), respectively, to maintain the general codification scheme of the GCA.

§ 31108. Duties.

The Board shall have the following duties:

(a) to evaluate existing and potential job skills needed in the territory of Guam, including business, industry, territorial and federal governments;

(b) to coordinate and recommend improvements in career and technical educational programs in order to match career and technical education programs with current and existing job needs;

(c) to encourage work-study programs in industry and more scholarships funded by private employers, labor unions, territorial and federal governments;

(d) to encourage retraining programs for the unemployed and under-employed in order to provide a guaranteed work force;

(e) to evaluate and make recommendations for executive and legislative action to improve programs regarding job innovation and development;

(f) to act as the Board of Control for Vocational Education; and

(g) to formulate plans and objectives in measurable terms and to continuously evaluate, in terms of those plans and objectives, the various programs operated by the College to determine if the College

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is complying with its statutory mandate and to that end, to provide for five (5) year follow-up studies of the various graduates of the various programs operated by the College.

SOURCE: GC §11969, as added by P.L. 14-77. Subsection (2) [b] amended by P.L. 31-099:7 (Sep. 30, 2011). Subsection (6) [f] amended by P.L. 31-099:8 (Sep. 30, 2011).

2011 NOTE: Subsections (1) through (7) changed to (a) through (g), respectively, to maintain the general codification scheme of the GCA.

§ 31109. Powers of the Guam Community College and Board.

The Guam Community College and Board shall have all the powers necessary and convenient to carry out and perform the purposes and provisions of this Division except the power to levy and collect taxes or special assessments including the following in addition to other powers granted in this Division, it may:

(a) have perpetual succession except if this Chapter shall expire in accordance with Section 15 of this Chapter.

(b) have a seal and modify it.

(c) enter into and execute contracts and instruments of every kind and nature necessary or convenient to the exercise of its powers and functions. The provisions of §6107 of the Government Code shall not apply to such contracts.

(d) in accordance with Title VII-A of the Government Code, acquire any real or personal property or interest or estate therein by lease, option, purchase, gift, grant, donation, appropriation, bequest or devise or otherwise.

(e) to act as administrator for the Federal Adult Basic Education Program.

(f) to grant appropriate degrees and issue diplomas in accordance with its rules and regulations.

(g) for such legal services as it may require the College may employ or retain its own course and legal staff.

(h) to designate by appropriate name, the buildings and facilities on the campus of the Guam Community College and any buildings and facilities under its jurisdiction not located on the campus of the Guam Community College. The Board shall develop a policy for the naming of buildings and facilities, which policy shall include provisions for

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such naming based on contributions to the College, local historical significance, academic achievement and exemplary service to the College. 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: GC §11970, as added by P.L. 14-77; Subsection (4) amended by P.L. 16-124; Subsection (7) added by P.L. 14-138. Subsection (8) added by P.L. 24-105.:3.

2011 NOTE: Subsections (1) through (8) changed to (a) through (h), respectively, to maintain the general codification scheme of the GCA.

§ 31110. President.

(a) The Board shall appoint the President of the College who shall be its chief executive officer. The President of the college shall serve as the executive officer of the Board and shall have full charge and control not in conflict with the policy making authority of the Board of Trustees of the administration and business affairs of the College.

(b) The powers of the President include the following:

(1) to see that all rules and regulations of the College are enforced;

(2) to attend all meetings of the Board and submit a general report of the affairs of the College;

(3) to keep the Board advised as to the needs of the College;

(4) to devote his entire time to the business of the College, to select and appoint the employees of the College except as other wise provided by this Chapter and to plan, organize, coordinate and control the services of such employees in the exercise of the power of the College under the general direction of the Board;

(5) to cause to be submitted to *I Maga'lahi* (the Governor) and *I Liheslatura* (the Legislature) one hundred twenty (120) days from the end of each fiscal year a report describing the condition and progress of career and technical education during the year including a financial report showing the result of operations for the preceding fiscal year and financial status of the College on the last day thereof. The report shall be made in the manner provided by the Board; and

(6) to perform such other additional duties as the Board may require.

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SOURCE: GC §11971, as added by P.L. 14-77; Subsection (a) amended by P.L. 17-17 and further amended by P.L. 18-12:2. The title Provost changed to President pursuant to P.L. 18-21:1. Subsection (b)(5) amended by P.L. 31-099:9 (Sep. 30, 2011).

§ 31111. Custody of Federal Funds; Expenditures.

(a) The Guam Community College is the designated custodian of all funds received by the government of Guam from the federal government for programs administered by the Guam Community College, *except* for funds awarded to the Guam Community College received via sub-grants within Title V through the Guam Department of Education. The Board of Trustees is authorized and directed to receive and provide for the proper custody of the funds, and to make disbursement thereof in the manner provided in the federal acts which govern the expenditure of the funds.

(b) The Board of Trustees is authorized to establish a public not for profit corporation that *shall* be separate and apart from the government of Guam and the Guam Community College for the purpose of being able to accept private gifts, donations, endowments, grants, and other monies which may be offered to the Guam Community College. Such gifts, donations, endowments or grants, *supra*, *shall* be in accordance with the laws of Guam and subject to reasonable conditions. Such funds received *shall* be deposited into a fund controlled by the corporation, *supra*, and *shall* be known as the “Guam Community College Foundation”.

Expenditures from the fund *shall* be made in accordance with such conditions as may be attached to the gift, donation, endowment or grant.

SOURCE: GC §11972, as added by P.L. 14-77; R/R by P.L. 15-82. Amended by P.L. 31-099:10 (Sep. 30, 2011).

§ 31112. Non-appropriated Funds.

Notwithstanding the provisions of §§ 5162 and 5163 of the Government Code (as enacted in Part V, Section 6 of P.L. No. 15-48), the Guam Community College is authorized to use all revenues, to include tuition payments and fees, derived from its own sources, upon resolution of the Board of Trustees, for the benefit of the College and in the furtherance of the purposes of this Chapter.

SOURCE: GC §11973, as added by P.L. 14-77; R/R by P.L. 15-82. Amended by P.L. 31-099:11 (Sep. 30, 2011).

§ 31113. Employees.

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(a) With the exception of academic personnel and unclassified employees under §4102 and Chapter 2 of Title 4, Guam Code Annotated, all other employees of the College shall be classified employees. The employment of classified employees shall be governed by Title 4, Guam Code Annotated, and other applicable laws. The President shall serve the College on a contractual basis, and notwithstanding any other provision of law, shall be entitled to all benefits of the Government of Guam given to employees including being a member of the Retirement Fund. The term of the contract of employment between the President and the Board shall not be for longer than six (6) years, which term may be renewable any number of times.

(b) Employees of the College, excluding members of the Board of Trustees of the Guam Community College, shall be members of the government of Guam Retirement Fund, subject to the provisions of §4204 of the Government Code, except that for the purposes of Subsection (d) of §4204, the employees of the College shall not be considered employees of a *public corporation* whereby their membership in the Fund is optional and membership therein must be specifically requested. The College shall contribute to the government of Guam Retirement Fund on the basis of annual billings as determined by the Board of Trustees, government of Guam Retirement Fund, for the government share of the cost of the retirement benefits applicable to the College's employees and their beneficiaries.

(c) [Repealed].

(d) The Vice-President shall be compensated according to a salary schedule set by the Board of Trustees.

(e) The annual allocation of the Unfunded Retirement Fund Contribution Payable relating to the employees of the Guam Community College as determined by an independent auditor will not be reported on the financial statements of the Guam Community College. These allocations, including allocations for previous years, will be the responsibility of the government of Guam General Fund.

SOURCE: GC § 11974, as added by P.L. 14-77. Subsection (a) amended by P.L. 18-12:3 (Aug. 23, 1985) and P.L. 23-26:9 (June 6, 1995). Subsection (c) added by P.L. 18-12:4, amended by P.L. 19-13:5 (Dec. 1, 1987) and repealed by P.L. 23-26:12 (June 6, 1995). Subsection (d) added by P.L. 18-32: 26 (April 24, 1986) and amended by P.L. 19-13:5 (Dec. 1, 1987). Subsection (e) added by P.L. 21-03:IV:6 (April 17, 1991).

§ 31113.1. President and Vice President.

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(a) Persons who are occupying the positions of Provost and Deputy Provost at the time of enactment of this Act shall occupy the positions of President and Vice President, respectively, which are created pursuant to Section 1, Section 3 and Section 4 of this Act. [Reference P.L. 18-12].

(b) The President and the Vice President shall only be removed for cause.

SOURCE: P.L. 18-12:5 codified by Compiler.

§ 31114. Instructional Divisions.

Initially, there shall be three (3) instructional divisions within the College. The Board may from time to time add, abolish or merge the divisions within the College as it shall see fit. The initial three (3) division shall be:

(a) The Secondary Division;

(b) The Post-Secondary and Continuing Education Division; and

(c) The Apprenticeship Training Division.

SOURCE: GC §11975, as added by P.L. 14-77.

2011 NOTE: Subsections (1) through (3) changed to (a) through (c), respectively, to maintain the general codification scheme of the GCA.

§ 31115. Same: Division Chief. [Repealed]

SOURCE: GC §11976, as added by P.L. 14-77. Repealed by P.L. 31-099:12 (Sep. 30, 2011).

§ 31116. Fees and Tuition.

(a) The Board shall establish a schedule of tuition and fees for courses offered by the post secondary and continuing education division and apprenticeship training division. The schedule of fees and tuition shall be applicable to all persons who enroll in the College whether or not they are employees of the College, provided, however, that no tuition shall be charged a student regularly enrolled in any high school who is concurrently enrolled in the College in an Advance Placement Program.

(b) The schedule of tuition and fees shall exempt persons over the age of fifty-five (55) years from payment of said tuition and fees for courses appearing on the regular schedule of classes; provided, that such individuals meet the admission requirements of the Guam Community College.

(c) [Repealed].

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SOURCE: GC §11977, as added by P.L. 14-77; R/R by P.L. 15-82, Subsection (a) amended by P.L. 16-28. Subsection (c) added by P.L. 23-32:12. Subsection (b) amended by P.L. 26-95:1. Subsection (c) repealed by P.L. 31-099:13 (Sep. 30, 2011).
