



UNIVERSITY OF PUERTO RICO SUPPLEMENTAL INFORMATION REPORT

**STANDARD 4: LEADERSHIP AND GOVERNANCE
TO MIDDLE STATES COMMISSION ON HIGHER EDUCATION**

August 1, 2013

Submitted by

Dr. José A. Lasalde-Dominicci
Interim President

TABLE OF CONTENTS

SUPPLEMENTAL INFORMATION REPORT 1

The University of Puerto Rico

INTRODUCTION AND BACKGROUND 1

STANDARD 4 – LEADERSHIP AND GOVERNANCE 2

- Fundamental elements of leadership and governance 2
- Response to MSCHE’s concern with changes in governance and administration 3
- Context for leadership and governance 4
- Action of the Governing Board of the University of Puerto Rico 6
- Closing remarks 8

APPENDIXES

1. Law 1 of January 20, 1966 – “The University of Puerto Rico Law”
Law 186 of August 7, 1998 to amend Act No. 1 of January 20, 1966
2. Law 65 of June 21, 2010
3. Law 13 of April 30, 2013
4. CV Dr. Jorge L. Sánchez
5. Certification No. 1 (2012-2013) BG
6. Certification No. 2 (2012-2013) BG
7. Certification No. 47 2010-2011, BT
8. Certification No. 4 (2012-2013) BG
9. CV Dr. José A. Lasalde-Dominicci
10. Certification No. 3, (2012-2013) BG
11. Certification No. 5, (2012-2013) BG
12. CV Dr. Celeste E. Freytes-González
13. Certification No. 7-17 (2012-2013) BG
14. Certification No. 21-31 (2012-2013) BG
15. Certification No. 37 (2012-2013), BG
16. Certification No. 40 (2012-2013), BG
17. Certification No. 39 (2012-2013), BG
18. Certification No. 48 (2012-2013), BG
19. Certification No. 51 (2012-2013), BG

MIDDLE STATES COMMISSION ON HIGHER EDUCATION
UNIVERSITY OF PUERTO RICO
SUPPLEMENTAL INFORMATION REPORT
STANDARD 4: LEADERSHIP AND GOVERNANCE
August 1, 2013

The University of Puerto Rico is the most prestigious institution of higher education in Puerto Rico thanks to its diverse student body, distinguished faculty, dedicated personnel, and long history of academic excellence. We pride ourselves in the success of our students and alumni, who play an important role in a democratic society and are living examples of the mission that we as an institution foster: to contribute to the advancement and enjoyment of ethical and aesthetic values and to encourage the greatest academic freedom in the service of society.

One important factor that contributes to the well-deserved prestige of our institution is the ongoing and selfless commitment to the University that is characteristic of the members of our different governing structures. One of these is the newly formed Governing Board. Changes in composition have not proven adverse to our projects or the continuity of our stated mission, and changes in policy tend to reflect the changing times. With this confident and hopeful outlook, we now respectfully address the issues requested.

I. Introduction and Background

On June 10, 2013 the appointed Interim Chancellors of the Bayamón, Mayagüez and Medical Sciences campuses received a letter from their corresponding Middle States Commission on Higher Education (MSCHE) staff liaison, Dr. Mary Ellen Petrisko. A similar communication was received by the Interim Chancellors of UPR at Río Piedras, Utuado, Arecibo, Aguadilla, Humacao, Ponce, Cayey, Bayamón, and Carolina from Dr. Tito Guerrero, their MSCHE liaison. Both letters express concerns related to recent changes in governance and administration at the University and request a response which specifically addresses three of the thirteen standards for Accreditation: Standard 4, Leadership and Governance; Standard 5, Administration; and Standard 6, Integrity. The response shall also address the MSCHE policy on “Political Intervention in Education” and “Public Communication in the Accrediting Process.”

In the specific cases of UPR at Río Piedras and Mayagüez, concern with “the investigation by the National Science Foundation’s Office of the Inspector General and the Federal Bureau of Investigation” are also mentioned. The due date for the report was July 10, 2013.

University of Puerto Rico
MSCHE Standard 4
Leadership and Governance

In order to clarify certain aspects of the aforementioned requests, the Interim President of the University, Dr. José Lasalde, requested a conference call with Dr. Elizabeth Sibolski, which was held on July 21, 2013, and both Dr. Tito Guerrero and Dr. Mary Ellen Petrisko joined the conference call, as well as Acting Vice President for Academic Affairs of UPR, Dr. Celeste Freytes. As a result of this conversation, a second letter from Dr. Petrisko and Dr. Guerrero was addressed to each of the Acting Chancellors of the eleven campuses on June 24, 2013 approving an extension of the due date for the Supplemental Information report, requested by Interim President Lasalde. The new due date is August 1, 2013. The request of information for all campuses must “address the impact of institutional leadership of the recent changes in governance and administration, and actions planned or taken by the University to ensure ongoing compliance with Standards 4, 5, and 6 of the Standards for Accreditation.” Moreover, in the specific cases of UPR at Mayaguez and Río Piedras, the report must include information on the “investigation by the National Science Foundation’s Office of the Inspector General and the Federal Bureau of Investigation.” As agreed, President Lasalde will personally address these last issues.

II. Standard 4: Leadership and Governance

A. Fundamental Elements of Leadership and Governance

The importance attributed to Leadership and Governance within the context of higher education is attested to by MSCHE’s inclusion as one of the thirteen standards for accreditation. A well-defined and established system of collegial governance must serve as an enabler for the institution to achieve not only its mission, but also its planned development efficiently and effectively. The Governing Board, through its policy-making role, is ultimately accountable for all the macro structural components of the University system, such as: financial stability and health; academic excellence and integrity, including accreditation; fiscal robustness; and an assessment culture, among others.

We are aware that in a multi-campus system, the Governing Board must be very vigilant as to the interests of all its components within the systemic context. As a result, the working agenda of this body is designed to promote institutional stability in ways that foster our mission of developing academic and research activities for the benefit of the university community and society at large. One such example is our strategic plan, (*X for the Decade*) *The University of Puerto Rico Ten Challenges 2006-2016: An Agenda for Planning*, which continues according to schedule. The amendments to the University’s enabling law, as described below, have not altered this agenda. Moreover, it is a welcomed change—more in tune with the University’s needs—that ultimately supports our stated mission and serves to better the institution by making it more reflective of student body profiles.

The University of Puerto Rico is a public corporation whose organic structure is determined by Law 1 of January 20, 1966, as amended. In what concerns Governance of the University of Puerto Rico, this law has been amended three times:

Law No. 186 of August 7, 1998, Article 3: This amendment created a Board of Trustees for the University of Puerto Rico which substituted the previous governing board, *Consejo de Educación Superior de Puerto Rico*. The new Board consisted of 10 members appointed by the Governor of Puerto Rico and confirmed by the Senate; plus two faculty members of the University, and one student. Aside from this governing role, an administrative function was delegated to this Board. ([Appendix 1](#)).

Law No. 65 of June 21, 2010, Article 3: This amendment increased the number of members of the Board of Regents to 17. Four new representatives of the citizens were added, including a representative of the alumni. ([Appendix 2](#))

Law No. 13 of April 30, 2013, Article 3: This amendment created a thirteen member Governing Board. The new composition include two students (one undergraduate, one graduate); two professors from different units within the university system and the Secretary of Education (ex officio). There are eight representatives of the citizens with the following characteristics: one with experience in finance, one resident of Puerto Rico with established leadership in social and community affairs; five residents of Puerto Rico distinguished in the arts, sciences and professions, of which three must be alumni of the University, and one will have established relationships with the Puerto Rican communities residing in other parts of the world. This Board assumed its responsibilities as soon as the law was enacted. ([Appendix 3](#)).

Under Section a, the amendment eliminated the administrative role delegated to the Board of Regents in the 1998 amendment, leaving only its governing function.

On April 30, 2013, Law No. 13 was enacted. Immediately, on May 2, 2013, the Governing Board convened in its first meeting and elected its Chair and Secretary.

B. Response to MSCHE's concern with changes in governance and administration: Policy on Political Intervention in Education

During the months prior to the enactment of Law No. 13, sectors of the university community expressed serious discontent with administrative practices of the respective Chancellors, and also, of the Presidency. Specifically, different groups demanded action from the Government regarding the Board of Regents. The different Academic Senates and student councils approved resolutions demanding the resignation of their Chancellors. Faculty representatives at the Board

of Regents met with the Governor to express the need to do something about the Board. The pressure for changes kept growing. Within this context, the President of the University, Miguel Muñoz, submitted his resignation, which was accepted by the Board of Regents on April 29, prior to the enactment of Law No. 13 of 2013. Thereafter, the Chancellors individually submitted their resignations to the Governing Board, as will be detailed in what follows. This background information is important to understand and appreciate the prompt actions taken by the Governing Board to guarantee the continuity of all processes.

In terms of the statement of “Political Intervention in Education,” the main concern of MSCHE specifically addresses “Direct intervention by elected or appointed officials, political parties, or pressure groups in the selection of faculty, the determination of curricula, textbooks, course content, or in admissions or retention policies...” All these areas are strictly defined and protected by Law 1 of 1966, as amended, and by the internal by-laws of the UPR. These documents are available to the public at the Governing Board webpage (<http://sindicatos.upr.edu>).

An amendment to Article 3 of this Law was enacted by the Legislature of the Commonwealth of Puerto Rico in April 2013, and the institution must abide by it. Moreover, as will be discussed in the following report, in terms of MSCHE concern with the selection of board members, Law 13 of 2013 includes specific criteria for the selection of the trustees, which clearly delineate a diverse profile based on their professional and cultural background, in correspondence with specific areas of the academic agenda.

We stand by the principle established in the MSCHE “Political Intervention in Education” policy: “The academy requires that inquiry and analysis must be guided by evidence and ethics, unfettered by political intervention.”

C. Context for Leadership and Governance

The description of the “Fundamental Elements of Leadership and Governance” under Standard 4 of the *Characteristics of Excellence in Higher Education* provides a guide for an accredited institution to demonstrate its strength in the area of governance and leadership. This is the approach we will use to provide the supplemental information requested by MSCHE on the June 24, 2013 letter.

- 1. A well-defined system of collegial governance including written policies outlining governance responsibilities of administration and faculty and readily available to the campus community.**

University of Puerto Rico
MSCHE Standard 4
Leadership and Governance

Since the last MSCHE accreditation of the University of Puerto Rico, the most significant change has been the enactment of Law 13 of April 30, 2013, creating the new Governing Board which reduces it to its previous and more appropriate size of 13 members. This amendment is clear on the specific characteristics each new member must possess in order to guarantee representation of the arts and sciences, as well as other areas significant for institutional strength. With this amendment, the relative participation of faculty representatives and both the absolute and relative participation of the students are increased.

All the other articles of Law 1 of 1966, as amended, remain as they were during our last MSCHE accreditation.

In terms of communication with the campuses and broader university community, the Governing Board has a webpage (<http://sindicos.upr.edu/>) where all information regarding meetings, appointments, policies approved, and other relevant initiatives are posted. It is updated on a regular basis, in accordance with the MSCHE Policy on Public Communication in the Accrediting Process.

2. Written governing documents, such as constitution, by-laws, enabling legislation, charter or other similar documents.

A copy of [Law 1 of 1966](#), as amended, and Law 13 of 2013 are included in the Appendix to this Report.

These two legislative pieces and the corresponding by-laws attend to matters such as governance structure, as well as the duties and responsibilities of the different components. They establish the relationships between duties, responsibilities, and accountability in matters related to policy development and decision making, including involvement of the different constituencies.

3. Appropriate opportunity for student input regarding decisions that affect them.

Law 13 of 2013 increased the absolute participation of student representation from 1 to 2, placing students on equal footing with faculty representation. In addition, this amendment sets the groundwork for a more appropriate student participation, with provisions that incorporate one representative at the undergraduate level and a second at the graduate level. In relative terms, student participation increased from 1 of 17 in the previous Board of Regents to 2 of 13 in the current 13-member Governing Board.

Student representation in each of the 11 campuses remains as it was at the moment of our last accreditation.

- 4. A governing body capable of reflecting constituent and public interest and of an appropriate size to fulfill all its responsibilities, and which includes members with sufficient expertise to assure the body's fiduciary responsibilities can be fulfilled.**

As mentioned in section 1 of this Report and evidenced in Appendix, Law 13 of 2013 specifically establishes clear criteria for the selection of the different members of the Governing Board in terms of areas of expertise—such as finance, arts, science, and other professional areas—in order to reflect a diversity of representation that fortifies our institutional mission, perspective, and culture. The Law also requires that three members be alumni of the University of Puerto Rico, one of which must be a distinguished social and community leader. In order to include the 4 million Puerto Ricans who live in the United States and other parts of the world, one of the members of the Governing Board must have established links with this community abroad.

- 5. A governing body not chaired by the chief executive officer**

The Chair of the Governing Board of the University of Puerto Rico is one of the thirteen members, elected by all Board members. This election took place in a timely fashion. On the first day the Governing Board convened and elected as chair Dr. Jorge L. Sánchez, a renowned dermatologist and alumni of the UPR, who previously held the position as Chancellor of the Medical Sciences Campus, as well as other administrative positions at the UPR (Appendix 4).

D. Actions of the Governing Board of the University of Puerto Rico

The previous Board of Regents of the University had accepted Dr. Miguel Muñoz's resignation as President of the UPR on April 29, 2013. Upon his leave, Dr. Muñoz appointed the Vice President for Academic Affairs as Interim President. However, the designation of a President for the institution is a prerogative, by law, of the Board of Regents ([Appendix 1](#)).

The Governing Board held its first meeting on May 2, 2013, two days after Law 13 of 2013 was enacted. In this first meeting, the Chair and Secretary of the Board were elected by its members ([Appendix 5](#)). During this meeting, the Governing Board:

University of Puerto Rico
MSCHE Standard 4
Leadership and Governance

1. Declared vacant the seat of the Presidency of the UPR to correct the administrative error in the appointment, contrary to law, of an Interim President ([Appendix 6](#)).
2. Appointed Dr. José Lasalde as Interim President of the UPR. Dr. Lasalde was the Vice President for Research and Technology of the UPR since 2010 ([Appendix 7](#)) and had been the contact person for all matters regarding the National Science Foundation investigation ([Appendix 8](#), Appendix 9).
3. Recognized the vacancy of the seat of the Vice Presidency for Academic Affairs created by Dr. Muñoz's error in appointing the previous Vice President as Interim President ([Appendix 10](#)).
4. Appointed an Interim Vice President for Academic Affairs, Dr. Celeste Freytes. Dr. Freytes had assumed the position between 2003 and 2009 ([Appendix 11](#), Appendix 12).
5. Accepted the resignation presented to the Board by the Chancellors of the several campuses. The effective date of resignation of the Chancellors at Mayagüez and Humacao was May 1, 2013; May 10, 2013 for the Chancellor of the Ponce campus; and May 13, 2013 for the other Chancellors ([Appendix 13](#)).

In light of these resignations, the Governing Board carefully considered the credentials of each candidate for the positions of Interim Chancellor. The process chosen by the new governing board is the essence of democracy and participative government. Student and faculty representatives informed Academic Senators and members of the University Board of the new process and requested their recommendations for candidates. At all times the Governing Board encouraged the active and ample participation of the academic community, including professors, students, and non-teaching personnel. As a result, lists of candidates were presented to these representatives. The executive director of the President's office also received specific recommendations from the academic community. They met to review the list and share the results with the Board Chair.

By May 13, 2013, all eleven Interim Chancellors for the various campuses were appointed by the Board, and all were candidates recommended by the academic community. In fact, at the Río Piedras Campus various list of candidates were considered and the interim chancellor selected was the only one recommended by all members. In addition, the Chair and Secretary of the Governing Board conducted public hearings at the Mayagüez Campus. They met with various groups and individuals who shared their views, and many endorsed specific candidates for the interim position. As is required by our by-laws, all Interim Chancellors appointed hold a doctoral degree (

University of Puerto Rico
MSCHE Standard 4
Leadership and Governance

On May 16, 2013, the Governing Board created the Committee for the Search of a President for the University of Puerto Rico ([Appendix 15](#)).

On May 25, 2013, the Governing Board approved its by-laws ([Appendix 16](#)). All internal committees were constituted ([Appendix 17](#)).

On June 13, 2013, the process of selecting the President for the University of Puerto Rico was initiated with the approval of Certification No. 48, 2012-2013. This certification describes the criteria to be used, as well as details and projected dates for the process. The designation is scheduled for the month of October 2013 ([Appendix 18](#)).

On June 27, 2013, the Consolidated Functional Budget for the University of Puerto Rico for fiscal year 2013-2014 was approved ([Appendix 19](#)).

E. Closing Remarks

We are confident that the University of Puerto Rico is in full compliance with Standard 4, as required by the Fundamental Elements of Leadership and Governance. We are also convinced that the itemized actions of the Governing Board since the enactment of Law 13 of 2013, as previously described and documented, attest to the functional normalcy of the University of Puerto Rico and the diligent efforts to secure the continued wellbeing of the institution.