

March 28, 2023

Transmittal via email to: [speaker@guamlegislature.org](mailto:speaker@guamlegislature.org)

Honorable Therese M. Terlaje  
Speaker  
***I Mina'Trentai Siete Na Liheslaturan Guahan***  
Guam Congress Building  
163 Chalan Santo Papa  
Hagåtña, Guam 96910

Dear Speaker Terlaje and Senators of the 37<sup>th</sup> Guam Legislature:

I want to congratulate you on the passage of Bill No. 24-37 on Friday night. The events taking place throughout the world have been having a significant impact on the costs for employees and other resources at the University of Guam (UOG) in recent years and it is apparent the same issues are impacting other agencies throughout the government of Guam.

I wanted to express concern about one issue in the bill. Section 15 reads as follows:

“As a condition of receiving this appropriation, the University of Guam shall not raise tuition for any semester prior to September 30, 2025.”

This language is problematic in that there is a conflict with the WASC Senior College and University Commission accreditation standards to which the University is subjected. Criteria for Review No. 1.5 requires that universities have appropriate autonomy from bodies with whom they are affiliated such as the government of Guam. The guidelines which help interpret the criteria state the following:

“The institution does not experience interference in substantive decisions or educational functions by governmental, religious, corporate, or other external bodies that have a relationship to the institution.”

We are concerned that the restricting of tuition increases will be viewed as interference with a substantive decision of the University by the WASC Senior College and University Commission. In the past, the University has been cited for interference from external bodies. In particular, UOG was cited because of interference from the government of Guam in 1976 which resulted in the passing of the Higher Education Act of 1976 (PL 13-194). The Higher Education Act vests “government, control, and operations of the University” in the Board of Regents. In 2003, WASC wrote to the leadership of the University and Legislature at that time

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*The University of Guam is a U.S. Land Grant and Sea Grant Institution accredited by the Western Association of Schools and Colleges Senior College and University Commission and is an equal opportunity provider and employer.*

— President Harold Allen and the late Speaker Ben Pangelinan — about proposed legislation that would have affected UOG’s institutional autonomy and threatened its accreditation. Copies of those letters are provided as attachments.

This matter is not substantive in that the University does not plan to increase tuition next academic year as reflected in our recent FY 2024 budget submission, which was seeking to rely on the government of Guam to return the University to appropriate adequate funding levels to address increasing costs of operations. The request did not include any provision for a tuition increase.

UOG is cognizant of the challenges students have experienced since the pandemic, and we agree this is not a good time to ask students to pay more in tuition. Further, any decisions about raising tuition in the future must be discussed, vetted, and include feedback from students, and stakeholders, as part of the University’s shared governance process before it can be heard by the Board of Regents.

We recognize the conditional nature of the language of Bill No. 24-37 – the tuition restriction only applies if UOG receives the appropriation. However, if the University does not accept the appropriation, then classified employees of the University would not receive the same pay adjustments as other employees of the government who are in the same positions and do the same type of work. This would create additional issues of parity in the updated pay plan, which is antithetical to what this bill is trying to achieve.

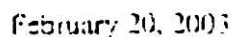
We have held meetings with many of you to discuss the University’s FY2024 budget proposal, and we are looking forward to additional meetings and discussions, so that we may together find solutions to the concerns above, and to find adequate funding for the success of our students and the sustainability of our University.

Senseramente,

A handwritten signature in black ink, appearing to read "Wiegand", written in a cursive style.

Randall V. Wiegand  
Acting President

Attachments



Vicente C. Pangelinan  
Speaker  
The Office of the People  
Mina Bente Siote Na Liheslaruran Guahan  
135 Hesler Street  
Hagatna, Guam 96910

Dear Speaker Pangelinan:

We would like to acknowledge receipt of your letter regarding Public Law 26-169 and its relation to the University of Guam and Guam Community College. I apologize for the length of time taken to respond but I needed to consult with both Ralph Wolff and Barbara Beno, Executive Directors of the WASC Accrediting Commission for Senior Colleges and Universities (ACSCU) and Accrediting Commission for Community and Junior Colleges (ACCJC). We appreciate the opportunity to express our views on this legislation.

As we understand the legislation, it establishes a Clearinghouse with a single state official to control the expenditure of all federal funds for Guam governmental agencies. While we can understand the possible need for such legislation in light of the fiscal and natural crises that have occurred over the past several months, there are a number of issues raised by this legislation that could have a serious impact on the autonomy and functioning of both higher education institutions.

The issue of institutional autonomy has been extremely important in accreditation reviews of Guam Community College and the University of Guam respectively. While these institutions are supported by the government of Guam, we do not consider them to be state agencies to be run as branches of government. This has been clear in numerous accreditation reports and in the actions of both the ACCJC and the ACSCU. Both of these WASC Commissions would have serious concerns if the budgets of the College and the University were to be controlled by the Guam State Clearinghouse. We note that it would not be appropriate, and would be potentially illegal, for federal student financial aid, which by law is a student entitlement, to be controlled by such a process. We would support the exemption of both Guam Community College and the University of Guam from the Guam State Clearinghouse Act.

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Vicente C. Pangolinan  
February 20, 2003  
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Under the Standards of Accreditation of both WASC Commissions, the government may establish funding levels for the College and University, but once that funding is established, control over the funds is to be delegated to each institution's governing board and administration. In addition, since both institutions make long-term commitments to students and faculty for the delivery of educational programs and services, it will be important for any financial reallocations to be handled in a manner that permits the institutions to fulfill those long-term commitments as best as possible.

Again, we appreciate the opportunity to express an opinion on this very important matter

Sincerely,

*Martha Balshem* <sup>bn</sup>

Martha Balshem  
Associate Director

MB/bm

Cc: Barbara Beno, Executive Director, ACCJC  
Ralph Wolff, Executive Director, ACSCU  
Herominiano delos Santos, President, Guam Community College  
Helen Whippy, Senior Vice President for Academic and Student Affairs, University of Guam

WESTERN ASSOCIATION OF SCHOOLS & COLLEGES  
ACCREDITING COMMISSION FOR SENIOR COLLEGES & UNIVERSITIES



December 12, 2003

Harold L. Allen  
President  
University of Guam  
UOG Station  
Mangilao, Guam 96923

Dear President Allen:

You may recall I wrote on June 12, 2003, expressing my concerns regarding possible legislation affecting the University, and the implications for the University's accreditation. It is my understanding that, since that letter was written, efforts continue to initiate changes that would impact the University and its accreditation. It is necessary to write another letter in advance of possible action because, if my understanding of the actions proposed is correct, should the actions be taken by the Governor or legislature, I regret to inform you that there is a possibility that such actions may lead to the institution no longer being eligible for WASC accreditation. Given such significant consequences, we would prefer to have the proposed actions reconsidered rather than for all of us to deal with the potential consequences afterwards.

The first action, as I understand it, is for the University to be included in a government-wide reorganization and, thus, treated as a regular part of the Guam government, subject to all of the same regulations and procedures as any governmental agency. The Senior College Commission of WASC only accredits institutions of higher education. It does not accredit governments or governmental agencies.

The Commission has established basic eligibility requirements for all higher education institutions. Most fundamental is the existence of the institution as an independent or autonomous organization with governance in the control of a governing board. It is the most basic characteristic of higher education that public education is a public good worthy of governmental support, but because of the special nature of higher education, it is not government itself. The very function of an institution of higher education is to be able to operate with a separate governance structure, with academic freedom, with a curriculum that is not controlled by a governmental agency, and with sufficient autonomy to design and monitor its own affairs.

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*Adjunct Academic Director*

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*Executive Operations Manager*

Including the University in the government as a branch or agency of the government would violate this fundamental tenet. Thus, if I understand the situation accurately, such a move would likely render the institution ineligible for accreditation by the Commission.

As I wrote in my letter of June 12, 2003: "By legislative authority, and under the Standards of WASC, the authority to operate the University and to make decisions regarding its organization and operation is delegated to the Board of regents, and through the board, to the administration and faculty of the University." This position is still the case, and the Commission would expect that the University maintain the governance structure giving the board of Regents authority to manage the affairs of the University.

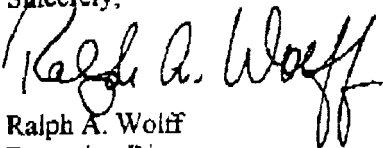
I would also comment that in the course of previous reviews the Commission has acted to have the University detach itself from the civil service in order to have faculty and administrators work within an academic framework. Should the University be required to revert all of its employees into the civil service, serious questions would arise as to whether it is possible for the University to operate within the framework of Commission Standards.

I also understand that legislation continues to be pursued that would require oversight of possible University reorganization actions through public hearings or other actions of the legislature. As I wrote in my letter of June 12, 2003, such action would be a restriction on the authority of the University to operate with autonomy and subject the University's organization to political oversight. This would violate Commission Standards and reflect the lack of appropriate institutional autonomy.

It is possible that I do not fully understand the situation. The Commission desires that the government and citizens of Guam have a publicly supported institution that assures quality and appropriate independence from governmental intrusion and control. If it would be useful, I would be glad to discuss the Commission's Standards and these issues by a conference call with you and others you think appropriate.

Please let me know if you have any questions about my comments. Please let me know if you wish to arrange such a conference call.

Sincerely,



Ralph A. Wolff  
Executive Director

cc: Helen Whippy, WASC Accreditation Liaison Officer  
Barbara Beno, Executive Director, ACCJC