



Ronald L. McNinch-Su, Ph.D.  
[REDACTED]

November 8, 2022

RE: Letter of Warning.

Dear Dr. McNinch:

In accordance with Article X.C.1.b of the Negotiated Agreement between the Board of Regents of the University of Guam (UOG) and the UOG Faculty Union, American Federation of Teachers, Local 6282 (Union), December 1, 2018 – April 30, 2023 (Agreement), and after considering the statements made by you, your representative Arun R. Swamy, and L. Robert Barber, Jr., Union President during our November 1, 2022 meeting, and after considering the Union's Letter dated October 31, 2022, I find that the email you sent to members of the public media on October 24, 2022 attached herein as Exhibit A violates Article VII.P of UOG's Rules, Regulations, and Procedures Manual (RRPM) which states that official UOG news releases and advertisements shall be distributed to the public media through the Public Relations Officer in the Office of the President upon request of the Dean, Director, faculty, staff, student, alumni or administrative officer concerned because the release to the public media did not follow this procedure. The statements made during our meeting that you believed that you were sending the email in your personal capacity and that you were sending it to your "friends" are not supported by the record in this matter. Specifically, you sent out the email using [REDACTED] which is your official UOG email account. You state in the email that you are sending it as "Chair of Public Administration and Legal Studies" which is one of your official positions at UOG. You addressed the email to [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED]. As a result of your actions some of the recipients of these emails published news stories concerning the statements you made the email and you either knew or should have known that they would do so.

I find that the statements in the email violated Article X.E.12 of the Faculty Union Agreement were insulting, rude, and belligerent to the political candidates that were invited to participate in the Great Debate. The statements made during our meeting that they were "boilerplate stuff," or "cheerleading" or "standard fare" are not supported by the record. Specifically, you state in the email that "Who ever does not show up will not win this election," "If you dont show up, you wont win [SIC]," and "Do not play with the University of Guam and our students," are insulting, rude, and belligerent to the candidates that were invited to participate in the Great Debate. Of particular note is that had you followed the procedure in Article VII.P, UOG's RRPM, these offensive statements would likely have been omitted from the email.

I find that the email attached herein as Exhibit B violates Article IV.J, UOG RRPM, which prohibits political activity in contravention of Guam's Mini-Hatch Act as well as 4 G.C.A. §5103(a), which is a section of that act, that prohibits UOG employees from using their official authority or influence for the purpose of interfering with or affecting the result of an election because you were trying to influence whether the Administrators and faculty members receiving the email would vote in the 2022 General Election and you were trying to influence or discourage them for voting for some of the political candidates in that election. The statements made during the meeting that UOG may not impose disciplinary actions for UOG employees violating Guam's Mini-Hatch Act have no merit. Be advised that as a member of UOG's faculty, you are subject to the provisions of the UOG-Faculty Union Agreement. That Agreement states authorized causes for disciplinary action, including adverse action, against a Faculty member include violation of any provision of the University policy, rules and regulations. Article X.E.18, UOG-Faculty Union Contract. UOG's RRPM states that political activities by faculty, administrators, and other unclassified employees of the University of Guam shall be

governed by the laws of the Government of Guam. Article IV.J, UOG RRPM. Hence, a violation of Guam's Mini-Hatch Act would violate Article IV.J, UOG RRPM, and can be the subject of disciplinary action pursuant to Article X.E.18, UOG-Faculty Union Contract. The statements made in the meeting that the email did not attempt to influence how the UOG Administrators and faculty receiving the email vote in the upcoming General Election have no merit. In the email you advise the UOG Administrators and faculty receiving the email to "stay out of this election," and then you proceed to state which political party may or may not have a majority in the Guam Legislature or who may or may not be elected as Governor.

Finally, I find no merit in the statements that were made in the meeting that sending the emails attached herein as Exhibits A and B were proper exercises of your right to "Academic Freedom" or "Free Speech." Those rights do not excuse you from complying with Article VII.P and Article IV.J, of UOG's RRPM or exonerate your violations of these Articles as set forth above. These violations are serious because they threaten UOG's political neutrality as the organizer of the Great Debate. Further, attempting to coerce political candidates to participate in the debate or threatening to stand-in for the ones who do not appear at the debate is not conducive to encouraging the voluntary participation of the candidates in the debate and maintaining the public's confidence in UOG's political neutrality in conducting the debate.

Accordingly, you are hereby WARNED that if you violate Article VII.P and Article IV.J, of UOG's RRPM again, you will be subject to disciplinary action in accordance with Article X of the UOG-Faculty Union Contract and that such disciplinary action may be in the form of an adverse action. This letter of warning will be placed in your Official UOG Personnel File. You are hereby directed to submit, within thirty (30) days after receiving this letter, a development plan for the next great debate that describes what measures you will take to prevent violations of Article VII.P and Article IV.J, of UOG's RRPM from occurring again. That development plan shall also include a full accounting of the \$20,000 identified in the email attached herein as Exhibit A, to include where those funds are deposited and how they will be used now that the Great Debate has been cancelled.

Sincerely,

  
Thomas Krise (Nov 7, 2022 19:16 HST)

THOMAS W. KRISE, PhD  
President



**EXHIBIT A**

**From:** RONALD L MCNINCH [REDACTED]  
**Sent:** Monday, October 24, 2022 7:08 PM  
**To:** MPA Cohort2022; ROSEANN M JONES; FRED R SCHUMANN; PALS FT FACULTY  
**Cc:** Iris Lapid; [REDACTED]; Jonas Macapinlac; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]

**Subject:** Directive from Chair of Public Administration and Legal Studies

Dear Students,

Thank you so much for your efforts and the \$20,000 you raised in car washes and research projects to fund the great debates. This is a major production.

Do not fear. As Chair of Public Administration and Legal Studies, the Great Debate will occur and I, as chair, or other faculty member in our division will argue with appropriate zealously, the side(s) that do(es) not appear. The voters of Guam deserve to have issues debated and argued. I can stand in for Felix Camacho or Lou Leon Guerrero, you know I will. I debate very well. Who ever does not show up will not win this election. It is just that simple. This is political calculus everyone can understand.

This is reality. Let everyone else play politics. The Great Debate will Go On!

Do not play with the University of Guam and our students!

Sincerely, Ron McNinch Chair

PS: May the team with the most votes win. If you dont show up, you wont win.

## EXHIBIT B

**From:** RONALD L MCNINCH [REDACTED]  
**Sent:** Monday, October 24, 2022 8:12:18 PM  
**To:** Krise, Thomas [REDACTED]; ROSEANN M JONES [REDACTED]; Dr. Anita Enriquez [REDACTED]  
**Cc:** NORMAN S ANALISTA [REDACTED]; Jonas Macapinlac [REDACTED]; FRED R SCHUMANN [REDACTED]; Dr. JUDITH P GUTHERTZ [REDACTED]  
**Subject:** Great Debate Update: FYI

Dear Colleagues,

My collegial advice: stay out of this election.

The legislature may remain republican 8-6 but not sure  
It may be 9-6 dem.

Felix could win 50-49 but not sure.

It could also flip back to 51-49.

On the other hand Lou could spring out to 60/40. But  
this is a spin view. The daily numbers for Guam are  
crazy. I think governor is lou at 53-47. But this is a very dynamic election.

Lou's people believe it is set. I think it is closer than others.

So my point is simple: it is easy to think that that the 2018 election holds it is one point. But  
they forget, off island pollsters are lied to...

so ?????

ps the lou hacks will say different .. beware






# Letter of Warning to R. McNinch 11-8-22

Final Audit Report

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