

## CHAPTER 4

### College of Micronesia

**Editor's note:** The statutory provisions of this chapter are retained in this code for reference, since they were not explicitly repealed by PL 7-79, the College of Micronesia-FSM Act of 1992. However, most of these provisions are superseded and repealed by implication, since they contain subject matter specifically covered in the later College of Micronesia-FSM Act of 1992 (chapter 7 of this title).

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**§ 401. Established as a public corporation.**

The College of Micronesia, its rector and Board of Regents, is hereby established as a public corporation under the style of the College of Micronesia, comprised of the present Community College of Micronesia, the Micronesian Occupational Center, and such other schools as may be established by the aftermentioned Board of Regents or designated by law.

**Source:** COM PL 7-29 § 1; TT Code 1980, 41 TTC 151.

**Cross-reference:** The statutory provisions on the College of Micronesia-FSM are found in chapter 7 of this title.

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**§ 402. Purposes.**

The purposes of the college are to make high quality, post-secondary education available to the citizens of the Trust Territory, to conduct research, and to disseminate such knowledge and advanced learning as the Board may from time to time prescribe or the Trust Territory Government require.

**Source:** COM PL 7-29 § 2; TT Code 1980, 41 TTC 152.

**§ 403. Board of Regents—Membership.**

There shall be a Board of Regents of the College of Micronesia which shall consist of the following members who shall serve for the following terms:

(1) one member from each administrative district of the Trust Territory appointed by the District Administrator, with the advice and consent of the district legislature, to serve a term of four years; provided that the District Administrator shall submit his nomination to the district legislature for the first member appointed pursuant to this subsection on or before November 10, 1977; provided further, that at the first Board meeting the members appointed pursuant to this subsection shall by drawing lots designate three members to serve an initial term of two years.

(2) two members appointed by the High Commissioner to serve terms of four years, one of whom is noted in the Trust Territory for his accomplishments in the field of economic development and who is not a full-time employee of the executive or judicial branch of the Trust Territory Government at the territorial or district level, and the other of whom is a nonresident of the Trust Territory but who resides in the Pacific area who is well recognized in the field of education for his work with post-secondary institutions of learning: provided, that the High Commissioner shall submit his nominations to the Congress of Micronesia for the first members appointed pursuant to this subsection on or before November 10, 1977; provided further, that the High Commissioner shall designate one of the first two members appointed pursuant to this subsection to serve an initial term of two years; and

- (3) the chairman of the Trust Territory Board of Education, or its successor.

**Source:** COM PL 7-29 § 3; COM PL 7-130 § 15; TT Code 1980, 1 TTC 153; PL 1-82 § 1.

**§ 404. Board of Regents—Length of service of members.**

No person, except the chairmen of the Board of Education or its successor, and ex officio members, shall be eligible to serve more than eight consecutive years on the Board.

**Source:** COM PL 7-29 § 4; TT Code 1980, 41 TTC 154.

**§ 405. Board of Regents—Vacancies.**

Any vacancy on the Board of Regents shall be filled for the unexpired term in the same manner as originally filled. Three consecutive absences of a Board member from separately called meetings of the Board, called not less than 30 days apart, shall automatically create a vacancy in his seat. Upon determining a vacancy exists, the rector, or presiding officer of the Board in the absence of the rector, shall issue a notice of vacancy to all members of the Board and to the party or parties responsible for filling the vacancy. Any vacancy occasioned by failure to make a nomination to the respective legislative body charged with advice and consent within 60 days prior to the expiration of the previous term, or by failure to submit a nomination to the respective legislative body to fill a vacancy within 60 days of receipt of notice that such vacancy exists, or within 10 days of receipt of notice of rejection of a previously submitted nomination, shall be filled by the presiding officer or officers of the respective legislative body charged with advice and consent for the remainder of the unexpired term.

**Source:** COM PL 7-29 § 5; TT Code 1980, 41 TTC 155.

**§ 406. Board of Regents—Removal of members.**

Members of the Board may be removed only by a three-fourths vote of all other voting members of the Board of Regents before the expiration of their terms for incompetence, neglect of duty, or malfeasance. The Trial Division of the High Court of the Trust Territory is given original jurisdiction over any appeal for any such removal from the Board.

**Source:** COM PL 7-29 § 6; TT Code 1980, 41 TTC 156.

**§ 407. Board of Regents—Organization; Meetings; Quorum.**

(1) The Board of Regents shall meet and organize by the election of its officers in its annual meeting which shall be called on the third Monday of January each year. The Board shall meet at such other times as the Board shall

so determine or as otherwise specified by law. The rector may call a special meeting of the Board on his own initiative and shall call a special meeting of the Board upon the petition of one-third of its members. The bylaws of the Board shall provide that adequate written notice be given to all members of the Board prior to the convening of any Board meeting. The bylaws shall further provide that the Board shall regularly publish the minutes of its meetings.

(2) A quorum shall consist of a majority of all voting members. All business shall be conducted by a majority of those present unless otherwise provided by law or the bylaws of the Board.

(3) The first meeting of the Board shall be called by the chairman of the Trust Territory Board of Education, who shall preside as temporary rector until a permanent rector is selected.

**Source:** COM PL 7-29 § 7(1), (2), (3); COM PL 7-130 § 1; TT Code 1980, 41 TTC 157(1), (2), (3).

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#### **§ 408. Board of Regents—Officers.**

(1) At the first meeting of the Board, and annually thereafter, members of the Board shall appoint from their own body a rector, who shall preside at the meetings. At the same time they shall appoint from their own body a vice rector to serve as the presiding officer of the Board in the absence of the rector, and a secretary-treasurer of the Board. In the absence of the rector or [sic] vice rector at any meeting, the secretary-treasurer shall preside, and in the absence of all three, the Board may appoint a pro tempore officer to preside. Any vacancies in the offices of rector, vice rector, or secretary-treasurer shall be filled by the Board for the unexpired term.

(2) The rector, or presiding officer, shall sign all instruments required to be executed by the Board.

(3) The secretary-treasurer shall work closely with the budget and finance officer of the college in supervising the financial affairs of the college.

**Source:** COM PL 7-29 § 7(4), (5), (6); COM PL 7-130 § 1; TT Code 1980, 41 TTC 157(4), (5), (6).

**Editor's note:** In subsection (1) of this section, the word "or" is in the original, but the word "and" appears to be intended. (1982 Code)

#### **§ 409. Board of Regents—Executive committee.**

At every annual meeting of the Board, the members may appoint an executive committee for the transaction of business in the recess of the Board, which shall consist of not less than three nor more than five members, to serve for a period of one year or until the next regular annual meeting.

**Source:** COM PL 7-29 § 7(7); TT Code 1980, 41 TTC 157(7).

**§ 410. Board of Regents—Compensation.**

The members of the board shall receive per diem at standard Trust Territory Government rates while on the business of the college. Those members who are employees of the Trust Territory Government shall be granted administrative leave and receive their regular salaries while on the business of the college. Other members shall receive 30 dollars per day while on the business of the college.

**Source:** COM PL 7-29 § 7(8); TT Code 1980, 41 TTC 157(8).

**§ 411. Powers of the Board of Regents.**

The Board of Regents shall have general management and control over the affairs of the college, and to this end, shall the powers to:

- (1) adopt, amend, and repeal bylaws governing the conduct of its business and the performance of the powers and duties granted to or imposed upon it by law;
- (2) appoint and terminate such officers of the Board as it deems necessary, or as required by law;
- (3) fix, in its discretion, the rates charged the students of the college for tuition, fees, and other necessary charges;
- (4) confer such degrees and grant such diplomas and certificates as colleges of like stature are usually authorized to confer or grant;
- (5) appoint, evaluate the performance of, and terminate the services of the president of a school;
- (6) establish policies and approve procedures for the appointment of all faculty members and the granting of tenure to any faculty member;
- (7) establish policies and approve procedures for the granting of full and partial scholarships or fellowships to students for educational purposes, and, in its discretion, approve methods by which individual students may work for the college in some suitable capacity and have such labor credited against their tuition;
- (8) establish annual lists of fields of study of National priority for post-secondary and graduate levels of training;
- (9) award all student loans and scholarship grants, unless the provisions of the loan or grant specifically require otherwise, for attendance of Micronesian students at post-secondary and graduate institutions within Micronesia or abroad, based upon the quality of the institution and the relevancy of the intended instruction to National development priorities of Micronesia;
- (10) acquire in any lawful manner any property, real, personal, or mixed, tangible or intangible, or any interest therein; to hold, maintain, use, and operate the same; and to sell, lease or otherwise dispose of the same at such time, in such manner, and to the extent deemed necessary to carry out its purposes; provided that any real property granted to the college without cost by the Trust Territory Government or any political subdivision thereof, or by any other legal entity capable of receiving and holding public land in the Trust Territory shall revert to said Government, political subdivision, or legal entity upon the cessation of active use by the college;

(11) enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of its business and on such terms as it may deem appropriate with any agency or instrumentality of the United States, or with any State, territory, or possession or with any political subdivision thereof, or with any other foreign government, or agency, instrumentality, or political subdivision thereof, or with the Trust Territory Government, or any agency, instrumentality, or political subdivision thereof; or with any person, firm, association, or cooperative;

(12) determine the character of and the necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid, subject to the provisions of law specifically applicable to the college;

(13) borrow money from time to time; provided, that no debt of the college shall be secured by real property granted to the college without cost by the Trust Territory Government or any political subdivision thereof, or by any legal entity capable of receiving and holding public land in the Trust Territory;

(14) execute in accordance with its bylaws, all instruments necessary or appropriate in the exercise of its powers;

(15) establish such policies, rules, regulations, and standards as it may deem necessary for the effective operation of the college, including the establishment or approval of rules, regulations, and standards governing the admission, discipline, and removal of students;

(16) establish policies and approve procedures for the maintenance of such departments and courses instruction and for the undertaking of such research projects and programs as it deems appropriate of as may be required by law;

(17) provide for a program of workman's compensation for employees of the college equal to, or greater than that available to persons of similar employment with the Trust Territory Government;

(18) take such other actions and assume such other responsibilities as may be necessary or appropriate to carry out the duties conferred upon it by law; and

(19) incorporate into the College of Micronesia such technical and research establishments, including the Micronesian Mariculture Demonstration Center in Palau, as the Board of Regents might deem necessary or appropriate to ensure a quality program of instruction and research which is relevant to National development priorities of Micronesia; and to acquire personnel and all property, whether real or personal, tangible or intangible, of any such establishment as may be transferred to the College of Micronesia.

**Source:** COM PL 7-29 § 8; COM PL 7-130 §§ 2-7; TT Code 1980, 41 TTC 158; PL 1-82 § 2.

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#### **§ 412. Suits.**

The college may sue and be sued in its corporate name; provided that it shall be subject to suit only in the manner provided for suits against the Trust Territory Government; provided further, that any liability incurred by the college shall not be a liability of the Trust Territory Government or any subdivision thereof. The chancellor of the college, the secretary-treasurer of the Board of Regents, the rector of the Board of Regents, or, in the absence of the

rector, the vice rector of the Board of Regents are authorized to accept service or to be served on behalf of the college.

**Source:** COM PL 7-29 § 9; TT Code 1980, 41 TTC 159.

### **§ 413. Funding.**

The Board of Regents may receive, manage, and invest moneys or other property, real, personal, or mixed, which may be appropriated, granted, given, bequeathed, devised, endowed, or in any manner received from any source for the purposes of the college's improvement or adornment, or for the aid of students or faculty, and in general may act as trustee on behalf of the college.

**Source:** COM PL 7-29 § 10; TT Code 1980, 41 TTC 160.

### **§ 414. Budget constraints—Overspending.**

The college shall have a budget for each fiscal year which reflects the amount of money available for the operation of the college. Any person who overobligates or overexpends the funds available and budgeted for any purpose or department of the college shall be personally liable for the resulting deficiency.

**Source:** COM PL 7-29 § 11; TT Code 1980, 41 TTC 161.

### **§ 415. Duties of the College of Micronesia budget and finance officer—Bond.**

(1) The College of Micronesia budget and finance officer shall be the chief fiscal, accounting, and budget officer of the College of Micronesia. As such, he shall receive and disburse all funds of the college including all its subdivisions.

(2) Before entering into his duties, he shall execute, at the expense of the college, a good and sufficient bond in the sum of not less than \$20,000 or such greater sum as may be established by the Board. Said bond shall be with one or more sufficient sureties authorized to do business in the Trust Territory, shall be approved as to form by the High Commissioner, and shall be filed with the Attorney General.

(3) The budget and finance officer shall be selected by the Board, and will at all times be under the direct supervision of the Board. He shall serve at the discretion of the Board of Regents.

**Source:** COM PL 7-29 § 13; TT Code 1980, 41 TTC 163; PL 1-82 § 4.

### **§ 416. Accounts; Reports.**

(1) The College of Micronesia budget and finance officer shall be responsible for ensuring that proper and

complete books of account are kept reflecting all income, expenditures, assets, and money of the college, including appropriations, gifts, property, tuition, fees, and other funds.

(2) The Board of Regents shall publish not later than 45 days after the close of each fiscal year a complete report showing the activities of the college during the fiscal year, the present condition of the college, the financial status of the college, and such other matters as the Board shall deem appropriate.

(3) In addition to any other audits provided for by law, the Board shall select either the Trust Territory auditor or an independent auditor selected by the Board who shall inspect and audit all accounts of the college at least annually, and report thereon to each governmental entity within the Trust Territory.

**Source:** COM PL 7-29 § 14; COM PL 7-130 § 9; TT Code 1980, 41 TTC 164; PL 1-82 § 5.

**§ 417. Modification of personnel system; Retention of outside legal counsel; Contracts for maintenance and construction; Establishment of finance and accounting department and purchasing system.**

The Board of Regents may, by appropriate majority resolution directed to the High Commissioner, do the following:

(1) establish or modify its own personnel system and policies independent of the Trust Territory Public Service System, the Trust Territory Personnel Board, and the Trust Territory Department of Personnel; provided that until such personnel system and policies are established or modified, the college shall be subject of the provisions of former title 61 of the Trust Territory Code and applicable public employment regulations thereunder; provided further, that any such modified personnel system shall honor any existing employment contract of any employee of the college with the Trust Territory Government for the duration of that contract;

(2) retain outside legal counsel in lieu of the Attorney General; provided that until such action is taken by the Board, the Attorney General will continue to provide legal assistance to the college;

(3) contract for outside maintenance, repair, and construction work in lieu of using the services of the Department of Public Works or other Trust Territory departments or services; provided that until such action is taken by the Board, the Department of Public Works will continue to provide such services to the college; and

(4) establish a finance and accounting department and purchase supplies, equipment, and materials through its own purchasing department in lieu of using the services of the Trust Territory Department of Finance; provided that until such action is taken by the Board the Trust Territory Department of Finance will continue to provide such services to the college.

**Source:** COM PL 7-29 § 15; COM PL 7-130 § 16; TT Code 1980, 41 TTC 165; PL 1-82 § 6.

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**§ 418. Evaluation of the college.**



(1) The Board shall, prior to the conclusion of each school year, cause an independent survey to be conducted among students and faculty of the college evaluating the quality of administration, the quality of course instruction, the effectiveness of the faculty and such other matters as the Board may deem appropriate, and shall transmit a copy of the results of the survey to each governmental entity within the Trust Territory, and the chairman of the Trust Territory Board of Education or its successor within 30 days of the conduct of the survey.

(2) Commencing in 1980, and every five years thereafter, the chairman of the Trust Territory Board of Education shall contract for an independent and comprehensive evaluation to be made of all aspects of the administration, education, and research activities of the college, and a report of the evaluation shall be transmitted by the chairman to the rector of the college, the High Commissioner, and each governmental entity within the Trust Territory within 90 days of the conclusion of the evaluation.

**Source:** COM PL 7-29 § 16; COM PL 7-130 § 10; TT Code 1980, 41 TTC 166; PL 1-82 § 7.

#### **§ 419. Continuance of district-government assistance functions.**

Public utilities services shall be provided by the respective district governments to the college without cost to the college. Housing and maintenance services now available to the college, or their equivalents, shall continue to be made available to the college without costs.

**Source:** COM PL 7-130 § 13; TT Code 1980, 41 TTC 167; PL 1-82 § 8.

#### **§ 420. Exemption from taxation.**

The college, its property, revenues, and income are exempt from taxation by the Trust Territory Government or its political subdivisions.

**Source:** COM PL 7-130 § 14; TT Code 1980, 41 TTC 168; PL 1-82 § 8.

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