

GOVERNMENT OF GUAM
OFFICE OF THE GOVERNOR
AGANA, GUAM

EXECUTIVE ORDER NO. 76-4

UNIVERSITY OF GUAM TENURE POLICY

WHEREAS, a suitable tenure policy covering professional employees is essential to an institution of higher learning such as the University of Guam; and

WHEREAS, the accreditation of the University of Guam is dependent upon the formulation and implementation of a suitable tenure policy covering professional educators at the University of Guam; and

WHEREAS, by law the Board of Regents is required to establish academic and physical standards for the achievement and maintenance of accredited status by the University of Guam; and

WHEREAS, a suitable tenure policy for professional educators is such an academic standard; and

WHEREAS, the Civil Service Commission, through its Chairman, has requested the Governor to promulgate a tenure policy for professional educators at the University, as has the President of the University of Guam; and

WHEREAS, Section 29(b) of the Organic Act provides that:

"The Governor shall provide an adequate public education system of Guam, and to that end shall establish, maintain and operate public schools at such places in Guam as may be necessary."; and

WHEREAS, the tenure policy attached hereto has been reviewed by the University of Guam administration, the University of Guam Federation of Teachers and the Civil Service Commission, and is acceptable to all aforesaid parties:

NOW, THEREFORE, I, RICARDO J. BORDALLO, Governor of Guam, by virtue of the authority vested in me by Section 29(b) of the Organic Act of Guam, as amended, and the rules and

regulations promulgated under Section 4415 of the Government Code of Guam, do hereby approve and promulgate, as part of the Agreement between the University of Guam and the University of Guam Federation of Teachers, the following Tenure Policy:

1. A Faculty member holding at least the rank of Assistant Professor may be proposed for tenure by his Department and/or Division Chairman or other appropriate supervisor at any time following completion of at least three (3) consecutive academic years (excluding approved leaves of absence) of probationary service.

Any Faculty member who has completed the minimum period of service at the University of Guam and who has not been proposed for tenure may apply directly to his Dean or Director for a recommendation of tenure.

- a. Faculty members who have completed at least four (4) consecutive academic years of fulltime teaching, counselling, research or library service at the University, exclusive of approved leaves of absence, may be recommended for tenure during the initial year this Order is in force.
- b. Faculty members receiving tenure, as a condition thereof, shall be recommended by the Board for classified employee status with the Government.
- c. Tenure awarded by the Board as per this Order shall be limited to the power held by the Board over personnel policies affecting the University and shall not negate the permanent nature of the employment a Faculty member holds with the Government via his classified status nor shall such tenure interfere with a Faculty member's being awarded classified status through normal action of the Board and other Departments of the Government.
- d. To this effect, all Faculty members holding a classified position at the University shall be entitled to tenure upon their application therefore and upon

completion of the tenure procedure as outlined in this Section.

2. Proposal for tenure shall be submitted with relevant comment and recommendation to the Dean or Director of the appropriate College or other Academic Unit. The Dean or Director shall submit the proposal to the Committee on Tenure. He may attach his recommendations for approval or disapproval or he may make no recommendation. With the written concurrence of the Faculty member involved, the Dean or Director may refuse to submit the proposal to the Committee on Tenure. The Committee, upon receipt of a proposal shall make recommendations concerning it within one (1) regular semester following its submission.
3. The Committee on Tenure shall review all proposals for tenure and shall either recommend tenure to the President and the Board of Regents or refuse to make the recommendation. Recommendations for tenure shall be made on the basis of two-thirds (2/3rds) approval vote of the full membership of the Committee on Tenure.

Should the Committee on Tenure refuse to recommend tenure for a Faculty member a new proposal for tenure may be submitted following completion of at least three (3) additional semesters inclusive of the semester in which tenure was considered and denied; provided that the maximum number of years on probation shall not exceed seven (7) years; and provided further that no Faculty member shall be considered for tenure by the Tenure Committee more than twice. Failure to receive tenure recommendation twice shall constitute grounds for termination of employment.

The Committee review is a critical factor in the entire tenure procedure. Except for the right of grievance procedure appeal, as provided in Section 6 of the contract

between the University of Guam and the Federation,
rejection by the Committee on Tenure is final.

4. The Committee on Tenure shall submit its recommendation for tenure to the President for his review and transmittal within twenty (20) days, along with his recommendation, to the Board of Regents.

If the President does not accept the recommendation of the Tenure Committee, he may return the recommendation along with his written comments to the Tenure Committee for its review. If the Committee concurs with the President's position not to recommend tenure, the Committee Chairman shall notify the Faculty member in writing that tenure is not recommended and the reasons for the denial. Except for the right of appeal by the Faculty member involved and the provisions in the foregoing Section, the action of the Committee may be considered final.

If the Committee on Tenure, following reconsideration of a recommendation at the request of the President, should recommend tenure, the President shall submit to the Board of Regents within twenty (20) days the recommendation of the Committee on Tenure along with his recommendation.

5. The Board of Regents shall take action on recommendations for tenure within the second regular meeting of the receipt of such recommendations.

The President shall report in writing the actions of the Board of Regents promptly to the Chairman of the Committee on Tenure and to the individual Faculty member involved.

6. All recommendations of the Committee on Tenure, plus the recommendations by the President of the University, on tenure and the decision of the Board of Regents shall be recorded. Such records shall be maintained by the Vice President for Academic Affairs and shall be available

for examination by members of the Tenure Committee at all times. An individual Faculty member shall have full access to any and all records involving recommendations and data concerning his tenure status.

7. The granting or denial of tenure shall be a deliberate and conscious act.

It is the responsibility of the Academic Vice President of the University to see that the Faculty member is notified in writing by the expiration of the sixth (6th) consecutive academic year of service that tenure will not be granted. It is the responsibility of the Faculty member to see to it that on his sixth (6th) year of service his tenure situation is considered by the Academic Vice President and/or the Committee on Tenure. If the Faculty member fails to request tenure by the end and of his sixth (6th) year of employment, his employment shall terminate at the end of the seventh (7th) year.

- a. If a Faculty member is denied tenure during his sixth (6th) year of service at the University of Guam, he shall not be employed beyond his seventh (7th) year at the University.
- b. These Faculty members employed at the University at the date of notification of this Order, who have six (6) or more years of service at the University shall be entitled to an additional two (2) years of non-tenured employment. No Faculty member shall be terminated due to failure of the Tenure Committee or Management to complete action on his tenure request.

8. No Faculty member shall be considered for tenure without his written consent. Following approval of tenure by the Board of Regents, the Faculty member shall accept within four (4) months his/her tenure status in writing.

9. The Committee on Tenure will establish its own guidelines, criteria and procedures provided that: (1) these guidelines, criteria and procedures shall be approved by the Board; and (2) such guidelines, criteria and procedures

will be published annually by the Chairman of the Tenure Committee.

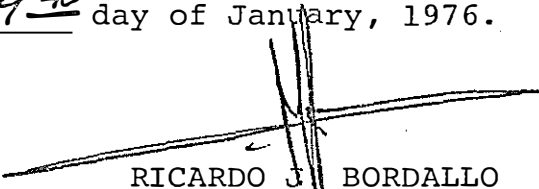
10. In the event that reduction in the number of teaching personnel shall become necessary, Faculty members with tenure shall have prior claim to teaching and research positions in their fields of competence within the University of Guam. Seniority based on date of tenure approval shall be applied.
11. Continuation of academic tenure presumes maintenance of competence as a teacher and scholar.
12. Termination
 - a. The services of a Faculty member having tenure shall be terminated only for adequate cause, except at the normal retirement age or under extraordinary circumstances due to demonstrably bona fide financial emergencies of the University.
 - b. Except in cases of admission or conviction of a serious violation of the criminal code, the services of a Faculty member with tenure shall be terminated only in accordance with the procedures outlined in this statement of policy. If the Faculty member claims his violation does not constitute adequate cause for dismissal, he shall be entitled to the full procedures outlined in this Agreement.
 - c. No termination proceeding based on academic incompetence shall be instituted against a Faculty member with tenure unless the Faculty member has been informed in writing of his alleged shortcomings and has been given a reasonable period of time in which to remedy them.
 - d. Except in the case of admission or conviction of serious violation of the criminal code which is found by the Tenure Committee to constitute adequate cause for dismissal, the Faculty member shall be given a written notice of intention to terminate, with the

reasons therefor, six (6) months in advance of the proposed termination date.

- e. If a tenure appointment is terminated because of a demonstrably bona fide financial exigency of the University, the released Faculty member's place shall not be filled by a replacement for a period of two (2) years, unless the released Faculty member has declined an offered reappointment with at least his previous rank and salary.


13. This executive order shall be effective upon approval.

DATED this 19th day of January, 1976.



RICARDO J. BORDALLO
Governor of Guam

COUNTERSIGNED:



RUDOLPH G. SABLAN
Lieutenant Governor