



Universidad de Puerto Rico
Recinto Universitario de Mayagüez
Senado Académico

CERTIFICATION NUMBER 19-32

The undersigned, Acting Secretary of the Academic Senate of the University of Puerto Rico at Mayagüez, **CERTIFIES** that, in the ordinary meeting held on Tuesday, April 23, 2019, **this body unanimously APPROVED** the **RESOLUTION** related to the claim that the University of Puerto Rico be declared an essential public service.

WHEREAS: For over a century, the University of Puerto Rico has played a crucial role as the center of critical thinking for the economic and social development of Puerto Rico and where the best minds our country have been developed; therefore, it is proper to consider it an essential public service for the people of Puerto Rico.

WHEREAS: University autonomy implies that the government of the university is in its own right and is crucial for protecting academic freedom, the soul of every university, and for the free flow of ideas that are conducive to free and critical thought, which is fundamental for fulfilling the university's mission as a center for the development and dissemination of knowledge.

WHEREAS: To achieve its mission for protecting academic freedom against interests beyond the university, autonomy must be complete and possess its three dimensions: academic autonomy, administrative autonomy, and fiscal autonomy.

WHEREAS: Law # 2 of 1966 established a financial formula for the University of Puerto Rico, which provided it with fiscal autonomy that, when combined with academic and administrative autonomy granted by Law # 1, produced full autonomy for the University. In its Statement of Motives, Law # 2 specified "... the expansion of university autonomy in its fiscal aspect ..." as an "essential element" of the Commonwealth's purpose for approving the Law.

WHEREAS: Upon the approval of the PROMESA Act for Puerto Rico to meet its debt obligations and return to the credit market, the Congress of the United States of America determined that any fiscal plan instituted for these purposes should ensure the funding of essential public services (section 201 (b) (1) (B) of the PROMESA Law).

WHEREAS: The fiscal plan approved by the Financial Oversight and Management Board for Puerto Rico does not identify essential public services and thus, all essential public

services for the people of Puerto Rico are exposed to massive cuts that would deprive the people from receiving such services, including higher education that is offered at the University of Puerto Rico.

WHEREAS:

In a recent visit to Puerto Rico, Congressman Raúl Grijalva, chair of the House Committee on Energy and Natural Resources of the United States House of Representatives, recognized that the PROMESA Law does not identify the essential public services for the people of Puerto Rico and that, to date, none of the essential public services rendered by the Government of Puerto Rico have been declared as such by the Financial Oversight Board. In addition, he agreed to consider an amendment to the PROMESA Law for the purposes of identifying the University of Puerto Rico as an essential public service.

WHEREAS:

Consequently, the University of Puerto Rico faces a cut in its budget that reduces it to less than half of what was set forth in the provisions of Law # 2 of 1966, severely impacting the cost of enrollment, preventing probationary professor appointments, which are essential for maintaining the University on the frontier of knowledge, and casting shadows on its future while all eleven campuses of the UPR face the threat of losing the accreditation of the Middle States Commission on Higher Education.

WHEREAS:

At a minimum, the drastic reduction of the funds designated for the University of Puerto Rico harms its fiscal autonomy and consequently, its complete autonomy, placing academic freedom at risk by claiming to sell its services to private interests to cover the expenses of its day-to-day operations.

WHEREAS:

In accordance with Law # 1 of the University of Puerto Rico, which states in Article 3 (f) "The Governing Board will represent the public interest of the University, while always safeguarding the University against party political interests, or any other interest that undermines their autonomy, against anti-intellectual tendencies that manifest against academic freedom, the promotion of critical awareness and the full development of the virtues of the student body.", the Governing Board of the University of Puerto Rico, in its ordinary meeting on March 25, 2019, approved a motion to request that the PROMESA Law be amended to identify the University of Puerto Rico as an essential public service.


THEREFORE:

The Academic Senate of the Mayagüez University Campus joins the motion approved by the Governing Board this past March 25 and supports the amendment presented to the House Committee on Energy and Natural Resources of the United States House of Representatives for the purpose of replacing the text in section 201 (b) (1) (B) of the PROMESA Law ("ensure the funds of essential public services") to read "ensure the funds of essential public services; this includes the public funds assigned to the University of Puerto Rico by means of the formula established in



Act No. 2 of 1966 or a minimum of \$800 million annually until the Financial Oversight Board is terminated as established in section 209 of this Law. With these funds, the Institution will be able to fully comply with its role as an essential public service and effectively fulfill its obligations and accreditation requirements."

And for the record, I issue and refer this certification in English and Spanish to the Governing Board, the President of the UPR, the University Board, the Academic Senators of the UPR System, Congressman Raúl Grijalva, and the corresponding university authorities, under the Seal of the University of Puerto Rico on the twenty-fourth day of the month of April of the year two thousand and nineteen, in Mayagüez, Puerto Rico.


Nilda E. Pérez Collazo
Acting Secretary

