

**THE NATIONAL CONGRESS**

IN THE NAME OF THE REPUBLIC

**LAW NO. 139-01, REGARDING HIGHER EDUCATION,  
SCIENCE, AND TECHNOLOGY**

CONSIDERING: That higher education constitutes a public function that acts in the general interests of the national community, and that its regulation is the responsibility of the Dominican state, which, in fulfillment of this duty, must watch over its normal and correct operation;

CONSIDERING: That the development of science and technology is an objective that is of the highest national interest, and that it is the responsibility of the Dominican state to stimulate and foster this development, inasmuch as it comprises elements that are essential to the development of the country, and especially to productive activities and to social service;

CONSIDERING: That measures have been taken with the intention of organizing, updating, and reforming the system of higher education, as well as the system of science and technology, and that because of this the conditions exist for a new legal instrument to regulate the activities of these systems, ensuring that their working meets the needs of the country;

CONSIDERING: That the present dispositions have as their purposes to: to establish and organize the following inalienable principles of the freedom of education, the respect of the human being, and the power of decision inherent to the academy; the definition of duties and responsibilities of the institutions that make up the system within society; guaranteeing an adequate academic level in the institutions of higher learning, science, and technology; contributing to better the efforts for the formation of professionals and associates, and to produce and/or adopt the scientific and technical knowledge that the country requires, and bestowing on it the legal norms that allow the institutions of the system to grow in quality and in quantity;

CONSIDERING: That autonomy is the very principle and the foundation of the nature of the institutions of higher education, science, and technology;

IN ACKNOWLEDGEMENT OF: Laws No. 5778, dated December 31<sup>st</sup>, 1961, which proclaims the Autonomy of the University of Santo Domingo; No. 6150, dated December 31<sup>st</sup>, 1962, which recognizes the legal identity of the Universidad Católica Madre y Maestra in Santiago de los Caballeros, and No. 273, of June 27<sup>th</sup>, 1966, which regulates the formation and operation of private university establishments and centers of higher education, and which establishes the equivalences of their degrees with those of the official or autonomous entities; modified by law No. 236 of December 23<sup>rd</sup>, 1967;

HAVING SEEN: Regulation no. 1255, of July 25<sup>th</sup>, 1983, which regulates Private Higher Education; Decrees No. 1406, of September 13<sup>th</sup>, 1983, which creates and integrates the National Council of Science and Technology (CONACITE), a dependency of the Presidency of the Republic; no. 258, of July 15<sup>th</sup>, 1996, and no. 517, of October 14<sup>th</sup>, 1996, which regulate the operation of higher education in the Dominican Republic;

HAVING HEARD: The opinions of the Presidents and Directors of the institutions of higher education; of the associations of legally established universities; of the directors of institutions of science and technology; of the Boards of Directors of financing institutions, researchers, experts, and of the different public and private sectors involved in higher education, science, and technology;

HAS PASSED THE FOLLOWING LAW

## CHAPTER I

### GENERALITIES

Art. 1.-The fundamental purpose of this law is to establish the National System of Higher Education Science, and Technology, to set down the regulations for its operation, the mechanisms that will ensure the quality and pertinence of the services rendered by the institutions that compose it, and to lay the legal foundations for the scientific and technological development of the country.

Art. 2.- The National System of Higher Education, Science, and Technology of the Dominican Republic is made up of all the institutions that are explicitly oriented toward the achievement of the goals and objectives of higher education and of the scientific and technological development of the country.

Art. 3.- The state, through the corresponding organizations, will ascertain that the institutions of higher education, science, and technology and their activities adequately meet the demands of the changes in the national and international settings, in all that concerns higher education, science, and technology.

## CHAPTER II

### ON HIGHER EDUCATION, SCIENCE, AND TECHNOLOGY

Art. 4.- Higher education is a permanent process that takes place after secondary school, leading to an associate's degree, a bachelor's degree, or graduate or postgraduate degrees.

Art. 5.- Higher education is essential to the development of society, since society's ability to innovate depends on higher education. This education also promotes production, the appropriation and application of knowledge for sustainable human development, and the promotion of values and attitudes that are inclined toward the realization of the human being, thus increasing his possibilities of contributing to the development of society as a whole, and to the production of goods and services.

Art. 6.- A higher education, the production and access to scientific knowledge and to technology, are rights of all citizens. Therefore, the development of these fields is a public service, inherent to the social purpose of the State. Likewise, it is the learner's duty to contribute to the academic excellence of higher education, and to its continuance, depending on his economic possibilities.

Art. 7.- The end of higher education is to provide a formation of the highest quality, be it scientific, professional, in the humanities, the fine arts, or technical; to contribute to economic competitiveness and to sustainable human development; to promote the generation, development, and diffusion of knowledge in all its forms; to contribute to the preservation of natural culture, and develop the attitudes and values required for the formation of responsible persons, with a sense of ethics and solidarity; people who are reflexive, innovative, critical, capable of bettering the quality of living, consolidating the respect of the environment; respectful of the institutions of the country and of democracy.

Art. 8.- Science is not only the process of generating knowledge through deductive reflection and experimentation and by the empirical measuring of natural and environmental phenomena and events of social life and human behavior. It is also the organized whole of said knowledge. Technology is the capacity of obtaining results that materialize as goods and services, through the application of scientific knowledge and the adaptation to the social scene of the procedures, instruments, and equipment that come from the national and international scientific community. Scientific and technological development is essential to society, inasmuch as it has a significant influence on the economy in creating and absorbing more productive technology, which in its turn has repercussions on productivity, increases the capacity to compete on the world market, and, therefore, contributes to the betterment of the quality of life of all citizens. Scientific and technological development also contributes to bettering public services and to increasing the sense of civic responsibility in the people; it contributes to raising the quality of education and, in general, contributes in all aspects of national development.

Art. 10. - Liberty is established as the fundamental principle of higher education, science, and technology. It is academic freedom, which includes the right to open educational centers, in compliance with the requirements of this law and its regulations, and also the freedom of research in the teaching of scientific truth and of the different expressions of human thought.

Art. 11. - The National System of Higher Education, Science, and Technology, has as its mission to do the following:

a) Form highly-qualified graduates; people who are critical and who participate actively, and are capable of meeting the needs of all aspects of human activities, in which theoretical and practical knowledge of the highest level are needed;

b) Gather, increase, diffuse, transfer, and foster scientific and technological production at a national and international scale, thus contributing to development and to raising the standard of living of the Dominican people;

c) Make way for the formation of higher education, science, and technology that shall in turn further permanent formation, promote the strengthening of innate capacities, and provide critical and objective perspectives, with the intention of transforming social and economic reality;

d) Contribute to understand, preserve, reinforce, foster, and diffuse national, regional, and international culture, in a context of diversity, thereby collaborating in the creation of conditions for the understanding among peoples, solidarity, and the keeping of world peace;

e) Contribute to protect and consolidate the values that conform the identity of the Dominican people, being sure to instill into the youth those principles that support a democratic society, the defense of national sovereignty, the respect of human rights, the search for a more just and fair society;

f) Contribute to the development and betterment of education at all its levels, especially through the formation and training of teaching personnel, and through socio-educational research;

g) Foster and encourage scientific research, as well as experimentation, innovation, and invention of technologies associated to talents and capacities that are inherent to the development of the sciences, and to the application of these to industry and services;

h) Further the interchange of experiences and the establishment of mechanisms of communication and cooperation between enterprises and the institutions of higher education, science, and technology.

Art. 12.- These values are the basis of (the task of) higher education, science, and technology in the Dominican Republic:

- a) National identity and culture, as a point of reference in going toward the universality of cultural legacy;
- b) Respect for the human being, his dignity, and his liberty;
- c) Freedom of speech and ideological pluralism, both political and religious;
- d) A spirit of democracy, social justice, and human solidarity;
- e) Scientific rigor and ethical responsibility in research and in the discovery and organization of knowledge;
- f) Creativity, a critical spirit, integrity, and responsibility;
- g) Equal opportunity in the access to a higher education, regardless of prejudices based on social or ethnic origin, religion, or gender;
- h) Cultural self-esteem and national talent; esteem for the capacity to innovate and to invent;
- i) An attitude of service and of rendering account to society as a beneficiary and as the entity that supports all academic, scientific, technological, and cultural activities;
- j) An attitude of cooperation and solidarity among human beings, organizations, and nations;
- k) An investigative attitude, open to change and able to adapt to national and international changes.

Art. 13.- We acknowledge the need of articulating the National System of Higher Education, Science, and Technology, as an instrument that is essential to the development of the capacity for innovation and renewal that will make competitiveness possible for our society.

Art. 14.- The objectives of the National System of Higher Education, Science, and technology can be classified in four large groups:

- a) Objectives aimed at fostering, orchestrating, and offering a higher education that is relevant to the needs of the people, of good quality, and accessible to all Dominicans;
- b) Objectives that are oriented toward the creation and incorporation of knowledge, innovation, and invention, at every level of Dominican society;
- c) Objectives whose aim is to obtain the mediation and articulation of the institutions, and at obtaining results from the National System of Higher Education, Science, and Technology, together with the rest of society;
- d) Objectives aimed at fostering and funding higher education, science, and technology.

Art. 15.- The educational objectives of the National System of Higher Education, Science, and technology are as follows:

- a) The formation of critical and democratic persons who can be identified with the national values and with international solidarity, and who can participate efficiently in the social, economic, cultural, and political changes of the country;
- b) To provide human, ethical, scientific, and technological formation to the different persons involved in activities of research, development, and innovation or renewal;
- c) To contribute to the holistic formation of creative, supportive, critical, involved, and responsible citizens, through their permanent relationship with literary, scientific, and technological creations, as well as universal culture;
- d) To form human resources that shall have the abilities, skills, aptitudes, attitudes, and values required by the social system in order to attain sustainable development, the creation of riches, and the constant betterment of the quality of life;
- e) To form human resources that shall have the abilities, skills, aptitudes, attitudes, and values required for the production of goods and services;
- f) To make it possible for all citizens to receive a higher education;
- g) To make relevant to the needs of Dominican society the knowledge that has been created or incorporated into the system;
- h) To develop in students and teachers the values and attitudes that will allow them to become promoters of the advancement of knowledge and the betterment of the quality of life, acting as the critical conscience of society;
- i) To contribute, within the scope of permanent education, to the development of choices in continued education that will allow human resources in the country to be updated and kept up to date, thus making use of the existing development of technology;
- j) To enrich and diffuse universal culture, and, in particular, the cultural patrimony of the Dominican people, of which cultural patrimony it shall serve as a depository;
- k) To foster the culture of solidarity, world peace, and respect for human rights, by assuming and diffusing, in the programs of higher education, the principles and resolutions of the competent international organizations.

Art. 16. The objectives whose aim is the development of science and technology are as follows;

- a) To implement, to foster, and diffuse scientific research, innovation, invention, and technological development, as well as the more advanced and valuable forms of creation within the field of education, science, culture, art, and technology;
- b) To incorporate into the store of knowledge that is available and pertinent to the Dominican people, the knowledge technology that have been developed throughout the world;

- c) To encourage and favor that this work of creation, incorporation of knowledge, and transfer of technology be relevant to the needs and objectives of social and economic development in Dominican society.

Art.17.-The objectives relative to the coordination and transfer of knowledge and technology are the following:

- a) To establish free communication between the institutions of higher learning, science, and technology and the rest of society;
- b) To assure the transfer of knowledge and of technology that have been developed or adapted by the institutions of the National System of Higher Education, Science, and Technology, to the institutions and enterprises of society that are responsible for producing goods and services, as well as the other public institutions and to society as a whole;
- c) To put at the disposal of all, and to diffuse within, society the knowledge and values that have been accumulated and are available within the institutions of the System of Higher Education, Science, and Technology.

Art. 18.- The objectives that deal with the fostering and the financing of higher education, science, and technology, are the following:

- a) To offer equal educational opportunities to all citizens throughout their lives;
- b) To finance public higher education and to contribute to the financing of private higher education;
- c) To encourage the observance of the creative function, and to the transfer and incorporation of knowledge of the National System of Higher Education, Science, and technology, ensuring for this System the resources that are necessary to this end;
- d) To be conducive to the establishment of ties between the institutions of higher education and the social milieu, and in particular with the sector that produces goods and services, through the joint financing of the activities of higher education, science, and technology;
- e) To contribute to the financing of the activities, institutions, or enterprises that perform scientific research, innovations, and inventions that bring into being products and services that are pertinent to the different parts of the economy and to society in general.

Art. 19.- It is the State's responsibility to formulate policies aimed at meeting the objectives of the System and at the creation of the mechanisms, instruments, and norms that may be necessary for said system to function properly, observing the objectives that have been set forth, and in conformity with the values and norms that are essential to the same.

Art. 20.- All of the institutions that coordinate to meet these objectives constitute the National System of Higher Education, Science, and Technology. These institutions can be public or private, or of a mixed nature.

### CHAPTER III

#### ON THE NATIONAL SYSTEM OF HIGHER EDUCATION, SCIENCE, AND TECHNOLOGY

Art. 21.- The National System of Higher Education, Science and Technology is made up of:

- a) Institutions whose role is higher education;
- b) Institutions whose role is the creation and incorporation of knowledge and technology;
- c) Institutions whose role is the transfer of knowledge and technology;
- d) Institutions whose role is the promotion and financing of education;
- e) Institutions whose role is regulation, control, and supervision.

An institution can fulfill one or several of these roles.

Art. 22.- The institutions of higher education are all those that offer professional and academic training after secondary school, as set forth in law 66/97, and that have the following characteristics:

- a) They are entities that bring together administrative personnel, professors, students, employees, and alumni in the task of research and the discovery and organization of knowledge, as well as in creating awareness as to the basic necessities of society, aiming the research and its results toward the solution of the problems of the Dominican people in order to raise the quality of life of the population;
- b) They are social entities, public services, open to all schools of thought. Discrimination of any sort, whether because of nationality, ethnic origin, gender, social condition, ideology, religion, or political preference, is therefore inadmissible at school;
- c) The institutions of higher education are those that dedicate themselves to education after the secondary school level. These studies lead to degrees at different levels: a associate's degree, a bachelor's degree, and graduate degrees. One of their basic purposes is to contribute to the development of science and technology, the formation of associates and professionals, continued education, the diffusion of scientific and technological advances, and serving society;
- d) The institutions of higher education must offer their personnel and students an adequate spiritual and pedagogical environment, as well as the correct materials; they must have the resources and physical facilities that allow them to fulfill their function, as well as those that correspond to the requirements of the curriculum they offer, incorporating the advances of science and technology in the areas into which they enter.

Art. 23.- The following levels of formation in higher education are hereby established:

- a) An associate's level, which assures the issuance of the degree of associate, technician, a teaching credential, and other equivalent degrees;
- b) A baccalaureate level, that issues the following degrees: Bachelor's degree, architect, engineer, physician, and other equivalent degrees;
- c) A postgraduate level, which issues certificates of specialized studies, master's degrees, and doctorates.

**Item:** The National Council for Higher Education regulates the nature and the number of credits needed for each of these levels or degrees.

Art. 24.- The institutions of higher education are classified by categories depending on their nature and objective. These categories are as follows:

- a) Technical Institutes of Higher Education: These are centers that are authorized to offer and prepare students for a career up to the associate's level;
- b) Specialized Institutes of Higher Education: These are centers that are authorized to offer and prepare for a career, and to issue bachelor's degrees and graduate degrees in different majors, having previously been approved by the CONESCT (Consejo Nacional de Educación Superior, Ciencia y Tecnología, that is to say, the National Council for Higher Education, Science and Technology);
- c) Universities: These are centers that are authorized to offer careers and issue degrees at the associate's level, at the bachelor's level, and at the graduate or post-graduate level in the different fields of knowledge. In order to issue doctorates, they will require the development of a research project in the field in which the degree is to be issued.

**Item I** An institution can ask CONESCT for a change in category, for which it must meet all the requirements.

**Item II --** Military, naval, police, religious, and other similar educational post-secondary institutions could be recognized in one of these categories should they meet with all the requirements set forth in this law and in the regulations that complement it.

**Item III** The institutions of higher education that seem (to the public) to belong to a category other than in which they belong according to this law will have a three-year time limit, as of the passing of this law, to adapt to the new category.

Art. 25.- The National System of Higher Education, Science, and Technology is open and flexible. The Department of Higher Education, Science, and Technology (SEESCT) will establish mechanisms to make easier the transfer of learners between the different categories of institutions, levels, and manners or modalities of higher education. Mechanisms will also be set up for the acknowledgment of life experiences, so that access to the system can be open to persons who show the required merits and abilities, depending on the level and mode or method of higher education at which they apply for admission.

Art. 26.- All institutions that dedicate themselves to research aimed at bestowing on the country the knowledge and technology required for its development are also part of the National

System of Higher Education, Science, and Technology. These institutions can be classified as follows:

- a) Universities;
- b) Institutes and/or Centers for Scientific and/or Technological Research.

**Item:** New additions to the National System of Higher Education, Science, and Technology are the following: The Dominican Institute of Technology (Instituto Dominicano de Tecnología – Indotec), the Dominican Institute for Farming and Livestock Research (Instituto Dominicano de Investigaciones Agropecuarias – IDIA) and the Academy of Sciences of the Dominican Republic (Academia de Ciencias de la República Dominicana).

**Item II** The National Council of Higher Education, Science, and Technology will regulate all that concerns the creation and operation of these institutes and research centers.

**Item III** The Institute for the Formation and Professional Training of Teachers (Instituto de Formación, Capacitación del Magisterio) is also integrated into the National System of Higher Education, with the functions and attributes established by law no. 66/97 about education, as a decentralized organ assigned to the Department of Education.

Art. 27.- All institutions that encourage the creation of bonds between the institutes of higher education, science, and technology on the one hand, and the rest of the population on the other hand, are also part of the National System of Higher Education, Science, and Technology. It shall be their duty to foster mechanisms that will ensure the transfer and the diffusion of the research performed at the Institutions of the System of Higher Education, Science, and Technology, toward the sector that produces goods and services, as a means of elevating the country's competitiveness, and also to all the other sectors of society.

Art. 28.- The institutions of transfer of knowledge are those which promote the establishment of bonds between:

- a) The university, the productive sector and society;
- b) The Specialized Institutes of Higher Education, the productive sector, and society;
- c) Higher Technical Institutes, the productive sector and society;
- d) Institutes and/or Centers of Science and Technology, the productive sector, and society as a whole.

Art. 29.- The National System of Higher Education, Science, and Technology must do the following:

- a) Establish clear incentive policies to create and put into operation these institutions of transfer. These policies should make possible the coordination of the scientific, technological, and productive environment.
- b) Establish rules and regulations that set the norms for their creation and operation.

Art. 30.- Yet another part of the National System of Higher Education, Science, and Technology is made up of all the institutions whose basic objective it is to promote and to finance higher education, science, and technology. These are:

- a) Institutions for the promotion and financing of scientific and technological research;
- b) Institutions for the promotion and financing of technological innovations and inventions;
- c) Institutions for the promotion and financing of the formation of human resources.

Art. 31. The institutions that make up the National System of Higher Education, Science, and Technology are organized as non-profit organizations. Therefore, any income that is the result of their administration must be used for their consolidation and development, that is to say, reinvested.

Art. 32.- The main function of promoting the National System of Higher Education, Science and Technology falls to the Dominican State. To such an end, the Dominican state shall establish a set of norms that will make possible the following:

- a) The creation of a competitive system of scholarships and student loans that will make possible equal opportunities in the access to higher education;
- b) The realization of joint research and educational activities between the institutions of higher education and the institutions that produce goods and services;
- c) Carrying out research as to the real needs of the county;
- d) The creation, adoption, and transfer of technology.

Art. 33.- The institutions of higher education, science, and technology will have academic, administrative, and institutional autonomy, which includes the following attributions, according to their nature: They will be able to:

- a) Write and amend their own rules and regulations;
- b) Define their organs of government, establish their own mission, and elect their own authorities, according to the mechanisms set forth in their rules and regulations;
- c) Administer their goods and resources, according to their rules and regulations and to the corresponding laws;
- d) Introduce and teach careers at an associate's level, a bachelor's level, and a graduate level, according to the norms set forth by this law and its regulations;
- e) Formulate and develop plans of study for scientific and technological research, and for extensions and services to the community;
- f) Issue academic degrees, as set forth in this Law;
- g) Teach, having as a goal experimentation, pedagogical innovation, and/or professional teaching practice;

- h) Establish rules for the access, permanence in the institution, and promotion of teachers and other personnel;
- i) Appoint and remove the personnel who work at the institution, according to this country's laws;
- j) Establish the rules and procedures for the admission, stay, and graduation of students, as well as the system of equivalences;
- k) Develop and participate in projects that support the advancement and application of knowledge;
- l) Be in relationship, and make agreements with, (other) institutions in the country and abroad.

**Item:** The process of convalidating degrees issued by foreign universities is a prerogative of the Dominican state, through its institutions of public education, and validated by the observance of the dispositions established in the regulations in force under the certification of the SEESCT (Secretaría de Estado de Educación, Ciencia, y Tecnología – Department of Education, Science, and Technology).

## CHAPTER IV

### ON THE ORGANS OF DIRECTION, ADMINISTRATION, AND SUPERVISION OF THE NATIONAL SYSTEM OF HIGHER EDUCATION, SCIENCE, AND TECHNOLOGY

Art. 34.- The Department of Higher Education, Science, and Technology (SEESCT – Secretaría de Estado de Educación Superior, Ciencia y Tecnología) is hereby created as an organ of the Executive Branch in the field of higher education, science, and technology, with the task of encouraging, regulating, and advising the National System of Higher Education, Science, and Technology, and ensuring that all the measures of this Law and all the policies coming from the Executive Branch are carried out.

Art. 35.- In order to fulfill its mission, the Department of Higher Education, Science, and Technology (Secretaría de Estado de Educación Superior, Ciencia, y Tecnología) will perform, through its organizational arms, the following tasks:

- a) The formulation of public policies in the domain of higher education, science, and technology;
- b) Planning;
- c) Evaluation, supervision, and execution.

Art. 36.- The structure of the Department of Higher Education, Science, and Technology, (Secretaría de Estado de Educación Superior, Ciencia, y Tecnología – SEESCT) will be the following:

- a) A superior organ: The National Council for Higher Education, Science and Technology (Consejo Nacional de Educación Superior, Ciencia y Tecnología --CONESCT) . This organ will be the highest governmental organism in the system. The CONESCT will be able to set up as many subcommittees as it deems fit. The two following sub commissions will be constituted, among others:
  - 1) A National Sub-Committee for Higher Education;
  - 2) A National Sub-Committee for Science and Technology.

The National Council for Higher Education Science, and Technology (Consejo Nacional de Educación Superior, Ciencia, y Tecnología) will regulate all that concerns the correct operation and the objectives of these Sub-Committees.

- b) An executive organ made up of:
  - 1) The Secretary of Higher Education, Science, and Technology;
  - 2) A Sub-Department of Higher Education;
  - 3) A Sub-Department of Science and Technology;
  - 4) An Administrative Sub-Department.

Art. 37.- The Council will determine the internal administrative system of this department, depending on the needs and characteristics of the development of the sector, within the framework set by the laws that regulate the operation of the departments of government and of public administration in general.

Art. 38.- The functions and attributions of the National Council of Higher Education, Science, and Technology are the following:

- a) To establish policies designed to develop the National System of Higher Education, Science, and Technology, ensuring that said measures meet the economic, social, and cultural needs of the country;
- b) To define the strategies, programs, and goals for the development of the section, in coordination with the institutions of higher education, science, and technology;
- c) To set forth policies regarding funding, priorities, and criteria in the use of funds assigned to the National System of Higher Education, Science, and Technology;
- d) To encourage equal opportunity in the access to a higher education, as well as in scientific and technological advances;
- e) To safeguard the preservation of liberty, democracy, plurality, and all the highest values of the country, in the exercise of academic and scientific activities;
- f) To approve the regulations that make possible the implementation of the present law;
- g) To approve the creation and accreditation of institutions of higher education, science, and technology, in compliance with the rules and regulations established by, and at the demand of, the Department of Higher Education, Science, and Technology (Secretaría de Estado de Educación Superior, Ciencia, y Tecnología);
- h) To approve the suspension, intervention, or definitive closing of institutions of higher education, science, and technology, according to the present law;
- i) To establish, by mutual agreement with the institutions of higher education, science, and technology, the general guidelines that will serve as a basis for the evaluation of said institutions;
- j) To hire educational, scientific, and/or technological consultancies and researchers;

k) To approve the creation of extensions of higher education institutions, as stipulated in the established regulations;

l) To approve and determine the minimal number of credits for each level of education and /or academic degree;

m) To propose to the Executive Branch programs for scholarships and student loans that would favor students, professors, and researchers of the System.

Art. 39.- As part of his functions and obligations, the Secretary of Higher Education, Science and Technology must perform the following tasks:

a) Carry out the national policies regarding higher education, science, and technology;

b) Be conducive to good relations and to activities that institutions of the system may coordinate among themselves, with the rest of the educational system, with the State, as well as with other scientific, technological, cultural, and business organizations or associations, and with society in general;

c) Serve as advisor to the President in matters of higher education, science, and technology;

d) Observe, and have others observe, the provisions of this law, as well as the policies, regulations, and resolutions that may be decided by the national Council for Higher Education, Science, and Technology (CONESCT) and by the President;

e) Convoke and preside over the meetings of the CONESCT;

f) Represent the Secretary of Higher Education, Science, and Technology in public and private ceremonies, as well as in legal cases;

g) Direct and coordinate the activities of the Department of Higher Education, Science, and Technology;

h) Formulate the draft bill for the SEESCT budget, bearing in mind the guidelines and priorities established by the CONESCT, and make sure that these guidelines and priorities are observed;

i) Certify and legalize degrees and other academic documents issued by the institutions of higher education;

j) Give advice, at the demand of the institutions, concerning national and international agreements and development projects;

k) Make sure that there is a minimum of coincidence and standardization in the outline of similar careers offered in the country at the level of higher education;

l) Watch out for the preservation of the national character of the institutions of higher education;

- m) Permanently monitor the institutions of higher education, science, and technology, in order to ensure that they meet the norms set forth in this law and in the regulations that complement the same;
- n) Present to the CONESCT, for its approval, the applications for the creation and accreditation of new institutions of higher education, science, and technology, in compliance with the norms set forth for those ends;
- ñ) Present to the CONESCT for its approval any requests for the suspension, intervention, or definite closing of institutions of higher education, science, and technology;
- o) Present to the CONESCT incentive proposals and acknowledgments to institutions of higher education, science, and technologies, as well as to the students, professors, and other employees of the system;
- p) Coordinate and decide about the execution of evaluations of the institutions of higher education, science, and technology, present the reports and recommendations to the CONESCT, and follow up the results of the same;
- q) Decide the carrying out, at least once every five years, of an analysis of the operation of the entire system of higher education, science, and technology, with the intention of recommending readjustments and changes in its policies and goals, as well as in the requirements and the criteria of quality that the institutions of the system must be able to meet;
- r) Keep under constant surveillance the institutions of the System, in order to ensure that their missions, ends, goals, and objectives are well met, and that the institutions offer an adequate educational service to society;
- s) Arrange to have technical assessment and advice given to the institutions of the system that may request it, in order to better their programs and to contribute to the betterment and continuous professional formation of their teaching staff, researchers, and administrative personnel;
- t) Keep a modern system of information and statistics of all the activities of the system; said information system must be open to all the institutions, researchers, and society at large. In order to carry out this function, The SEESCT shall open an information center, with a database and all the mechanisms that are necessary to give updated information to the whole of the system;
- u) Give to the Executive Branch and to society in general the corresponding accounts about the progress of the National System of Higher Education, Science, and Technology.

Art. 40.- The National Council of Higher Education, Science, and Technology will be composed of:

The Secretary of Higher Education, Science, and Technology, who presides it;

The Secretary of Education;

The Secretary of Culture;

The President of the State University of Santo Domingo (UASD) – Universidad Autónoma de Santo Domingo;

An academician elected in an assembly of the presidents of private and fully autonomous universities;

A representative of the professors, chosen by the CONESCT from those proposed by each institution of higher education;

A student representative, chosen by the CONESCT from those proposed by each institution of higher education;

A representative of the administrative personnel, appointed by the CONESCT from those proposed by the institutions of the National System of Higher Education, Science, and Technology;

A representative of the Association of Technical Institutes of Higher Education;

A representative of the institutions of transfer and of the institutions of promotion and funding;

The President of the National Council of Private Enterprise;

Three members appointed by the Executive Branch, who have a good reputation in the field of higher education, science, and technology;

The President of the Academy of Science of the Dominican Republic;

The Director of INDOTEC;

Two members designated by the institutes of scientific and/or technical research, well-known to the CONESCT;

A representative of the System of Self-Evaluation and Accreditation,

A representative of the former Secretaries of CONES or former Secretaries of Higher Education, appointed by the Executive Branch. These persons cannot belong to the party in power.

A representative of the Institutes of Higher Education of the Armed Forces.

**Item:** The CONESCT will elaborate the regulations that will serve as a basis for the election of all these representatives. These regulations will establish mechanisms that will in turn ensure the yearly renewal of one third of these members, in order to guarantee the continuity of the work of the CONESCT.

Art. 41.- The Assembly of Presidents and Directors of Institutions of Higher Education, Science, and Technology, is hereby created, as an organ of consultation and liaison between the Department of Higher Education, Science, and Technology, and the institutions of the System.

Art. 42.- The Assembly of Presidents and Directors of the institutions of Higher Education, Science, and Technology will be convoked ordinarily once a year, and extraordinarily as many time as necessary. The convocation can be issued by the Secretary of Higher Education, Science and Technology to at least one third of the Presidents and/or Directors who are members of said Board.

CHAPTER V  
ON THE OPENING, ORGANIZATION, OPERATION  
AND CLOSING OF THE  
INSTITUTIONS OF HIGHER EDUCATION

Art. 43.- The interested party shall ask the Department of Higher Education, Science, and Technology for the Department's approval to open an institute of higher education, as well as before establishing an extension of an existing center. Said request must be accompanied by all the documents stipulated by the regulation that the CONESCT has elaborated to such an end.

Art. 44.- The following are some of the criteria that the SEESCT will bear in mind in the evaluation of said requests:

- a) The pertinence of the request presented with a view to founding the institution, and the plans for its operation during the first five (5) years, depending on the county's needs in the formation of technical and professional personnel, as well as the production of science and technology;
- b) The agreement of its rules and regulations with the dispositions set forth in this law, its regulations, and the legislation in force at the time;
- c) The adequacy and degree of concordance of the academic regulations with the mission, ends, and objectives of the institution;
- d) The institutional capacity that guarantees the quality of the academic activity, as well as the scientific and technological production, depending on the nature of the institutions;
- e) The plan for funding, and the social, pedagogical, and economic feasibility of the proposed plans and programs.

Art. 45.- The Department of Higher Education, Science, and Technology shall evaluate the documentation that is presented, and proceed to formulate its recommendations in response. It will make the due observations, should there be any, to the interested party, giving the time determined by the regulations to make any pertinent adjustments to the project it.

Art. 46.- The Department of Higher Education, Science, and Technology, upon having evaluated the required documentation, if the applying institution meets the requirements, and in compliance with the established regulations, shall give its approval to the new institution and submit its request to CONESCT with a view to obtaining its ratification.

**Item** Should the request be turned down, the interested party shall be able to submit it anew, upon having met the requirements set by the CONESCT.

Art. 47.- The institutions thus created will have administrative, institutional, and academic autonomy, but must limit themselves to offering services that belong to the institutional category, levels, and fields of study approved by the CONESCT. Any modification to the conditions under which they were accredited must be made known to and approved by the National Council of Higher Education, Science, and Technology.

Art. 48.- The SEESCT shall order that all institutions be evaluated at least every five (5) years. After two (2) successful five-year evaluations, the National Council of Higher Education,

Science, and Technology will bestow full autonomy on the institution. Said autonomy will enable the Institution to open and offer programs of study within its scope of action, with no need for further accreditation from the CONESCT. In no case will this autonomy be granted until an institution has existed for at least fifteen (15) years, or with fewer than two consecutive favorable evaluations by the Department of Higher Education, Science, and Technology.

**Item** Those institutions of higher education that, at the time of the promulgation of this law, already possess full autonomy, granted by the special laws under which they were created, shall continue to possess said autonomy, under the circumstances of their foundation.

**Item II** As for the institutions of higher education that are authorized by decrees of the Executive Branch at the moment of the promulgation of this law, it will be considered that they have been in existence for two years; and the evaluations made by the CONESCT to date will count toward their meeting the requirements for obtaining full autonomy.

Art. 49.- The teaching staff of the institutions of higher education must be composed of personnel who are duly qualified to fulfill their responsibilities, depending on the level and field of specialty in which they carry out their activities. The CONESCT shall establish the norms that will govern teaching.

Art. 50.- The institutions of higher education, as well as those of science and technology, can be closed, wholly or in part, permanently or temporarily, for not obeying their regulations, for breaches of ethical purposes, for ignoring their mission and objectives, or for flagrant breach of this law.

Art. 51.- Should an institution of higher education have its accreditation revoked by the SEESCT, or by a sentence of similar authority, the SEESCT shall take whatever academic and/or administrative measures are pertinent to safeguard academic interests.

Art. 52.- The SEESCT has the authority to officially audit the office of the registrar, the academic files, records, and documents of any institution of higher education, should there be evidence of grave irregularities that question the academic administration of said institution.

Art. 53.- Should an institution of higher education be audited or closed down, and in order to defend the interests of the academic community, the SEESCT will be able to take these academic and administrative measures among others:

- a) Make arrangements for the issuance of certificates, degrees and certifications thereof, and all other documents that are legally recognized in an institution of higher education;
- b) Acknowledge all the studies that have been completed, and facilitate the transfer of students from the center of studies that has been audited or closed down, to another institution of the same level;
- c) Leave without legal value all certifications, degrees, diplomas, and certifications thereof, as well as any other document issued by persons who have not been authorized by the CONESCT, or who are not duly authorized by the files and records of the institutions of higher education.

Art. 54.- Any institution of higher education can be dissolved in compliance with its rules and regulations and with the laws in force. Should that happen, it shall be the duty of its legal representative to communicate said decision to SEESCT immediately, so that the latter can,

together with the authorities of higher education, take measures intended to guarantee the complete liquidation of the academic concerns of the dissolved center. Likewise, any extension, faculty, school or academic unit can be closed at the request or demand of the interested party.

## CHAPTER VI

### ON THE QUALITY OF HIGHER EDUCATION, SCIENCE, AND TECHNOLOGY

Art. 55.- The National System of Higher Education, Science, and Technology must generate a culture that furthers and develops quality as a continuous and essential process, as well as the establishment of public policies aimed at the search thereof.

Art. 56.- Quality in the System of Higher Education, Science, and Technology involves many varied meanings and aspects, qualitatively as well as quantitatively, aimed at obtaining pertinence of the system, of the mission and the objectives of the institutions, and at the degree of satisfaction of the entities that intervene in the process, as well as the level of coherence of scientific and technological development and the needs of the country.

Art. 57.- The quality of the institutions of higher education, science, and technology shall be valued based on the quality of human resources that enter the system, the reinvestments, the processes, and the results. Because of this, the following are now considered essential components: Administrative and academic leadership, resources for continuous improvement, and the integrity and credibility of said institutions.

Art. 58.- This law disposes the creation of an Academic Career System, that will be regulated by guidelines to be approved by the CONESCT.

Art. 59.- An initial diagnostic test for measurement and orientation is hereby established. Said test is to be administered before the candidate begins higher education, and the Department of Higher Education, Science, and Technology will be responsible for it. It will be mandatory for all those who wish to enter higher education. The results of this exam will be sent to all the institutions so that they can use it among their criteria for admissions, and in establishing plans regarding academic level, in planning, and in research.

**Item** This diagnostic test does not exclude the internal dispositions that regulate the admission policies in the different institutions of higher education .

Art. 60.- In order to ensure the quality of the education that the universities offer, and that of the alumni, the institutions must consult, when designing and writing their curricula, the unions and/or other formal organizations that already exist in the corresponding disciplines. They must also create consulting committees made up of practicing professionals and representatives of the business world, where the alumni of the institutions carry out their activities.

Art. 61.- The quality of the institutions of higher education, science, and technology is determined by:

- a) The pertinence of the institutional mission and objectives;
- b) The pertinence of its regulations, policies, norms, and procedures;
- c) The quality of the institutional services;
- d) The level of formation and experience of the teaching personnel, the personnel of science and technology, the extension personnel, and other employees;
- e) The pertinence of its programs in the areas of teaching, research, and its extension programs;
- f) The logistical support and the available infrastructure.

Art. 62.- The quality of the institutions of higher education, science, and technology will be determined, furthermore, by the relevance expressed by the curricular configurations, the alumni's characteristics as professionals, the suitability of the scientific and technological contributions, and the ends and objectives on the one hand, and the planning and the goals obtained. On the other, it will also be determined by the efficient management of the available resources, depending on the priorities set forth in its institutional mission, in both the academic and the administrative dimensions.

## CHAPTER VII

### ON THE EVALUATION OF QUALITY

Art. 63.- Evaluation is a continuous and systematic process that has as its fundamental purpose to develop and transform the institutions of higher education and those of scientific and technological activity; to obtain significant levels of quality, determine the efficacy and the efficiency, the pertinence of, and establish the relationship between the mission, objectives, and goals, and the results of the institutional effort.

Art. 64.- The evaluation shall have among its objectives the following:

- a) To contribute to the strengthening of institutions, to support the making of decisions, the giving of accounts, to support answering the needs of society, and the planning of future actions;
- b) To foster the development of, and strengthen the belief in, the institutions of higher education and the institutions of science and technology;
- c) To offer reliable information to the users of higher educational services, to the public at large, and to the Department of Higher Education, Science, and Technology.

Art. 65-Depending on its scope, the evaluation shall be global or partial. The global evaluation encompasses the institution as a whole, and its fundamental purpose is to determine up to what measure the institution fulfills its mission, meets its objectives, and if its records of accomplishment correspond to the required levels of quality. The aim of the partial evaluation is to determine the pertinence, efficacy, and quality of the field, or of the program, being evaluated.

Art. 66-The evaluations performed on the institutions of higher education, science, and technology can also be internal or external.

Art. 67.- Internal evaluation, or self-evaluation, is an intrinsic task of the institutions of higher education, science, and technology. It should be part of the culture and institutional duties. Because of this, it must be assumed to be a participative process, one that is coherent with the underpinnings and approaches expressed in the institutional mission and the needs of society.

Art. 68.- Self-evaluation should allow the institutions to obtain useful and reliable information about their strengths and about what they must improve, as part of an efficient process of decision-taking, which will contribute to institutional development.

Art. 69.- The Secretary of Higher Education, Science, and Technology shall stimulate the institutions of higher education to develop processes of self-evaluation that will guarantee the achievement of their ends, goals, and objectives, as well as the quality of the services they offer.

Art. 70.- The following external evaluations for the institutions of higher education are hereby established:

- a) Those carried out by the SEESCT;
- b) Those carried out by well-known non-public evaluating agencies, made up of academic peers.

Art. 71.- The Secretary of Higher Education, Science, and Technology shall order that evaluations be carried out every five years, in coordination with the institutions of higher education.

Art. 72.- The evaluations carried out by the SEESCT shall have among their purposes these:

- a) To contribute to development and to bettering the quality of the system and of the institutions that constitute it;
- b) To guarantee the pertinence, the efficacy, and the efficiency of higher education and of the activities of science and technology;
- c) To ensure that higher education offers answers to the demands and needs of the formation of human resources in society;
- d) To guarantee that the present law, as well as the regulations that complement it, is obeyed;
- e) To inform society about the workings of the institution that make up the system;
- f) To use the results in establishing policies that have as their goal the strengthening of the National System of Higher Education, Science, and Technology.

Art. 73.- The institutions of higher education that show flaws or deficiencies at the time of a five-year evaluation shall have up to three years to overcome said flaws, depending on the degree and nature of the limitations found. This is the procedure established in the corresponding regulation.

Art. 74.- When the deficiencies and the flaws detected in the institutions of higher education are grave or repeated, in the light of ethics and of the criteria used for evaluating said centers, the Secretary of Higher Education, Science, and Technology shall recommend that the measures stipulated in the regulation for such an end be taken.

Art. 75.- The evaluations carried out by the SEESCT shall take into consideration the mission, the objectives, and the model expressly assumed by each institution.

Art. 76.- The CONESCT, according to the attributions which this law bestows upon it, and in coordination with the institutions that make up the system, shall elaborate a regulation establishing the general principles that will orient the process of evaluation.

Art. 77.- The external evaluations carried out by non-public institutions, made up of academic peers, have as their purpose the accreditation of the institutions of higher education.

## CHAPTER VIII

### ON THE ACCREDITATION OF THE INSTITUTIONS OF HIGHER EDUCATION

Art. 78.- Accreditation is a social and institutional acknowledgment, of a temporary nature, by which are recognized and made public the merits and the quality of an institution of higher education, of a program, or of one of its functions or components. It implies a process of voluntary evaluation, carried out by accrediting entities, which culminates in the certification that the institution or the program that has been evaluated meets certain pre-established standards.

Art. 79.- Accreditation must consider the following objectives as essential:

- a) To inform society about the results of the workings of institutions of higher education;
- b) To serve as the mechanism for the giving of accounts, before society and the state, of the use of those resources, within a framework of efficacy and efficiency;
- c) To contribute to the formation of a culture of evaluation, by rendering systematic the process of self-evaluation of institutions and of academic progress;
- d) To procure the competence, the credibility, and the solidity of the institutions that impart the service of higher education.

Art. 80.- The accrediting institutions are non-public, non-profit associations, of a national character, autonomous, founded in compliance with the laws of the land, whose essential purpose is to contribute to the betterment of the institutions of higher education through self-study and accreditation.

Art. 81.- The basic functions of the accrediting institutions are the following:

- a) To elaborate a conceptual and methodological framework that will enable each institution to develop by itself its own self-study, bearing its accreditation in mind;
- b) To execute processes and develop techniques that are appropriate to the evaluation and the accreditation of institutions and programs of higher education;
- c) To confer accreditation on the institutions of higher education.

Art. 82.- The Dominican State holds itself responsible for the quality of higher education, and will therefore contribute economically toward the operation of the institutions of accreditation. This will not, however, affect their autonomy.

Art. 83.- All the programs and institutions of higher education that of their own free will undergo the process of evaluation and fulfill the requirements established to such an end can be accredited.

## CHAPTER IX

### ON THE NATIONAL SYSTEM OF INFORMATION OF HIGHER EDUCATION, SCIENCE, AND TECHNOLOGY

Art. 84.- We hereby create the National System of Information of Higher Education, Science, and Technology, under the responsibility of the Secretary of Education, Science, and Technology. The fundamental purpose of this system of information is to gather, process, and diffuse information in order to orient society about the institutions of the System of Higher Education, Science, and Technology, as well as to serve as a source of information for the design of policies, planning, research, and evaluation.

Art. 85.- The National System of Information of Higher Education, Science, and Technology shall collect and make available to society the results of the five-year evaluations carried out by the SEESCT, as well as those carried out by the National System of Accreditation, as well as all the annual statistics of the institutions of the system.

Art. 86.- The SEESCT shall periodically order the carrying out of diagnostics of the National System of Higher Education, Science, and Technology, in order to offer quantitative and qualitative information, relevant for taking decisions, and for the development of the social sciences, to society in general, and in particular to state agencies and researchers.

Art. 87.- The SEESCT will dispose the necessary resources for the system of information to count on the most advanced technology and the necessary personnel to fulfill its role well and efficiently.

Art. 88.- The institutions of higher education, science, and technology, must provide SEESCT, within the lapse of time established, with all the information and documents to keep the National System of Information of Higher Education, Science, and Technology up to date.

## CHAPTER X

### ON THE FUNDING OF EDUCATION, SCIENCE, AND TECHNOLOGY

Art. 89.- Higher education must be adequately funded by society in order to guarantee its coverage, pertinence, and quality, and so that the entry and the duration in the system shall be accessible to all those who qualify on the basis of their merits, capacity, and effort. It is likewise necessary to encourage and finance the development of research, since that will allow the discovery of new knowledge, and the incorporation of scientific and technological advancements to everyday production, which will in turn benefit economic and social development on a local, regional, and national scale. This financing shall be requested and/or offered, and the arguments for or against it shall be based on criteria of efficiency, efficacy, transparency, and rendering of accounts.

Art. 90.- We hereby establish as a principle in the financing of higher education, science, and technology, the participation of the state and of private enterprise. It shall be the responsibility of the Dominican state to finance public higher education and to contribute economically toward financing private higher education. It will also make better and more flexible, and transform the administrations of higher education, science, and technology in the country, through the adoption of appropriate funding policies that will guarantee access to higher education, fairness, and solidarity in the distribution of the benefits of the National System of Higher Education, Science, and Technology.

Art. 91.- The public investment to be made the first year this law shall be in force shall not be less than five percent (5%) of the Budget of Income and Law on Public Expenses, obligated in Law 5778, of December 31<sup>st</sup>, 1961, which declares the autonomy of the University of Santo Domingo, and states the sums to be allotted to the Universidad Autónoma de Santo Domingo and to public universities. Besides, it shall include the subventions assigned to the other institutions of higher education.

Art. 92.- The SEESCT budget shall have at least the following programs:

- a) A program designed for the administration, regulation, and supervision of the system; said program would in turn finance the activities of the SEESCT;
- b) A program dedicated to public higher education, based on the criteria for allocation as defined in the corresponding regulation;
- c) A program for contributing to finance higher education in the country, to be determined by the criteria for allocation defined in the corresponding regulation;

- d) A program for assigning resources by contest and competition. These contests cannot be reimbursed to finance projects of scientific and technological research at legally-recognized, qualified, and accredited universities and investigation centers;
- e) A national program of student loans whose objectives will be to guarantee access to higher education to all students who have talent and dedication. Said program will allow each beneficiary to contribute to the financing of his own education;
- f) A program dedicated to creating a rotating fund for the reimbursable financing of the legally recognized universities and research centers for their buildings, furniture, equipment; also, for the training, formation, and continued education for their teaching staff, and to give support to scientific and technological research;
- g) A specialized program for the creation of a guarantee fund for student loans, meant to reduce risk to the financial system of the institutions;
- h) A program for assigning scholarships to students from low-income segments of the population, and who are preparing for careers that the state judges to be top priority;
- i) A non-reimbursable program for funding that shall support the professional formation of teachers, as well as updating the teaching staff and keeping them up to date;
- j) A contingency recuperation fund, for the assignment of economic resources to research projects and the evaluation of inventions. This fund will be monitored by a university or institution that is accredited by the CONESCT, which shall cover the expense of protecting any possible intellectual property (local and international copyrights) that may be the result of this research. The projects must be subject to contests or to standards of fairness that guarantee equal opportunity to all applicants;
- k) A program to contribute to financing the accreditation of centers of higher education;
- l) A program to support public and private enterprise and other scientific and technological entities and the institutions of higher education that develop programs for research and for the transfer of technology;
- m) A program to finance projects of technological innovation and the increase of industrial competitiveness;
- n) A program to support the formation and constant updating of researchers, scientists, and technicians by means of internships, advanced studies, seminars, conventions etc. at scientific centers in the country and abroad;
- ñ) A program for international technical and scientific aid, by employing foreign scientists and technicians to participate in research and/or formation projects with local researchers and centers;
- o) A program for the joint carrying out of projects of both research and technological innovations between centers in this country and analogous centers abroad on subjects of mutual interest;

- p) A program for scientific and technological publications, as well as for the organization of national and international conferences, seminars, and meetings, and the participation of Dominican technicians and scientists at similar events abroad;

Art. 93.- The special programs or funds in the aforementioned article shall comprise, besides the funds obligated by the government, donations or contributions made by private citizens and/or enterprises, foreign resources that may be arranged, funds that may be received by the state in different ways, and the resources generated by said funds.

Art. 94.- We hereby establish the National Fund for Scientific and Technological Innovation and Development (Fondo Nacional de Innovación y Desarrollo Científico y Tecnológico – FONDOCYT) which has as its task to develop and finance activities, programs, and projects of scientific and technological research and innovation, and to establish a system of permanent encouragement to scientific and technological research.

Item I The budget for the FONDOCYT program will be specially drafted, within the general budget for the SEESCT. These funds can in no way be transferred into other funds or used for purposes or programs in other fields than those previously formulated and stipulated in the law on income and the law on public expenses of the corresponding year.

Item II Guidelines will be established to regulate the use of funds for the Fondo Ciencia y Tecnología program.

Art. 95.- The special programs and funds established in Article 92 will be controlled by the policies and regulations set forth to that end by the Consejo Nacional de Educación Superior, Ciencia y Tecnología (CONESCT – National Council for Higher Education, Science, and Technology). Said regulations must contain at least the following:

- a) The objectives, nature, organization, and mode of operation of those funds;
- b) Mechanisms for the assignment of these funds. Among them these must be considered: direct assignment, financing by an institution that must be reimbursed, scholarships and loans to students, lines of credit to the institutions of higher education, science, and technology or specialized entities, among others;
- c) Mechanisms for the surveillance, follow-up, and rendering of accounts of the allotted funds;
- d) Mechanisms of evaluation for the approval or rejection of educational financing, whether or not reimbursable;
- e) Mechanisms for the recuperation of contingencies, mainly in the projects of science and technology;
- f) Criteria for the allotment of resources from the basic budget to higher education, science, and technology.

Art. 96.- In the administration of the funds obligated for students, institutions, projects of research, innovation, or invention, preference will be given to entities that specialize in financing education.

Art. 97.- The CONESCT will make recommendations and coordinate the following with the responsible state dependencies:

- a) A state policy about seeking for foreign loans for the organs of higher education, science, and technology;
- b) A policy for retaining the services of personnel that would give priority to universities and research centers.

Art. 98.- The institutions that have been legally authorized to do so may issue bonds, certificates, deeds, and similar documents in order to attract economic resources exclusively to finance activities strictly related with higher education, science, and technology. The interest or any other type of revenues that come from investments in those instruments are completely free of all taxes.

Art. 99.- The institutions of higher education, science, and technology, inasmuch as they are nonprofit organizations, are exempt from paying all taxes, legal rights, and contributions in general. They shall enjoy free postage and access to all means of communication; they shall likewise be able to receive all legacies and donations free of all taxes or other contributions. They are also exempt from paying income tax or any other tax that affects goods of that nature, as stipulated in the laws in force regarding those matters.

Art. 100.- The institutions of higher education, science, and technology that receive state funds because of this law must show the use they make such funds every year by having a copy of their financial statements certified by an independent auditor at the Department of Finance. Copies of said financial statements are deposited at the SEESCT.

Art. 101.- Any private citizen or legal entity that makes a donation or a contribution of a non-reimbursable character, or one that may be repaid in quotas, to a legally-recognized educational or research entity, to be used exclusively for higher education, science, and technology, shall be able to discount, besides what is established in literal i) of Article 287 of the Tax Code, Law 11-92, of May 16<sup>th</sup>, 1992, up to one hundred percent (100%) of the donation, as long as it does not exceed the limit of ten percent (10%) of the net income that can be taxed that period.

Art. 102.- The state or the private sector can create special entities or programs for student loans, in order to make it easier for students to enter programs of higher education. The CONESCT shall establish guidelines to regulate the foundation and operation of these entities or programs of student loans that will guarantee that they will be used for the purposes herein specified, and stipulating the corresponding penalties and sanctions.

Art. 103.- The universities and entities that specialize in student loans shall have the right to ask that the employers pay the fees they have been withholding and that become due. The employer must hand over the retained amount to the legally recognized and authorized lending institution. Should anyone disobey these orders of deduction, the employer shall pay the lending institution a surcharge, the amount of which shall be neither less than half of the overdue unpaid fees, nor more than the total of the same, as established in Article 17 of Law 250 of May 11, 1964, which creates the Dominican Institute for Student Loans (Instituto Dominicano de Crédito Educativo).

## **CHAPTER XI**

### **FINAL AND TEMPORARY DISPOSITIONS**

Art 104.- The institutions of higher education, science, and technology are given three (3) years to adapt to this law.

Art. 105.- We give the institutions that make up the Consejo Nacional de Educación Superior, Ciencias, y Tecnología (National Council of Higher Education, Science, and Technology – CONESCT) three months to designate their representative before this Organization.

Art. 106.- The Consejo Nacional de Educación, Ciencias, y Tecnología (National Council for Education, Science, and Technology – CONESCT) shall approve, within a lapse of not more than twelve (12) months, the regulations that complement this law.

Art. 107.- This law modifies any legal disposition that may contradict it.

PASSED in the Assembly Hall of the Chamber of Deputies, (Equivalent of the House of Representatives) of the (Palace of the) National Congress, Santo Domingo de Guzmán, National District, capital of the Dominican Republic, the thirteenth day of the month of June of the year 2001(AD); year 158 of the (National) Independence, and 138 of the Restoration.

**RAFAELA ALBURQUERQUE**  
President (of the Chamber of Deputies)

**AMBROSINA SAVIÑÓN CACERES**  
Secretary

**RAFAEL ANGEL FRANJUL TRONCOSO**  
Secretary

PASSED in the Assembly Hall of the Senate, (Palace of the) National Congress, Santo Domingo de Guzmán, National District, Capital of the Dominican Republic, the twenty-fourth day of July of the year two thousand one (2001) (AD); The 158<sup>th</sup> year of the Independence and the 138<sup>th</sup> year of the Restoration.

**RAMON ALBURQUERQUE**  
President (of the Senate)

**GINNETTE BOURNIGAL DE JIMENEZ**  
Secretary

**DARIO ANTONIO GOMEZ MARTINEZ**  
Secretary

**HIPOLITO MEJIA**  
President of the Dominican Republic

In the exercise of the attributions bestowed on me and the power vested in me by Article 55 of the Constitution of the Republic,

I PROMULGATE this law, in order that it be published in the Official Gazette, so that it may come to the knowledge of all, and be obeyed by all.

PASSED in the city of Santo Domingo de Guzmán, National District, the thirteenth (13<sup>th</sup>) day of August of the year two thousand one (2001); year 158 of the (National) Independence and year 138 of the Restoration.

**HIPOLITO MEJIA**