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PUERTO RICO COUNCIL OF HIGHER EDUCATION

DEPARTMENT OF STATE

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By:



Assistant Secretary for Services

REGULATION FOR GRANTING LICENSES TO
INSTITUTIONS OF HIGHER EDUCATION IN PUERTO RICO

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CHAPTER I

GENERAL REQUIREMENTS

STATEMENT OF PURPOSE

The Puerto Rico Council of Higher Education (PRCHE) was created by Act Number 17 of June 16, 1993, as amended, also known as the "Puerto Rico Council of Higher Education Act," to secure, encourage, and develop higher education in the country so as to achieve excellence in the academic preparation of its citizens.

The Council is the governmental organism responsible for the quality of the academic offerings of public and private institutions of higher education in Puerto Rico. Its mission is to guarantee that all institutions provide citizens with the necessary knowledge and optimum skills in order to be able to succeed in their discipline or specialization of choice.

The Council will exercise its leadership by promoting, coordinating, and planning higher education through research development, through collaboration with institutions of higher learning in illustrative projects, and by spreading the latest knowledge within the autonomous framework of the institutions under its jurisdiction. It will also foster access to higher education and will promote a climate of participation, collaboration, and dialogue in order to obtain an effective coordination among of its components.

The Council enacts this Regulation in order to establish the norms and procedures which will govern the licensing of the institutions of higher education in Puerto Rico in order to promote the quality, strengthening and development of these institutions. This Regulation replaces Regulation Number 6543, filed on October 31, 2002, under the authority of Act Number 17, of June 16, 1993, as amended.

Among its faculties and duties, relating to the licensing of institutions of higher education, the Council is required to:

- a. Foment and support higher education in Puerto Rico in order to secure the quality of the academic offer.
- b. Adopt and enact objective norms in order to authorize, renew, and amend the license to operate as an institution of higher education in Puerto Rico.
- c. Promote a plan which will guarantee that academic degrees conferred in Puerto Rico are given the highest possible value.

- d. Deny, suspend, cancel, or modify any license granted to any institution of higher education that does not comply with the provisions of Act 17 of 1993, or with this Regulation.
- e. Sign agreements with national, regional, and professional accrediting entities for evaluative purposes in order to avoid redundancy in evaluation procedures.

The Regulation recognizes the significance of the mission of institutions of higher education and how important it is that they carry out their obligation toward the students and the community they serve. It equally recognizes the importance of diversity within higher education and that our institutions develop in an atmosphere of freedom, constant readjustment, and openness to change and individual initiative.

Article 1 - Title

These norms will be known as "Regulation for the Granting of Licenses to Institutions of Higher Education in Puerto Rico."

Article 2 - Legal Authority

This Regulation is issued under the protection of Article 7(2), Article 15(6), and other provisions of Act Number 17, of June 16, 1993, as amended, and of Act Number 170, of August 12, 1988, as amended.

Article 3 - Separability

The provisions of this regulation are separate from each other and the annulment of one or more of them will not affect others which may be applied independently of those that have been annulled.

Article 4 - Effectiveness

This Regulation will come into effect as soon as the procedures required by law are completed, such as the approval and registration by the corresponding authorities of the Commonwealth of Puerto Rico. Any amendment will come into effect on the date of its approval by the Council of Higher Education, or on the date which appears in the amendment, subject to the aforementioned approval and registration procedures.

Article 5 - Scope

Section 5.1 - General Application

The norms that appear herein will apply to any individual or corporation, or groups of them, that operate an institution of higher education in Puerto Rico; or in any way state, promise, announce, or express the intention of conferring grades,

diplomas, certificates degrees, or any other such recognition considered herein to be of higher education in Puerto Rico.

Section 5.2 - Religious Programs

This Regulation will not apply to those courses and programs which lead to a degree in religion whose only purpose is to obtain employment or engage in activities of a particular religion or sect of a specific orientation. In order to protect the public interest, the institution interested in offering courses religious in nature and programs which lead to a degree in religion must notify the Council about the nature and scope of the offerings.

The PRCHE will analyze the information and will determine which courses and programs are exempt from licensing. The institution is responsible for orienting the students and candidates as to the reach of the degrees it bestows.

Section 5.3 - Military Establishments

The Council will not have jurisdiction over the offerings of institutions which provide educational services leading to degrees in higher education in military establishments of the United States Armed Forces located in Puerto Rico, if these are limited to students in active military service and their dependents. The Council will exercise its jurisdiction when said services are offered to other civilians. In that case, the Council will follow the policy established by the Congress of the United States to that effect.

In order to protect the public interest, the institution interested in offering courses and programs leading to degrees of higher education within military establishments in Puerto Rico must notify the Council about the nature and the reach of the offerings.

The PRCHE will analyze the information and will determine the courses and programs which are exempt from licensing. The institution is responsible for orienting the candidates and students about the scope of the degrees it grants.

Article 6 - Repeal of Previous Norms

Any regulation, certification, procedure, guideline, norm, or other normative action taken, adopted, or enacted by the Council of Higher Education that is inconsistent with the present Regulation is specifically repealed.

Article 7 - Interpretation and Unforeseen Subject Matter

Section 7.1 - Interpretation

This Regulation should be interpreted according to its purpose and to its norms in harmony with the public policy established in Act 17 of 1993, and Act 170 of 1988, as amended. The interpretations of the Council will be published in the corresponding certifications.

Section 7.2 - Unforeseen Subject Matter

The determinations made by the Council of Higher Education in subject matters or affairs unforeseen by this Regulation and which fall under the umbrella of Act 17 of 1993, and Act 170 of 1988, will harmonize with said legislation.

Article 8 - Order of Precedence

The regulations that will govern the field of higher education in Puerto Rico shall have the following order of precedence:

- a. Act Number 17 of June 16, 1993, The Puerto Rico Council of Higher Education Act, as amended;
- b. Act Number 170 of August 12, 1988, the Uniform Administrative Procedure Act, as amended;
- c. Regulation for the Granting of Licenses to Institutions of Higher Education in Puerto Rico;
- d. Regulation for Adjudicative Procedures before the Council of Higher Education in Puerto Rico, as certified by the Council;
- e. Resolutions of the Council of Higher Education, evidenced by the corresponding certifications;
- f. Guidelines approved by the Council of Higher Education for the implementation of specific duties under the preceding sources authorities.

Article 9 - Amendments

This Regulation may be amended by the Council on its own initiative or at the request of one party.

Article 10 - Definitions

The following terms (and their derivatives) will have the meaning indicated herein, unless the context in which the terms are used clearly points to a different meaning. The words, terms, phrases, and other expressions used in this Regulation and in other related Council documents expressly defined in this Article shall have the usual meaning given to them in the academic community, except if the context in which they are used clearly points to a different meaning.

1. Accreditation - the process by which an institution of higher education attains official recognition by an accrediting body duly recognized by the Department of Education of the United States and by the Council. This recognition distinguishes the institution, or a specific program, for operating at levels of accomplishment, quality, and integrity recognized by the academic community as going above and beyond those required for licensing. This process is voluntary and is initiated by the institution.
2. Higher Education Analyst - a specialized official, who guides and advises in how to apply the evaluation criteria and elements to the institutions of higher education, the advisory board, the members of the PRCHE, students, and the community at large. This official analyzes the information and documentation submitted by the Institutions during the application for authorization, renewal, and amendments to the license according to the regulation requirements and evaluation criteria, and plans the process. The analyst makes recommendations to the Council during the evaluation process. He or she analyzes documentation that has been challenged and participates in administrative proceedings of reconsideration before the Council and the courts. This official may be appointed member or advisor to the Advisory Board.
3. Consultant - a specialist appointed by the Council as a professional resource to assist the members of a Advisory Board, the Higher Education Analyst, or both, during the evaluation, the analysis, the recommendation, and the continuity mentioned in this Regulation. This advisor may belong to the Advisory Board.
4. Approval - action taken by the PRCHE as a result of the evaluation of an application for a license of authorization, of renewal, or of an amendment to the license or report.
5. Authorization - action taken by the PRCHE to initiate a substantial change as stipulated in Section 59.3, which has yet to be evaluated.

6. Authorization to operate - permission granted to an institution to operate and carry out specific academic offerings in Puerto Rico, during the time and place or places indicated in the license, or in the Council certification complementing the license.
7. Significant changes - certain actions undertaken by an institution that do not modify or alter its structure, its academic offerings, or the manner or sphere of its operation. Even when these do not require an amendment to the license they may have a considerable impact on the institution. These actions include the categories listed under Article 62 and require that the Council be notified in writing as soon as the change has been put into place.
8. Substantial change - any action by an institution that constitutes a modification or alteration to its structure, its academic offerings, or the sphere of its operation. These actions have not been authorized or contemplated in the license which permits the institution to operate as an institution of higher education. It includes the categories listed under Sections 59.2 and 59.3 of this Regulation. These changes require an amendment to the license.
9. Catalogue - an official document in which the agreements, rights, and responsibilities between the institution and the student are established.
10. Certificates - an official recognition which requires having completed a program of organized study, designed for persons who hold a university degree.
11. Certificate of Undergraduate level - an official recognition of a curricular structure that is made up of an associate degree or a baccalaureate degree.
12. Certificate for a level higher than a baccalaureate - an official recognition of a curricular structure that is made up of courses at a masters or doctorate level.
13. CIP Code- (*Classification of Instructional Programs Code*) - a code developed by the Centre for National Statistics in Education of the Department of Education of the United States which provides a taxonomy that supports the monitoring, the evaluation, and the information related to the culmination of the programs and the fields of study.

14. Committee for Licensing and Accreditation - designated members of the Council who answer to and present recommendations before this body having to do with matters presented by the Advisory Boards of the Division for Licensing and Accreditation.
15. Concentration - a body of courses, subject matter, or educational offerings within a baccalaureate degree program, organized in such a way as to confer the right to those who complete it to receive a formal academic recognition from the institution which provides it.
16. Council (PRCHE) - Puerto Rico Council of Higher Education.
17. Consortium - a collaboration agreement between institutions of higher education or between these and distinguished entities of a different nature that may lead to the granting of, at least, one academic degree.
18. Control over the operation - ownership, direct or indirect, of the power to manage the administration and the policies of an institution of higher education, be it through acquired rights through stock ownership, or by a contract, or any other way.
19. Validation of criteria - process through which the Council considers the findings and determinations of an accrediting entity, as part of the application of renewal of an institutional license, in order to determine which evaluation criteria may be used as equivalent to those established in this Regulation.
20. DLA - Division of Licensing and Accreditation created and attached to the Council, known as the Office of Licensing and Accreditation under Act 17 of 1993.
21. Proprietor - any individual or corporation, or group of them, that operates an institution of higher education in Puerto Rico.
22. ELA - Spanish acronyms for Commonwealth of Puerto Rico.
23. Assessment elements - the different areas to be considered by the Advisory Boards or by the Council when assessing the applications for licensing or amendments to a license submitted by institutions of higher education. These are as follows: physical installations; the experience and credentials of the administrators; financial capacity; the sufficiency and level of the programs designed to develop the skills and knowledge of the students; experience and academic credentials of the faculty and their adaptation to institutional offerings; library resources; laboratories and

auxiliary teaching equipment; student services; personal security guarantees for the students and the academic community; and the public responsibility of the institutions. Each one of these areas will be assessed according to the criteria established in this Regulation.

24. Professional school - an educational unit organized as a separate institution, or as part of an institution of higher education, but having an independent curricular organization leading to one or more degrees in specific professions, such as law, medicine, and others.
25. Distance learning - an educational methodology by which the learner and the professors are not physically located in the same place. Distance learners use different support systems than traditional face-to-face learners use and, most of the time, find themselves in non-institutional surroundings as they carry out their academic activities. The teaching-learning process may be asynchronous or synchronous, carried out by information and communication technologies. It is highly planned and requires special techniques when designing curricula, and in teaching and communicating between student-professor and student-student.
26. Specialty - a group of courses, subjects, or academic offerings within a graduate program, organized in such a way as to allow whoever completes it to receive an official recognition from the institution.
27. Viability study - a formal study that satisfies the professional and adaptability requirements within the Puerto Rican community (based on fact analysis and validated information, on the circumstances that surround the probabilities of success of a proposal). It includes, among others, evidence that the initiative satisfies the professional and adaptability requirements that prevail within the Puerto Rican community as to the real possibilities of demand and sustainability. It takes into account the demographic and economic characteristics of the geographic area it hopes to serve, the location and enrollment of other institutions close by, the cost of the physical facilities, the necessary equipment and the way in which it will be financed, and financial projections which include detailed income and expenses. This will be required as part of the application for an authorizing license, and of the amendment applications for the establishment of a new institutional unit.
28. Graduate studies - studies that lead to a degree or an official academic recognition of a degree higher than a baccalaureate degree, such as a masters or a doctorate degree.

29. Undergraduate studies - studies that lead to a degree or to an official academic recognition that encompasses from an associate degree up to that of a baccalaureate degree.
30. Faculty - professors with academic preparation and professional experience who facilitate the teaching-learning process, research, and the use of technology in the institutions of higher education.
31. Full-time faculty - a staff of professors whose primary employment is to teach within each of their respective disciplines or related areas, to participate in research projects and in service to the community, according to the mission of each institution. It represents and guarantees the stability and continuity of the institutional academic vision, according to its philosophy. The time dedicated to the tasks and responsibilities of each will be in accordance with institutional policy.
32. Part-time faculty - professors in charge of teaching within their respective disciplines or related areas. Their tasks and responsibilities and the time spent on these will, be in accordance with institutional policy.
33. Federal - belonging to or related to the Federal Government of the United States of America.
34. Degree - academic credential recognized within the academic community in a level of higher education which evidences that whoever possesses it has completed specific formal studies which lead to an associate degree, a baccalaureate degree, a post-graduate certificate, a masters degree, or a doctoral degree.
35. Religious degree - a degree granted within the context of a religion or a religious sect for the specific purpose of preparing people to work in sectarian religious service, for educational or ministerial services of the same religion or sect; but not for employment outside of said religion or sect.
36. Corrective Action Report - a document required of the institution with respect to programmatic or institutional observations when the Council postpones the decision of whether or not to grant a license or an amendment to the license for the purpose of having the institution demonstrate it complies with the elements of evaluation. Approval of the report will be subject to compliance with the observations made by the Council by a specific date.

37. Compliance Report - a document required of an institution by the Council when it grants a license or an amendment to the license, with respect to institutional or programmatic observations. The institution must demonstrate it has complied with the observations made by the Council by a specific date.
38. Progress Report - a document submitted by the institution which includes an analysis of the development of each academic program approved by an amendment to the license since the last renewal of the institutional license.
39. Institution of higher education or institution - a public or private entity whose purpose is to offer academic programs that at least satisfy the requirements for a degree at the associate level or; in some way declares or promises the intent of bestowing degrees of higher education. It may be made up of one or more institutional units and has as an admissions requirement a high school graduation certificate or diploma.
40. Advisory Board - a group of persons designated by the Council to carry out the evaluation of an application of a license of authorization, of renewal, or an application of amendment of a license under Act 17 of 1993, and this Regulation.
41. Act 17 (or Act 17 of 1993) - Law Number 17 of June 16 of 1993, as amended. Known as the Puerto Rico Council of Higher Education Act.
42. Act 170 (or Act 170 of 1988) - Law Number 170 of August 12 of 1988, as amended. It is known as the Uniform Administrative Procedure Act.
43. License - a permit issued to an institution by the PRCHE when, as a result of an evaluation, it is authorized to operate, or continue to operate, in Puerto Rico, as an institution of higher education. It is granted according to the academic offer it is interested in offering, or to continue offering, in the place or places in which they are offered and the favorable outcome evidenced in the evaluation on the compliance with the requirements established under Act 17, and in this Regulation. There are two different kinds of license: Authorization and Renewal.
44. License of Authorization - a permit issued to an institution by the Council in order to begin operations in Puerto Rico as an institution of higher education with the academic offerings and the place or places indicated on the license, or the complimenting certification by the Council. The license of authorization will be issued for a period of time which will not exceed five years.

45. License of Renewal - a permit issued to an institution by the Council in order to continue operating as an institution of higher education in Puerto Rico with the academic offerings and in the place or places indicated on the license, or on the complementary certification issued by the Council. This license will be issued for a period which will not exceed ten years.
46. Licensing - a process by which the institutions of higher education prove that they comply with the requirements established within this Regulation and that they operate at certain levels of quality and efficiency. This process will be carried out by a group of peers, specialists in the different areas or disciplines.
47. Additional locality - any dependency located in a different place geographically that forms part of the educational system of an institution and whose academic offer does not exceed 75% of the courses, subject matters, or offerings that accumulate credits leading up to a degree, or in which an academic program leading up to a degree is offered during a specific period of time.
48. Educational levels - different academic levels of higher education which follow a specific progression: associate degree, baccalaureate, masters degree, and doctorate. Certificates are intermediate titles in between the different levels mentioned herein.
49. Academic offer - academic offerings in higher education authorized or approved for a specific institution under Act 17.
50. Academic offerings - any program, concentration, specialty, or any other academic denomination promoted or offered by an institution as a separate and predefined group of subject matters leading to a degree.
51. Course offerings in Puerto Rico - courses offered in a traditional face-to-face setting or through distance learning which lead up to a formal academic recognition within the jurisdiction of the Commonwealth of Puerto Rico.
52. Operating in Puerto Rico - offering courses in Puerto Rico for credit leading up to a degree, even if the degree is conferred elsewhere.
53. To grant degrees in Puerto Rico - the recognition by an institution of higher education authorized to operate in Puerto Rico that a person has

completed the course load of a specific program, no matter where the person is physically located.

54. Academic program - an area of study, subject matters or educational offerings at an undergraduate, graduate, or professional level organized by disciplines in such a way as to have the institution award an official recognition to whoever completes the program.
55. New academic program - refers to an academic program that has not been previously offered by the institution.
56. Formal academic recognition - a degree, or other official credential, which evidences the satisfactory completion of specific formal studies in higher education.
57. Regulation - refers to the Regulation for the Granting of Licenses to Institutions of Higher Education in Puerto Rico.
58. Regulation for Adjudicative Procedures before the Council of Higher Education in Puerto Rico - issued under the provisions of Act 17 of June 16, 1993, and Act 170 of August 12, 1988, currently in force.
59. Achievement of graduates - the aptitude demonstrated by the graduates of an institution based on the academic degrees granted to them which may be measured by standardized testing or similar instruments.
60. Institutional unit - the location at which an institution offers an academic program, courses, subject matters, or offerings with an accumulation of credits leading to a degree.
61. University - an institution of higher education that provides instruction in the arts and sciences, at least at the level of a baccalaureate and masters degree, and which evidences: (a) an institutional component of research and scientific and technological diffusion, in both the arts and the sciences; and (b) an institutionalized component of development activities, cultural diffusion and social responsibility.
62. Joint visit - an evaluation between the Council and an accrediting agency with the dual purpose of re-accrediting and renewing the license of an institution to operate in Puerto Rico.
63. Verification visit - an ocular inspection for the purpose of confirming the actions taken by the institution in order to comply with the programmatic and institutional observations and demonstrate compliance with the requirements established in this Regulation.

Article 11 - Reserved

Article 12 - Reserved

CHAPTER II

DIVISION OF LICENSING AND ACCREDITATION

Article 13 - Official name

The Office of Licensing and Accreditation of the Puerto Rico Council of Higher Education, created under Article 9 of Act 17, will be known as “Division of Licensing and Accreditation” (DLA). This Division will carry out the responsibilities related to the licensing and accreditation of the public and private institutions of higher education in Puerto Rico.

Article 14 - Specific functions

In compliance with Act 17, with this Regulation, and with the guidelines issued by the Council, the Division of Licensing and Accreditation will carry out the following functions:

- a. orient the academic community, the institutions subject to this Regulation and the public in general on how to comply with this Regulation;
- b. develop the evaluation forms and documents necessary to carry out evaluation procedures needed to guarantee compliance with the regulatory provisions;
- c. develop, publish, and distribute the necessary guides in order to comply with and actualize this Regulation;
- d. promote institutional and programmatic accreditation;
- e. establish and offer professional, administrative, and technical support to the Advisory Boards during the evaluations;
- f. act as a link between the institutions’ representatives, the members of the Advisory Boards, and the members of the Council of Higher Education;
- g. identify qualified persons available to become members of the Advisory Boards who will carry out the evaluations required by this Regulation, in coordination with the institutions ;

- h. create and update the registration of candidates for the Advisory Boards mentioned in Chapter IV of this Regulation;
- i. keep an up-to-date calendar of visits, reports, and other events, in coordination with the institutions and the Advisory Boards, having to do with the evaluations in progress;
- j. keep an up-to-date registry of the academic offer covered by the license, and its amendments, for each institution, that indicates the actual offer, those placed in moratorium, and those no longer offered;
- k. keep the Council informed when certain situations are anticipated or may have happened regarding:
 - 1. extraordinary events that affect the operation, the programs, or the services of a licensed institution;
 - 2. institutions that offer, or announce their intention to offer, degrees in higher education without complying with the requirements of the Act;
 - 3. events that may affect the calendar of procedures established in this Regulation, in order for the necessary measures and determinations to be taken;
- l. present to the Committee of Licensing and Accreditation and to the Council, in coordination with the Advisory Board, in pertinent cases, the evaluation results for licenses, for license amendments, and any other business related to the evaluation procedures;
- m. remain in the vanguard and advise the Council of any new developments, research, and advancements in the field of evaluation, licensing and accreditation in higher education and related areas;
- n. share the experiences accumulated throughout the evaluations with other programmatic divisions of the Council, in order to collaborate with the identification and elaboration of a common agenda that promotes the development of higher education in Puerto Rico;
- o. comply with any other responsibility or function that may be assigned under the different dispositions of this Regulation, or by the Council.

Article 15 - Reserved

CHAPTER III

LICENSES

Article 16 - General rules

Section 16.1 - Concept

A license is a permit granted to an institution by the Council in order to operate, or to continue operating, as an institution of higher education in Puerto Rico. It is granted as a result of a favorable evaluation of its compliance with the requirements established in this Regulation.

To that effect, the accompanying certification will indicate, in a taxative way, the institutional units, the academic offer, the physical address, the means of teaching/learning, and the term of the license. The license of authorization will be issued for a period of no more than five years, and the renewal license for a period of no more than ten years.

When a licensed institution is interested in carrying out a change defined in this Regulation as substantial, an amendment to the license is required. Once the amendment is approved, under the requirements established in Chapter VII of this Regulation, it will form part of the academic offer of the institution. The Progress Report of this amendment will be evaluated according to that established in Article 60.

Section 16.2 - Types of licenses

The Council will grant two types of licenses, License of Authorization and License of Renewal, according to that established under Act 17.

The establishment of consortia, pacts or other agreements of academic collaboration between educational institutions in Puerto Rico with educational institutions in the United States and other countries implying the operation of a foreign institution in Puerto Rico will require a license of authorization.

Section 16.3 - Application fees

Every application for a license of authorization, renewal, or amendment must be accompanied by the fee established by law and the guides approved by the Council. These fees are not reimbursable.

The applying institution must pay for transportation costs, room and board, stipends, and other reasonable costs incurred by the advisors and the members of the

Advisory Board during the evaluation of the application, according to the norms approved by the Council.

Section 16.4 - The need for obtaining and renewing a license

In order for an institution of higher education to begin and to continue operations in Puerto Rico, it is necessary to obtain a License of Authorization for a maximum of five years and, afterward, a License of Renewal for a maximum of ten years.

The term of a license will be established by the Council, taking into consideration the evaluation criteria established by this Regulation. The license must be renewed at the end of each term for which it was approved, according to the procedures established by the Council.

Section 16.5 - Consequence of not complying with this Regulation

- a. According to Article 12 of Act 17, the procedures under Act 170, and the Council's administrative procedure currently in force, every natural or juridical person operating an institution of higher education in Puerto Rico without due authorization, or offering educational programs not covered by the license, will incur in an administrative violation and will be subject to a fine of no less than five thousand dollars (\$5,000.00), and a fine of no more than ten thousand dollars (\$10,000.00). Subsequent violations will carry a fine of no less than ten thousand dollars (\$10,000.00) and a fine of no more than fifteen thousand dollars (\$15,000.00).
- b. In the case of an institution with a license, a substantial violation of the terms of the license will entail being placed on probation, or the suspension or cancellation (total or partial) of the license, or the denial of any pending application for renewal or amendment of the license, under Articles 32 and 33 of this Regulation.
- c. In addition to the actions contemplated in the previous two clauses, the Council may emit remedial orders, including a cease and desist, according to the adjudicative procedures under Act 170 and the Council's administrative procedure currently in force; resort to the corresponding court with a restraining order and a motion for interlocutory appeal against the institution, or the imposition of administrative fines.

Article 17 - Reserved

Article 18 - Reserved

Article 19 - Reserved

Article 20 -Procedure to apply for a License of Authorization or a License of Renewal

Section 20.1 - General norm

Each and every institution that needs to obtain or renew a license must submit the corresponding application to the Council, along with the fees and necessary documentation established in Chapter VI of this Regulation.

Section 20.2 - Content of the license application

The application, whether it be for a License of Authorization or of Renewal, must include an analysis of and the documentation for how the institution complies with the requirements in the areas established in Chapter VI of this Regulation, such as:

- a. experience and credentials of the administrators;
- b. financial capacity;
- c. the amount and level of the curricula that will develop the skills and knowledge taught to the students;
- d. experience and academic credentials of the faculty and their adaptability to the institutional offer;
- e. information resources /library resources;
- f. student services;
- g. physical installations;
- h. laboratories and faculty auxiliary equipment
- i. guarantees to the security of the students and the academic community;
and
- j. public responsibility of the institutions.

Section 20.3 - Advance notice of intent to submit an application for a License of Authorization or Renewal

Any institution interested in obtaining or renewing a license must notify the PRCHE in writing twelve (12) months in advance of the date projected for the commencement of operations, or of the license's expiration date, whatever the case may be.

The institution must submit the application proper, as well as the necessary documentation and corresponding fees, as established in Section 16.3, six (6) months before the projected date of the commencement of operations or before the date in which their present license expires, whatever the case may be. In the case of a license of authorization, if the documentation and the corresponding fees are not submitted on that date, the notice of intent will be inactivated.

Article 21 - Procedure to apply for an amendment to the license

Section 21.1 - General norm

Any institution that needs to amend its license as a consequence of a substantial change must submit to the Council, as established in Article 59, the notification, the application, the fee, and the necessary documentation as required in Chapter VIII of this Regulation.

Section 21.2 - Content of the license application

The application must include the information required in Chapter VIII of this Regulation, according to the nature of the substantial change.

Section 21.3 - Advance notice of intent to submit a license amendment application

Any institution that needs to amend a license must notify the Council twelve (12) months in advance of the projected date of change if the change falls under Section 59.2, and six (6) months in advance of the projected date if the change falls under Section 59.3. Section 59.2 (3) shall be exempt from these time frames and will be attended to expeditiously. If the documentation and the corresponding fees are not submitted on that date, the notice of intent will be inactivated.

The institution must submit the application proper, as well as the necessary documentation and corresponding fees, as established under Section 16.3, no later than six (6) months before the projected change if it falls under Section 59.2, and no later than three (3) months if the change falls under Section 59.3.

Article 22 - Reserved

Article 23 - When the applications for obtaining, renewing or amending a license are deemed duly submitted

Section 23.1 - When and how they will be deemed submitted

The applications for obtaining, renovating, or amending a license will be considered duly submitted when an institution has complied with the terms indicated in sections 20.3 and 21.3, as the case may be, and has provided the Council with all the information and necessary documentation required in this Regulation, accompanied by the corresponding fees, in accordance with each case.

Within a period of 30 working days following receipt of an application for a license of authorization, renewal or amendment, the DLA will notify the institution, in writing, whether the application has been duly submitted. If no notification has been issued within the indicated time-frame, the application will be considered as duly submitted and shall be processed on the basis of the information submitted.

Section 23.2 - Effect of the notification that an application for obtaining, renewing, or amending a license has been duly submitted

The terms established in this Regulation for the Council's evaluations and decisions will start to run as of the date stated in the notification or upon the lapse of the 30 day period, as the case may be.

Article 24 - Procedure for the evaluation of applications for obtaining, renewing, or amending a license

Section 24.1 - General norm

Once an application is duly submitted, the Council will proceed with the corresponding evaluations and will make a decision to grant or deny the application taking into account the recommendations of the Advisory Board specifically chosen by the Council for each case. The structure, composition, selection of the members and other aspects of the proceedings of the Advisory Board may be found in Chapter IV of this Regulation.

Section 24.2 - Content of the evaluations

Section 24.2.1 - Framework

When carrying out the evaluations of the applications submitted by the institutions, the Council, as well as the Advisory Boards will use the following as framework:

- a. the provisions of Act 17;

- b. the elements and requirements set forth in Chapters V, VI, VII, and VIII of this Regulation; and Chapter X.
- c. the generally accepted criteria in the different areas and academic disciplines under evaluation;
- d. the evaluation guidelines published by the Council by means of a Certification to that effect;
- e. in the measure that it is possible, reasonable, and convenient within the evaluation process, the particular characteristics and needs of the average Puerto Rican will be taken into consideration when applying the different evaluation elements.

Section 24.2.2 - Institutions with off-site educational methodology between teachers and learners

When working with institutions with off-site educational methodology, the evaluations will be carried out by adjusting the regulation requirements and elements to the particular situation. In each case, the institution must demonstrate the reliability and the corroboration of its operations and the quality of its offerings, the economic viability, a guarantee of the continuity of its offer, and institutional responsibility, among others. Any institution that utilizes such methods is responsible for making certain that its plan may be evaluated by the Council, so that this organization may determine whether or not the institution has the elements and requirements established in this Regulation.

Section 24.2.3 - The difference between evaluations for a license of authorization and a license of renewal

The evaluation elements and criteria are fundamentally the same for either license, except that in the case of institutions applying for a license of authorization the evaluations will take place within the context of a projection of institutional goals and objectives, accompanied by adequate action and assembly planification in order to achieve the same. In the case of applications for licenses of renewal, the context will be an analysis of the institution's achievement of the proposed projections set forth during the previous process of licensure, with mature institutional levels already achieved or in full development

Section 24.3 - The role of the Higher Education Analyst

The Higher Education Analyst will examine all applications for licenses and amendments. He may request additional information and documentation. In the case of amendments under Section 59.3, he may corroborate the information with institution officials and may request additional information and documentation.

He will recommend to the Council when the application for amendment will be evaluated.

Section 24.4 - Evaluation by the Advisory Board

Section 24.4.1 - Analysis of the application and visit

Once the Advisory Board is constituted, it will examine the application to be evaluated and will coordinate, through the DLA, the institutional visit or visits it deems necessary. The visitation program will be discussed with the institution. During the visits the Board may interview, those administrators, officers, and students it deems necessary. The Board may request, before, during, or after the visit, that information it considers necessary to support or clarify the content of the application. All requests for information will take place through the DLA.

Once the visit has taken place, the Advisory Board will meet with those officers designated by the institution in order to present a summary of their preliminary findings.

Section 24.4.2 - Evaluation Report

Once the Advisory Board has finished its evaluation, including studying and examining all the documentation and information submitted by the institution and the visit or visits, the Board will proceed to prepare a report for the Committee of Licensure and Accreditation. The report shall consist of three parts which will be submitted as a whole with each part duly identified.

Section 24.4.3 - Findings Report

The first part of the report to be received by the Council shall be the Findings Report prepared by the Advisory Board. It will consist of the findings of the Advisory Board on each one of the elements of the evaluation and any other aspect of the operation of the institution examined by the Board under the authority of Act 17 and this Regulation. The Board must complement the deficiency findings with expression about the importance and possible consequences of said deficiencies.

The Findings Report must be sent to the evaluated institution within 30 working days after the conclusion of the evaluation visit. If there is no need for a visit the 30 day period will begin from the date of the DLA notification that the application was duly submitted.

If an institution shows that, as a result of the application evaluation, it complies with all the regulatory requirements, the Council may consider the Findings Report as the Final Report in order to make a decision.

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Section 24.4.4 - Reaction Report

The institution being evaluated must submit its Reaction Report within 30 working days of having received the Findings Report, with any comments, explanations, rebuttals, and clarifications it deems necessary for the consideration of the Advisory Board. This report will become the second part of the report to the Council.

Section 24.4.5 - Final Report

Having received the Reaction Report, the Advisory Board will study it, make those determinations it considers pertinent with respect to its observations, including a possible review of those aspect previously evaluated, if it so considers, and will then prepare the Final Report. Before preparing this report the Board may request additional information from the institution, or make a complementary visit, in order to clarify any matter that might have come up in the Reaction Report. The Board will submit its Final Report to the DLA and to the Council within 30 working days of having received the institution's Reaction Report. In the Final Report the Board will express its position as to the institution's reaction and as to the additional information submitted in light of its findings.

The Board will include its final evaluation, explaining its reasons and its specific recommendation as to the decision that the Council should make. The Final Report should not include as deficiency observations anything not highlighted as such in the Findings Report, unless it can be shown in the report that it has to do with something not taken into consideration in the original evaluation, for reasons not having to do with the Board's lack of diligence. The latter will not impede the Council from taking into consideration, in its decision, some decisive factor that might have come to its attention notice through other means, as long as the institution is given an adequate opportunity to clarify the situation, if it is a negative factor.

Section 24.5 - Presenting the report and appearance of the Board or the institution before the Council

Having completed the Final Report, the Advisory Board will send the complete report in its entirety (three parts) to the Council. The Council may summon the Board or the institution to appear before the Committee for Licensing and Accreditation, before the full body or both to discuss the contents of the report.

Article 25 - Complementary measures

At any time during the consideration of a license application or an amendment to a license the Council may request additional information or send a representative, an advisor, or board to the institution in order to examine one or more aspects of the application. In any case, it will notify the institution and the institution will cooperate in the task to be undertaken.

Article 26 - The Council's decision and terms that apply

Section 26.1 - General Norm

The Council may approve an application for a license or for an amendment to a license when the institution proves it is in compliance with the regulatory requirements. In those cases considered necessary by the Council, the institution will be required to submit a Compliance Report or to have a Verification Visit, or both, as may be the case.

The Council may, in those cases it considers necessary, postpone its determination and require a Corrective Action Report from the institution, or a Verification Visit, or both, as may be the case.

The Council may deny any application for license or amendment to a license, totally or partially, if it considers that the institution does not comply with the requirements under Act 17 and this Regulation.

The total or partial denial of an application for a license or amendment to a license will be subject to the appropriate proceedings according to Act 17, to the Council's administrative procedure currently in force, and to Article 30 of this Regulation.

Section 26.2 - Term in which the decision must be made

Section 26.2.1 - In cases of application for a license

The Council must make a decision about an application for license within 120 working days beginning on the date in which the Council notified the institution that the application was duly submitted, according to Article 23.

Section 26.2.2 - In cases of application for an amendment to a license

If the application for amendment involves a substantial change included in Section 59.2 of this Regulation, the Council must decide within 120 working days

beginning on the date in which the Council notified the institution that the application was duly submitted, according to Article 23.

If the application for amendment involves a substantial change included in Section 59.3 of this Regulation, the Council must decide within five (5) years beginning on the date the Council certifies that the application was duly submitted, according to Article 23. The evaluation procedure will be governed by that established in Article 24

Section 26.3 - Extension of term for just cause

If there exists a cause that so justifies it, the Council may extend the corresponding term under Section 26.2, as long as the institution is notified of the additional time needed to complete the evaluation and issue a decision, as well as the reasons for the extension.

Among the reasons that might justify an extension are the following:

- a. delay in constituting an Advisory Board because of difficulty in the recruitment of its members, due to the institution's special requirements, or due to the institutional opposition to a member or proposed member;
- b. sickness, death, resignation or destitution, or other situations that may confront a member of the Advisory Board;
- c. a fortuitous event, a mayor force, or an institutional emergency;
- d. academic recess;
- e. extensions requested by the institution or other reasons attributed to the institution;
- f. a joint evaluation visit between the Council and an accreditation entity according to Article 84 of this Regulation.

Section 26.4 - Consequences of not deciding within the time limit

If the Council does not issue a decision within the time granted under Section 26.2, as it may have been extended under Section 26.3, the application for license or the amendment for license will be considered granted and the evaluation procedure shall be stayed.

Article 27 - Granting of license or amendment to license

Section 27.1 - General norm

Having completed the evaluation process and received the corresponding reports, the Council will proceed to make a decision with respect to the request for license or an amendment to the license. If the Council decides that the institution complies with the established requirements, it will approve the license or the amendment to the license. On the license or on the certification that accompanies it, the Council will set forth the indications that will clarify the extent of its reach.

Section 27.2 - Conditions attached to license of renewal or amendment to license

In a case of involving a renewal of a license or an amendment to a license where specific deficiencies are present, the Council may, in protection of the public interest, condition its approval on the correction of the deficiencies within an appropriate amount of time.

If the institution does not comply with the imposed conditions and the Council determines that the situation has not been corrected, or is not on the way to being corrected, it may deny the license or the amendment to the license totally or partially, as it deems fit. In both instances the institution may contest the decision under Act 170 and the Council's administrative procedure, in effect.

Section 27.2.1 - Personnel assigned to conduct evaluations and verification visits

In order to conduct the evaluations or verification visits, the Council may use DLA officials, special advisors, or members of the Advisory Board who initially participated in the evaluation.

Article 28 - Reserved

Article 29 - Reserved

Article 30 - Denial of license or amendment to license

Section 30.1 - General norm

The Council may deny any application for a license or amendment to a license, as established in Article 26 of this Regulation.

Section 30.2 - Consequences of denial

- a. In case of a license of authorization, a denial implies that the affected institution will not be able to begin operations in Puerto Rico as an institution of higher education.

- b. In case of the denial of a license of renewal, the institution will be notified and must cease operations. If the institution challenges the Council's decision, the institution may continue its academic offer but may not register new students. If the Council confirms its decision to deny, the closing of the institution will be governed by Chapter XI of this Regulation.
- c. In case of the denial of a license due to one of the institutional unit's failure to comply, the decision will apply to said unit and the institution may continue to operate the remaining units as indicated in the Council's certification.
- d. In case of an application for an amendment under Section 59.2, the institution may not carry out the change and Section 59.2.1 shall apply.
- e. In case of an application for an amendment under Section 59.3, the provisions of Section 59.3.1 and Article 80 of this Regulation will apply.

Section 30.3 - Actions that in and of themselves can lead to a denial

Even when an institution complies with the established requirements, the Council may deny a license, completely or partially, to an institution that incurs in any of the following actions:

- a. provide the Council with false or misleading information;
- b. offer its students, its potential students, or the general public, false or misleading information related to the institution's operation or academic offer;
- c. impede evaluation or verification visits, or failure to submit the documents or information required by the Council or the Advisory Board as they carry out their responsibilities under Act 17 and this Regulation;
- d. having instituted one or more substantial changes without obtaining the authorization or approval of the Council, as applies, or without notifying the change, as provided in Article 21 of this Regulation;
- e. incur in any type of legally punishable act, fraud, or deceit of the public interest;
- f. failure to comply or substantially violate the terms of a license or any provision of Act 17 or this Regulation;

- g. improper conduct toward the members of the Advisory Boards or the Council's officers during the evaluation process.

Article 31 - Effect of introducing or maintaining a substantial change in operation without having complied with this Regulation

Implementing or maintaining in effect one or more of the substantial changes listed in Section 59.2 of this Regulation in violation of this section will constitute a violation of the institution's license to operate under Act 17 and this Regulation, whether the license held is one of authorization or of renewal. The institution will be subject to the legal consequences of the infraction, including a fine, the suspension or cancellation, totally or partially, of its license and the possible filing of a judicial injunction by the Council.

Article 32 - Probation status and suspension of license

Section 32.1 - Authority to place on probation or to suspend a license

The Council may place an institution on probation or it may suspend a license, totally or partially, up to a maximum of 12 months, if it feels that the institution has incurred, or is incurring, in any of the actions listed in Section 31.3. The purpose of these measures is to give the institution the opportunity to correct the situation, in lieu of having the license cancelled totally or partially.

Section 32.2 - Consequences of being placed on probation

Placing an academic program on probation implies that the institution is operating with deficiencies or violations, which may result in the total or partial cancellation of its license, unless said deficiencies or violations are corrected to the Council's satisfaction, within a stipulated period of time.

Section 32.3 - Consequences of suspension of license

Suspension of a license implies that the affected institution will have to cease operations in those units covered by the suspension and must correct the deficiencies or violations, which may result in the total or partial cancellation of its license if they are not corrected within the period of suspension, to the Council's satisfaction.

Section 32.4 - Procedure to place on probation or to suspend a license

- a. If the Council believes that an institution may have incurred in any of the actions listed in Section 30.3, or has not complied with the requirements under Act 17 or this Regulation, in such a way that it may be placed on probation or have its license suspended, totally or partially, it must so notify the institution and give it an opportunity to respond to the observation in writing and show cause for not being placed on probation or have its license suspended, within 20 days of notification, and in accordance with the provisions of the administrative procedure currently in effect.
- b. If the Council opts for the total or partial suspension of the license, the institution must cease operations in the areas covered by the suspension during the fixed period established by the Council, after which it may resume operations if it demonstrates, to the Council's satisfaction, that it deserves to have its license reactivated.
- c. If the period of suspension or probation, whichever the case may be, is over, and the institution does not demonstrate, to the Council's satisfaction, that it deserves to have its probation removed or reactivate its license, the Council may opt between extending the time period up to a maximum of 12 additional months or to proceed to permanently cancel its license in total or in part. Once the period of probation or suspension is over, the Council will decide whether or not to remove the probation, or to reactivate the institution's license if the institution demonstrates that it deserves it, or whether or not to proceed with the cancellation of the license according to Article 33 of this Regulation.

Article 33 - Cancellation of license

Section 33.1 - Faculty to cancel a license

The Council may cancel a license, totally or partially, if it decides that the institution no longer complies with the requirements under Act 17 and this Regulation, or if it determines that the institution has incurred, or is incurring, in any of the actions listed in Section 30.3, and the Council understands that the procedure of probation or of suspension of license established in Article 32 has been exhausted or is not appropriate to the situation.

Section 33.2 - Consequences of a cancellation

The cancellation of a license implies that the affected institution must cease operations in the areas covered by the cancellation until it obtains a new license of authorization.

Section 33.3 - Procedure for cancelling a license

- a. If the Council decides that an institution may have incurred in any of the actions listed under Section 30.3, or is failing to comply with the requirements under Act 17 or this Regulation, in such a way that it may be susceptible to a total or partial cancellation of its license, but understands that the probation or suspension of license procedure established in Article 32 has been exhausted or is not adequate to deal with the gravity of the situation, it must notify the affected institution so that it responds to the observations within the period of time notified and established by the administrative procedures currently in effect.
- b. If the time period granted to the institution to respond has elapsed, or if an administrative hearing has been requested and held, the Council will announce its decision and will notify the institution.

Article 34 - Periodic notices about actions related to licenses and licensed institutions

Section 34.1 - Notices about actions taken

The Council shall publish in a daily newspaper of general circulation in Puerto Rico and on its web site, at least once a year, a public notice indicating the licenses awarded, denied, suspended, and cancelled, amendments to licenses, as well as other related decisions which it may have made since the publication of the last notice. Said notices will indicate the name of each affected institution, its address, the actions taken, and the dates they became effective.

Section 34.2 - Notices about licensed institutions

The Council shall publish in a daily newspaper of general circulation in Puerto Rico and on its web site, at least once (1) a year, a list of the institutions of higher education that possess a license of authorization or of renewal, indicating, in each case, the type of license and the dates they become effective.

Section 34.3 - Other notices of public interest

Whenever the Council deems it convenient for purposes of the public policy contained in Act 17 and this regulation, it may issue announcements about any aspect of its work that is within the scope of a legitimate public interest, without violating the rights of affected parties.

Article 35 - Record of institutions and of actions related to licenses

The Division of Licensing and Accreditation will maintain on the Council's web site a record of all the institutions that have or have had licenses, as well as a record of all the actions taken by the Council granting, denying, suspending or cancelling licenses and placing institutions on probation.

Article 36 - Record of academic offers of licensed institutions

The Division of Licensing and Accreditation will maintain on the Council's web site a record of the academic offerings covered by the license of each institution, and its amendments, that indicates the active offer, those in moratoria and those removed from offer during the duration of the license.

Article 37 - Reserved

Article 38 - Reserved

Article 39 - Reserved

CHAPTER IV

ADVISORY BOARDS

Article 40 - Concept

The task of the Puerto Rico Council of Higher Education of licensing the institutions of higher education will be carried out with the participation of Advisory Boards. These will be in charge of the evaluations of the applications of license and amendments to the license submitted by the institutions, and they will make recommendations to the Council on what action to take based on the analysis of the application and the information obtained during the evaluation process, in accordance with the provisions established under Act 17 and in this Regulation.

The Council will designate the Analyst of Higher Education to serve as a link between the members of the Board, the Council and the institution to be evaluated, as well as to offer the Board professional, administrative, and technical advice. In those cases deemed necessary by the Council, said official shall be a member of the Advisory Board

Article 41 - Composition

Section 41.1 - Members

Each Advisory Board will be made up of faculty and administrative personnel chosen from among the institutions of higher education of Puerto Rico, the United States, and other countries, with the proper academic credentials and professional experience in the academic levels and subjects they will be evaluating. Also, the Council may designate other professionals with the necessary expertise in the areas to be evaluated.

The composition of each Board will be determined by the Council taking into consideration the nature and complexity of the institution and the application to be evaluated.

Section 41.2 Eligible persons

Every member of a Board must have the following:

- a. academic credentials and mastery in the area to be evaluated, and expertise acknowledged by the academic or professional community;
- b. a minimum of three (3) years experience in the subject and the academic level he/she will be evaluating, or in professional practice;

- c. a commitment to higher education as evidenced in his/her achievements and professional contributions;
- d. objectivity and flexibility in discussing academic matters;
- e. an ability to critically analyze educational problems.

Section 41.3 - Ineligible persons

Persons whose interests are in conflict with the public interest represented by the Council are ineligible and may not be part of the Advisory Board. The members of a Board may not have ties with the institution being evaluated that may cast reasonable doubt on his impartiality. The following will not be eligible, among others:

- a. those who were employed or under contract during the last three years, or who applied for employment or studied during the past year at the institution to be evaluated;
- b. those whose spouses or members of their immediate family are employed, under contract, applying for employment, or studying at the institution to be evaluated;
- c. those who have an economic interest in the institution to be evaluated.

Section 41.4 - Representation on the Advisory Board

The Council will endeavor, insofar as it is able, to make sure that there is representation from the public and private sector, and that the Board is made up of the indispensable number of members in order to adequately execute the evaluation.

Section 41.5 - Responsibilities of the Advisory Board

The members of the Advisory Boards will have the following responsibilities:

- a. attend meetings and the necessary training sessions;
- b. analyze the documents and any other information related to the institution and to the responsibilities of the Board before the evaluation visit;
- c. evaluate the application according to the elements, requirements, and procedures established in this Regulation;
- d. prepare the necessary reports;

- e. submit, in conjunction with the President of the Board, the report's recommendation to the Council of Higher Education;
- f. attend the administrative hearing, if necessary.

Section 41.6 - President

When designating each Advisory Board, the Council will indicate who will preside and will communicate its decision to the other designated members. The President's additional responsibilities will consist of:

- a. presiding the meetings of the Board;
- b. collaborating with the DLA in drawing up a work plan;
- c. presenting the institution with a summary of the findings of the evaluation visit, in the Board's name;
- d. presenting an oral report to the Council in the Board's name.

Article 42 - Consultant

A consultant is a specialist in a specific area who is named by the Council to be a professional resource and who will assist the members of an Advisory Board and the Analyst of Higher Education during some phase of the evaluation, in the analysis, recommendation, and continuity mentioned in this Regulation. The consultant will also submit recommendations with respect to the evaluation of an application to amend a license or the evaluation of a particular area.

The stipulations in sections 41.2, 41.3 and 41.5 of this Regulation will apply.

Article 43 - Designation of the members and consultants of the Board

Section 43.1 - Identification of candidates

Whenever necessary, the Council will communicate with the presidents and officers of the institutions of higher education and will ask for recommendations of candidates- members or consultants-for the Advisory Board. The Council may also identify candidates from the professional sphere to participate on the Advisory Board.

Section 43.2 - Registration of candidates

The Council will maintain a permanent and actualized registry of the candidates recommended by the institutions. This registry must include the academic and professional credentials of each candidate.

Section 43.3 - Selection of candidates

- a. The Council may use the registry to select candidates for each Advisory Board, after consulting with the institution to be evaluated, the institution to which the candidate belongs and the candidates themselves as to their availability and eligibility for the corresponding evaluation.
- b. The Council will communicate to the institution to be evaluated the names of the candidates under consideration. Once notified, the institution will have 10 days to express its opposition to any of the candidates under consideration and to present to the Council, in writing, the specific reasons that justify its opposition.

Section 43.4 - Designation of candidates

The Council will designate the members of each Advisory Board and the consultants, in writing, and addressed to each person with a copy to the president, or to the maximum executive authority of their institution or place of employment.

Article 44 - Ethical behavior of the members of the Advisory Board and of the consultants

The members of the Advisory Board and the consultants will behave in an ethically responsible manner in the performance of their duties. To that effect, the members and consultants will sign a document in which they promise to comply with all the behavioral norms contained herein:

- a. they will exhibit a professional and ethical behavior, at all times;
- b. they will carry out their duties impartially and responsibly;
- c. the information obtained during the evaluation process and during the deliberations of the Advisory Board and the Council will be completely confidential;
- d. they will abstain from being involved in debates or controversies with members of the university community of the institution being evaluated;

- e. they will avoid making recommendations to the institution during the evaluation process;
- f. they will avoid conflicts of interest;
- g. they will refrain from establishing contractual relationships with the institution, object of the evaluation, up to one (1) year after the conclusion of the process;
- h. they will refrain from the use of alcohol and controlled substances during the activities of the evaluation process.

Article 45 - Training for Advisory Boards

The Division of Licensing and Accreditation of the Council will offer training for the Advisory Boards in the following areas:

- a. the legal and regulatory dispositions that govern the Council's functions as an agency of licensing and accreditation of institutions of higher learning;
- b. the evaluation procedure, including the application of the institution to be evaluated, the evaluation visits, observation techniques, documentation to be requested, drawing up the required reports and the evaluators' duties.

Article 46 - Contractual relation with members or consultants of the Advisory Boards

The institutions will refrain from signing contracts with members of the Advisory Boards or with the Consultants designated by the Council to evaluate the elements included in this Regulation, for at least one year after the conclusion of the process.

Article 47 - Reserved

Article 48 - Reserved

CHAPTER V

ELEMENTS AND REQUIREMENTS FOR EVALUATION

Article 49 - General norm

In order for the Council to authorize an institution to operate in Puerto Rico, said institution must comply with the elements and requirements established in this chapter. The determinations with respect to compliance will be made according to the realities and reasonable expectations of academia in higher education, within the context of the particular nature of each evaluated institution, its offer, its educational philosophy, and its purpose, as stated by the institution.

The evaluation elements and criteria for the license of authorization and for that of renewal will be fundamentally the same, except for what is established in Section 24.2.3. These elements and criteria will also be used in evaluating amendments to the license. Progress reports are used to evaluate the institution's development in order to keep the programs, approved through an amendment to the license, updated.

Article 50 - Institutional responsibility

It will be up to the institution applying for a license of authorization or renewal to demonstrate to the Council that it complies with the following elements and requirements as applicable to the concept of the application. Compliance must arise from the documentation submitted with the application and from the evaluation, including the institutional visit or visits.

Article 51- Elements and requirements that must be satisfied

Section 51.1 - Administrators' experience and credentials

The experience and academic credentials of the administrators correspond to the type, mission, and purpose of the institution. They also correspond to the specific role they will carry out and ensure the institution's effectiveness. The institution must also demonstrate that:

- a. the flow chart is in step with the operational reality of the institution;
- b. the administrators have the academic and professional credentials that allow them to comply, fully and responsibly, with their functions, as defined by the institution;

- c. the administrators of the faculty and student services have the time and resources to carry out their functions and for their professional development.

Section 51.2 - Financial standing

Economic stability is one of the essential requirements that must be satisfied by any institution of higher education. In order to be licensed, the institution must have the necessary resources to ensure its continuity. The income and subsidies it receives must be of such nature and specific amounts to guarantee that each student will be able to complete his studies at the institution, under adequate conditions. To that effect, the institution must also demonstrate it has:

- a. an institutional development plan that identifies the needs, nature, and size of the student body according to the institutional characteristics and financial resources;
- b. an adequate, internal control system that includes an accounting system that allows for the preparation of the financial statements according to generally accepted accounting principals;
- c. the financial viability of the institutional or programmatic operation, using a viability study with projections of revenue and expenses indicating the source and the concepts;
- d. a three (3) year budget that supports the activities included as part of the Institutional Development Plan;
- e. personnel with the necessary academic preparation and experience to administrate the institutional finances;
- f. operational and financial plans for recruiting and hiring professors and other human resources necessary for the implementation of its academic programs.

Section 51.3 - Level and sufficiency of academic programs to develop the skills and knowledge to be conveyed to the students

The study programs will be backed by the institutional commitment to quality and effectiveness in all aspects of the educational, academic, fiscal, and administrative environment. The programs respond to a design, planned according to the selected methodologies of teaching and learning. The classes satisfy the criteria of quality, rigor, and integrity, no matter what educational method is used.

In all cases, the institution must also demonstrate, in the context of the method used, that:

- a. the institution has a defined philosophy, mission, vision, goals, and institutional objectives, and the academic programs demonstrate an articulation between these and the knowledge, skills and attitudes the students should acquire.
- b. the programs have operational support through its institutional development plans, goals, procedures, academic development, budget and infrastructure;
- c. the profile of the programs' graduates is defined according to the institutional philosophy, mission, vision, and objectives and the program's academic level;
- d. the course content tends toward the achievement of the graduate's profile;
- e. each course's syllabus demonstrates a consistency among its components;
- f. the curricular sequence allows for the achievement of the graduate's profile;
- g. the total and the proportion of credits required to finish the degree correspond to the established practices in institutions of higher education (for example, general education, core courses of concentration or specialty, electives, thesis, or others), or any other classification model of courses identified by the institution;
- h. the proportion of students per course takes into consideration the academic level, the type of course (for example, laboratory, conference, seminar, etc.), the technology used, and the support provided to the faculty of the course, as defined by the institution;
- i. it has a policy of course validation that facilitates the transfer of students to and from other institutions of higher education; and evidences that the technical courses of a postgraduate non-university level that it validates, form part of at least one of the higher level programs recognized by the Council;
- j. it has a policy established that guarantees that the students can complete their degree in case the academic program is placed in moratorium or closes, or the institution closes its operations;

- k. it has an academic advisory program according to the students' needs;
- l. it has an established policy to ensure a continuity of the academic offer in order to complete the degrees offered, according to the curricular sequence of the program and the existence of satisfactory academic progress;
- m. it demonstrates the graduates' performance according to the degrees conferred, pursuant to the aptitude levels established by the institution, in function of its academic goals and objectives. This requirement will apply in application of license renewal cases, after the first cohort of graduates;
- n. the offices that gather student information, such as Registry, Admissions, and Institutional Studies, keep actualized information and statistics of the study programs;
- o. in those cases in which the institution utilizes the services of an external provider, it will have a process in place to evaluate the pertinence, academic rigor, quality and academic adjustment of the courses and services rendered;
- p. it offers information about the academic expectations in terms of the knowledge acquired and the development of skills and attitudes of the students for each program;
- q. it has established the criteria for the selection of the centers or clinical workshops to conduct the required practices or internships;
- r. it has established agreements or contracts with the practice centers or clinical workshops in order to conduct the required practices and internships;
- s. it has defined norms and procedures, and the evaluation methodology for the supervision of the educational experiences in the practice centers or clinical workshops.

Section 51.4 - Experience and academic credentials of the faculty and the adjustment to the institutional offer

The institution has the regular or full-time faculty that guarantees its stability within the philosophical or academic framework that promotes its academic continuity. The faculty responds to the nature, the teaching and learning model, the level of the programs, grades and courses offered, as well as to the projection of registration and the profile of the students admitted, according to the different

methods. The institution is responsible of verifying the validity of the academic degree of each faculty member.

The institution must also demonstrate that:

- a. the institution's faculty has the academic preparation and professional experience for the level, program (discipline), and concentration, or specialty of the courses they teach, to wit:
 1. a bachelor's degree to teach associate degree level courses and the concentration or academic preparation in the area of the courses they teach;
 2. a master's degree to teach bachelor's degree level courses and the specialty or academic preparation in the area of the courses they teach;
 3. a professional degree or doctorate to offer master's degree courses;
 4. a doctoral degree and the academic preparation related to the courses they teach, or the doctoral degree and professional experience in the field or discipline related to the program, in order to offer courses at a doctoral level.
- b. in case of exceptional merit, the institution may recruit especially gifted professionals, even though they do not completely fulfill the required academic credentials. The institution must evidence that these professionals have distinguished themselves for significant contributions in fields or disciplines related to the program;
- c. in case of recruitment difficulty, it may hire professionals who have the training, knowledge, and professional experience to teach the courses, even though they do not completely fulfill the required academic credentials;
- d. it has a policy of a maximum academic course load and number of preparations for full-time and part-time faculty, that allows each professor to keep up-to-date in his field and to fulfill completely and efficiently his teaching responsibilities, as defined by the institution;
- e. it has a faculty development policy to strengthen its academic offer;
- f. it has a professional development plan to strengthen and actualize the faculty according to the development of the disciplines and the fields of

knowledge related to the institutional academic offer, and the methodologies utilized in its offer and administration;

- g. it has a Faculty Manual that includes: the norms pertaining to academic course load and the number of preparations for full-time and part-time faculty, at undergraduate and graduate levels; norms for recruitment, evaluation, permanence, and promotion; academic freedom; the faculty's functions and duties; faculty participation in the establishment and development of academic norms and of the teaching and investigation programs; a policy of faculty development and a policy regarding property rights and authorship for the faculty and the institution.

Section 51.5 - Information resources

The institution has the necessary information resources in order to support the study programs it offers. The library services must be designed in order to provide effectively for the user a wide gamut of informative and bibliographic needs. The kinds of service vary according to the educational community it serves. The institution must also demonstrate that:

- a. the library's goals and objectives are defined and respond to the users' needs in the different study programs;
- b. it assigns the necessary budget resources in order to guarantee that the services respond to the institutional objectives, the study programs and the technological and information tendencies;
- c. it has a general collection, specialized and actualized according to its development plan in order to achieve the objectives of its academic offer;
- d. it has the professional, administrative and technical personnel with the necessary experience and academic preparation in order to carry out their functions;
- e. it has the necessary technological infrastructure to guarantee the users a quick and safe access to the institutional networks or electronic services, including the Internet;
- f. it has an information competency development program integrated into the curriculum and the necessary resources for its implementation;

- g. it offers reference and consulting services, aid and instruction in the use of electronic media and its equipment, and bibliography and information computerized services, regardless of the kinds of studies;
- h. the library hours respond to the users' demands, and the quality level of the service is consistent with the course schedule;
- i. the space provided for the collections and the equipment responds to the academic offer and to the kind of service it provides.

Section 51.6 - Student services

The services offered by an institution of higher education to its students serve as fundamental support for the achievement of its educational mission. The institution must have the resources available on-site as well as remote, if applicable, during hours convenient for the students. It must, also, demonstrate that:

- a. it disseminates the institution's and the programs' admission requirements;
- b. it has a registrar's office whose principal responsibility is to be the custodian of the students' academic transcripts (active and inactive) and to issue certificates of courses taken and the degrees and titles granted;
- c. it has norms on the performance, academic accomplishment, academic progress, class assistance, and conduct expected of the students;
- d. it includes in the catalogue and other official publications, information on the availability of financial aid, and has adequate administrative systems and resources to offer the students economic assistance services;
- e. it has a professional guidance counselor service accesible to the students, with personnel that has the academic and professional credentials required by law;
- f. it provides the appropriate and pertinent orientation regarding the technology utilized in the programs, the content and the students;
- g. it provides the students with academic advice;
- h. it has the necessary professional, administrative, and technical personnel to respond to its enrollment schedule, programs and type of institution, and to the academic profile of its students;

- i. it provides information to the students about the availability of employment in the areas having to do with their program of studies, and conducts periodic studies of its graduates in order to revise the pertinence of the curriculum;
- j. it has available to its students preventive and remedial health services with the capability of providing first aid directly or through an effective referral system;
- k. it has a policy for providing reasonable accommodation to students who so request, and to facilitate to students with special needs access to the facilities and institutional activities;
- l. it has the internal procedures in place to adequately receive, investigate and resolve complaints from its students and graduates;
- m. it provides tutorials and remedial courses if it has an “open door” admissions policy;
- n. it provides support systems and information at a distance in order to help the students carry out their academic activities, as well as in using the resources available to them;
- o. it promotes and provides opportunities for the development of student organizations and for participation in institutional committees;
- p. it has adequate facilities and the required permits to provide room and board, if available;

Section 51.7 - Physical Facilities

The physical facilities guarantee the operation of the institution in terms of teaching, administration, research, and services offered to the academic community. The physical structures of each institution must comply with the rules and regulations of the different municipal, state, and federal agencies with jurisdiction, especially those having to do with the health and security of the users. It will, also, comply with the number of classrooms, libraries, laboratories and workshops, offices and other areas, in harmony with the academic programs, the population it serves, and the instructional methods offered.

Section 51.8 - Teaching laboratories and auxiliary equipment

The institution has the necessary laboratories and teaching auxiliary equipment to support the study programs it offers. These provide for the needs of the students and faculty. It includes laboratories in which the students may carry out some practices related to their program of study. The institution must, also, demonstrate that:

- a. it has the necessary and adequate facilities to offer laboratories or associated practices in those courses that require them;
- b. the laboratories comply with the laws and regulations of the federal and state agencies, and with the corresponding permits;
- c. the laboratories have the adequate equipment and materials, and the resources and security equipment required by law;
- d. it has the appropriate infrastructure, technologies and support systems, according to the content of the courses, the expected learning, and the effectiveness of the academic undertaking;
- e. it has adequate administrative procedures and clear guidelines to operate the laboratories, the technological services in support of learning, and the infrastructure technologies;
- f. it has the necessary technical personnel with the required academic preparation and experience to supervise the laboratories. It, also, has the necessary administrative, professional, and technical personnel to offer technological services in support of learning and of infrastructure vital for teaching;
- g. it has established policies for the development of scientific research and keeps actualized plans for the protection of the laboratories and the scientific research that is being undertaken there or in other places or institutional buildings, including contingency plans in case of natural disasters or other fortuitous or foreseeable events;
- h. it has current licenses for the use of installed programs;
- i. it has a plan for the replacement and maintenance of technological equipment for learning, infrastructure and laboratory technology, and it maintains a reserve in the budgetary projection that would make it viable;

- j. the laboratory hours and the technological services in support of learning and infrastructure are adequate to attend to the needs of the students and faculty;
- k. it provides adequate orientation to students and faculty in the use of technologies of learning and the technologies of infrastructure;
- l. it has clear goals for the technologies of learning and the technologies of infrastructure, and they are articulated with the needs of the students and faculty.

Section 51.9 - Safety guarantees for the students and the academic community

The institution has the following:

- a. an active public liability insurance with an insurance company recognized by the Office of the Commissioner of Insurance of Puerto Rico, that satisfies the requirements of Article 70;
- b. an active performance bond with an insurance company recognized by the Office of the Commissioner of Insurance of Puerto Rico, with an endorsement in favor of the Council of Higher Education, that satisfies the requirements Article 70;
- c. a plan in effect directed toward providing the students, university personnel, and visitors with adequate security on the grounds of the institution;
- d. a back-up system for the academic and financial transcripts of the students, and, if it applies, for the documents generated by e-mail, chats, and virtual classrooms created between professors and students.

Section 51.10 - Public responsibility of the institutions

The institution demonstrates that it complies with its commitments toward the university community and the country, as appears in Chapter X of this Regulation.

Article 52 - Reserved

CHAPTER VI

REQUIRED DOCUMENTATION FOR LICENSE OF AUTHORIZATION AND RENEWAL APPLICATIONS

Article 53 - Supporting documents for the License of Authorization Application

All applications for a license of authorization will consist of a proposal, following the instructions provided in the license application form. The proposal must be accompanied by the following documents:

- a. certification signed by the institution's chief executive officer, and sworn before a notary, that establishes that the information is accurate and can be duly verified;
- b. mission, vision, goals and objectives of the institution;
- c. a feasibility study as defined in Article 10 of this Regulation;
- d. a list of the academic programs being proposed;
- e. a description of the institution's governance structure, its organizational chart and the names of the officials being proposed;
- f. a certificate of incorporation issued by the State Department of the Commonwealth of Puerto Rico and the person authorized to do business;
- g. physical and mailing addresses;
- h. a description of existing or contemplated partnerships or agreements conducive to academic degrees between higher education institutions and an explanation of their impact on the institution (if applicable).
- i. Experience and credentials of the administrators:
 1. a summary that includes name, academic credentials, professional experience, position to be occupied, and academic load (if applicable) for all of the institution's main administrators, including faculty administrators, as noted in the organizational chart;
 2. a list of the duties and responsibilities of the administrators.

j. Financial capability:

1. a summary that includes name, physical and mailing addresses, credentials and professional experience of the individuals in charge of the operation;
2. audited financial statements, together with the *Compliance Report or Single Audit Report* of the legal entity that has the authority over the operation, or evidence that the institution has the necessary financial guarantees for the operation to be viable during the term covered by the license such as: credit lines, assets or other resources;
3. detailed budget for a three year academic period including the year in which it is applying for the license. It must contain income listed by sources and details of expenditures and the assumptions made by the institution in its preparation;
4. a description of the internal control system model, including the accounting system to be used in case the institution cannot provide audited financial statements; and
5. a three year strategic plan that describes the projected institutional development and the academic programs to be initiated. It must include the budget that will support this plan.

k. Sufficiency and level of the academic programs to develop the skills and knowledge to be imparted to the students:

1. a proposal that includes for each program being offered:
 - a. justification, goals, objectives and nature of the educational experience and how these respond to those of the institution;
 - b. graduate profile;
 - c. requirements of admission to the institution and its programs that include the background, skills and technical knowledge necessary to enter and successfully complete the program;
 - d. if it applies, a description of the technical equipment and software needed for distance learning courses;

- e. if it applies, norms regarding the participation and interaction between student-faculty, faculty-student and student-student;
 - f. graduation requirements;
 - g. number of credit - hours and contact - hours that correspond to the programmatic level of the degree to be awarded;
 - h. curriculum design and sequencing;
 - i. distribution of credit total according to the course classification model identified by the institution;
 - j. Classification of Instructional Programs Code (CIP Code).
2. syllabus of each course being offered which includes: title, code, credits-hours and contact-hours, description, objectives, thematic content, teaching strategies (if applicable), activities, resources, technology used (if applicable), evaluation methods and bibliography.
 3. When the program or course is being offered through distance learning:
 - a. the modules of each course being offered during the first academic term of each program,
 - b. a development schedule for the remaining course modules of each program
 4. letters of agreement between the institution and the different entities that could become centers for internships, practice, workshops, or required clinical affiliates (if applicable);
 5. a proposed practice manual (if applicable) that includes the selection criteria for the internship, practice, workshop or clinical affiliate centers, and the students evaluation instrument;
 6. thesis or dissertation manual and guidelines for any other requirement for obtaining a degree (if applicable).
 7. institutional policies and procedures:
 - a. in case of a moratorium, program closing or institutional closing, so that students can finish their studies;

- b. to ensure the continuity of the academic offer, according to the program sequence;
 - c. for course validation in order to facilitate the transfer of students to and from other institutions;
 - d. for course validation in order to facilitate the transfer of students from their non-university post-secondary programs to the university level (if applicable).
8. a description of academic counseling services that takes into consideration the technology to be used in the programs, the content of the courses and the characteristics of the students these services seek to address;
9. institutional policy for program review.
- l. Experience and academic credentials of the faculty:
- 1. a summary that includes the name, degrees (concentrations, specializations, and certifications in their specialty and in teaching methodology for distance learning if applicable), professional experience, titles for the courses they will be in charge of, type of contract (full-time or part-time), academic load, number of preparations and other tasks, of each faculty member;
 - 2. letters of intent from the personnel to be hired that include their availability on the proposed starting date for the institution's operations;
 - 3. Faculty Manual, or a draft, that includes:
 - a. institutional norms regarding the faculty's (both full-time and part-time) maximum load and number of preparations at the undergraduate and graduate level that takes into consideration the teaching method the professor will use for the assigned courses;
 - b. norms regarding recruitment, evaluation, tenure or contract renewal, promotion and academic freedom;
 - c. functions and duties of the faculty members;

- d. responsibilities of the faculty members in their interaction with students;
 - e. faculty's participation in the establishment and development of academic norms, education programs and research;
 - f. a policy for the development of the faculty that includes the strengthening of their discipline as well as the diverse teaching methodologies;
 - g. an institution and faculty policy regarding property rights and copyright.
- m. Information resources:
- 1. a description of the library's goals and objectives which includes online services;
 - 2. summary of the personnel in charge of library services which includes names, academic credentials and, when applicable, their work experience with library services for distance learning;
 - 3. a description of the internal space distribution that identifies work areas and the location of the collections and the equipment;
 - 4. a collection development plan that supports the institution's academic offer;
 - 5. a library development plan that includes resources, equipment, programs and materials to be acquired, activities and budget, online catalogue access and, when applicable, the virtual reference service;
 - 6. service policies that include information services through remote sources and interlibrary resource loans;
 - 7. library services schedule that takes into consideration the teaching methods offered by the institution;
 - 8. a description of the development program regarding information skills for users;

9. description and security guarantees of the technological infrastructure;

n. Student services:

1. description, schedule and promotional means for the following services that take into consideration the characteristics of the students they seek to address:
 - a. admissions
 - b. professional counseling
 - c. health services, both, preventive and curative
 - d. financial aid
 - e. registrar
 - f. student assistance with questions and problems
 - g. extracurricular activities
 - h. technological training
 - i. support technology for learning and infrastructure
 - j. acquisition of books, materials, and other course requirements
 - k. placement (if applicable)
 - l. tutorials and remedial courses (if applicable)
 - m. lodging (if applicable)
2. academic and professional credentials of the personnel that will offer the above services (if applicable);
3. student manual or regulations that include the norms that will govern their conduct, their rights and responsibilities, and a complaint filing procedure for students and alumni;
4. copy of the admissions application;
5. safety measures to provide a safe access to student records;
6. a plan for the establishment and promotion of student organizations;
7. policy for the students' participation in institutional committees;
8. a policy to provide reasonable arrangements for students upon request and to facilitate access to facilities and institutional activities to students with special needs.

o. physical facilities:

1. schematic drawings of the physical facilities that will be built, remodeled or used by the institution, that show its size, specifications and use of space;
2. use permits for the physical facilities issued by the *Administración de Reglamentos y Permisos (ARPE)* [Regulations and Permits Administration], by the autonomous municipalities or any other agency with jurisdiction;
3. current inspection report issued by the State Fire Service;
4. current health certificate issued by the Health Department;
5. any other permits required by any agency or instrumentality of the Commonwealth of Puerto Rico or the United States Government for the institution to begin its operations.

p. Laboratories and auxiliary equipment:

1. a description of the articulation of institutional goals regarding learning and infrastructure technologies in relation to students and faculty needs;
2. description of the laboratories and technological support services and their relationship with teaching methods;
3. inventory or purchase plan of the laboratory equipment needed for learning that includes: materials, safety equipment and technological infrastructure;
4. laboratory equipment maintenance and replacement plan that specifies the budgetary items allocated for this purpose;
5. summary of the personnel in charge of support services for learning and infrastructure that includes their academic credentials and, when applicable, their work experience with distance learning; and the schedule for the learning and infrastructure technological support services;

6. laboratory manual or guide that describes: responsibilities of the personnel in charge, procedures for the use of the physical facilities, equipment and materials, evacuation plan in case of emergency, procedures for the disposal of chemical, biological, and radiological waste (if applicable), chemical hygiene aspects (when applicable), and procedures for the operation, maintenance, and disposal of explosives (if applicable);
 7. a scientific research development policy (if applicable);
 8. plans for the protection of laboratories and scientific research projects that include contingency plans in the case of natural disasters, both fortuitous and foreseeable,
 9. copies of all valid permits and licenses pertaining to each laboratory, such as: explosives license, program permits or others.
- q. Security guarantees:
1. letters issued by an insurance company recognized by the Office of the Commissioner of Insurance of Puerto Rico (*Comisionado de Seguros de Puerto Rico*) that state their willingness to grant insurance and bail, in accordance with the requirements of Article 70;
 2. a plan that provides for the safety of students, professors and visitors on the grounds of the institution;
 3. a back up system for the students' academic and financial records and, if applicable, for the electronic information and communications banks generated between faculty and students.
- r. Public responsibility:
1. copy of the advertisements and promotional material to be used by the institution;
 2. the institution's catalogue or catalogue prospectus;
 3. proposed form for the issuing of student credit transcripts;
 4. policy for the use and disclosure of social security numbers;

5. policy of confidentiality to protect the information contained in academic records and discourage the unauthorized access to said records;
6. measures to protect academic records in case of fire, flood and other catastrophies;
7. institutional policies regarding protective measures for higher education students activated by the US armed forces and the Puerto Rico National Guard.

Article 54 - Reserved

Article 55 - Reserved

Article 56 - Reserved

Article 57 - Reserved

Article 58 - Supporting Documents for the License of Renewal Application

Every License of Renewal application will consist of an analysis that establishes how the institution complies with the regulatory requirements regarding its operation. This analysis will be based on the institution's mission, vision, goals, and objectives, from the period covered by the last license granted and following the instructions provided in the License of Renewal application form. The results from the analysis of each evaluated element will contribute to the quality and efficiency of the institution, its educational services and academic programs. During the visit, the evaluation results will be verified with the evidence from each element and the regulatory criteria.

The application must be accompanied by the following documents:

- a. certification signed by the insitution's chief executive that establishes that the information is accurate and can be duly verified;
- b. physical and mailing addresses for each institutional unit;
- c. academic programs included in the license of renewal application;
- d. a description of the institution's governance structure, its organizational chart, and the names of its officials;

- e. statistical analysis of the student population in terms of admission, registration, retention, and graduation rates;
- f. a description of partnerships or agreements conducive to academic degrees between higher education institutions and an explanation of its impact on the institution (if applicable).
- g. Work experience and credentials of the administrators:
 - 1. a summary that includes name, academic credentials, professional experience, position to be occupied, and academic load (if applicable) for all of the institution's main administrators, including faculty administrators, as noted in the organizational chart;
 - 2. a list of the duties and responsibilities of the administrators.
- h. Financial capability:
 - 1. a summary that includes name, physical and mailing addresses, credentials and professional experience of the individuals in charge of the operation;
 - 2. audited financial statements of the institution together with the *Compliance Report or Single Audit Report*;
 - 3. detailed budget for a three year academic period including the year in which it is applying for the license. It must contain income listed by sources and details of expenditures and the assumptions made by the institution in its preparation;
 - 4. a three year strategic plan that describes the projected institutional development and the academic programs to be initiated. It must include the budget that will support this plan.
- i. Sufficiency and level of the study programs:
 - 1. institutional policy for the revision of programs;
 - 2. list of the programs that have undergone a curriculum revision, the nature of the revision and a schedule of those programs that the institution plans to revise;
 - 3. a list of the programs that have undergone changes in admission and graduation requirements, and an explanation for said changes;

4. a list of the programs the institution plans to either place in moratorium, close, or change its name;
 5. statistical analysis regarding enrollment, retention, and graduates of each academic program taking into consideration the manner and time schedule in which they are offered;
 6. practice manual (if applicable) that includes the selection criteria for the internship, practice, workshop or clinical affiliate centers, and the students' evaluation instrument;
 7. valid contracts, agreements and clinical affiliations between the institution and those entities that serve as clinical and professional practice centers (if applicable);
 8. thesis or dissertation manual and guidelines for any other requirement needed to obtain a degree (if applicable);
 9. a description of the academic counseling services that takes into consideration the required technology for the program, course content, and the characteristics of the students these services aim to address;
 10. institutional policies and procedures for:
 - a. in case of a moratorium, program closing or institutional closing, so that students can finish their studies;
 - b. to ensure the continuity of the academic offer, according to the program sequence;
 - c. for course convalidation in order to facilitate the transfer of students to and from other institutions;
 - d. for the convalidation of courses that facilitate student transfer from post-high school non-university level to a university level (if applicable).
- j. Experience and academic credentials of the faculty:
1. a summary that includes the name, degree level (concentrations, specializations and certifications in their specialty and in teaching methodology for distance learning if applicable), professional

experience, titles for the courses they are in charge of, type of contract (full-time or part-time), academic load, number of preparations and other tasks, of each faculty member;

2. an analysis of how the institution meets the policies established in the Faculty Manual with particular emphasis on academic preparation at a higher level than the one being taught, academic load and number of preparations of faculty members and how they contribute to the academic and programmatic stability;
3. results of the needs assesment plan for faculty development and its corresponding implementation regarding institutional issues, different study disciplines, and the various teaching methodologies;
4. an institutional and faculty policy regarding property rights and copyright.

k. Information resources:

1. an explanation of how the resources, equipment, and programs respond to the goals and objectives of the library;
2. how the development plan for library collections supports the institutional academic offer;
3. summary of the personnel in charge of library services which includes names, academic credentials and, when applicable, their work experience with library services for distance learning;
4. an analysis of the use of library services that takes into consideration the various types of users;
5. an analysis of how both, the printed and electronic collections, support the academic offer, and how both collections are used;
6. an analysis of the use and effectiveness of the library resources loan service;
7. an analysis of the effectiveness of the information capability development program for the users, the services policy and the library time schedule.

l. Student services:

1. description, schedule, and promotional methods of the following services that take into consideration the characteristics of the students they seek to address:
 - a. admissions
 - b. professional counseling
 - c. health services, both, preventive and curative
 - d. financial aid
 - e. registrar
 - f. student assistance with questions and problems the students might have
 - g. extracurricular activities
 - h. technological training
 - i. support technology for learning and infrastructure
 - j. acquisition of books, materials, and other course requirements
 - k. placement (if applicable)
 - l. tutorials and remedial courses (if applicable)
 - m. lodging (if applicable)
2. academic and professional credentials of the personnel that will offer the above services (if applicable);
3. student manual or regulations that include the norms that will govern their conduct, their rights and responsibilities, and a complaint filing procedure for students and graduates;
4. copy of the admissions application;
5. safety measures to provide a safe access to student records;
6. a plan for the establishment and promotion of student organizations;
7. policy for the students participation in institutional committees;
8. a policy to provide reasonable arrangements for students upon request and to facilitate access to facilities and institutional activities to students with special needs.

m. Physical facilities:

1. a description and analysis of how the institution arranges the physical facilities to meet the needs of its operation in the teaching, administrative and research (if applicable) areas;
2. development and maintenance plans for the physical facilities;
3. a list of required use permits for the physical facilities (State Fire Service and the Health Department, Regulations and Permits Administration), the Autonomous Municipalities or any other agency with jurisdiction. If any permit has expired, the steps taken for its renewal should be indicated.
4. other permits required by any agency or instrumentality of the Commonwealth of Puerto Rico or the United States Government for the institution to continue its operations, with the effective date of each one of them. If any permit has expired, the steps taken for its renewal should be indicated.

n. Laboratories and auxiliary teaching equipment:

1. a list of laboratories by discipline with their respective current permits or licenses, such as: management, conservation, and disposal of chemical substances, explosives, and all that has been programed;
2. an updated equipment maintenance and replacement plan that specifies the budget items allocated for this purpose;
3. summary of the personnel in charge of support services for learning and infrastructure that includes their academic credentials and, when applicable, their work experience with distance learning; and the time schedule for the learning and infrastructure technological support services;
4. laboratory manual or guide that describes the responsibilities of the personnel in charge, procedures for the use of the physical facilities, equipment and materials, evacuation plan in case of emergency, procedures for the disposal of chemical, biological, and radiological waste (if applicable), chemical hygiene aspects (if applicable) and procedures for the operation, maintenance, and disposal of explosives (if applicable);

5. existing policies for research development and plans drawn for the protection of laboratories and scientific research that include, without being limited to, institutional policies, contingency plans, budgets, insurance policies, ect.

o. Security guarantees:

1. insurance policy and performance bond issued by insurance companies recognized by the Office of the Insurance Commissioner of Puerto Rico in compliance with the requirements of Article 70;
2. a plan that provides for the safety of students, professors, and visitors on the grounds of the institution;
3. a back up system for the students' academic and financial records and, if applicable, for the electronic information and communications banks generated between faculty and students.

p. Public responsibility:

1. a copy of the advertisements and promotional material used by the institution;
2. the institution's catalogue and evidence that it has been updated and the document made available to the community;
3. form for the issuing of student credit transcripts;
4. policy for the use and disclosure of social security numbers;
5. policy of confidentiality to protect the information contained in academic records and discourage the unauthorized access to said records;
6. measures to protect academic records in case of fire, flood, and other catastrophies;
7. institutional policies regarding protective measures for higher education students activated by the US Armed Forces and the Puerto Rico National Guard.

CHAPTER VII

LICENSE AMENDMENTS AND PROGRESS REPORTS

Article 59 - License Amendments

Section 59.1 - When they are necessary

A license amendment is necessary when the institution implements a substantial change. The precise moment for the application and obtainment of the license amendment will depend on the type of license the institution has and the change that will take place as indicated below.

Section 59.2 - Substantial changes that require evaluation and approval by the Council before they are implemented

Regardless of the type of license the institution has, an evaluation is required for a license amendment application, as well as approval by the Council before said change takes place in the following cases:

Institutional changes

1. The establishment of a new institutional unit.
2. A change in the institution's name that implies a change in the level or curricular focus of the academic offer.
3. A change of ownership or authority regarding the operation of the institution.
4. A change in the institution's mission and objectives that alters the structure, level or nature of the academic offer or the ambit of operations.

Programmatic changes

5. Change in the institution's academic offer from the undergraduate to graduate level.
6. The creation of a graduate academic program or specialization, regardless of the teaching methodology.
7. The initiation of a graduate level offer or specialization in a different unit from the one previously approved by the Council.
8. The offer, through non-contact educational methods, of a graduate level academic program already approved in that institutional unit.

9. The creation of a certificate superior to the bachelor's degree level, regardless of the teaching methodology.
10. Resumption of an academic offer at the graduate level that has been in moratorium five (5) years or longer.

Section 59.2.1 - Impact of a denial

In the cases covered by Section 59.2, if the evaluation ends in denial, the institution will not be able to implement the desired change. The institution can contest the decision as stated under Act 170 and the Council's procedural regulations in effect.

Section 59.3 - Significant changes that require previous authorization by the Council before they are implemented

Institutions with a license in process of renewal can undertake the substantial changes indicated below without previous approval by the Council. The institution must notify its intended license amendment as provided in Section 21.3. The Council can appoint an Adviser to collaborate in the application's evaluation.

The amendment will be authorized by the Council through a certification once the application has been duly submitted in accordance with Article 23. Once authorized, the institution can implement the amendment. The Council will determine the evaluation date and will inform the Institution in the corresponding certification. The authorization will be valid for a term not exceeding five years.

Institutional changes

1. Moving or expansion plans of the institution or any of its institutional units to a different geographical location from the one approved in its license.
2. Creation of an additional facility.

Programmatic changes

3. Creation of an academic program or concentration at the undergraduate level regardless of the teaching methodology.
4. The initiation of an academic offer or concentration at the undergraduate level in a different unit from the one previously approved by the Council regardless of the teaching methodology.

5. Resumption of an academic offer that has been in moratorium less than five (5) years.
6. Resumption of an academic offer at the undergraduate level that has been in moratorium five (5) years or longer.
7. The offer, through non-contact educational methods, of an undergraduate level academic program already approved in that institutional unit.
8. The creation of an undergraduate level certificate, regardless of the teaching methodology.

Section 59.3.1 - Impact of a denial

In the cases covered by Section 59.3, if the evaluation results in denial, the institution will not be able to implement the desired change. The institution can contest the decision as stated under Act 170 and the Council's valid procedural regulations in effect.

If the institution contests the negative determination of the Council, it can continue to offer the program subject to revision but it may not continue to enroll students in said program.

Section 59.3.2 - Institutions with a license of authorization

The institutions that hold with a License of Authorization must obtain previous approval of the Council as provided in Section 59.2, in case of changes listed in Section 59.3.

Article 60- Progress Reports

Section 60.1 - Re-evaluation of approved programs

The institution will submit a Progress Report of every graduate level program after a five (5) year term from the date of approval. The Council will determine, depending on the evaluation's result, when the institution shall submit the Progress Report of all approved undergraduate level programs. It is the institution's responsibility to submit progress reports on the corresponding due date for each program.

In the case of those program progress reports that coincide with the institutional license renewal process, the DLA will establish an evaluation schedule a year before the license expires in order to determine the evaluation date of the program progress reports.

Section 60.2 - Content of the Reports

The progress report must contain a program development analysis, any changes that may have taken place since its approval date and evidence of compliance with the regulations' requirements. It must also include a description of actions taken to meet the commitments made during the evaluation process that were necessary for the program's approval, and the evidence that supports these actions.

In those cases where changes were not necessary, the institution must submit current information. To address these issues the Progress Report must include the following:

- a. Sufficiency and level of study programs:
 1. An explanation of how the program curriculum has permitted the attainment of the graduate profile taking into consideration: student enrollment from the beginning of the program, retention and graduation rates, degree, state administered examination results (if applicable) and the offer of tutorials or remedial courses;
 2. a description of the curriculum review that includes curriculum design and sequence;
 3. methods that allow for the evaluation of the program's effectiveness and the use given by the institution to all compiled information;
 4. copies of the syllabus of all core courses and concentration or specialization courses;
 5. practice manual (if applicable) that includes the norms and procedures for the supervision of practical experiences, internships or clinical workshops, and the evaluation form for the practical or clinical experience;
 6. list of the centers contracted by the institution (if applicable) for practices, internships or clinical workshops.
- b. Experience and credentials of the administrators:
 1. a summary that includes name, academic credentials, professional experience, position occupied and academic load (if applicable) for each of the program's main administrators, as identified in the institution's and the program's organizational charts;

2. list of the duties and responsibilities of the administrators.
- c. Experience and academic credentials of faculty members:
 1. a summary of the faculty members during the last two years that includes the name, academic degrees (concentrations, specializations and certificates in their specialty and in teaching methodology for distance learning if applicable), professional experience, titles for the courses they are in charge of, type of contract (full-time or part-time), academic load, number of preparations, participation in professional development activities in their discipline and distance learning teaching methodology, and publications.
 - d. Laboratories and auxiliary equipment for teaching:
 1. a description of the laboratories, equipment and available software that includes a maintenance and replacement plan.
 - e. Information resources:
 1. an analysis of how information resources (printed and electronic) support the study program, and statistics on its use during the last two years.
 - f. Financial capability:
 1. an analysis of how the budget allocated to the program, as well as its three year projection, meets the needs of the program.
 - g. Student services:
 1. an analysis of how the services made available to students support the program.
 - h. Public responsibility:
 1. copy of the program related information published in the institution's catalogue;
 2. samples of advertisements related to the program that have been issued by the institution;

3. evidence that information regarding the program changes has been distributed to the academic community.

- i. Physical facilities:

1. copies of the permits, policies or licenses required for the program.

Section 60.3- Validation of progress reports

The Council may validate, as an equivalent to the Progress Report, the accreditation granted to an undergraduate or graduate program by a professional accrediting entity approved by the U.S. Department of Education. The institution must apply for the validation.

The report by the accrediting entity must make reference to the Puerto Rican unit's compliance with the entity's standards. If the Council does not accept the validation, the institution shall be bound to submit the Progress Report in accordance with Article 60.

The institution that wishes to apply for the validation of the program Progress Report must meet the following requirements:

- a. The accreditation must be current and free of conditions.
- b. It must notify its intention to the Council through an application no less than 6 months prior to the due date for the submission of the progress report.
- c. It must submit copies of the self-study, the final report and the letter in which the accrediting entity notifies its determination.
- d. It must submit any document or information required by the Council to facilitate the validation process.

Section 60.4 - Impact of a denial

In the case of Progress Reports, if the Council's evaluation results in a denial, the institution may contest the decision as stated under Act 170 and Council's the procedural regulations in effect.

If the institution contests the negative determination of the Council, it can continue to offer the program subject to revision but it may not continue to enroll students in said program.

CHAPTER VIII

REQUIRED DOCUMENTATION FOR LICENSE AMENDMENT APPLICATIONS

Article 61 - Amendment application for substantial changes listed in Section 59.2

Section 61.1 - Establishment of a new institutional unit

The amendment application must include the following documents and information:

- a. certification signed by the institution's chief executive officer, and sworn before a notary that establishes that the information is accurate and can be duly verified;
- b. a description of the change that includes its purpose and justification, and compliance with the institution's mission, vision, goals and objectives;
- c. a list of the proposed academic programs;
- d. the proposed starting date for the institutional unit;
- e. physical and mailing addresses;
- f. feasibility study as defined in Article 10 of this Regulation;
- g. a description of the institution's governance structure, its organizational chart and names of the proposed officials;
- h. physical facilities:
 1. schematic drawings of the physical facilities that will be built, remodeled, or used by the institution, that show its size, specifications, and use of space;
 2. use permits for the physical facilities issued by the *Administración de Reglamentos y Permisos (ARPE)* [Regulations and Permits Administration], by the autonomous municipalities or any other agency with jurisdiction;
 3. current inspection report issued by the State Fire Service;
 4. current health certificate issued by the Health Department;

5. any other permits required by any agency or instrumentality of the Commonwealth of Puerto Rico or the United States Government for the institution to begin its operations.
- i. Experience and credentials of the administrators:
 1. a summary that includes name, academic credentials, professional experience, position to be occupied, and academic load (if applicable) for each of the institution's main administrators, including the faculty administrators, as identified in the organizational chart;
 2. list of the duties and responsibilities of the administrators.
 - j. Financial capability:
 1. a summary that includes name, physical and mailing addresses, credentials and professional experience of the individuals in charge of the operation;
 2. audited financial statements of the institution, together with the *Compliance Report or Single Audit Report* of the previous year to date of the application (if these have not been delivered to the Council);
 3. detailed budget for the academic year for which it is applying for the license amendment, with budget projections for the next two years. It must include income listed by sources and details of expenditures and the assumptions made by the institution in its preparation;
 4. a three year strategic plan that describes the projected development of the institution and of the academic programs it will initiate. Said plan must include the allocated budget items in support of the plan.
 - k. Level and sufficiency of the academic programs to be offered in the case of proposed programs that have not been reviewed by the institution in a five year period:
 1. a proposal for each program being offered that includes:
 - a. justification, goals, objectives and nature of the educational experience and how they respond to those of the institution;
 - b. graduate profile;

- c. requirements of admission to the institution and its programs that include the background, skills and technical knowledge necessary to enter and successfully complete the program;
 - d. if it applies, a description of the technical equipment and software needed for distance learning courses;
 - e. if it applies, norms regarding the participation and interaction between student-faculty, faculty-student and student-student;
 - f. graduation requirements;
 - g. number of credit-hours and contact-hours that correspond to the programmatic level of the degree to be awarded;
 - h. curriculum design and sequencing;
 - i. distribution of credit total according to the course classification model identified by the institution;
 - j. *Classification of Instructional Programs Code (CIP Code)*.
2. syllabus of each course being offered which includes: title, code, credit-hours and contact-hours, description, objectives, thematic content, teaching strategies (if applicable), activities, resources, required technology used (if applicable), evaluation methods and bibliography.
 3. When the program or course is being offered through distance learning:
 - a. the modules of each course being offered during the first academic term of each program,
 - b. a development schedule for the remaining course modules of each program
 4. letters of agreement between the institution and the different entities that could become centers for internships, practice, workshops, or required clinical affiliates (if applicable);

5. a proposed practice manual (if applicable) that includes the selection criteria for the internship, practice, workshop or clinical affiliate centers, and the students evaluation instrument;
6. thesis or dissertation manual and guidelines for any other requirement needed to obtain the degree (if applicable);
7. institutional policies:
 - a. in case of a moratorium, program closing or institutional closing, so that students can finish their studies;
 - b. to ensure the continuity of the academic offer, according to the program sequence;
 - c. for course validation in order to facilitate the transfer of students to and from other institutions.
8. a description of academic counseling services that takes into consideration the technology to be used in the programs, the content of the courses and the characteristics of the students these services seek to address;
9. institutional policy for program review.
- l. Level and sufficiency of the academic programs to be offered in the case of proposed programs that have been reviewed by the institution in a less than five (5) year period:
 1. A proposal for each program that will be offered which includes:
 - a. justification, goals, objectives and nature of the educational experience and how they respond to those of the institution,
 - b. a description of the curriculum review that includes the curriculum's design and sequence;
 2. documents from 2 to 9 listed in subsection (k).
- m. Experience and academic credentials of the faculty:
 - a. a summary that includes the name, degree (concentrations, specializations, and certifications in their specialty and in teaching methodology for distance learning if applicable), professional experience, titles for the courses they will be in charge of, type of

contract (full-time or part-time), academic load, number of preparations, and other tasks, of each faculty member;

b. letters of intent from the personnel to be hired that include their availability on the proposed starting date for the institution's operations;

c. Faculty Manual, or a draft that includes:

a. institutional norms regarding the faculty's maximum load and number of preparations (both full-time and part-time) at the undergraduate and graduate level that takes into consideration the teaching method the professor will use for the assigned courses;

b. norms regarding recruitment, evaluation, tenure or contract renewal, promotion and academic freedom;

c. functions and duties of the faculty members;

d. responsibilities of the faculty members in their interaction with students;

e. faculty's participation in the establishment and development of academic norms, education programs and research;

f. policy for the development of the faculty that includes the strengthening of their discipline as well as the diverse teaching methodologies;

g. an institution and faculty policy regarding property rights and copyright.

n. Information resources:

1. a description of the library's goals and objectives which includes online services;

2. summary of the personnel in charge of library services which includes names, academic credentials and, when applicable, their work experience with library services for distance learning;

3. a description of the internal space distribution that identifies work areas, and the location of the collections, and the equipment;

4. a collection development plan that supports the institution's academic offer;

5. a library development plan that includes resources, equipment, programs and materials to be acquired, activities and budget, online catalogue access and, when applicable, the virtual reference service;
 6. service policies that include information services through remote sources and inter-library resource loans;
 7. library services schedule that takes into consideration the teaching methods offered by the institution;
 8. a description of the development program regarding information skills for users;
 9. description and security guarantees of the technological infrastructure.
- o. Laboratories and auxiliary equipment:
1. a description of the articulation of institutional goals regarding learning and infrastructure technologies in relation to students and faculty needs;
 2. description of the laboratories and technological support services, and their relationship with teaching methods;
 3. inventory or purchase plan of the laboratory equipment needed for learning that includes: materials, safety equipment and technological infrastructure;
 4. laboratory equipment maintenance and replacement plan that specifies the budgetary items allocated for this purpose;
 5. summary of the personnel in charge of support services for learning and infrastructure that includes their academic credentials and, when applicable, their work experience with distance learning; schedule for the learning and infrastructure technological support services;
 6. laboratory manual or guide that describes: responsibilities of the personnel in charge; procedures for the use of the physical facilities, equipment, and materials; evacuation plan in case of emergency; procedures for the disposal of chemical, biological, and radiological waste (if applicable); chemical hygiene aspects (when applicable); and procedures for the operation, maintenance, and disposal of explosives (if applicable);

7. a scientific research development policy (if applicable);
 8. Plans for the protection of laboratories and scientific research projects that include contingency plans in the case of natural disasters both, fortuitous and foreseeable;
 9. copies of all valid permits and licenses pertaining to each laboratory, such as: explosives license, program permits or others.
- p. Student services:
1. description, schedule, and promotional means for the following services that take into consideration the characteristics of the students they seek to address:
 - a. admissions
 - b. professional counseling
 - c. health services, both, preventive and curative
 - d. financial aid
 - e. registrar
 - f. student assistance with questions and problems
 - g. extracurricular activities
 - h. technological training
 - i. support technology for learning and infrastructure
 - j. acquisition of books, materials, and other course requirements
 - k. placement (if applicable)
 - l. tutorials and remedial courses (if applicable)
 - m. lodging (if applicable)
 2. academic and professional credentials of the personnel that will offer the above services (if applicable);
 3. student manual or regulations that include the norms that will govern their conduct, their rights and responsibilities, and a complaint filing procedure for students and alumni;
 4. copy of the admissions application;
 5. safety measures to provide a safe access to student records;
 6. a plan for the establishment and promotion of student organizations;
 7. policy for the students participation in institutional committees;

8. a policy to provide reasonable arrangements for students upon request and to facilitate access to facilities and institutional activities to students with special needs.

q. Security guarantees:

1. an insurance policy issued by an insurance company recognized by the Office of the Insurance Commissioner of Puerto Rico (*Comisionado de Seguros de Puerto Rico*), in accordance with the requirements of Article 70 of this Regulation;
2. a plan that provides for the safety of students, professors, and visitors on the grounds of the institution;
3. a back up system for the students academic and financial records and, if applicable, for the electronic information and communications banks generated between faculty and students.

r. Public responsibility:

1. copy of the advertisements and promotional material to be used by the institution;
2. the institution's catalogue or catalogue prospectus;
3. proposed form for the issuing of student credit transcripts;
4. policy for the use and disclosure of social security numbers;
5. policy of confidentiality to protect the information contained in academic records and discourage the unauthorized access to said records;
6. measures to protect academic records in case of fire, flood and other catastrophies;
7. institutional policies regarding protective measures for higher education students activated by the U.S. Armed Forces and the Puerto Rico National Guard.

Section 61.2 - Change in the name of the institution that entails changes in the level or in the curricular focus of the academic offer

The amendment application must include the following documents and information:

- a. an explanation of how the change of name affects the curriculum level or approach to the academic offer including purpose, justification and starting date;
- b. evidence of change in the certificate of incorporation (if applicable);
- c. evidence of approval of said change by the directing authorities (Board of Directors) of the institution;
- d. when the name change entails the use of the term "university", the institution must also submit:
 1. evidence of academic offer in the arts and sciences, at least in the bachelor and masters level;
 2. a description of the institutional component of research and scientific diffusion in the arts and sciences;
 3. a list of research projects in process by the faculty and those published in journals, and of presentations in professional forums;
 4. incentives for faculty members towards the carrying out and dissemination of research;
 5. policies for the development of scientific research;
 6. description of the institutional component regarding development, cultural diffusion and social commitment activities;
 7. copies of institutional journals and publications.

Section 61.3 - Change of ownership or control in the operation of the institution

The amendment application must include the following documents and information:

- a. a description of the change that includes its purpose, justification and starting date;

- b. documents used to carry out the change of ownership or control which include agreements, contracts, financial sources, and others. If a corporation acquires the control of operations, the institution must submit evidence of the Certificate of Incorporation issued by the State Department of the Commonwealth of Puerto Rico, certificate of compliance, and the articles of incorporation of the corporation that takes over the control of operations;
- c. when individuals acquire the control of operations of the institution, the institution must submit the following information: a summary with the name, physical and mailing addresses, academic and professional credentials of each individual acquiring control of operations, and evidence that these individuals have the necessary financial guarantees to make said operation possible, such as: credit lines, assets, or other resources;
- d. when a corporation acquires control of the operation, the institution must submit the following information: a summary with the name, physical and mailing addresses, academic and professional credentials of each of the principal executive officers, as well as the last two audited financial statements of the corporation;
- e. when the corporation that acquires control of the operations resides outside the jurisdiction of Puerto Rico, the institution must submit information about the resident agent in PR certified by the State Department of the Commonwealth of Puerto Rico;
- f. evidence of having notified its intent to change to the U.S. Department of Education, the regional or national accreditation entity and, if applicable, the General Board of Education;
- g. consent of the parties selling or transferring the shares pertaining to said transaction;
- h. additional information or documents that the Council deems necessary to evaluate the transaction.

Section 61.4 - Change in the mission and objectives of the institution that alters the structure, level, or nature of its offer or area of operation

The amendment application must include the following documents and information:

- a. an explanation of how the change of mission and objectives of the institution will alter the structure or scope of operation, which includes the purpose, justification, and starting date:
- b. evidence of approval of said change by the directing authorities (Board of Directors) of the institution.

Section 61.5 - Change in the academic offer of the institution from the undergraduate to the graduate level

The amendment application must include the following documents and information:

- a. an explanation of how this change responds to the mission and objectives of the unit or campus;
- b. organizational chart that indicates how this change of level affects the organization, giving special attention to the administrative unit to which the academic programs producing said change respond to;
- c. documents and information required for those substantial changes with a programmatic nature that imply a change of level, as established in Section 61.6.

Section 61.6 - Creation of an academic program or specialization at the graduate level regardless of the teaching methodology

The amendment application must include the following documents and information:

- a. a certification signed by the institution's chief executive officer indicating that all the information submitted is correct and can be duly verified;
- b. a description of the change, justification, purpose, and date on which the program will initiate;
- c. Sufficiency and level of the study programs to develop the skills and knowledge it is aiming to provide students:
 1. the planned program proposal will include the following:
 - a. justification, goals and objectives, and nature of the educational experience, and how these respond to those of the institution;

- b. graduates' profile;
 - c. admission requirements to the institution and program which include the background, skills, and necessary technical knowledge needed to enter and successfully complete the program;
 - d. if applicable, a description of the necessary software and technical equipment for distance learning;
 - e. if applicable, norms regarding participation and interaction requirements between student-faculty, faculty-student and student-student;
 - f. graduation requirements;
 - g. number of the credit- hours and contact- hours that respond to the program level of the degree to be awarded;
 - h. curriculum design and sequence;
 - i. distribution of total credits in accordance with the model of course classification identified by the institution;
 - j. a description of courses to be included in the Catalogue;
 - k. *Classification of Instructional Programs Code (CIP Code)*.
2. syllabus of each course being offered which includes: title, code, credit-hours and contact-hours, description, objectives, thematic content, teaching strategies (if applicable), activities, resources, required technology (if applicable), evaluation methods, and bibliography;
 3. When the program or course is being offered through distance learning:
 - a. the modules of each course being offered during the first academic term of each program;
 - b. a development schedule for the remaining course modules of each program;

4. contracts or letters of intent between the institution and the different entities that could become centers for practice, internships, workshops, or clinical affiliates (if applicable);
 5. a proposed practice manual (if applicable) that includes the selection criteria for the practice, internships, workshops, or clinical affiliate centers, and the students' evaluation instrument;
 6. thesis or dissertation manual and guidelines for any other requirement needed to obtain the degree (if applicable);
 7. standards for academic progress and the maximum term allowed for completion of degree.
- d. Experience and credentials of the administrators:
1. a summary that includes name, academic credentials, professional experience, position to be occupied, and academic load, and number of preparations (if applicable) for all of the program administrators;
 2. a list of duties and responsibilities of the administrators as identified in both the institution's and the program's organizational chart.
- e. Experience and academic credentials of faculty:
1. a summary that includes the name, degrees (concentrations, specializations, and certifications in their specialty and in teaching methodology for distance learning if applicable), professional experience, titles for the courses they will be in charge of, type of contract (full-time or part-time), academic load, number of preparations and other tasks, of each faculty member;
 2. letters of intent from the personnel to be hired that include their availability on the proposed starting date of the program.
- f. Financial capacity:
1. first year operational budget and the projected budget for the next two years.
- g. Information resources:
1. Available database and the development plan to maintain an updated collection of the program to be evaluated;
 2. service policies that include information services through remote sources and inter-library resource loans;

3. library services schedule that takes into consideration the program's teaching methods.

h. Public responsibility:

1. text of the information to be included in the Catalogue and copies of the advertisements and promotions published, or to-be published by the institution regarding the new program;
2. policy, rules, and procedures that protect scientific research (if applicable) and laboratories;
3. policy, rules, and procedures that protect participants in scientific research;
4. publications and research projects, both completed and in progress, proposed by faculty members (if applicable);
5. manual or guide for the joint publication of professors and graduate students (if applicable).

i. Physical facilities:

1. a description of the physical facilities to be used for the new program;
2. list of required use permits for the physical facilities (State Fire Service and Health Department) and the effective dates of each permit. If a permit has expired, the steps being taken for its renewal should be indicated.
3. any other permit required by any agency or office of the Commonwealth of Puerto Rico or the United States Government for the operation of the program. If a permit has expired, the steps being taken for its renewal should be indicated.

j. Laboratories and auxiliary teaching equipment (if applicable):

1. a description of the laboratories and technological support equipment in relation to the program;

2. a summary that includes the name, professional experience, academic credentials and position to be occupied of the technical personnel in charge of the laboratories (if applicable). In the case of a person that has not been recruited, a letter of intent must be included that confirms availability for the program's starting date;
3. inventory or purchase plan of the laboratory equipment needed for learning that includes: materials, safety equipment and the technological infrastructure required for teaching;
4. maintenance and laboratory equipment replacement plan that specifies the budget items allocated for this purpose
5. laboratory manual or guide that describes: responsibilities of the personnel in charge; procedures for the use of the physical facilities, equipment and materials; evacuation plan in case of emergency, procedures for the disposal of chemical, biological, and radiological waste (if applicable); chemical hygiene aspects (when applicable); and procedures for the operation, maintenance, and disposal of explosives (if applicable);
6. current permits for the operation, maintenance, and disposal of chemical substances and explosives; use permit for teaching laboratories and research; and any other permit required by the municipal, state, or federal government in order for the program to start.

Section 61.7 - Commencement of an academic offer or specialization at the graduate level in a different unit from the one previously approved by the Council

The amendment application must include the following documents and information:

- a. a certification signed by the institution's chief executive officer indicating that all the information submitted is correct and can be duly verified;
- b. a description of the change that includes its purpose, justification, objectives, *Classification of Instructional Programs Code*, unit and date of its previous approval, unit where it will be offered, and starting date;
- c. masters degree programs that have been subject to curriculum review in a period of no more than five years, will submit a description of the

curriculum review that includes the curriculum design and sequence, and the documents and information required in subsections (c-4) to (c-7), and subsections (d) through (j) of Section 61.6;

- d. masters degree programs that have not been submitted to curriculum review within a five year period will submit all documents and information required in subsections (c) through (j) of Section 61.6;
- e. all documents and information required in Section 61.6 if its a doctoral level program.

Section 61.8 - Academic program at the graduate level approved in that institutional unit now to be offered through non- contact teaching methods

The amendment application must include the following documents and information:

- a. a certification signed by the institution's chief executive officer indicating that all the information submitted is correct and can be duly verified;
- b. Sufficiency and level of the study programs for the development of the skills and knowledge it is aiming to be conveyed to students.
 - 1. a proposal that includes the following:
 - a. a description of the change, purpose, justification, objectives, nature of the educational experience, and how they respond to those of the institution;
 - b. primary instructional method to be used;
 - c. *Classification of Instructional Programs Code (CIP Code)*;
 - d. date when the previous contact-with-student program was approved and the proposed starting date;
 - e. admission requirements to the institution and the program that includes the background, skills, and technical knowledge necessary to enter and successfully complete the program;

- f. graduation requirements;
 - g. graduate profile;
 - h. a description of the necessary software and technical equipment for distance learning;
 - i. norms regarding participation and interaction requirements between student-faculty, faculty-student, and student-student;
 - j. number of credit hours and contact hours that respond to the programmatic level of the degree being awarded;
 - k. curriculum design and sequence;
 - l. distribution of total credits in accordance with the course classification model identified by the institution.
- 2. modules for each course being offered in the program's first academic term and a development schedule for the remaining course modules;
 - 3. letters of intent between the institution and the different entities that could become centers for practices, internships, workshops, or required clinical affiliates (if applicable);
 - 4. a proposed practice manual (if applicable) that includes the selection criteria for the practice, internship, workshop, or clinical affiliate centers, and the students' evaluation instrument;
 - 5. thesis or dissertation manual and guidelines for any other requirement needed to obtain the degree (if applicable);
 - 6. a description of the academic counseling services that takes into consideration the required technology for the program, course content and the characteristics of the students these services aim to address;
- c. expected enrollment for the non-contact program;
 - d. documents and information required in subsections (d) through (j) of Section 61.6.

Section 61.9 - Creation of a certificate above the bachelor level regardless of the teaching methodology

The amendment application must include the following documents and information:

- a. a certificate signed by the institution's chief executive officer indicating that all the information submitted is correct and can be duly verified;
- b. description of the change, purpose, justification, unit where it will be offered, and proposed starting date;
- c. documents and information required in subsections (c) through (j) of Section 61.6;

If the certificate consists of courses belonging to the specialization component of a graduate program approved by the PRCHE within a period no longer than twelve months, the Council will be able to approve the program without the need of an evaluation by an Advisory Board.

Section 61.10 - Resumption of an academic offer at the graduate level that has been in moratorium five years or longer

The amendment application must include the following documents and information:

- a. a certification signed by the institution's chief executive officer indicating that all the information submitted is correct and can be duly verified;
- b. a description of the change, purpose, justification, unit where it will be offered, and proposed starting date;
- c. documents and information required in subsections (c) through (j) of Section 61.6.

Article 62 - Amendment Application for changes contemplated in Section 59.3

Section 62.1 - Moving or expansion of the institution or any of its institutional units to a different geographical location from the one approved in its license

The amendment application must include the following documents and information:

- a. a certification signed by the institution's chief executive officer indicating that all the information submitted is correct and can be duly verified;
- b. a description of the moving or expansion plan that includes its purpose, justification, physical address, and proposed date for the project to take place;
- c. list of the programs and academic offers, concentrations or specializations that will be offered in the new facilities;
- d. an explanation of how this change meets the elements and requirements related to: physical facilities, administrator's work experience and credentials, financial capacity, sufficiency and level of the study programs for the development of the skills and knowledge provided to students, experience and academic credentials of the faculty members, and their correspondence with the institutional offer, library resources, laboratories and auxiliary teaching equipment, student services, security guarantees for students and the academic community, and public responsibility, as specified in Article 51;
- e. copies of advertisement, and promotions published or to be published regarding the moving or expansion plans.

Section 62.2 - Creation of an additional facility

The amendment application must include the following documents and information:

- a. a certification signed by the institution's chief executive officer indicating that all the information submitted is correct and can be duly verified;
- b. a description of the creation of the additional facility that includes purpose, justification, and the proposed project's starting date;
- c. list of the courses that will be offered in said location indicating the programs they belong to;
- d. proposed physical and mailing addresses;

- e. a description of the institution's governance structure, its organizational chart, and the names of officials being proposed;
- f. documents and information required in subsections (d) through (j) of Section 61.6.

Section 62.3 - Creation of an academic program or major at the undergraduate level regardless of the teaching methodology

The amendment application must include the following:

- a. the documents specified in subsections (a) through (j) of Section 61.6 of this Regulation, if applicable;
- b. institutional procedures and policies regarding the validation of courses that facilitate the students' transfer from post high school non-university level to a university level (if applicable).

Section 62.4 - Offer of an academic program or major at the undergraduate level in a different institutional unit from the one previously approved, regardless of the teaching methodology

The amendment application must include the following documents and information:

- a. a certification signed by the institution's chief executive officer indicating that all the information submitted is correct and can be duly verified;
- b. a description of the change that includes its purpose, justification, objectives, *Classification of Instructional Programs Code*, unit and date when it was approved, unit where it will be offered, and starting date;
- c. those programs that have been submitted to curriculum review during a period no longer than five (5) years will submit a description of the curriculum review that includes the curriculum design and sequence, and the documents and information required in subsections (c-4) to (c-7) and subsections (d) through (j) of Section 61.6;
- d. institutional procedures and policies regarding the validation of courses that facilitate the students' transfer from post secondary programs to the university level (if applicable);

- e. programs that have not been submitted to a curriculum review within a five (5) year period will submit all documents and information required in subsections (c) through (j) of Section 61.6.

Section 62.5 - Resumption of an academic offer that has been in moratorium less than five (5) years

The amendment application must include the following documents and information:

- a. a certification signed by the institution's chief executive officer indicating that all the information submitted is correct and can be duly verified;
- b. a description of the change, its purpose, justification, the starting date of the academic offer, and the unit in which it will take place;
- c. a description of the curriculum changes made to the program which includes copies of the different syllabuses, the courses and the revised curriculum sequence;
- d. a summary that contains name, academic credentials, professional experience, position to be occupied, academic load, and number of preparations (if applicable) for each of the program administrators, and a list of the duties and responsibilities of the administrators as identified in both the institution's and the program's organizational chart;
- e. a summary that includes the name, degrees (concentrations, specializations, and certificates in their specialization, and in teaching methodology of distance learning if applicable), professional experience, titles of the courses they will be in charge of, type of contract (full-time or part-time), academic load, number of preparations, and other tasks of each faculty member, and a letter of intent that states their availability;
- f. a detailed budget for the first year of operations and budget projections for the next two years;
- g. a description of the laboratories and technological support equipment in relation to the program;
- h. institutional procedures and policies regarding the validation of courses that facilitate the students transfer from post secondary programs to a university level (if applicable);

- i. copy of the full text to be included in the Catalogue and samples of advertisements and promotions published or to be published by the Institution regarding the new program offer.

Section 62.6 - Resumption of an academic offer at the undergraduate level that has been in moratorium five (5) years or more

The amendment application must include the following documents and information:

- a. a certification signed by the institution's chief executive officer indicating that all the information submitted is correct and can be duly verified;
- b. a description of the change that includes its purpose, justification, objectives, *Classification of Instructional Programs Code (CIP Code)*, unit and date of its approval, unit where it will be offered, and starting date;
- c. those programs that have been submitted to a curriculum review within a period of no more than five years will submit a description of the curriculum revision that includes the curriculum design and sequence, and the documents and information required in subsections (c-4) to (c-7), and subsections (d) through (j) of Section 61.6;
- d. institutional procedures and policies regarding the validation of courses that facilitate the students' transfer from post secondary non-university programs to a university level (if applicable);
- e. programs that have not been submitted to curriculum review within a five year period will submit all documents and information required in subsections (c) through (j) of section 61.6.

Section 62.7 - Academic offer through non-contact educational methods of an undergraduate level academic program approved in that institutional unit

- a. a certification signed by the institution's chief executive officer indicating that all the information submitted is correct and can be duly verified;
- b. sufficiency and level of the academic programs;
 1. a proposal that includes the following:
 - a. a description of the change, purpose, justification, objectives, nature of the educational experience and how these respond to those of the institution;
 - b. primary instructional method to be used;
 - c. *Classification of Instructional Programs Code*;
 - d. date when the previous contact-with-student program was approved and the proposed starting date;
 - e. admission requirements to the institution and its programs that include the background, skills, and technical knowledge necessary to enter and successfully complete the program;
 - f. graduation requirements;
 - g. graduate profile;
 - h. a description of the necessary software and technical equipment for distance learning;
 - i. norms regarding participation and interaction requirements between student-faculty, faculty-student, and student-student;
 - j. number of credit- hours and contact-hours that respond to the programmatic level of the degree being awarded;
 - k. curriculum design and sequence;
 - l. distribution of total credits according to the course classification model identified by the institution.

2. the modules of each course being offered during the first academic term of each program and a development schedule for the modules of the remaining courses;
 3. letters of intent between the institution and the different entities that could become centers for practices, internships, workshops, or required clinical affiliates (if applicable);
 4. a proposed practice manual (if applicable) that includes the selection criteria for the practice, internship, workshop or clinical affiliate centers, and the students evaluation instrument;
 5. a description of the academic counseling services that takes into consideration the required technology for the programs, course content, and the characteristics of the students these services aim to address.
- c. expected enrollment for the non-contact program;
 - d. institutional procedures and policies regarding the validation of courses that facilitate the students' transfer from post high school non-university programs to a university level (if applicable);
 - e. the documents and information required in subsections (d) through (j) of Section 61.6.

Section 62.8 - Creation of a certificate at the undergraduate level regardless of the teaching methodology

The amendment application must include the following documents and information:

- a. a certification signed by the institution's chief executive officer indicating that all the information submitted is correct and can be duly verified;
- b. a description of the change, its purpose, justification, the starting date of said academic offer, and the unit in which it will take place;
- c. documents and information required in subsections (c) through (j) of Section 61.6, except the thesis or dissertation manual.

If the certification consists of courses belonging to the specialization component of an undergraduate program approved by the PRCHE within a period of no

longer than twelve months, the Council may approve said program without the need of an evaluation by an Advisory Board.

CHAPTER IX

SIGNIFICANT CHANGES AND SUPPORTING DOCUMENTATION

Article 63 - Significant Changes

Some actions carried out by the institution that do not modify or alter its structure, its academic offer or its operations that must be notified to the Council. In some instances, these require previous approval in the form of a Certification by the Council.

Significant changes that require Approval and Certification by the Council:

1. changes in program name or academic offer that do not involve a change of level or a change in the curriculum focus of the academic offer;
2. institution name change that does not involve change in level or a change in the curriculum focus of its academic offer;
3. changes that require an amendment of the incorporation certificate, except those changes covered by Section 59.2 of these Regulations;

Significant changes that do not require Certification by the Council:

4. changes in tuition fees, education fees or both;
5. changes in admission requirements, graduation requirements, or both;
6. changes in the institution's mission or objectives that do not modify or alter the institutional structure, the level or nature of its academic offer, nor the scope of operations;
7. the establishment of associations, contracts, or agreements of academic collaboration between educational institutions and other entities that do not involve the operation in Puerto Rico of an institution that does not have the authorization of the Council;
8. change of the principal executive officers of the institution;

Article 64 - Procedure for Council notification regarding a significant change

Any institution that makes or plans to make a significant change as specified in Article 63, must notify the Council in writing before the date of said change. In case of a change of name of the institution or a program, it will not be effective until the Council issues a certification.

The notification of change must be accompanied by the documents and information specified below.

Section 64.1 - Change in program name or academic offer that does not involve a change in level or in the curricular focus of the academic offer

- a. a description of said change that includes its purpose, justification, and starting date;
- b. an explanation of why this name change does not involve a change in level or in the curriculum focus of the academic offer;
- c. the effect this change will have on students enrolled in the current program.

Section 64.2 - Change of the institution's name that does not involve a change in level or in the curricular focus of the academic offer

- a. a description of the change that includes its purpose, justification, and starting date;
- b. an explanation of why this name change does not involve a change in level or in the curriculum focus of the academic offer.

Section 64.3 - Changes that require an amendment to the certificate of incorporation, except those covered in Section 59.2 of these Regulations

- a. a description of said change that includes its purpose, justification, and starting date;
- b. certified copies of the new certificate and the articles of incorporation.

Section 64.4 - Change in tuition charges, fees, or both

- a. a description of the change that includes its purpose, justification, and starting date;
- b. an explanation of how the requirements established in Article 67 of this Regulation were met;
- c. copy of any text to be included in the Catalogue and samples of advertisements, promotional materials and notice published or to be published regarding the change;
- d. a description of how the academic community will be notified of the change.

Section 64.5 - Changes in admission requirements, graduation requirements, or both

- a. a description of the change that includes its purpose, justification, and starting date;
- b. an explanation of how this change will affect students already enrolled;
- c. a copy of the notification of change sent to the affected students;
- d. a copy of any text to be included in the Catalogue, and samples of advertisements and promotional materials;
- e. a description of how the academic community will be notified of the change.

Section 64.6 - Changes in the institution's mission or objectives that do not modify or alter the institutional structure, the level or nature of its academic offer or the scope of its authorized operations

- a. a description of the change that includes its purpose, justification and starting date;
- b. an explanation of why the change in the institution's mission or objectives does not modify or alter the institutional structure, the level or nature of its academic offer, nor the scope of its authorized operations, and documents in support of the explanation;
- c. a description of how the academic community will be notified of the change.

Section 64.7 - The establishment of associations, contracts, or agreements of academic collaboration between educational institutions and other entities that do not involve the operation in Puerto Rico of an institution that does not have the authorization of the Council

- a. a description of the change that includes its purpose, justification and starting date;
- b. an explanation of how the project will operate, as well as the contribution and participation of the institutions involved;
- c. a copy of the contract or agreement signed by all parties that states the terms, conditions and obligations of the participating institutions.

Section 64.8 - Change of the principal executive officers of the institution

- a. name, position, and date said change will go into effect.

CHAPTER X

PUBLIC RESPONSIBILITY OF THE INSTITUTIONS

Article 65 - Concept

Higher Education institutions, aware of the significance of their mission and the importance of the function they carry out, will be observant and will make sure that their operations respond to norms of integrity and ethical behavior that serve as an example to their students and the Puerto Rican community in general.

Their performance is expected to respond to the highest levels of public responsibility and they must comply, faithfully and diligently, with their commitments to the students, the community, and the country as provided for in these Regulations.

The institution will prove that it does not discriminate against anyone on the basis of origin, sex, race, ethnic group, social condition, physical impediment, political ideas, or religious beliefs.

Article 66 - Advertisements and other public statements

Any advertisement or public statement made by an institution of higher education must conform to the following norms according to their application in each case:

- a. the content will be absolutely truthful and free of deceiving or exaggerated information relative to the institution, its human resources, its courses, and services;
- b. the institution and its institutional units will identify themselves with the name that appears in the Council registry, especially in the usage of terms such as *university*, *campus*, *college*, *junior college*, or any other that can be associated with the nature or level of the institutional offer;
- c. it must include the program titles as they have been authorized or approved by the Council;
- d. the endorsement, support, or recommendation of individuals and entities can be claimed only if there is evidence in writing with the signature of the individual or entity representative;
- e. it must be clearly established that it is offering education or training and not employment or future employment promises;

- f. it must indicate the type of license (authorization or renewal) it has been issued by the Council. It will refrain from using expressions that imply or insinuate that the institution has been endorsed or recommended by the Council in any way other than the granted license.
- g. the term *accredited* or any of its derivations will be used in reference to the institution if there is a certificate to that effect issued by the Council or by any of the regional or national accrediting entities recognized by the United States Department of Education. If that is the case, the official name of the accrediting entity must be indicated. If the accreditation is professional, the institution will indicate the program or programs that have been accredited by the entity instead of indicating that the institution itself has been accredited.
- h. scholarships or other types of financial support will only be offered or promised to the students when the institution can guarantee that said support can be awarded or when it is authorized to concede such benefits;
- i. the institution will only manifest or imply that the credits received through its educational offer will be accepted by other institutions to continue more advanced studies when there are formal signed agreements to that effect;
- j. it must disseminate both the faculty's and the institution's property and copyright policy applicable to all educational modalities that are used for courses where attendance is not required;
- k. the promotional materials for such programs where attendance is not required must contain the following information:
 - 1. admission requirements that include the background, skills, and technical knowledge necessary to gain access to, and successfully complete the program;
 - 2. the nature of the educational experience;
 - 3. graduation requirements;
 - 4. faculty and institution responsibilities;
 - 5. norms regarding the participation and interaction requirements between student-faculty, faculty-student, and student-student;
 - 6. a description of all the technical and programmed equipment necessary for taking distance courses.

Article 67 - Student charges and fees

Section 67.1 - Duty to inform

In reasonable advance of each registration period, every institution has to inform both their admission candidates and their students, about all charges, fees and monetary deposits that their registration and participation will imply, relative to the programs, courses, laboratories, internships and all other offers and services. This information will include cancellation and reimbursement policies as well as its policy regarding changes in charges and fees.

Section 67.2 - Changes in charges and fees

Once the student has registered, the institution will not be able to increase tuition charges, fees and monetary deposits during the academic period established in said registration. With respect to future academic periods, changes in charges and fees can only be made in accordance with the policy published to this end in the institution's catalogue or in any other official document distributed to the students.

Section 67.3 - The obligations of the contracting parties will be stated in the institution's catalogue.

The institution's catalogue must state the obligations contracted by both parties from the moment the student pays and the institution accepts the payment for tuition and other services upon the beginning of a program, course, semester, or academic period.

Article 68 - The institution's catalogue

Every higher education institution must have a current catalogue, and a copy of such catalogue will be submitted to the Council every time it is revised. It is the institution's responsibility to establish a method of disclosure for the catalogue and any changes made. The Catalogue must, at least, contain the following information taking into consideration the educational modalities in which its programs are offered:

- a. the catalogue validity date;
- b. a description of the institution and its nature;
- c. type of license; regional, national and professional accreditations, *if applicable*;

- d. vision, mission, and purpose of the institution;
- e. the institution's government structure;
- f. the names of the top officials;
- g. a list of its academic offer as approved by the Council;
- h. admission and graduation requirements of the institution and its programs;
- i. a description of all programs and courses, concentrations, and specializations offered by the institution while the catalogue is in force (which must be at least a year), as well as the credit-hours and contact-hours of each study program;
- j. the tuition charges, registration, and fees required from the students and the policy for changes in these charges and fees;
- k. the policies regarding both the cancellation and the reimbursement of tuition, and other payments made by the students to the institution;
- l. the norms and procedures regarding the validation and transfer of credits;
- m. the reciprocal rights and duties of the institution and the students;
- n. a description of the services offered to the students;
- o. a registry of the faculty members, their degrees and the institutions that granted their degrees;
- p. a description of the institution's main facilities where their academic offer takes place;
- q. physical and mailing addresses and the phone numbers of each institutional unit described in the catalogue;
- r. a description of the library, electronic, audiovisual, laboratory, and other support services offered by the institution as a complement to its academic offer;
- s. any information required by municipal, state, and federal laws, and by the accreditation entities.

Article 69 - Student records

Section 69.1 - Credit transcripts

Every higher education institution will provide its students with credit transcripts of their academic records in accordance with the policies and reasonable fees adopted. To this effect, every institution will keep adequate and permanent files and these must be suitably protected against theft, fires, floods, incorrect use, and other risks to their security and integrity.

Section 69.2 - Content of the academic records

The records will contain the necessary information so that the academic work of each active or inactive student can be verified or transcribed. Each record must contain the information established in Sections 69.3 and 69.6 of these Regulations.

Section 69.3 - Content of the credit transcripts

Each credit transcript must include, at least, the following information:

- a. the name and address of the institution and the institutional unit where the studies took place;
- b. the student's name and address;
- c. the student identification number assigned by the institution;
- d. a list of the courses in which the student was registered and the final result of his academic work;
- e. study program and the approved courses;
- f. the student's grades and rate of progress according to the institution's grading system;
- g. certificates, degrees, diplomas, and other official academic recognitions received by the student;
- h. student status.

Section 69.4 - Financial transaction records

Relevant records of the financial transactions between students and the institution will be kept. These records must contain tuition and other payments made by each student as well as any reimbursement that was made.

Section 69.5 - Financial aid records

If the institution or its students receive financial aid from the state or federal governments, the Institution must keep the records required by the programs through which the funds were granted.

Section 69.6 - Record of compliance with admission and graduation requirements

Every institution must keep records of every student's compliance with each one of the established admission and graduation requirements.

Article 70 - Insurance and bond

Section 70.1 - Public liability insurance

Every institution must acquire and maintain in force a public liability insurance with an insurance company that has been approved by the Office of the Commissioner on Insurance of Puerto Rico to cover any risk of bodily harm that might affect any person while on its grounds, in its buildings, and other facilities. The coverage will not be less than five hundred thousand dollars (\$500,000.00) per individual case and one million dollars (\$1,000,000.00) per incident.

Section 70.2 - Bond

Every institution must acquire and maintain in force a performance bond with an insurance company that has been approved by the Office of the Commissioner on Insurance of Puerto Rico, endorsed on behalf of the Council for Higher Education of Puerto Rico. The bond has to clearly state its purposes, as it is described below.

Section 70.2.1 - Bond purposes

The bond described in this Article will cover the following aspects of institutional activity:

- a. guarantee the reimbursement of payments made in advance by the students for tuition and other services if the institution does not fulfill its obligations when accepting such payments;
- b. guarantee the payment of microfilming costs of academic records in the event of an institutional closing or any other eventuality that requires this service;

- c. guarantee the payment of maintenance costs and registration services (including the issuance of certified copies of credit transcripts) related to the institution files (microfilmed or not) if, by any reason, the institution cannot continue to provide such services due to closure or any other eventuality with similar consequences;

Section 70.2.2 - Bond amount

The performance bond will be for an amount that equals forty percent (40%) of the institution's total gross income from tuition fees and other debits charged to the students during the previous academic year. The quantity will, in no case, be less than five thousand dollars (\$5,000.00) nor more than a hundred thousand dollars (\$100,000.00). The bond amount will be adjusted yearly within the 30 days that follow the beginning of each academic year.

In the case of institutions that do not operate according to academic year, the concept of operational years will be used. To make the calculations of each year of operations, they will use the effective date of its most recent license or any other date that is formally agreed to with the Council.

In the case of institutions that are beginning operations, the Council will set the bond amount based on the projected gross income of its first academic or operational year, as appropriate, to cover the stated eventualities.

Section 70.2.3 - Bond execution

Once the Council has determined that any of the circumstances established by the bond in Section 70.2.1 has occurred, it will demand its execution and will take all necessary measures to this effect.

Article 71 - Audited financial statements

Every institution must submit yearly audited financial statements together with the *Compliance Report or Single Audit Report* no later than six months following the end of the fiscal year for for-profit institutions, and no later than nine months for non-profit institutions.

CHAPTER XI

CLOSINGS AND MORATORIUMS

Article 72- General norm

When a licensed institution has to, or intends to close operations in Puerto Rico, wholly or partially, it must take the necessary measures to minimize any damage that may affect students, the community, and the public interest.

Article 73 - Notifying the Council of an institutional closing

An institution that intends to close operations, wholly or partially, must send written notice to the Council at least six months prior to the planned closing date. When, for good reason, notice cannot be given six months in advance, written notice must be sent with sufficient time as allowed by the circumstances. Together with said notice, the institution must state the measures it is taking, or will take, to minimize the damage this closing will cause to the students, the community, and the general public.

Section 73.1 - Closing procedure form

As soon as a licensed institution notifies the Council of its plan to close, wholly or partially, the Council will provide them with a copy of the procedure form. The institution must submit the completed form within 30 days, or within a time period the Council deems appropriate based on the particular situation.

Article 74 - Process supervision

The Council will evaluate and supervise the closing process to ensure that the public interest is protected in a way that minimizes the damage to the students and the community, and that, in appropriate cases, the transfer of students to other institutions is facilitated.

Article 75 - Measures to protect the public interest

In addition to the measures taken by the institution on its own initiative, the Council can order it to take other measures it judges necessary to achieve the objectives presented in this Chapter. The institution must establish a mechanism for the students and graduates to continue to receive official transcripts of credits and other documents related to the registrar's office. It must also inform the PRCHE of any changes of address, telephone numbers, contact persons, and any other information a student might need in order to request and receive these services.

Article 76 - Registry's services and microfilming of academic files

- a. In the case of a total closing, the institution will hand over to the Council all the files on microfilm and will certify that the information is correct. It will also establish, at the expense of the institution, a verifiable and reliable system to continue providing students with information relevant to their work (credit transcripts and other documents).
- b. If necessary, the Council will activate the performance bond acquired by the institution under Article 70 of this Regulation.
- c. If the institution decides to continue providing the registry's services, it must hand over to the Council a microfilm copy of all academic files (credit transcripts) to be kept by the Council.
- d. The microfilming must be done according to the technical requirements established by the Council, and the requirements for the purchase of equipment and services as that are needed.
- e. When the Council takes over the academic records of an institution, as established in this Article, it will publish an announcement to that effect in a newspaper of general circulation in Puerto Rico.

Article 77 - Council Advisors

Section 77.1 - Appointment

If deemed convenient, the Council may appoint one or more advisors to assist in the supervision of the closing process. The appointed advisors will be chosen according to procedures and criteria similar to those used in the appointment of advisory boards, and adjusted to the concept as regulated herein.

Section 77.2 - Access to information

While carrying out their duties, the advisors will have access to all the information required from the institution by the Council and, if deemed necessary, they may visit the institution to fulfill their obligations.

Section 77.3 - Council's final report

The advisors will submit a final report to the Council with a description of the steps that have been taken, the status of the various aspects that must be addressed when the closing takes place, and a certification that, in their view, the Council must decree the total or partial closing of the institution, as appropriate.

Article 78 - Final certification

When all the formalities related to the closing have been completed, the Council will issue a certification that orders the total or partial closing of the affected institution, as is befitting. This certification will refer to the measures that were adopted to carry out the closing, such as the delivery of the microfilmed academic records to the Council, maintaining certain bonds in effect or other special conditions.

In the case of a partial closing, the Council will issue a new certification to cover the rest of the license's term should there be a need to modify its scope.

Article 79 - Requirement for a new license of authorization

In the case of a total closing, the institution must obtain a new license of authorization to begin operations.

Article 80 - Closings or moratoria of academic offers

Section 80.1 - General norm

When a licensed institution must, or intends to, close or place any program of its academic offer in moratorium (cease to provide for a full academic year or more), it must take the necessary measures to minimize the damage this may cause to the affected students, the community, and the general public.

Section 80.2 - Notifying the Council

An institution that intends to close or place in moratorium any part of its academic offer must send written notice to the Council at least three months prior to the date said action will go into effect. When, for good reason, notice cannot be given within the established time period, written notice must be sent with enough time in advance as is allowed by the circumstances. Together with said notice, the institution must state the measures it is taking, or will take, to minimize the damage this action will cause the affected students. The Council will issue a certification recognizing the moratorium of the program and the date, set by the institution, on which no more students will be allowed to enter the affected program.

Section 80.3 - Closings and moratoria of less than five (5) years

If an institution closes or places a part of its academic offer in moratorium for less than five (5) consecutive years, the resumption of that offer will be subject to the provisions regarding significant changes in Article 59.3 of this Regulation.

Section 80.4 - Closings and moratoria of more than five (5) years

If an institution closes or places a part of its academic offer in moratorium for more than five (5) consecutive years, the resumption of the offer will be subject to the provisions in Section 59.2 in the case of a graduate program, and 59.3 in the case of an undergraduate program.

Article 81 - Reserved

CHAPTER XII

APPLICATIONS FOR THE USE OF FINDINGS AND DETERMINATIONS, AND JOINT VISITS WITH ACCREDITING ENTITIES

Article 82 - General norm

At the request of an institution that holds a Renewal License, the Council will have the discretion to:

- a. use, during the evaluation of the Renewal License, the findings and determinations of an accrediting entity and validate those regulatory elements that are equivalent;
- b. make joint evaluation visits to the institution together with one or more accrediting entities.

Article 83 - Use of findings and determinations and the validation of elements

Section 83.1 - When the application shall proceed

During a license renewal process, the Council may use the findings and determinations of an accrediting entity to determine which regulatory elements can be validated. In order for that to happen the institution must comply with the following:

- a. submit the application following the provisions established in Section 83.2;
 - a. the accrediting entity must be certified by the United States Department of Education or its counterpart if the institution is foreign;
 - b. an agreement must exist between the accrediting entity and the Council as to the obligations and responsibilities of both parties;
 - c. the granted accreditation must be free of conditions and should not require additional information, reports and follow up visits;
 - d. the findings and determinations to be used must prove compliance with the corresponding evaluation elements established in this Regulation;
 - e. the accreditation is valid and was granted no more than three years before.

Section 83.2 - Notification and application content

Section 83.2.1 - Notification

If an institution wants the Council to use the findings and determinations established by an accrediting entity, it should submit an application to that effect no less than 12 months before the expiration date of its valid license.

Section 83.2.2 - Application for use of findings and determinations

The application must be submitted together with the corresponding fee established by law and the guidelines approved by the Council. In addition, the application must include the following:

- a. an official document that contains the determination made by the accrediting entity and the effective date of accreditation;
- b. a copy of the self-evaluation submitted by the institution to the accrediting entity during the accreditation process;
- c. a copy of the accrediting entity's evaluation report;
- d. copies of the periodic review reports (i.e. Periodic Review Report) submitted to the accrediting entity;
- e. a copy of the last institutional profile (i.e Institutional Profile) submitted to the accrediting entity;
- f. a copy of the communications from the accrediting entity regarding the accreditation process;
- g. a comparative analysis that shows that the evaluation report by the accrediting entity has evidence of compliance with each one of the evaluating elements established in this Regulation, and the actions taken by the institution to address the observations included in the accreditation report;
- h. a copy of the letter from the institution to the accrediting entity authorizing it to give access to the Council to all the information the Council considers necessary for the validation process.

The institution must submit any document or information required by the Council to facilitate the analysis and evaluation of the validation application.

Section 83.3 - Application evaluation

- a. The Council will appoint an Advisory Board to analyze the application for the use of findings and determinations, and all supporting documentation.
- b. The Advisory Board will make a recommendation to the Council as to which findings and determinations can be used to validate the evaluation elements established in Article 51.
- c. The institution must submit the necessary documentation and information to evaluate compliance with any evaluation criteria not covered by the accrediting entity.
- d. A determination to use findings and determinations to validate evaluation criteria does not imply the approval or denial of a license, therefore, the provisions in Articles 30 and 31 of this Regulation do not apply.
- e. When the Council concludes that the use of findings and determinations do not apply, the evaluation will be made following the procedure of the License Renewal Application established in Article 20. The institution must submit the documents established in Article 58.

Article 84 - Joint visits

Section 84.1 - When shall joint visits proceed

The Council may make evaluation visits for a license renewal application with one or more accrediting entities. In order for that to happen the institution must comply with the following:

- a. submit the application following the provisions established in Section 84.2;
- b. the accrediting entity must be certified by the United States Department of Education or its counterpart if the institution is foreign
- c. there must be an agreement between the accrediting entity and the Council, as established in Article 84.4 of these Regulations, that describes in detail the scope of the process.

Section 84.2 - Notification and application content

Any institution that wishes a joint evaluation between the Council and an accrediting entity for its license renewal, must notify in writing along with its intention to renew license in accordance with Section 20.3 of these Regulations. The notification must include the accrediting entity's name and an approximate date for the visit to take place.

Section 84.3 - Obligation to file the application for renewal of license

The notification of a joint visit application does not exempt the institution from having to submit a license renewal application plus the required payment in accordance with Section 16.3 of these Regulations. Together with the license renewal application, the institution must submit a copy of the self-evaluation and all supporting information submitted to the accrediting entity plus a copy of all the communications sent by the entity regarding the process.

To avoid duplication of documents and information that have to be filed with the application, the institution must submit an index that identifies the precise location of the analysis of each evaluation element. In addition, the institution is responsible for submitting all documents and information required in Article 58 of this Regulation that have not been included in the self-evaluation.

Section 84.3.1 - Planning the evaluation process through joint visits

Each entity will appoint an evaluating team that will work together from the beginning. The team will analyze the self-evaluation and the supporting documents. It will, also, plan the evaluation visits in coordination with Council staff, accrediting entities, and the institution.

During the evaluation visit, each team will share information and will prepare a separate report. The accrediting entity will share the report with the Council. The reports will be submitted separately for the individual consideration of the various entities and these will take the appropriate determinations.

Section 84.4 - Agreement between the Council and the accrediting entities

The Council and the accrediting entities will have an agreement that specifies a schedule for the various activities of the evaluation process. This agreement will include their respective obligations and responsibilities which include, at least, the following:

- a. the visit will take place in collaboration with an evaluating team whose composition shall be established by mutual agreement and in consultation with the institution;
- b. the duties and responsibilities of the evaluators and the Council staff and the coordination between both groups;
- c. the institution will cover the evaluation costs attributable exclusively to the operations carried out under the instructions of the Council in accordance with the norms approved by this body;
- d. throughout the process, the institution and the evaluating teams will assume responsibility for mantaining communication to ensure fairness during the planning process of the evaluation and the visit, taking into account and respecting the particularities of each participating entity.

Section 84.5 - Continuation of the evaluation process

Once the findings report is received, the Council will continue with the evaluation process in accordance with Article 24 and the subsequent articles of this Regulation.

Article 85 - Reserved

Article 86 - Reserved

CHAPTER XIII

COMPLAINTS

Article 87 - Who can submit complaints

Any given person can submit a complaint to the Council that imputes violations to Act 17, to this Regulation, or to the terms of a license granted by the Council. An original and copy of the complaint must be submitted in writing, and must be signed under oath by the complainant or complainants.

Article 88 - Form and content requirements

- a. All complaints must contain the complainant's first name, last names, residential and mailing addresses, and telephone number. If the complaint involves more than one complainant, it must contain the corresponding information for each of them.
- b. The complaint must also include a clear and concise statement of the facts on which it is based, and must specify the provision of the Act, regulation, or license term that has been violated.

Article 89 - Procedure

Section 89.1 - Notifying the Institution

Upon receipt of a complaint, the Council will notify the institution by forwarding a copy of the complaint. The institution will respond within a 30 day period upon receipt of this notification. The parties have the obligation to notify the Council, and all other parties involved, of any communication or document generated during the process.

If the institution should not respond within the given period, the allegations stated in the complaint will be deemed accepted by the institution and the procedure will continue according to Section 89.3.3.

Section 89.2 - Investigation

If the Council should deem it necessary, it could conduct its own investigation which could require additional information.

Section 89.3 - Council's Resolution

Section 89.3.1 - Dismissal of the complaint

If the Council concludes that the complaint has no merit, it will notify the parties and proceed to its dismissal.

Section 89.3.2 - Mediation between parties

If the Council finds that the complaint is meritorious, but does not find sufficient cause to affect the license status of the defendant, or to take any other action as provided under Act 17, or by these Regulations, the Council could act as a mediator between the parties to try to remedy the situation that motivated the complaint.

Section 89.3.3 - Action against the institution

If the Council decides that the complaint is meritorious and that there is probable cause to impose a fine, or to suspend or cancel the institution's license, or if no response has been received within the term established in Section 89.1, the proceedings established for said sanctions in Chapter III of these Regulations will be applied.

Article 90 - Reserved

CHAPTER XIV

MISCELLANEOUS PROVISIONS

Article 91 - Examining officials

- a. In given situations, under Acts 17 and 170, and this Regulation, there are provisions for the convocation and celebration of administrative hearings. Any member or committee appointed by the Council, or one or more examining officials appointed for this purpose, will be able to gather and evaluate evidence, and make recommendations to the Council as to the decisions that should be taken.
- b. In such cases the doctrine of due process of law prevailing in this country will apply to the requirements to be met in the proceedings to the reports regarding the evidence received, to the recommendation on what action to take and to the Council's decision.

Article 92 - Time periods granted to the institutions and other parties for the execution of certain actions.

Section 92.1 - Time periods that can be extended

The time periods granted in this Regulation to the institutions and other parties in order to execute certain actions within the proceedings, can be extended at the Council's discretion, if just cause has been duly established and documented. In the same way, the time periods governing Council actions can be extended if there is just cause clearly explained by the Council in the corresponding Certification.

Section 92.2 - License validity

If a license expires while the renewal procedures are taking place, and there is no sign of negligence or wrong doing on the part of the institution, the Council will extend the license as valid under the established conditions until the procedure has been completed. Once the procedure is completed, the Council's decision on the application will apply.

Article 93 - Determinations regarding applicable proceedings and time periods

In all cases where there is more than one alternative as to the proceedings and time periods, whether or not conditioned by compliance with a set criteria, the Council will reserve the right to decide which alternative will be applied and will notify the affected person, institution, or party.

Article 94 - Council notifications

Section 94.1 - Notification procedure

The Council will notify in writing, by certified mail with returned receipt requested to the latest address given by the institution, all the determinations regarding: the denial, suspension, or total or partial cancellation of a license; the imposition of conditions to a given license; the probationary period established in Article 33; the imposition of fines; and the complaint procedure under Chapter XIII of these Regulations.

Section 94.2 - Notification of decisions regarding the denial, suspension or cancellation of a license

When giving notice of the denial, suspension or total or partial cancellation of a license, or placing the institution on a probationary period, the Council will indicate the reasons and legal basis that motivated the decision. It will also instruct the institution regarding its legal rights to a reconsideration and judicial review under Acts 17 and 170 if they apply. Notifications will be sent to the affected institution through certified mail to the latest known address.

Section 94.3 - Other notifications

The Council reserves the right to apply the procedure established in Section 97.2 for notifications not provided for in the above Sections.

Article 95 - Reserved Articles

In these Regulations, Articles titled "Reserved" appear in different places. Their purpose is that future amendments can be added in the saved space that corresponds, most logically, within the thematic organization of the Regulation without having to change the Articles' numbering. These amendments will be added only if they comply with the legal requirements established in Article 9 of these Regulations.

These Regulations will go into effect thirty (30) days after they have been filed with the State Department of Puerto Rico in accordance with Section 2.8 of Act 170 of 1988, as amended; this filing repeals the Regulation number 6543 of October 31, 2002.

In San Juan, Puerto Rico, November 3, 2008.

Viviana M. Abreu Hernández, Ph. D.
Executive Director