



Republic of the Philippines
OFFICE OF THE PRESIDENT
COMMISSION ON HIGHER EDUCATION



CHED MEMORANDUM ORDER

NO. 03

Series of 2001

SUBJECT: REVISED IMPLEMENTING RULES AND REGULATIONS (IRR) FOR REPUBLIC ACT 8292, OTHERWISE KNOWN AS AN ACT PROVIDING FOR THE UNIFORM COMPOSITION AND POWERS OF THE GOVERNING BOARDS, THE MANNER OF APPOINTMENT AND TERM OF OFFICE OF THE PRESIDENT OF CHARTERED STATE UNIVERSITIES AND COLLEGES, AND FOR OTHER PURPOSES"

In accordance with and by virtue of Section 15 of the subject law, which for purposes of this Implementing Rules and Regulations (hereinafter referred to as "IRR") and in consonance with Section 1 thereof will be cited as the "Higher Education Modernization Act of 1997," the following rules and regulations are hereby adopted and promulgated for the implementation of R.A. 8292, thus:

RULE I
TITLE AND POLICIES

Section 1. Title - This IRR shall be known and cited as the "Revised Implementing Rules and Regulations for the Higher Education Modernization Act of 1997" (IRR-HEMA '97).

Section 2. Policies. - It is the declared policy of the State to establish, maintain, and support a complete, adequate and integrated system of higher education relevant to the needs of the people and society.

Towards and to achieve this end, the composition of the Governing Boards (hereinafter referred to as "GBs") of chartered State Universities and Colleges (hereinafter referred to as "chartered SUCs") is hereby modified, among others, in order to:

- a) achieve a more coordinated and integrated system of higher education;
- b) render them more effective in the formulation and implementation of policies on higher education;

- c) provide for more relevant direction in their governance; and
- d) ensure the enjoyment of academic freedom by chartered SUCs as guaranteed by the Constitution.

RULE II DEFINITION OF TERMS

Section 3. Definition of Terms. - Whenever used in this IRR, the following words or phrases shall mean or refer, thus:

- a) "Higher Education Institutions (HEIs)" - refers to all institutions of higher learning in the Philippines primarily offering degree-granting programs, including post-secondary degree-granting vocational and technical educational institutions duly recognized by CHED;
- b) "State Universities and Colleges" - refer to public HEIs in the Philippines created and established by law which constitutes their charter and which have independent and separate GBs;
 - b.1 "State Science and/or Technological University or College" -- refers to a public HEI which has its own charter and GB and whose primary and major emphasis is science and/or technology based on its nomenclature and/or course/program offerings;
 - b.2. "State Agricultural University or College" - refers to a public HEI which has its own charter and GB and whose primary and major emphasis is agriculture based on its nomenclature and/or course/program offerings;
 - b.3 "State University or College of Agriculture, Science and /or, Technology" - refers to a public HEI which has its own charter and GB and whose primary and major emphases are agriculture, science and/or technology based on its nomenclature and/or course/program offerings;
- c) "Governing Board(s) (GBs)" - refers to the highest policy-making body of chartered SUCs. For chartered State Universities, they are called the Board of Regents (BOR). For chartered State Colleges, they are called Board of Trustees (BOT);
- d) "duly recognized faculty association" - is the association or the federation of the faculty members or the instructional staff of a chartered SUC or the federation thereof which has been extended due recognition by its GB to be its legitimate and lawful faculty

association; as manifested by its constitution being ratified by 2/3 of its members;

- e) "duly recognized alumni association" - is the association or federation of such associations of the alumni preferably from its tertiary level programs which has been extended due recognition by its GB to be the legitimate and lawful organization of its alumni;
- f) "Commission on Higher Education (CHED)" - is the government agency created by Republic Act No. 7722, otherwise known as the "Higher Education Act of 1994", which has jurisdiction over all HEIs, public or private, in the Philippines;
- g) "Chairman of the Board" - refers to the CHED-Chairman or to the CHED Commissioner duly designated as Regular Chair and Presiding Officer of the governing board, provided that if a CHED Commissioner has been designated Regular Chair and Presiding Officer, then "Chairman of the Board" refers to that CHED Commissioner;
- h) "Student Regent(s)/Student Trustee(s)" - the duly elected student representative to the GB of a chartered SUC, who may also be the President/Federation Head thereof, provided the student may be represented by a duly elected representative who may sit as regular member of the Board in the interim period when the student representative loses his status as a student such as but not limited to graduation, transfer, expulsion and other similar causes.
- i) "special trust fund" - refers to the total amount collected or charged from students for a specific purpose or from other sources; other than payment of tuition fees, held in trust by the college or university;
- j) "Socialized scheme of tuition and other instructional fees" - refers to a scheme or pattern where the rate of tuition and instructional fees are collected on the basis of family income and/or socio-economic status of the student, such that the less-economically privileged students shall pay lesser fees than students coming from more economically advantaged families;
- k) "dual system" - refers to a teaching-learning approach utilizing both the experiences gained by students inside and outside of the classrooms, sometimes called the in-school off-school approach;
- l) "open learning" - is a philosophy of student-centered learning adopting a great amount of flexibility in the learning process thus enabling them to learn at the time, place and pace which satisfies their circumstances and requirements;

- m) "Distance Learning" - is a mode of education delivery at a distance with organizational and administrative support;
- n) "community laboratory" - is a community adopted by a chartered SUC as part of its extension program where research and civic services are conducted by its students and/or faculty;
- o) "university or college" - refers to a chartered SUC;
- p) "main campus" - is the campus where the administrative services of a chartered SUC is located and/or where its President holds office permanently;
- q) "extension campus" - is the campus that responds to special needs/demands (i.e. instruction, research or extension) with no Administrative Structure;
- r) "local universities and/or colleges (LUCs) - are HEIs established by local ordinances and solely funded from funds of local government units (LGUs) such as provinces, cities and municipalities; and,
- s) "auxiliary services" - all kinds of services done and/or rendered by chartered SUCs other than academic, such as hospital, cafeteria, janitorial, printing press, bookstore, and the like.

RULE III COVERAGE

Section 4. Coverage. - This IRR shall apply to and cover all chartered SUCs in the Philippines, except as hereinafter provided for.

RULE IV GOVERNING BOARDS (GBS) OF CHARTERED STATE UNIVERSITIES AND COLLEGES (SUCS); COMPOSITION; MANNER OF APPOINTMENT; TERM OF OFFICE; MEETINGS AND QUORUM; COMPENSATION; AND OTHER RELATED MATTERS

Section 5: Governing Boards (GBs). - Henceforth, the GBs of chartered SUCs shall be the Board of Regents (BOR) for chartered State Universities and the Board of Trustees (BOT) for chartered State Colleges.

Section 6. Composition. - Except as hereinafter provided for, the GBs of chartered SUCs shall have the following uniform composition, namely:

- a) The Chairman of the Commission on Higher Education (CHED) as Chairman;

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- b) The President of the chartered SUC as Vice Chairman;
- c) The Chairman of the Committee on Education of the Senate, Congress of the Philippines, as member;
- d) The Chairman of the Committee on Higher and Technical Education of the House of Representatives, Congress of the Philippines, as member;
- e) The Regional Director of the National Economic Development Authority (NEDA) of the particular region where the chartered SUC is located;
- f) The President/Chair/Head of the duly recognized Faculty Association (FA) of the chartered SUC or the Federation President/Federation Chair/Federation Head thereof, as member;
- g) The President of the supreme student council or the student representative elected by the student council who shall be known as the Student Regent (SR) or Student Trustee (ST); provided, that in the absence of a student council president or student representative elected by the student council, the university or college shall schedule one (1) week for the campaign and election of a student representative as member;
- h) The President of the alumni association or the Federation of Alumni Association in SUCs with multi- campuses preferably from tertiary programs as member;
- i) Two (2) prominent citizens representing the private sector who have distinguished themselves in their professions or fields of specialization chosen from among a list of at least five (5) persons qualified in the city or the province where the school is located, as recommended by the search committee constituted by the President in consultation with the Chairman of the CHED based on the normal standards and qualifications for the position as members;
- j) The Regional Director of the Department of Science and Technology (DOST) in case of science and technological colleges; or the Regional Director of the Department of Agriculture (DA) in case of agricultural colleges; or both Regional Directors of DOST and Agriculture in case of a combined Technological and Agricultural College; and/or the Secretary of Education for an Autonomous Region. In lieu of such representation, the commanding generals of the Philippine Air Force (PAF) and the Philippine Navy (PN) of the Armed Forces of the Philippines (AFP) shall sit as members of the Board of the Philippine State College of Aeronautics and the Philippine Merchant Marine Academy, respectively;

Section 7. Rights and Responsibilities of GB members. - The GB members shall have all the normal rights and responsibilities of a regular member of the Board of Directors/Board of Trustees of non-profit, non-stock corporations.

The GB Chair, Vice-Chair and the members coming from the government have the right to sit as Chair, Vice-Chair and as members thereof ipso facto upon their assumption into office.

The right of the SSC/SG, Faculty, and Alumni Presidents/Chairs/Heads or their Federation Presidents/Chairs/Heads, and of the Student Council President/Chair/Representatives or their Federation President/Chair/Representatives to become members of the GBs shall automatically rise from their election and qualification into their respective offices.

The private sector representatives must take their oaths of office as herein after provided for before they could assume as GB members.

Section 8. Representatives of GB Members Coming From the Government - If the Chairmen of the Congressional Committees on Education and Culture/Higher & Technical Education could not personally attend any regular meeting or special session of the GB of a chartered SUC, they may designate in writing their representatives to the said meeting/session which the latter should present to the GB Secretary before the start of the said meeting or session. They shall be entitled to seat, voice and vote.

The other GB members coming from the government shall personally attend the GB meetings/sessions.

Section 9. Federated, SSC/SG, Federated Faculty Association, and/or Federated Alumni Association. - In the case of chartered SUCs which have more than one (1) campus, their respective Presidents shall cause the federation of their SSC/SG, their faculty associations, and their alumni associations immediately after the effectivity of this IRR and the duly elected Federation Presidents/Federation Chairs/Federation Heads shall represent their respective sectors in their GBs.

Section 10. Selection, Appointment and Qualifications of the Two (2) GB Members Representing the Private Sector. -

10.1 Search Committee - A Search Committee (SC) shall be formed and constituted by the President of the chartered SUC concerned, in consultation with the Chairman of the CHED, which shall take charge of recruiting, screening and recommending to its GB at least five (5) prominent citizens for possible appointment.

10.2 Composition of SC - The SC to be formed and constituted by the President of the chartered SUC concerned and to be approved by the CHED Chairman shall have three (3) members who shall elect from among themselves their Chair, provided that the faculty and student sectors concerned shall be represented in the SC.

10.3 Minimum Qualifications and/or Standards For Private Sector Representatives in the GBs. - No person shall become a member of the GB of a chartered SUC representing the private sector unless he meets the qualifications and/or standards set by its GB.

The private sector representative may come from places where the external campus or main campus of the college are located.

10.4 Results of search - The SC shall submit the names of at least five (5) nominees to the GB within thirty (30) days from the inception of its search in accordance with the procedures laid down by the SC itself.

10.5 Selection. - The GB of the concerned chartered SUC shall select the two (2) private sector representatives from among the five (5) recommended/nominated by the SC, taking into consideration their respective qualifications and the weight of their possible contribution vis-à-vis knowledge, expertise and depth and breadth of experience to the deliberations of the GB and to the realization of the mission of the university or college itself.

10.6 Appointment - After the two (2) private sector representatives shall have been selected by the GB, they shall be appointed by it through a Resolution duly adopted by the GB.

The two private representatives are appointed by the GB. As such their appointment should be signed by the GB Chair, whether CHED Chair or Commissioner.

10.7 Assumption. - The two (2) duly appointed private sector representatives shall assume office after taking their oaths before the CHED Chairman or the CHED Commissioner as Chair of BOR/BOT or before his duly designated representative.

Section 11. Terms of Office. - The terms of office of the Presidents/Chairs/Heads or Federation Presidents/Federation Chairs/Federation Heads of the SSC/SG faculty and alumni associations and the Student Regents/Student Trustees in the GB of chartered SUCs shall be contemporaneous with their terms of office in such capacities in accordance with their respective Constitution and by-laws.

Provided, however, that in the event that the student loses his status as a student by way of graduation from the college/university, dismissal, transfer or

other such causes, then the duly elected student representative shall sit as regular member of the GB.

The two (2) private sector representatives shall serve for a term of two (2) years each. They may be re-appointed for another term only.

Section 12. Meetings/Sessions. - The GBs of chartered SUCs may hold either regular meetings or special sessions.

12.1 Regular Meetings. - The GBs must regularly convene at least once every quarter.

12.2 Frequency, Date and Venue of Regular Meetings. - The frequency over and above the minimum stated in 12.1 hereof, and the date and venue of regular meetings of the GBs shall be determined by the GB itself provided that only four (4) regular meetings and two (2) special meetings shall be granted the authorized allowance.

12.3 Responsibility of the President. - The President of a chartered SUC shall be responsible for making the necessary preparations to ensure the smooth holding of its GB's regular meetings or special sessions.

12.4 Special Sessions. - Special sessions of the GBs may be held only upon the call of its Chair or Vice-Chair provided that the members of the Board have been duly notified in writing of the said special session three (3) days before its holding.

GB members who believe that a special session should be conducted may petition in writing the Chair or Vice-Chair accordingly.

Section 13. Quorum. - A majority of all the members of the GBs holding office at the time of its regular meeting or special session shall constitute a quorum for the said regular meeting or special session.

No regular meetings or special sessions of the GBs, however, shall be validly held or could legally occur without the presence of either the CHED Chairman who is the Chairman of the Board or the CHED Commissioner as the duly designated Chair, or the President of the chartered SUC who is the Vice-Chairman thereof.

Section 14. Presiding Officer. - The CHED Chairman or the CHED Commissioner as duly designated Chair in his capacity as Chairman of the GBs of chartered SUCs shall preside over the regular meetings or special sessions thereof, except as hereinafter provided for.

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In the absence of the CHED Chairman or the CHED Commissioner as Regular Chair of BOR/BOT, the President of the chartered SUC, who is the Vice-Chairman of its GB, shall preside, except as hereinafter provided for.

Section 15. Representative of CHED Chairman - In case the CHED Chairman is unable to attend any regular meeting or special session of the GB of a particular chartered SUC, he may designate in writing one of the CHED Commissioners to represent him in the said regular meeting or special session.

The CHED Commissioner so designated shall not preside over the regular meeting or special session of the GB but shall have all the rights and responsibilities of a member thereof.

Section 16. - Designation of Chair by CHED Chairman. - The CHED Chairman who is the Chairman of the GB of all chartered SUCs may designate in writing a CHED Commissioner to act as the regular Chair of the GB of a particular chartered SUC and/or in any of its regular meetings or special sessions in which case the CHED Commissioner so designated shall act as the presiding officer.

Section 17. - No Compensation for the Chairman, Vice-Chairman and Members of GBs. - The Chairman, Vice-Chairman and Members of the GB of chartered SUCs shall not receive any regular compensation as such but they shall receive entitlements to actual allowances allowed by law, and reimbursement of necessary expenses incurred during or in conjunction with their attendance in the regular meetings or special sessions of the GB or in connection with their performance of official business duly authorized by the GB through a Resolution.

RULE V POWERS AND DUTIES OF THE GOVERNING BOARDS

Section 18. Powers and Duties of Governing Boards (GBs). - The GBs of chartered SUCs shall have the following powers and duties, in addition to its general powers of administration and the exercise of all the powers granted to a Board of Directors of a corporation under Section 36 of Batas Pambansa Big. 68, otherwise known as the "Corporation Code of the Philippines," thus:

- a) to enact rules and regulations not contrary to law as may be necessary to carry out the purposes and functions of the university or college;
- b) to receive and appropriate all sums as may be provided for the support of the university or college, in the manner it may determine and in accordance with its discretion, in order to carry out the purposes and functions of the university or college;

- c) to receive in trust legacies, gifts and donations of real and personal properties of all kinds and to administer and dispose the same when necessary for the benefit of the university or college, subject to limitations, directions and instructions of the donors, if any.

Such donations shall be exempt from all taxes and shall be considered as deductible items from the income tax of the donor. Provided, however, That the rights, privileges and exemptions extended by this Act shall likewise be extended to non-stock, non-profit private universities and colleges: Provided, finally, That the same privileges shall also be extended to city colleges and universities with the approval of the local government unit concerned and in coordination with the CHED;

The Commissioner of the Bureau of Internal Revenue and the Secretary of Finance shall be informed by the Board of such donations in order to effect the necessary tax exemptions as herein provided.

- d) to fix the tuition fees and other necessary charges, such as, but not limited, to matriculation fees, graduation fees and laboratory fees, as they may deem proper to impose, after due consultations with the involved sectors.

Such fees and charges, including government subsidies and other income generated by the university or college, shall constitute special trust funds and shall be deposited in any authorized government depository bank, and all interest that shall accrue therefrom shall be part of the same fund for the use of the university or college: Provided, that income derived from university or college hospitals shall be exclusively earmarked for the operations of the hospitals.

Any income generated by the university or college from tuition fees and other charges, as well as from the operation of auxiliary services and land grants, shall be retained by the university or college, and may be disbursed by its GB for instruction, research, extension, or other programs/projects of the university or college: Provided, That all fiduciary fees shall be disbursed for the specific purposes for which they are collected.

If, for reasons beyond its control, the university or college shall not be able to pursue any project for which funds have been appropriated and allocated under its approved program of expenditures, its GB may authorize the use of said funds for any reasonable purpose which, in its discretion, may be necessary and urgent for the attainment of the objectives and goals of the university or college;

- e) to adopt and implement a socialized scheme of tuition and greater access to poor but deserving students;
- f) to authorize the construction or repair of its buildings, machineries, equipment and other facilities and the purchase and acquisition of real and personal properties, including necessary supplies, materials and equipment. Purchases and other transactions entered into by the university or college through its Governing Board (GB) shall be exempt from all taxes and duties.
- g) to appoint, upon the recommendation of the President of the university or college, the institution's Vice President(s), Deans, Directors, heads of departments, faculty members and other officials and employees;
- h) to fix and adjust salaries of faculty members and administrative officials and employees, subject to the provisions of the revised compensation and classification system and other pertinent budget and compensation laws governing hours of service, and such other duties and conditions as it may deem proper; to grant them, at its discretion, leaves of absence under such regulations as it may promulgate, any provisions of existing law to the contrary notwithstanding; and to remove them for cause in accordance with the requirements of due process of law;
- i) to approve the curricula, institutional programs and rules of discipline drawn by the administrative and academic councils as hereinafter provided;
- j) to set policies admission and graduation of students;
- k) to award honorary degrees upon persons in recognition of their outstanding contribution in the fields of education, public service, arts, science and technology or in any field of specialization within the academic competence of the university or college and to authorize the award of certificates of completion of non-degree and non-traditional courses;
- l) to absorb non-chartered tertiary institutions within the respective provinces where their university or college is located, in coordination with the CHED which must approve the same, and in consultation with the Department of Budget and Management, and to offer therein needed programs or courses in order to promote and carry out equal access to educational opportunities mandated by the Constitution;
- m) to establish research and extension centers of their university or college where such will promote its development;

- n) to establish Chairs in the university or college and to provide fellowship for qualified faculty members, and scholarships to deserving students;
- o) to delegate any of its powers and duties provided for herein above to the President and/or other officials of the university or college as it may deem appropriate so as to expedite the administration of the affairs of the university or college;
- p) to authorize an external management audit of the university or college, and request the CHED to finance the same, subject to COA rules and regulations; and to institute reforms, including academic and structural changes, on the basis of the audit results and recommendations;
- q) to collaborate with the other GBs of chartered SUCs within the province or the region, under the supervision of the CHED which must approve the same, and in consultation with the Department of Budget and Management, and work towards their restructuring so that they will become more efficient, relevant, productive and competitive;
- r) to enter into joint ventures with business and industry for the profitable development and management of the economic assets of the university or college, the proceeds from which is to be used for the development and strengthening of the university or college;
- s) to develop consortia and other forms of linkages with local government units, institutions and agencies, both public and private, local and foreign, in furtherance of the purposes and objectives of their university or college;
- t) to develop academic arrangements for institution-capability building with appropriate institutions and agencies, public or private, local or foreign and to appoint experts/specialists as consultants, or visiting or exchange professors, scholars, researchers, as the case may be;
- u) to set up the adoption of modern and innovative modes of transmitting knowledge such as the use of information technology, the dual system, open learning, community laboratory, etc., for the promotion of greater access to higher education;
- v) to establish policy guidelines and procedures for participative decision-making and transparency within the university or college;
- w) to privatize, where most advantageous to the university or college, the management of non-academic services such as health, food,

building or grounds, or property maintenance, and similar such other activities; and,

- x) to extend the services of an incumbent President of the university or college, beyond the compulsory age of retirement but not later than the age of seventy (70), whose performance has been unanimously rated by the GB as outstanding, after unanimous recommendation by the Search Committee (SC) concerned.

Rule VI
PROMULGATION AND IMPLEMENTATION OF POLICIES BY GOVERNING BOARDS (GBs)

Section 19. Promulgation and Implementation of Policies by GBs. - The GBs of chartered SUCs may promulgate and implement policies vis-à-vis higher education within their respective chartered SUCs provided these are consistent with the declared state policies on education and other pertinent provisions of the Constitution of the Philippines on education, science and technology, arts, culture and sports, and with the policies, standards and thrusts of the CHED and of Republic Act No. 7722, otherwise known as the "Higher Education Act of 1994".

Rule VII
THE ADMINISTRATION OF CHARTERED SUCs; THE PRESIDENT OF A CHARTERED SUC; HIS SELECTION AND APPOINTMENT; MINIMUM QUALIFICATIONS; TERM OF OFFICE; RE-APPOINTMENT; TENURE OF INCUMBENTS; VACANCY IN THE OFFICE OF THE PRESIDENT; OTHER OFFICERS

Section 20. Administration of Chartered SUCs. - The administration of a chartered SUC is vested on its President who must render full-time service.

Section 21. President of a Chartered SUC; Selection; Appointment. - The President of a chartered SUC shall be selected and appointed by its GB upon the recommendation of a Search Committee for the Presidency (SCP) duly constituted by it.

Section 22. SCP. - Within six (6) months before the expiration of the term of office of the incumbent President of a chartered SUC, the GB of a chartered SUC must constitute a SCP.

The composition of the SCP shall be determined by the GB taking into consideration representatives from the academic community, a private sector representative not in any way connected or associated with the university or college, PASUC representative, and a CHED representative.

Section 23. Powers of the SCP. - The SCP so constituted shall recruit and screen applicants for the President and may devise its own procedures for the search.

Section 24. Nominees. - The SCP shall submit the names of at least 3 nominees to the GB citing therein the strengths and weaknesses of the nominees for guidance and information of the Board as well as the enumeration and description of the criteria and procedures employed in their search.

Section 25. Appointment Papers. - After the GB shall have selected and appointed the new President, his appointment papers shall be signed by the CHED Chairman or the CHED Commissioner duly designated as Regular Chair of the GB.

Section 26. Minimum Qualifications. - The applicant for the Presidency of a chartered SUC must possess the qualifications and/or standards set by its GB.

Section 27. Term of Office. - Presidents of chartered SUCs appointed by their GBs in accordance with this IRR shall have a term of four (4) years, the beginning and end of which must be clearly specified in the appointment made by the GBs.

Section 28. Re-appointment. - Presidents of chartered SUCs appointed under this IRR shall be eligible for re-appointment for another term only.

In case the incumbent is eligible and qualified per standards set by the GB in accordance with R.A. 7722 for re-appointment, no search need be conducted, at the discretion of the GB. The GB may prescribe the terms and conditions under which this discretion may be exercised such as but not limited to an evaluation of the performance of the incumbent.

Section 29. Tenure of Incumbents. - Incumbent Presidents of chartered SUCs who were appointed under and by virtue of previous laws, rules and regulations shall continue in office until their respective terms expire, unless sooner removed for cause. Presidents who wish to continue serving in such capacity at the expiration of their term shall be evaluated by the Governing Board or by any process and procedure prescribed by it.

Section 30. Vacancy in the Office of the President. - In case of vacancy by reason of death, transfer, resignation, removal for cause or incapacity of the incumbent President to perform the functions of his office, the CHED Chairman or the CHED Commissioner as Chair of the BOR/BOT, shall within fifteen (15) days from the occurrence of such vacancy, designate an Officer-in-charge (OIC) in the Office of the President (OP), subject to confirmation by the GB.

Section 31. Appointment of New President after Vacancy Occurs. - In case a new President is appointed by the GB of a chartered SUC after a permanent vacancy occurs in the Office of the President but during the term of office of the original appointee, the new President as his successor shall hold office only for the unexpired portion of his term.

This service for the unexpired term shall not, however, count as one (1) full term for purposes of appointment /re-appointment.

Section 32. Other Officers. - A Vice President for Academic Affairs, who shall assist the President of a chartered SUC, shall be appointed by the GB upon the recommendation of the President.

When so warranted, other Vice-Presidents may be appointed by the GB upon the recommendation likewise of the President.

RULE VIII SECRETARY AND EX-OFFICIO TREASURER OF CHARTERED SUCs; AUDIT

Section 33. Secretary - The GBs of chartered SUCs shall respectively appoint their Board Secretary who shall likewise act as the University/College Secretary.

The Board Secretary so appointed shall, among others, keep all the records and the minutes of the proceedings of the GB and shall communicate to the Chairman, Vice-Chairman and members of the GB notice of all regular meetings, special sessions and other undertakings of the GB.

Section 34. Ex-officio Treasurer. - The Treasurer of the Philippines shall be the ex-officio treasurer of all chartered SUCs.

Section 35. Audit. - All accounts and expenses of chartered SUCs shall be audited by the Commission on Audit (COA) or its duly authorized representative.

RULE IX ADMINISTRATIVE COUNCIL (ADCO); Academic Council(AC)

Section 36. Administrative Council (ADCO). - There shall be created in each chartered SUC an Administrative Council (ADCO) which shall be composed of its President as Chairman and with its Vice-President(s), Deans, Directors, and other officials of equal rank as Members.

In case of chartered SUCs which have big multi-campus, campus ADCO may be established provided that these campuses should have equal representation in the university or college ADCO.

The President of the concerned chartered SUC as Chairman thereof shall constitute the ADCO.

Section 37. Duty of ADCO. - The ADCO of a chartered SUC so formed and constituted shall review and recommend in accordance with its GB appropriate policies governing the administration, management and development planning of the chartered SUC for the latter's action as it may deem fit.

Section 38. Academic Council (AC). - There shall be established and constituted in each of the chartered SUCs an Academic Council (AC) with its President as Chairman and all the members of its instructional staff with the rank of not lower than Assistant Professor as members.

In case of chartered SUCs which have big multi-campus, campus ACs may be established provided that these campuses should have equal representation in the university or college ACs.

The President of the concerned chartered SUC as Chairman thereof shall constitute the AC.

Section 39. Powers of the AC. - The AC so formed and constituted in each of the chartered SUCs shall have the following powers, in accordance with Sec. 4, Par. (o) & (v) of R.A. 8292 to wit:

- a) Determine, review and recommend for the approval of its GB the course offerings of the concerned chartered SUC;
- b) Devise/draft, review and recommend for the approval of its GB the rules of discipline of and for the concerned chartered SUC; and
- c) Fix the requirements for the admission of students in the concerned chartered SUC as well as for their graduation and the conferment of degrees and submit the same to its GB for review and/or approval in accordance with Sec. 4, Par. (j) of R.A. 8292.

**RULE X
ACADEMIC FREEDOM AND INSTITUTIONAL AUTONOMY OF
CHARTERED SUCs**

Section 40. Academic Freedom and Institutional Autonomy. - All chartered SUCs shall enjoy academic freedom and institutional autonomy as provided

**RULE XI
NO DISCRIMINATION IN ADMISSION OF STUDENTS
IN CHARTERED SUCs**

Section 41. No Discrimination in Admission of Students in chartered SUCs - No student shall be discriminated against and denied admission in any chartered SUC by reason of sex, nationality, religion, political affiliation, or physical disability.

**RULE XII
FILING OF REPORT BY PRESIDENTS OF CHARTERED SUCs**

Section 42. Filing of Report by Presidents of chartered SUCs. - On or before the fifteenth (15th) day of the second month after the opening of regular classes each year, the Presidents of chartered SUCs shall file with the Office of the President of the Philippines, through the Office of the CHED Chairman or the CHED Commissioner serving as Chair of the BOR/BOT, and with the Senate and House of Representatives of the Congress of the Philippines, through their respective heads, a detailed report on the progress, conditions and needs of their respective chartered SUCs.

Section 43. University of the Philippines (UP) System. - This IRR shall not cover and affect the charter of the University of the Philippines (UP) System, except that henceforth its GB shall be chaired by the CHED Chairman who shall preside over all regular meetings and special sessions thereof, among others.

Section 44. Mindanao State University (MSU) System. - This IRR shall likewise not cover and affect the charter of the Mindanao State University (MSU) System, except that henceforth its GB shall be chaired by the CHED Chairman who shall preside over all regular meetings and special sessions thereof, among others, and the Chairmen of the Committees on Education and Culture/Higher & Technical Education of both Houses of the Congress of the Philippines shall likewise sit as additional members of its GB.

**RULE XIII
TRANSITORY PROVISIONS**

Section 45. Election of Student Regent/Student Trustee. - In case the chartered SUC does not yet have a SSC/SG or is still in the process of federating its SSC/SG or does not have a Student Regent/Student Trustee elected by its students, its President must cause the holding of a free and honest election to choose the Student Regent/Student Trustee immediately

after the effectivity of this IRR, allowing for this purpose at least one (1) week for the campaign and the said election.

Section 46. Establishment of SSC/SG and Its Federation, Whenever Applicable. - Presidents of chartered SUCs must see to it that there exists in their respective institutions a free and independent SSC/SG and its federation, whenever applicable, to ensure that their students are represented in their GBs, including the election of a Student Regent/Student Trustee, if the students so themselves desire.

Section 47. Officer-in-Charge (OIC) in the Office of the President (OP) of a chartered SUC. - For the purposes only of this IRR, Officers-in-Charge (OICs) in the Office of the President (OP) of chartered SUCs shall exercise the powers and responsibilities appertaining to a President of a chartered SUC.

Section 48. Status of Present Members of the GBs of chartered SUCs. - Members of the GBs of chartered SUCs coming from the government who are no longer members under this IRR shall no longer be considered as such immediately upon the effectivity hereof.

Section 49. Alumni Association. - For new chartered SUCs which, strictly speaking, have not yet produced graduates in the tertiary level and, therefore, do not have alumni yet, their alumni before their conversion/merger/integration into a chartered SUC and/or their high school alumni may be considered as the alumni of the chartered SUC until such time as the SUC would have produced tertiary level alumnus/alumna since preference should be made for previous students of tertiary programs.

Section 50. Terms of Office of Incumbent Presidents of chartered SUCs. - The present terms of office of incumbent Presidents of chartered SUCs appointed under previous laws shall be respected and shall constitute as one (1) term for the purposes of this IRR.

Depending upon the discretion of their GBs in accordance with Sec. 4 par. (x) of RA 8292, they may be re-appointed for another term of four (4) years only.

Presidents whose terms expired within the period covered by R.A. 8292 and who were subsequently re-appointed by their GBs shall no longer be eligible for another re-appointment, provided, however, that should the appointment be the result of a search process then such a term shall be considered as one (1) (first) term only under this IRR.

In no case, however, shall a President be re-appointed for more than two (2) terms in the same university or college.

**RULE XIV
SEPARABILITY CLAUSE**

Section 51. Separability Clause. - If for any reason, any part or provision of this IRR is declared invalid or unconstitutional, the remaining parts or provisions not affected, thereby shall remain in full force and effect.

**RULE XV
EFFECTIVITY CLAUSE**

Section 52. Effectivity Clause. - This IRR shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation in the Philippines.

Pasig City, Philippines, January 17, 2001



ESTER A. GARCIA
Chairperson