

**UNIVERSITY OF GUAM
BOARD OF REGENTS**

RESOLUTION NO. 85-22

**RESOLUTION OF THE BOARD OF REGENTS RELATIVE TO AMENDING
THE TUITION CREDIT POLICY OF THE UNIVERSITY OF GUAM**

WHEREAS, the Board of Regents on June 20, 1985, approved a tuition credit policy for faculty, administrators and staff at the University of Guam; and

WHEREAS, a subsequent opinion of legal counsel indicated that the tuition credit policy, insofar as it applies to dependents of classified employees, is inconsistent with certain provisions of Title 4 of the Guam Code Annotated relating to the compensation of classified employees; and

WHEREAS, the Board of Regents desires to amend this tuition credit policy to be consistent with all applicable local statutes;

NOW, THEREFORE, BE IT RESOLVED that the tuition credit policy of the University of Guam adopted by the Board on December 19, 1985, is hereby amended as follows:

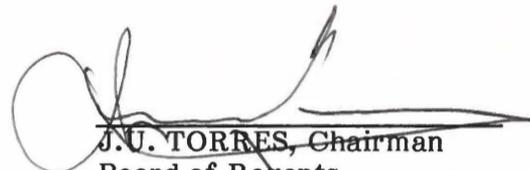
1. Under the category "Dependents", paragraph (1) should read as follows:

"Dependents of any bona fide, full-time member of the UOG faculty, administration, or any other unclassified employee shall be allowed to enroll for UOG catalog listed courses on the semester course list, paying tuition for the first semester of enrollment only. For each credit hour completed successfully ('C', 'pass' or better) the dependent shall be given tuition credit which will be applied to courses enrolled in during subsequent semesters. This tuition credit will be allowed for no more than 124 undergraduate credits nor more than 36 graduate credits. The term 'dependents' shall include the spouse or any member of the immediate family of the faculty, administration, or any other unclassified employee of the University, to be interpreted to include any high school graduate or equivalent who is listed as a dependent upon that member's income tax return."

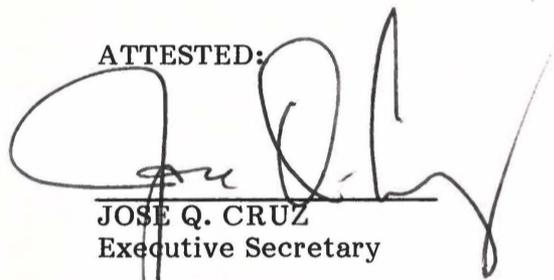
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2. The remaining provisions of the tuition credit policy previously adopted shall continue in full force and effect.

Adopted this 19th day of December, 1985.



J.U. TORRES, Chairman
Board of Regents

ATTESTED:

JOSE Q. CRUZ
Executive Secretary

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MEMORANDUM

TO: University of Guam, Board of Regents
FROM: Legal Counsel
RE: Proposed Tuition Credit Policy
DATE: December 17, 1985

In a meeting on December 4, 1985, the BOR Academic and Personnel Committee requested legal counsel to review an earlier opinion regarding a proposed tuition credit policy. The proposed policy would permit all of UOG support staff and their dependents to enroll in University classes and to receive tuition credits that could be applied to courses enrolled in during subsequent semesters. In a legal opinion dated September 6, 1985 we expressed our position that this policy, insofar as it applies to classified employees and their dependents, is inconsistent with 17 GCA §16116. This statutory provision states that all matters relating to the employment of non-academic personnel shall be governed by Title 4 of the Guam Code Annotated and other personnel laws. We concluded since Title 4 did not contain provisions permitting government agencies to give their employees tuition credits or other similar fringe benefits, the University could not do so without legislative approval.

Upon further review we find we are able to partially modify our earlier opinion. Section 4106 of Title 4 of the Guam Code Annotated states that government agencies may adopt their own rules for the "Development of employee morale, welfare and training." Giving this provision a liberal interpretation, we conclude that the University can permit the tuition credit policy to apply to classified employees as part of a program of employee training. This interpretation seems consistent with the Legislature's intent since the ultimate cost to the University of permitting such tuition credits is modest and possibly lower than the cost of providing independent training programs. However, it is our opinion that this provision cannot be interpreted so broadly as to permit the University to include employees' dependents within the tuition credit policy. This question is primarily one of statutory interpretation and

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legislative intent. After reviewing all the relevant facts and rules we are unable to conclude that the Legislature intended by the adoption of this provision, to permit government agencies to incur the expense of providing such benefits to dependents.

We have reviewed other relevant provisions of the Guam Code, including those relating to the granting of scholarships, to determine if there existed any alternative means of justifying the proposed policy insofar as it relates to dependents. We are unable to find any statutory provisions that would enable us to alter our conclusion. We suggest, that if the University determines that the implementation of the full tuition credit policy is essential, then an attempt should be made to obtain favorable legislative action.

We have enclosed a Board Resolution which would amend the previously adopted policy to eliminate those provisions that granted tuition credits to employee dependents.

If you have any further questions in this regard, do not hesitate to contact us.


RONALD P. MORONI

RPM/cpb
(3893A)

Encl. ✓