

SENT BY FACSIMILE TRANSMISSION

**Mr. Donald Jimenez Cascante
Secretario General
Consejo Nacional de Ensenanza,
Superior Universitaria Privada
Ministerio de Educacion Publica
Apdo 10087-1000
San Jose
Costa Rica**

Dear Mr. Jimenez:

Some time ago, the U.S. Department of Education wrote to inform your country about a law passed in the United States in 1992 that changed the eligibility criteria for U.S. students who wish to finance their medical education in a country other than the U.S. with a loan through our country's Federal Family Education Loan (FFEL) Program. Eligible students must enroll in a medical school that is eligible to participate in the FFEL Program and that meets the accreditation or approval standards of the country in which the school is located.

Further, the accreditation or approval standards used by that country must have been reviewed by a panel of medical experts appointed by the U.S. Secretary of Education, which must have determined them to be comparable to the accreditation standards applied to medical schools in the United States. This panel of medical experts is known as the National Committee on Foreign Medical Education and Accreditation (NCFMEA).

I am pleased to inform you that the NCFMEA, at its March 4, 1999 meeting, determined that the accreditation or approval standards used by the Consejo Nacional de Ensenanza Superior Universitaria Privada (CONESUP) to evaluate the medical schools in Costa Rica are comparable to those used to evaluate programs leading to the M.D. degree in the United States. The NCFMEA has requested that CONESUP submit annual reports of its accreditation activities, with the first report due January 14, 2000. This determination of comparability will remain in effect for a period of four years from the date of this letter. Prior to the expiration of that period, the NCFMEA will seek to confirm that your standards and procedures for accrediting/approving medical schools in Costa Rica are still comparable to the accreditation standards applied to medical schools in the United States. If so, its previous determination of comparability will be extended for another four-year period.

As a result of the determination of comparability by the NCFMEA, any medical school in your country that is accredited or approved by CONESUP may apply, if it has not recently done so, to the U.S. Department of Education to participate in the FFEL Program. If a medical school's application is approved, otherwise eligible students enrolled in the school who are either U.S. citizens or permanent residents of the U.S. may receive loans to finance their medical education through the FFEL Program.

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The U.S. Department of Education needs a list of the medical schools in Costa Rica that have requested accreditation by CONESUP, and the status of each school (whether provisionally accredited, fully accredited, denied accreditation or scheduled for an accreditation review and the date of the anticipated review). In the event that there are any substantial changes to the standards or procedures used by CONESUP for approving, evaluating or accrediting medical schools, please immediately notify the U.S. Department of Education of these changes. In addition, please immediately notify the U.S. Department of Education if there are any changes with respect to the accreditation or approval status of any of the medical schools recognized by CONESUP.

Please send the requested information to the Director of the Accreditation and Eligibility Determination Division at the following address:

Dr. Karen W. Kershenstein, Director
Accreditation and Eligibility
Determination Division
U.S. Department of Education
Room 3915, ROB-3
7th & D Streets, S.W.
Washington, D.C. 20202-5244
U.S.A.

If you have any questions concerning the above requests, Dr. Kershenstein can be reached at (202) 708-7417 (telephone), (202) 708-9469 (fax), and Karen_Kershenstein@ed.gov (e-mail).

Medical schools that wish to participate in the FFEL Program may obtain the proper application forms from the Initial Participation Branch at the address listed above.

I want to thank you for taking the time to respond to our requests for information about your accreditation or approval standards for medical schools. I very much appreciate the interest you have taken in this matter.

Yours sincerely,

Richard W. Riley

U.S. Department of Education



**Staff Analysis
of the
Standards Used by**

Costa Rica

For the Evaluation of Medical Schools

March 4, 1999

U.S. Department of Education
Staff Analysis
of the Standards Used by
Costa Rica
for the Evaluation of Medical Schools
Prepared January 15, 1998

TAB A

Background

Costa Rica appeared on the agenda of the February 1997 and March 1998 meetings of the National Committee on Foreign Medical Education and Accreditation (NCFMEA). At both meetings, the Committee determined that the country's standards for the accreditation/approval of medical schools were not comparable to those used to evaluate medical schools in the United States. During the February 1997 meeting, the Committee based its decision primarily on the lack of any response from the country to the Department's requests for information.

After the Secretary informed Costa Rica of the Committee's decision following the February 1997 meeting, the Department received a formal request from the country that the Committee reconsider that decision at its March 1998 meeting. The request was accompanied by supporting documentation, some written in Spanish and some in English, and the country's response to Part II of the questionnaire. Department staff attempted to obtain a translation of the Spanish documents but was not able to do so in time for the meeting. Therefore, staff used only the documents provided in English and the country's response to Part II of the questionnaire to prepare the Department staff analysis. After reviewing these materials at its March meeting, the NCFMEA again determined that the Costa Rican system for the evaluation of medical schools was not comparable to the U.S. system, based primarily on concerns it had related to two statements contained in Article 3 of the Costa Rican Regulating Code for Law 6693 (Decree No. 25071-MEP) that appeared to indicate that the process for evaluating medical education in Costa Rica did not provide for a regular reevaluation of the medical schools. Those statements are as follows:

"That in the absence of surveillance and inspection regulations, CONESUP [Consejo Nacional de Enseñanza Superior Universitaria Privada] does not carry out a systematic process of permanent evaluation of the development of the Medicine and Surgery program."

"That the criteria upon which the Medicine and Surgery program was authorized were basically based on the requirements of the law and regulation in force in CONESUP, as a confirmation that the minimal conditions are met for the beginning."

Another factor in the Committee's decision to reaffirm its previous decision of noncomparability was the fact that the documents the country provided in English did not provide enough information for the Committee to determine the breadth and depth of the site visits conducted at the medical schools.

After the March 1998 meeting, Costa Rica submitted another request for reconsideration and provided both additional information and a full response to the Department questionnaire. That request is the subject of the Department staff analysis that follows.

It should be noted that in anticipation of submitting another request for reconsideration, Costa Rica began to modify some of its practices and procedures and to clarify existing policies so as to provide the NCFMEA with a better understanding of the standards and processes it uses for the accreditation/approval of medical schools. Although the country maintains that it has always performed a regular review of its medical schools, government officials nevertheless pulled together all of the laws, practices, and regulations governing the oversight of these schools, from the different government entities that maintain oversight functions, and compiled them into single set of documents. In the course of this activity, the officials eliminated the two statements listed above from the Regulating Code of 6693 that had been a major concern of the NCFMEA when it reviewed Costa Rica in March 1998.

Currently, there are six universities in Costa Rica that offer medical education. One is a public institution (the University of Costa Rica), while the other five are private (Universidad Internacional de las Americas (International University of the America); Universidad de Iberoamerica (University of the Iberoamerica); Universidad Autonoma de Centro America (Autonomous University of Central America); Universidad Hispanoamericana (Hispanic American University); and Latin University (approved in May 1998).

The one public institution is controlled by the National Chancellors Council (CONARE), which is not seeking to have its system for the evaluation of the university's medical school reviewed by the NCFMEA for comparability. According to the country, the University of Costa Rica was created by the Constitution of the Republic of Costa Rica, Article 84 of which gives the university absolute autonomy to regulate itself.

The five private institutions are controlled by the National Council of Private Higher University Education (CONESUP), the entity that authorizes (private) medical education in Costa Rica and seeks to have its system of oversight of these five institutions reviewed for comparability. The five institutions may seek to establish the eligibility of their medical schools to participate in the Federal Family Loan Program if the standards and processes used by CONESUP to accredit/approve them are determined to be comparable to those used to evaluate medical schools in the U.S.

It is important to note that in addition to the oversight of the six medical schools provided by the appropriate legal entities in Costa Rica (CONARE and CONESUP), all six institutions - because they graduate doctors who will practice medicine in Costa Rica - must undergo a compliance review by other entities that are involved in the completion of the medical degree, which includes clinic assignments in designated clinics, teaching facilities, and hospitals, and must be in compliance with their regulations as well. For example, the Center for Strategic and Informational Development in Health and Social Security (CENDEISS) is the agency in charge of granting authorizations for the use of clinical fields in the Health Teaching Entities. The Board of Directors of the Costa Rican Social Security System administer the regulations for CENDEISS. Thus, this agency becomes involved in monitoring the medical schools' compliance with its regulations, beginning with the second year of the medical program, because students begin their clinicals at this point.

Summary of Findings

Based on its analysis of the available information, including the country's response to the Department questionnaire, the documents previously submitted by the country in Spanish that Department staff had translated, and further documentation requested by Department staff during its review of the country, e.g., standards, procedures, Law 6693, etc., Department staff concludes that Costa Rica appears to have a system in place that substantially meets the guidelines established by the NCFMEA. Specifically, the standards and processes used by CONESUP to evaluate the five private medical schools in Costa Rica appear to be reasonably comparable to those used to evaluate medical schools in the United States.

Staff Analysis

The National Committee on Foreign Medical Education and Accreditation is charged with determining whether the standards of accreditation used by a foreign country to accredit medical schools offering programs leading to the M.D. (or equivalent) degree are comparable to standards of accreditation applied to M.D. programs in the United States.

In making this determination, the Committee uses the following guidelines which it has determined provide an appropriate framework for the thorough evaluation of medical schools offering programs leading to the M.D. (or equivalent) degree. The Committee wishes to make it clear that these are in fact guidelines and that a foreign country's review and approval process can differ substantially from these guidelines and still be determined to be comparable to the standards used in the United States, provided the foreign country can demonstrate that its standards and processes of evaluation are effective alternatives to those used in the United States.

PART I: Accreditation/Approval Standards

1. Objectives

The accreditation/approval process used by the foreign country should determine whether the educational mission of the medical school serves the general public interest and whether its educational program is appropriate in light of the mission and objectives of the school. Approval should not be granted if it is determined that the educational program is inconsistent with the mission and objectives of the school.

The accreditation/approval process should determine whether the program is legally authorized to provide medical education in the country in which it is located. Approval should not be granted to a program that is not legally authorized to provide such education.

The General Public Interest

In its response to the Department questionnaire, Costa Rica indicates that Article 9 of the Regulating Code for Law 6693 (Decree No. 25071-MEP) states, "Within the terms of this law, private universities, as private higher education institutions, will enjoy complete freedom in education, in scientific research and the dissemination of culture. They will contribute to the study and solution of national problems, for which they will establish obligatory community work programs or social services that are equivalent or similar to the ones in place at public universities."

The Medical School's Mission and Objectives

Because of Article 9 of Regulating Code for 6693 (Decree No. 25071-MEP), Costa Rica maintains that "every school of medicine and surgery in the country must state, in its mission, its commitment to instruction, research, patient care and to serve the general public interest."

Legal Authorization

Costa Rica indicates that medical schools are required to be legally authorized. In its response to the Department questionnaire, it states further that "According to Regulating Code 6693 of November 27, 1981, it is mandatory for the functioning of private universities and for the careers they offer, among them medicine and surgery, the prior authorization from the Consejo Nacional de Enseñanza Superior Universitaria Privada (CONESUP)(National Council for Private University Higher Education Studies). Additionally, the Constitutional Chamber of the Supreme Court of Justice, in vote number 7494-97, given on November 11, 1997 at 3:15 pm, states that for a private university to operate, authorization from the Costa Rican Government is required."

2. Governance

The accreditation/approval process should determine whether there is an appropriate accountability of the management of the institution to an ultimate responsible authority external to and independent of the institution's administration. Approval should not be granted if the school lacks such a system of external accountability.

In its response to the Department questionnaire, Costa Rica describes the governance of medical schools as being independent from the institution's administration. Specifically, "every school must have, at least, its own Academic Council composed by professors, student representatives and administrative staff of the school. These members must comply with the academic requirements stated in Regulating Code for Law 6693 (Decree No. 25071-MEP)." The country further requires that student representatives be among the best students and aspire to high moral and ethical principles.

The Academic Council is in charge of the following:

- Formulating institutional policy;
- Strategic planning, and achievement of the mission and objectives;
- Publishing policies regarding conflicts of interest for the board and institution;
- Appointing the dean and exercising control through that individual;
- Ensuring that the meetings are maintained and the minutes are registered;
- Recommending the destination of funds from the institution's administrations for school purposes; and
- Developing and monitoring succession of plans.

Medical schools are regulated according to their financial administration by the Law of Foundations No.5338 and the Law of Associations No.218, which subjects them to the current accounting and tax systems of the country before the Ministerio de Hacienda (Ministry of the Interior) and the Contraloria General de la Republica (The Regulating Authority). For example, Article 15 of the Law of Foundations states that "The Administrative Board will provide, on the first day of January of each year, an

accounting report of the activities of the foundation to the Contraloria General de la Republica (The Regulating Authority).

Further, Article 21 of the Law of Associations No.218 states that "The administrative and fiscal exercise of associations will be one year in duration. In the first fifteen days of each association exercise, the board will meet ordinarily to hear the reports of the President, the Auditor, and the Treasurer, about the dealings during the last immediate exercise."

3. Administration

The accreditation/approval process should determine whether the administration of the school is effective and appropriate in light of its mission and objectives. Approval should not be granted if it is determined that the administration is ineffective or inappropriate in light of the stated mission and objectives.

The accreditation/approval process should determine whether the chief academic official of the medical school is qualified by education and experience to provide leadership in medical education. Approval should not be granted if the chief academic official's credentials and training background are not appropriate for fulfilling his or her responsibilities.

The accreditation/approval process should determine whether the faculty are appropriately qualified to teach and are involved in decisions involving admissions and curriculum. Approval should not be granted to schools that fail to demonstrate appropriate faculty qualifications and faculty involvement in admissions and curriculum development and delivery.

Effective and Appropriate Administration

In its response to the Department questionnaire, Costa Rica indicates that schools of medicine "must have an adequate and appropriately credentialed full-time administrative staff to ensure the success of the school." Administrative organization must have clear lines of authority, responsibility, and communication, and principal officers must be qualified by training and experience relative to their assigned responsibilities. In addition, schools must have full-time support staff qualified by training and experience relative to their assigned responsibilities.

Chief Academic Official of the Medical School

Costa Rica cites Article 14 of the Regulating Code for Law 6693 (Decree No. 25071-MEP) as requiring the chief academic officer or dean to be qualified by training and experience to direct the development of the education program. The dean must have

at least the degree of the Licentiate and have academic experience in national or foreign universities of no less than eight years. Specifically, Article 14, requires "the Provost, Deans and Diprovost of academic units or their equivalents to possess, as a minimum, the degree of Licentiate and have experience in nation or foreign universities for no less than ten, eight and four years respectively. With regards to any other university academic authority, the degree of Licentiate will be required as a minimum and academic experience of four yours. Those who substitute Provost, deans, or academic unit Diprovosts, will fulfill the same requirements asked of these."

Faculty

Article 6(c and ch) of Regulating Code for Law 6693 (Decree No. 27051-MEP) requires that institutions be staffed by necessary teaching personnel suitably trained to carry out their activities. In addition, they must have sufficient qualified professional staff to fill the university administrative positions called for in the bylaws. Further, Article 11 of Regulating Code for Law 6693 (Decree No. 25071-MEP), Chapter II (Authorization for the Operation of Private Universities), requires that institutions submit "a list of faculty along with their courses of instruction, their rank, academic experience, publications, and other meritorious activities proper of university faculty."

Department staff cannot determine the extent of involvement by faculty in the design of the curricula. However, Article 3(c) of the same law authorizes CONESUP to approve "the schools and their courses of study once they have been subjected to study by the National Higher Education Planning Office (Oficina de Planificacion de la Enseñanza Superior (OPES).

4. Educational Program

The accreditation/approval process should examine whether the educational program of a medical school is of sufficient length to meet the mission and objectives of the school and to provide students with the knowledge and skills necessary to become a qualified physician. Approval should not be granted to a school that does not provide an educational program of at least 32 months in duration.

The accreditation/approval process should determine whether the curriculum provides an education in the sciences basic to medicine, a variety of clinical subjects, and various ethical, behavioral, and socioeconomic subjects pertinent to medicine. Approval should not be granted to a school whose educational program does not provide such a broad-based curriculum.

The accreditation/approval process should determine whether the requirements for successful completion of the program of medical education conform to commonly accepted standards, with a particular focus on clerkships (or their equivalent) and other forms of clinical training. Approval should not be granted if such training is of insufficient breadth, is not conducted in suitable medical facilities, or is not adequately supervised.

Length of Program

In its response to the Department questionnaire, Costa Rica states that "the medical education program must be based upon a realistic set of general and specific educational objectives for the basic and clinical sciences and must be of appropriate length and content to cover the essential education required in the basic and clinical sciences. Clear educational objectives must be developed for each course, clinical experience, and area of study, and they must be revised on a periodic basis, and disseminated to appropriate parties." In addition, in accordance with "The Nomenclature Agreement for Degrees and Titles for Higher Education," signed by members of the National Council of Provests, the minimum requirement for the preparation of a Licentiate in Medicine is 10 cycles of 15 weeks, or its equivalent.

Article 20 of the Regulating Code No. 6693 (Decree No. 25071-MEP) further stipulates that "CONESUP will only approve university courses of study that lead to a degree for which there is a minimum requirement of 120 credits. A credit is a valuation unit of work of a student, equivalent to three hours weekly of classes during 15 weeks; applied to an activity that is supervised, evaluated, and approved by the teacher."

Required Subjects

Costa Rica states that Article 13 of Regulating Code for Law 6693 (Decree No. 25071-MEP) requires the basic science curricula of medical schools in private universities to be the same as those offered in state or public universities. Specifically, the study plans in these universities must be similar to those of the public university in the country, or other universities of "recognized prestige," and deemed equivalent for purposes of recognition.

In addition, Costa Rica indicates that the Constitutional Chamber of the Supreme Court judged that "What is set forth (...) is an equivalence with regards to minimum requirements in curriculum, without hindrance to the ability of other universities that wish to establish more courses, longer study plans, greater complexity, greater academic excellence, being that there is the possibility of establishing mechanisms for the examination of the fulfillment of those minimum requirements, once the student has completed the educational study programs of the higher education center that took care of his/her academic preparation."

The basic sciences that must be included in the medical program are chemistry, biology, biochemistry, physics, anatomy, histology, embryology, mathematics, statistics, genetics, physiology, microbiology, parasitology, pathology, and pharmacology. The basic science instruction should include didactic and laboratory courses which should provide a knowledge base to achieve the established educational objectives and to prepare the student for the clinical component of their training, and the research component of the institution's mission. In addition, Costa Rica indicates that the medical program include courses in the field of humanities such as history of medicine (2 credits), medical ethics (2 credits), and legal medicine (2 credits).

Conformance to Commonly Accepted Standards/Focus on Clerkships or Equivalent

The country's response indicates that the medical school curriculum does include the study of clinical sciences. According to Costa Rica, "the clinical science instruction must have didactic and proficiency based courses and supervised patient care to enable the orderly progression of clinical competency. Established educational objectives serve to guide clinical science instruction and prepare graduates for entry-level residency training."

Costa Rica further indicates that "institutional policies and the level of supervision afforded should be sufficient to ensure that faculty and students are responsible for maintaining patient safety, privacy, and dignity. A sufficient volume and diversity of experiences in the supervised care of patients should be available to develop the knowledge, skills, and attitudes necessary for student achievement of the objectives for clinical education."

In addition, the country expects clinical instruction to "ensure student understanding of the ethical and moral basis in the care and treatment of patients and utilizes a wide variety of clinical training settings. External clinical should provide experiences consistent with educational objectives and are evaluated periodically to assess their relationship."

The clinical sciences included as a parameter for the study plans of the private universities are listed below. They are based on the requirements of Article 13 of Regulating Code for Law 6693 (Decree No. 25071-MEP) and the study plan of the Medical School of the University of Costa Rica, the State University.

Physiology and semiology:	10 credits
Internal Medicine:	22 credits
Pediatrics:	12 credits
Psychiatry:	6 credits
Gynecology:	6 credits
Obstetrics:	6 credits
Radiology:	2 credits
Surgery:	12 credits

Public Health:	8 credits
Clinical Pharmacology:	3 credits
Internship in Surgery, pediatrics, gynecology and obstetrics, and medicine:	1 year

Finally, Costa Rica states that "clinical rotations start on the fifth quarterly cycle or fourth semester cycle until the end of the study plan, according to the case and according to what was authorized by CONESUP for each particular medical school. All students must also complete a year of rotating internship, with a length of three months in each of the four great areas: Internal Medicine, Pediatrics, Surgery, and Gynecology-Obstetrics."

The country indicates that "to authorize the functioning of a school, CONESUP demands the assuring of the necessary installations for the clinical practice of students. In Costa Rica, medical schools have their clinical rotations in hospitals of the Caja Costancense de Seguro Social (Social Security Department), which is the institution that administrates public hospitals in the country and that is dully regulated by the Health Ministry. The Reglamento de la Actividad Clínica Docente en la Caja Costancense del Seguro Social (Regulating Code for Educational Clinic Activity in the Social Security Department) is the norm that regulates the inspection of medical students in their clinical experience."

5. Medical Students

The accreditation/approval process should determine whether the medical school admits only those students who possess the intelligence, integrity, and personal characteristics that are generally perceived as necessary to become effective physicians. Approval should not be granted to a school that fails to admit qualified students.

The accreditation/approval process should determine whether the medical school carefully monitors the progress of students through the educational program and graduates only those students who successfully complete the program. Approval should not be granted if the school fails to monitor students for satisfactory academic progress.

Student Characteristics

In its response to the Department questionnaire, Costa Rica cites Regulating Code for Law No. 6693 as the authority that addresses admissions requirements at medical schools, one of which is a high school diploma. In addition, "for each school of medicine, CONESUP studies and authorizes admissions criteria, which include an

admission exam. Also, as a requirement to enroll in clinical courses, approved study plans demand the passing of basic sciences for medicine."

Further, Costa Rica states that "medical schools must publish admission policies that are designed to secure the best possible students for medicine. Policies describe requirements for accepting transfer students and granting advance standing. Policies describe the technical or physical standards for the profession and for the education of physicians. Admissions requirements focus on satisfactory prior scholastic achievement, personality, motivation, industry, and emotional characteristics. Interviews are conducted of all qualified applicants who are under final consideration."

Graduates Only those Students who successfully complete the Program

In its response in the Department questionnaire, Costa Rica indicates that "medical schools must evaluate the performances of students in relation to the achievement of the educational objectives." There are legal requirements to ensure that schools of medicine monitor the progress of students throughout their educational program and graduate only those students who successfully complete the program. For example, Article 51 of Regulating Code for Law 6693 (Decree No. 25071-MEP) requires that, during the exercise of its powers of inspection, "CONESUP, either directly or through its Technical Secretariat, will be capable of requesting from universities the information it deems necessary, or to prove on-site the facts and circumstances that are of its interest, with the object of verifying the fulfillment of the norms on behalf of the institution, or due to a procedure that is pending a resolution. It is the obligation of the institutional authorities to facilitate the exercise of those powers. The object of inspection on behalf of CONESUP is the proper follow-up of the student's progress."

Article 7 of The Regulating Code for Education Clinical Activity in the Social Security Department "establishes the process for the follow-up of students' progress in the clinical training through reviewing permanent reports from each institution." In addition, Article 32 of the same Regulating Code requires that "CENDEISS and the learning entities will perform evaluations at least once a year in order to ensure the professional formation and to verify the institutional policies in the area of health."

Finally, Articles 37, 38, and 39 of Regulating Code for Law 6693 (Decree No. 25071-MEP) require that "the titles conferred by private universities that have the object of accrediting a university degree, will be confirmed by the Technical Secretariat and registered in CONESUP." The requesting university's president must provide an affidavit or sworn statement indicating that the titles have been issued in accordance to the law and verifying that the holders have fulfilled their academic requirements. The title will be conferred within 15 days by the Technical Secretariat after receipt of the application, unless it determines some irregularity, in which case it will inform CONESUP.

6. Resources for the Educational Program

The accreditation/approval process should determine whether the medical school has physical facilities that are quantitatively and qualitatively adequate for the size and scope of the educational program, as well as the size of the student body. Approval should not be granted if the facilities are inadequate.

The accreditation/approval process should determine whether the faculty provides effective teaching and is of sufficient size to provide the scope of the educational program offered. Approval should not be granted if there is an insufficient number of qualified faculty.

The accreditation/approval process should determine whether the medical school has a library sufficient in size, breadth, and depth to support the educational program. Approval should not be granted if the library is inadequate.

Physical Facilities

Costa Rica requires the physical plant of the schools of medicine to be "appropriate, sufficient, well-maintained and properly equipped to provide an environment that is conducive to teaching, learning, and research in keeping with the mission and objectives of the college." Appropriate scientific instruments, apparatus, and audio-visual aids must be available in addition to short and long range plans noting how the equipment will be repaired or upgraded. This assertion is validated by the requirement of Article 18 of Regulating Code for Law 6693 (Decree No. 25071-MEP) that states "When appropriate, the physical plant standards of the Health and Occupational Safety in Construction Regulations shall be applied in order to provide for the minimum conditions for academic activities. Likewise for those purposes, a Ministry of Health permit must be obtained. Compliance with these standards is essential to obtain approval of the university or its entities. In all cases, the physical plant where the university will carry out its activities must have the permits required by and issued by the appropriate agencies, which must confirm that the plant meets the technical and health specifications necessary for its teaching activity."

Costa Rica indicates further that "classroom, laboratory, patient care related study, and office space must be quantitatively and qualitatively adequate and reasonably accessible for use, and maintained in a good state of function and cleanliness. When necessary, a suitable environment and procedures exist for the care and protection of live animals. The patient care facilities are maintained in compliance with governmental standards."

Faculty

In its response to the Department questionnaire, Costa Rica indicates that Article 13 of Regulating Code for Law 6693 (Decree No. 25071-MEP) establishes the requirements for professors. These requirements are necessary for the creation of a private university and require the entity to demonstrate that "the proposed university has the necessary academic, qualified personnel to carry out its operations, as required by subsection (c) of the Article 6 of the law. Therefore, the teaching staff must meet the following requirements:

- a) Persons who hold university titles that are legally valid or properly recognized by the appropriate official agencies.
- b) At a minimum, 75 percent must hold the degree of licentiate or equivalent.
- c) Ten percent must hold a degree beyond the licentiate.
- d) Fifty percent must have published at least three articles in prestigious specialized journals on topics related to those they will teach. In the case of artists, the publications may be substituted by public exhibits or public performances. Meritorious books may also substitute for the publication of articles, either partially or totally.
- e) In the case of specialists in technical subjects, the requirements of the previous subsection can be met by works of other types, such as plans, maps, execution of significant projects, or scientific or technical contributions, depending on the characteristics of the subject involved.
- f) Ten percent of the professors must have academic teaching or research experience for a least ten years and twenty-five percent for at least five years.
- g) For the doctoral program, all of the professors must hold a doctorate. Analogous requirements must be met for other degrees.
- h) None of the teaching staff may have a teaching load of more than 24 hours per week at the universities, which will be shown by sworn affidavit of the professors."

Library

Articles 11(i) and 19(g) of Regulating Code for 6693 (Decree No. 25071-MEP) establish library requirements. Article 11(i) requires a "detailed description of the installations and infrastructure available for the operation of the university, with special reference to classrooms, libraries, physical plant, and if applicable, workshops or installations for field work, laboratories and other facilities necessary for the fulfillment of the activities

provided in the study plan..." Article 19(g) requires a description of the library services, bibliographical resources, availability of laboratories and general infrastructure at the time the application is submitted, as well as the investment and acquisition plan provided for the adequate operation of the major.

The country further asserts that information technologies and services shall be available to faculty and students and shall be of the quality, depth, and currency to support the institution's mission and the objectives of the academic program. The information technologies shall include computer hardware and software, and related sources shall be reviewed and updated on a continuous basis to meet the emerging needs. The country indicates that support and training are provided to assist faculty and students learn and apply information technologies.

PART II: Accreditation/Approval Evaluation Procedures

1. There should be a clearly recognized body responsible for evaluating the quality of medical education in the country and that body should be legally authorized to accredit/approve medical schools offering educational programs leading to the M.D. (or equivalent) degree.

In its response to the Department questionnaire, Costa Rica states that "the Inspection Committee for the medical schools of CONESUP is the entity in charge of exercising the inspection of the medical education according to an agreement taken by CONESUP in a meeting held on August 27, 1998. CONESUP is the legal authority to approve the function of medical schools according to the Regulating Code for Law 6693 (Decree No. 25071), Article 3(e)."

2. The accreditation/approval process should include effective controls against conflicts of interest and inconsistent application of the accreditation/approval standards.

Costa Rica cites Articles 230, 234, and 236 of the General Law of Public Administration as the authority to prevent conflicts of interest in the operation of CONESUP. Article 230 deals with motives for abstentions and recusals set forth in the Organic Law of the Judicial Power and in article 102 of the Law of the Financial Administration of the Republic. Article 234 deals with the motives of members of collegiate bodies and provides directions for the members to abstain and separate themselves from proceedings. Article 236 provides further direction for the procedures of the abstentions and recusals.

Although these laws are clear on the procedures for abstentions and recusals of certain entities, Department staff cannot determine whether these laws specifically apply to those proceedings that involve decisions regarding whether a medical school should receive accreditation. However, Costa Rica did provide a further response that CONESUP "will be empowered to do all inspections that are required for the proper verification of the fulfillment of the standards." If the universities fail to fulfill these standards, "Articles 17, 18, 19, and 32 of the Regulating Code for Law 6693 (Decree No. 25071-MEP) will be followed, with sanctions ranging from reprimands to the closing down of the educational entity. In this case, an intervening Board is created that guarantees the rights of the students."

3. The accreditation/approval process should provide for the regular reevaluation of approved medical schools in order to verify that they continue to comply with the approval standards.

In its response to the Department questionnaire, Costa Rica indicates that during a meeting held on August 27, 1998, CONESUP agreed to reevaluate medical schools at least once every five years in order to determine if they continue to comply with the approval standards.

4. The accreditation/approval process should normally include a thorough on-site review of the school (and all its geographically separated sites, if any) during which sufficient information is collected to determine that the school is in fact operating in compliance with the accreditation/approval standards. This review should include, among other things, an analysis of the admission process, curriculum, qualifications of the faculty, and facilities available to medical students. If there is not an on-site visit, there should be some appropriate alternative that ensures a thorough review of the school for compliance with the accreditation/approval standards.

In its response to the Department questionnaire, Costa Rica indicates that there is a formal evaluation process for the accreditation/ approval of medical schools. The Inspection Committee of CONESUP conducts site visits in accordance with CONESUP's Agreement of August 27, 1998. The site visits include a review of the entire medical school facility, as well as interviews with the professors, students, and administrative personnel. CONESUP may authorize the Inspection Committee to conduct as "many visits as it deems necessary, but at least it should conduct one visit every two years."

Costa Rica cites Article 51 of Regulating Code for Law 6693 (Decree No. 25071-MEP) as the authority for CONESUP, either directly or through its Technical Secretariat, "to

be able to obtain from universities the information it needs or to verify the facts and circumstances that are of its interest, with the object of verifying the fulfillment of the norms on behalf of the institution, or due to a procedure that is pending a resolution.”

The self-evaluation process for the medical school occurs every five years at which time Costa Rica maintains that there is an “elaboration of a formal report.” The report is prepared by a self-examination committee, and the Dean of the medical school is responsible for presenting it in accordance with the CONESUP agreement passed during the August 27, 1998 meeting.

5. The accreditation/approval process should use competent and knowledgeable individuals, qualified by experience and training in the basic or clinical sciences, responsible for the on-site evaluation, policy-making, and decision-making.

Costa Rica states that in accordance with the August 27, 1998 agreement passed by CONESUP, “individuals who conduct the self-evaluation of the Medicine Surgery major must: have university research or teaching experience of at least four years in higher education; have at least three publications or works of merit; and have at least one medical specialty or a specialty in basic sciences depending on the case.” The document that contains the “Procedures for Inspection of Medical Schools in Costa Rica” indicates that the Inspection Committee named by CONESUP consists of a representative of the Ministry of Health, a representative of the Center for Strategic and Information Development in Health and Social Security (CENDEISS), a representative from the Board of Surgeons and Physicians, and a renowned member of the academic community. The Committee meets twice a year.

6. The accreditation/approval process should ensure that all accreditation/approval decisions are based on the accreditation/approval standards.

As stated in the “Procedural Overview” section of the procedures for the Inspection Committee, Costa Rica believes that its five-step inspection process serves as a guide for assisting CONESUP in its deliberations regarding whether a medical school is in compliance with the standards. Briefly, the five-step process is as follows:

1. Completion of a self-study by the program which compares findings to CONESUP’s standards and generates a report of strengths and weaknesses.

2. Visitation to the program by the Inspection Committee to validate the findings of the self-study and to assess compliance with the standards. A report is generated by the Committee subsequent to the visit.
 3. Opportunity for the institution to respond to the report.
- Subsequent to the institution's response to the report, the report, the self-study, and any other information the institution wishes to provide following the site-visit are reviewed by CONESUP. At this point, based upon a recommendation from the Inspection Committee, CONESUP decides whether to certify the school's compliance with the standards.
4. If certification of compliance with the standards is withheld or withdrawn, opportunity for the institution to seek a review of the decision in accordance with CONESUP's procedures.
 5. Provisions for periodic reviews to determine the school's continued compliance with the standards as well as progress in improving the quality of the educational program.

It appears to Department staff that if this five-step process is followed, Costa Rica's accreditation/approval decisions would in fact be based on CONESUP's standards.

Documentation

Costa Rica's Response to the Questionnaire, dated September 1, 1998
 Costa Rican Social Security System - Board of Directors, Regulations for Clinical Teaching Activity
 General Regulations for the National Council of Private Higher University Education (CONESUP), 1996
 Law No. 6693 of November 27, 1981, Decree no. 25071-MEP
 Procedures for the Inspection of Schools of Medicine in Costa Rica
 Standards and Requirements for the Inspection of Schools of Medicine in Costa Rica
 CONESUP Checklist of Applicable Standards for the Inspection of Schools of Medicine in Costa Rica
 File of one of the private institutions, the International University of Americas



AGENCY
RESPONSE

TO: Naomi Randolph

FROM: Leonor Antillón S.

DATE: 02-03-99

Dear Naomi:

We would like to appoint some important matters to the Staff Analysis of the Standards Used by Costa Rica, for the Evaluation of Medical Schools, prepared for that Department on January 15, 1999 and send by Fax.

1- In page 4, about Legal Authorization: indeed, the Constitucional Chamber of the Supreme Court of Justice, in vote # 7494-97, stated that "for a private university to operate, authorization from the Costa Rican Government is required", but also in the same vote, the Chamber added that: CONESUP is the government organ in charge not only of this authorization, but as well it must control, through the supervision and surveillance, the observance of the rules and minimum requirements.

2- In page 7, in reference with the Faculty, we must clarify, based on the answer to the Department questionnaire, as well as on the documents in reference to the standards and procedures for the inspection of the schools of medicine in Costa Rica, that the curricula proposal is the result of the work of a numerous and different sections of the same school, not only in the bases of the courses, but in the academic board, then, this is analyzed by CONESUP and send to OPES and to the Board of Surgeons and Physicians, in order to get an analysis of such curricula and verify the quality of the faculty, the contents of the courses and all the generalities of the proposal, with such criterion CONESUP decides.

3- In page 9, in reference to the list of clinical sciences, please, instead of "Physiology", must said "Phatophysiology". Probably the mistake came from the translation that we send to you.

4- In page 14, Part II, 2., in reference to effective controls against conflicts of interest, is necessary to clarify that in Costa Rica the General Law of Public Administration regulates all the activities of the government acts and the public officers in their duties, and of course the CONESUP officers are part of that and they are as well under such law, wich is hierarchy superior to the regulation and decret.

Sincerely,



Leonor Antillón.



Documentation

MINISTERIO DE EDUCACION PUBLICA
Consejo Nacional de Enseñanza Superior Universitaria Privada
Apdo. 10087-1000, San José - Costa Rica
Teléfono 233-9050, Fax 233-6118



No.621-98-CONESUP
01 de setiembre, 1998

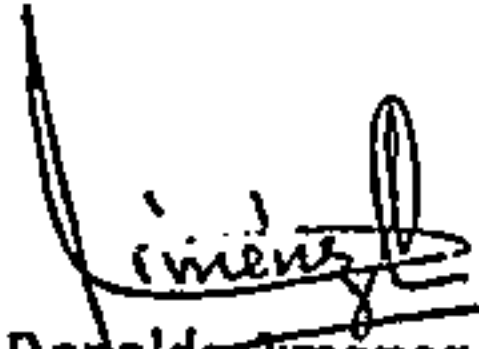
Dr. Karen W. Kershenstein
Acreditación and Eligibility Determination
Division
U.S. Department of Education
Room 3915, ROB-3
600 Independence Avenue, SW
Washington, D.C. 20202-5244

Estimada señora:

Disculpe el atraso en el envío del documento adjunto. Pero hasta el jueves de la semana pasada, el Consejo Nacional de Enseñanza Superior Universitaria Privada sostuvo una reunión en la que se tomaron importantes acuerdos relativos al proceso de inspección de las escuelas de medicina.

Estamos concientes de que no queda mucho tiempo para la reunión de la NCFMEA en octubre de este año, pero realmente le agradecemos toda la ayuda que nos pueda brindar para mantener la oportunidad de participar en ella.




Lic. Donald Jimenez Cascante
Secretario General

Dwl

Questionnaire

Standards and Procedures used by Countries to Evaluate Medical Education

a) Part I

Section I. Accreditation /Approval Standards

a) Yes. According to Law 6693 of November 27, 1981, it is mandatory, for the functioning of private universities and for the careers they offer, among them medicine and surgery, the prior authorization from the *Consejo Nacional de Enseñanza Superior Universitaria Privada* (CONESUP) (National Council for Private University Higher Education Studies). Additionally, the Constitutional Chamber of the Supreme Court of Justice, in vote number 7494-97, given on November 11, 1997 at 3:15 P.M., stated that for a private university to operate, authorization from the Costa Rican Government was required.

Regarding public education, the medical school of the University of Costa Rica is the only public medical school in the country. It was created by the Constitution of the Republic of Costa Rica and was given absolute autonomy to regulate itself (Article 84 of The Constitution). The University of Costa Rica and its medical school are controlled by the National Chancellors Council (CONARE)

b) Yes. Article 9 of Law 6693 states the following:

" Article 9.- Within the terms of this law, private universities, as private higher education institutions, will enjoy complete freedom in education, in scientific research and the dissemination of culture. They will contribute to the study and solution of national problems, for which they will establish obligatory community work programs or social services that are equivalent or similar to the ones in place at public universities."

Therefore, every school of medicine and surgery in Costa Rica must state, in its mission, its commitment to instruction, research, patient care and to serve the general public interest.

Section 2. Governance of Medical Schools

In Costa Rica, the governance of medical schools is independent from the institution's administration. Every school must have, at least, its own Academic Council composed by professors, student representatives and administrative staff of the school. These members must comply with the academic requirements stated in Law 6693. The student representatives must be among the best students. All of them should aspire to high moral and ethical principles. Among its functions, the Academic Council is in charge of:

- Formulating institutional policy
- Strategic planning, and achievement of the mission and objectives.
- Publishing policies regarding conflicts of interest for the board and institution.
- Appointing the dean and exercising control through him.
- Ensuring that the meetings are maintained and the minutes are registered.
- Recommending the destination of funds from the institutions' administrations for school purposes.
- Developing and monitoring succession of plans.

Medicine schools are regulated, as to their financial administration, by the Law of Foundations No. 5338 and the Law of Associations No. 218, subjecting them to the current accounting and tax systems of the country before the *Ministerio de Hacienda* (Ministry of the Interior) and the *Contraloría General de la República* (The Regulating Authority).

Thus, for example, article 15 of the Law of Foundations states that:

"Article 15.- The Administrative Board will provide, on the first day of January of each year, an accounting report of the activities of the foundation to the *Contraloría General de la República*.

The *Contraloría* will audit the functioning of the foundations, by the means it wishes and when it judges it pertinent. If in the course of a study there should be an irregularity, it will be informed to the *Procuraduría General de la República*, for the corresponding action before a court of justice, if there should be merit for such action."

At the same time, article 21 of the Law of Associations number 218 states the following:

"Article 21.- The administrative and fiscal exercise of associations will be one year in duration. In the first fifteen days of each association exercise, the board will meet ordinarily to hear the reports of the President, the Auditor, and the Treasurer, about the dealings during the last immediate exercise."

Section 3. Administration of the Educational Program.
According to the Regulating Code for Law 6693 (Decree No. 25071-MEP), the chief academic officer or dean must be qualified by training and experience to direct the development of the educational program. He must have at least the degree of Licentiate and have academic experience in national or foreign universities for no

less than eight years. This is mandated in article 14 of the General Regulating Code of the National Council for Higher Education (CONESUP). DE-25071-MEP:

"Article 14.- The Provost, Deans and Diprovost of academic units or their equivalents will possess, as a minimum, the degree of Licentiate and have experience in national or foreign universities for no less than ten, eight and four years respectively. With regards to any other university academic authority, the degree of Licentiate will be required as a minimum and academic experience of four years. Those who substitute Provosts, deans, or academic unit diProvosts, will fulfill the same requirements asked of these."

Schools of Medicine must have an adequate and appropriately credentialed full-timed administrative staff to ensure the success of the school.

Administrative organization must have clear lines of authority, responsibility, and communication and principal officers have to be qualified by training and experience relative to their assigned responsibilities.

An adequate and appropriately credentialed, full-time support staff shall be employed to ensure the success of the school. They must be qualified by training and experience relative to their assigned responsibilities. Policies are published that define the terms of employment.

Section 4. Educational Program

a) Yes. The medical educational program must be based upon a realistic set of general and specific educational objectives for the basic and clinical sciences and must be of appropriate length and content to cover the essential education required in the basic and clinical sciences. Clear educational objectives must be developed for each course, clinical experience, and area of study, and they must be revised on a periodic basis, and disseminated to appropriate parties.

b) According to the Nomenclature Agreement for Degrees and Titles for Higher Education, signed by members of the National Council of Provosts, the minimum requirement for the preparation of a Licentiate in Medicine is ten cycles of fifteen weeks each, or its equivalent.

c) According to article 13 of Law No. 6693, medical schools in private universities will be of the same nature as those offered in state or public universities, which include in their curricula, basic sciences for medicine.

"Article 13.- The study plans in private universities will be of a similar category to those of state universities of the Republic or of other universities of recognized prestige, and equivalent for purposes of recognition of studies."

About this particular issue, the Constitutional Chamber of the Supreme Court judged in its vote number 7494-97 that:

"What is set forth (...) is an equivalence with regards to minimum requirements in curriculum, without hindrance to the ability of other universities that wish to establish more courses, longer study plans, greater complexity, greater academic excellence, being that there is the possibility of establishing mechanisms for the examination of the fulfillment of those minimum requirements, once the student has completed the educational study programs of the higher education center that took care of his/her academic preparation."

Because of the above, all the authorized medical schools must include basic sciences in their academic programs.

d) Basic science instruction should include didactic and laboratory courses and established educational objectives serve to guide basic science instruction. It should provide a knowledge based in the anatomical, biological, and physiological sciences necessary for the achievement of the educational objectives for the basic sciences, and prepare the student for the clinical component of their training and the research component of the institution's mission.

Basic sciences included in the medical education program are: Chemistry, Biology, Biochemistry, Physics, Mathematics, Statistics, Anatomy, Histology, Embryology, Genetics, Physiology, Microbiology, Parasitology, Pathology, and Pharmacology.

e) Yes. The curriculum of medical schools include the study of clinical sciences. Clinical science instruction must have didactic and proficiency based courses and supervised patient care to enable the orderly progression of clinical competency. Established educational objectives serve to guide clinical science instruction and prepares graduates for entry-level residency training.

Institutional policies and the level of supervision afforded should be sufficient to ensure that faculty and students are responsible for maintaining patient safety, privacy, and dignity.

A sufficient volume and diversity of experiences in the supervised care of patients should be available to develop the knowledge, skills, and attitudes necessary for student achievement of the objectives for clinical education.

Clinical instruction ensures student understanding of the ethical and moral basis in the care and treatment of patients and utilizes a wide variety of clinical training settings. External clinical programs provide experiences consistent with educational objectives and are evaluated periodically to assess their relationship to

f) Clinical sciences that are included in the medical education program are the following, with the indication of the approximate length by credits. These courses correspond to the study plan for the Medical School of the University of Costa Rica, which is the State university, and serves, according to article 13 of Law 6693 mentioned above, as parameter for the comparison of study plans of private schools of medicine.

Physiology and semiology: 10 credits

Internal Medicine: 22 credits

Pediatrics: 12 credits

Psychiatry: 6 credits

Gynecology: 6 credits

Obstetrics: 6 credits

Radiology: 2 credits

Surgery: 12 credits

Public Health: 8 credits

Clinical Pharmacology: 3 credits

Internship in Surgery, pediatrics, gynecology and obstetrics, and medicine: 1 year.

The Regulating Code for Law number 6693 defines a credit as a unit of value for the student's work, equivalent to three hours per week, for fifteen weeks, applied to an activity which is supervised, evaluated and approved by the professor. (Article 19 of the Regulating Code for Law 6693 - Decree No. 25071)

g) Yes. The medical education program include courses in the field of the humanities.

h) The courses, in the field of humanities, that medical schools include are the following:

- History of Medicine: 2 credits.
- Medical Ethics: 2 credits.
- Legal Medicine. 2 credits.

i) The educational program of medical schools must fulfill the type, length and objectives of the clinical rotations established in the CONESUP's approved study plan for the particular university. Said rotations have to be done at adequate installations according to each rotation, and under the supervision of a dully-qualified professional of the specific area.

j) Clinical rotations start on the fifth quarterly cycle or fourth semester cycle until the end of the study plan, according to the case, according to what was authorized by CONESUP for each particular medical school. All students must also complete a year of rotating internship, with a length of three months in each of the four great areas: Internal Medicine, Pediatrics, Surgery, and Gynecology -Obstetrics.

k) To authorize the functioning of a School, the CONESUP demands the assuring of the necessary installations for the clinical practice of students. In Costa Rica, medical schools have their clinical rotations in hospitals of the *Caja Costarricense de Seguro Social* (Social Security Department), which is the institution that administrates public hospitals in the country and that is dully regulated by the Health Ministry. The *Reglamento de la Actividad Clínica Docente en la Caja Costarricense del Seguro Social* (Regulating Code for Educational Clinical Activity in the Social Security Department) is the norm that regulates the inspection of medical students in their clinical experience.

Section 5 Medical students

a) Law No. 6693 establishes the requirements for the admission at medical schools. One of them is the need of a secondary school (high school) diploma. For each particular School of Medicine, CONESUP studies and authorizes admissions criteria, which include an admission exam. Also, as requirement to enroll in clinical courses, approved study plans demand the passing of basic sciences for medicine as requirement.

Medical schools must publish admission policies that are designed to secure the best possible students for medicine. Policies describe requirements for accepting transfer students and granting advanced standing. Policies describe the technical or physical standards for the profession and for the education of physicians.

Admissions requirements focus en satisfactory prior scholastic achievement; and personality, motivation, industry, and emotional characteristics. Interviews are conducted of all qualified applicants who are under final consideration.

b) Medical schools must have an adequate system for maintaining and securing student records. They must include, for each student, the admission application and transcripts and a complete record of medical education, including attendance, achievements in subjects and courses, all grades, failures, and disciplinary actions. Records are properly secured and protected.

Medical schools must establish reliable and valid methods to evaluate the performance of students in relation to the achievement of the educational objectives.

To evaluate the student's mastery of knowledge, skills, and attitudes in basic science education and in clinical science education. The student's clinical knowledge, skills, and attitudes to ensure sufficient competencies necessary graduation and to enable graduates to function as residents in postgraduate training programs. The student's development of problem solving ability and attitudes, values, and behavioral attributes related to the ethical responsibilities of medical practice.

In addition, the following articles state requirements to ensure that schools of medicine monitors the progress of students through the educational program and graduate only those students who successfully complete it.

The Regulating Code for Law 6693 in its article 51 states:

*** Article 51.-** During the exercise of its powers of inspection, CONESUP, either directly or through its Technical Secretariat, will be capable of requesting from universities the information it deems necessary, or to prove on-site the facts and circumstances that are of its interest, with the object of verifying the fulfillment of the norms on behalf of the institution, or due to a procedure that is pending a resolution. It is the obligation of the institutional authorities to facilitate the exercise of those powers. The object of inspection on behalf of CONESUP is the proper follow-up of the student's progress. *

Article 7 of the Regulating Code for Educational Clinical Activity in the Social Security Department establishes the process for the follow-up of the students' progress through permanent reports from each learning institution.

"Article 7.- It is the responsibility of the Academic Council to offer a monthly report to the DiProvost of the Professorship Unit regarding the quantity of clinical spaces used. This report will contain the utilization by the students as well as by the Learning Entity. The information contained in that report will be sent to the *Dirección Ejecutiva del CENDEISSS* (Executive Direction of the CENDEISSS) by the DiProvost of the Learning Unit.

Article 32 of the same Regulating Code, establishes that CENDEISSS and learning entities will perform evaluations at least once a year in order to ensure the professional formation and to verify the institutional policies in area of Health. Said article states the following:

"Article 32.- The CENDEISSS and the Learning Entities will perform evaluations, at least once a year, of the results of the practices in the clinical rotations, with the purpose of introducing the changes and adjustments in the theoretical and practical programs that are necessary to improve the formation of the professional and the technician, and adequate them to the necessities and realities of the country, according to institutional policies in the area of Health, provided the university autonomy is not affected. The result of the evaluation will be informed in writing to the Management of the Medical Division."

In order to ensure the graduation of only those students who have satisfactorily completed the study programme, articles 37, 38, and 39 of the Regulating Code of CONESUP, establish that the titles conferred by private universities will have to be confirmed and inscribed by CONESUP, which can verify that all academic and legal requirements have been met.

" Article 37.- All titles conferred by private universities that have the object of accrediting a university degree, will be confirmed by the Technical Secretariat and registered in CONESUP."

Article 38.- The interested university will request the respective confirmation to the corresponding title or titles to the Technical Secretariat. In the same act it will accompany an affidavit from the Dean where he/she manifests that such titles have been conferred in conformity to the law, as well as that its beneficiaries have fulfilled the whole of their academic obligations."

Article 39.- The Technical Secretariat will extend the corresponding confirmation within fifteen days after receipt, unless it determines the existence of irregularities, in which case it will inform CONESUP for what it deems pertinent."

Section 6

Resources for the Educational Program

a) The physical plant of schools of medicine must be appropriate, sufficient, well-maintained and properly equipped to provide an environment that is conducive to teaching, learning and research in keeping with the mission and objectives of the college.

Article 18 of the Regulating Code to Law 6693 (Decree 25071) establishes the parameters within which the physical installations for the Schools of Medicine must develop, under the Security and Occupational Hygiene and Construction Regulations.

"Article 18.- In what is pertinent, the norms relative to the physical plant in the Security and Occupational Hygiene and Construction Regulations will be applied, with the end of assuring the minimal conditions in which academic activities will take place. Likewise, for the ends anticipated, the respective functioning permit issued by the Health Ministry will be submitted. The fulfillment of the established requirements is indispensable for the university or its entities to be authorized. In any case, the physical plant in which the university develops its activities will have the respective permits that are demanded by the corresponding organisms, which will make sure that the technical and health conditions needed to exercise professorship are met."

Classroom, laboratory, patient care related, study, and office space must be quantitatively and qualitatively adequate and reasonably accessible for use; and maintained in a good state of function and cleanliness. When necessary, a suitable environment and procedures exist for the care and protection of live animals. Patient care facilities are maintained in compliance with governmental standards.

Concerning equipment, laboratory, patient care, instructional, and office equipment shall exist in sufficient quantity and quality for the educational program and research. Appropriate scientific instruments, apparatus, and audio-visual aids must be available. Short and long range plans exist and are implemented for the repair, replacement, or upgrading of equipment.

Sufficient equipment must be available and accessible to serve the needs of classroom and clinical teaching learning.

b.) A library with appropriate technological resources, equipment, and services to support the instructional, patient care, and scholarly activities of students and faculty shall be provided by the institution. An appropriate percentage of the educational budget should be allocated for library expenses. Students and faculty have access to up-to-date books, periodicals, and either publications. Learning aids are sufficient for the needs of the faculty and students are provided orientation to the library and its services. Faculty members recommend and assist in the development of library policies and in the selection of library materials.

Library staff is qualified by experience and education

Articles 11, subsection i) and 19 of the Regulating Code to Law 6693 establish the requirements for the library.

"Article 11.- Subsection i). Detailed description of the installations and infrastructure available for the operation of the university, with special reference to classrooms, libraries, physical plant, and if applicable, workshops or installations for field work, laboratories and other facilities necessary for the fulfillment of the activities provided in the study plan. (...)"

"Article 13.- Subsection g): Description of the library services, bibliographical resources, availability of laboratories and general infrastructure at the time the application is submitted, as well as the investment and acquisition plan provided for the adequate operation of the major.

Information technologies and services shall be available to faculty and students and shall be of the quality, depth, and currency to support the institution's mission and objectives and enable achievement of the educational objectives for the academic program. Computer hardware, software, and related resources are available and utilized by faculty and students to improve the academic program and to further learning. Electronic information resources are reviewed and updated on an ongoing basis to meet current and emerging needs,

Support and training are available to assist faculty and students to learn to use and effectively apply information technologies.

c.) Article 13 of the Regulating Code to Law 6693 establishes the following requirements for the professors:

"Article 13.- For the authorization of the creation of a private university, it must be demonstrated that the project university has the necessary and sufficiently-prepared academic personnel for the performance of the functions pertaining to their posts, according to what is demanded in subsection c) of article 6 of the law. To this end the educational staff will be made up of the following: Members that have a university degree that is valid or legally recognized by the corresponding official authorities.

Seventy-five percent (75%), as a minimum, will have the academic degree of Licentiate or its equivalent.

Ten percent (10%) as a minimum will have a university degree higher than Licentiate.

Fifty percent (50%) will have published at least three articles in specialized prestigious magazines, about subjects related to the courses they plan to impart. When dealing with artists, the publications may be substituted by three works presented or executed in public. Likewise, books of merit will be capable of substituting partially or totally the articles.

When dealing with specialists in technical fields, works of other nature, such as blueprints, execution of significant projects or contribution to scientific or technological development, may be presented for the fulfillment of the requirement set forth in the preceding subsection, all in accordance with the particularities of the corresponding field.

Ten percent (10%) of professors will have had academic university experience, in research or teaching, of at least ten years and another twenty five percent (25%) of at least five years.

In doctorate programs all professors will be doctors. A similar provision will govern programs directed to the acquisition of other degrees.

None of the members will have a workload that is greater than 24 lecture hours per week in the universities, which each professor will have to demonstrate by affidavit."

With regards to the student-professor relationship in clinical rotations, the Regulation for the functioning of Academic Councils for Educational Clinical Activity of CENDEISS establishes the following:

"Article 3.- The Academic Council of each educational unit will have a book of records (acts), registered with the official notary, where it keeps record of each meeting with the signatures of those present. In that book of records the names of students with their respective tutors will be kept. The opening and closing of the book of records will be done by the Legal Direction of the CCSS. The control of the educational clinical activity will be the responsibility of the Academic Council of each Health educational unit. The elaboration of the programs and their execution in each course, will be the responsibility of the respective university."

"Article 4.- The Academic Council will be responsible for the control of the educational clinical activity and of the quality of the education offered in the

different services that allow for the formation of professionals and specialists capable of promoting health in country, in service of the real necessities of the population."

According to article 13, subsection h) of the Regulation of CONESUP, none of the members of the faculty will have a load greater than 24 lecture hours per week.

Part II: Approval Process

1. a) Yes.

1.b) The Inspection Committee for the medical schools of National Council for Higher Private University Education (CONESUP) is the entity in charge of exercising the inspection of the medical education according to an agreement taken by CONESUP in a meeting held on August 27, 1998. CONESUP is the legal authority to approve the functioning of medical schools according to the Law No. 6693, article 3, subsection e) mentioned above.

2.a) In order to prevent conflicts of interest in the heart of CONESUP, the procedure established in the following articles of General Law of Public Administration states:

"Article 230.- Motives for abstention will be the same as for the impediment and the recusation set forth in the Organic Law of the Judicial Power, and also those that are set forth in article 102 of the Law of the Financial Administration of the Republic. The motives for abstention will apply to the directing organism, the appealing organism, and to the other entities or officials that intervene helping or advising them in the proceedings. Nevertheless, when the motives apply to one of the members of a collegiate body, the abstention will not extend to the other members, except in qualified cases in which these members consider it correct."

"Article 234.- 1. When it deals with a collegiate body the member with motive for abstention will separate him/herself from the proceedings, making this known to the body to which he/she belongs. In this case, the abstention will be resolved by remaining members of the collegiate body, if there are enough to make quorum; otherwise, the superior of that body will resolve, if there should be one, or otherwise by the President of the Republic. If the abstention is sustained, the same collegiate body will judge the matter, made up of the substitutes, if there should be any, or with designated substitutes "ad hoc" by the body of the appointment."

"Article 236.- When there be a motive for abstention, the prejudiced pat will also be able to recall the officer with the respective motive. The recusation (objection) will be presented in writing, expressing the cause (motive) on which it is founded or accompanying the conducive evidence. The public servant who is objected, when he/she receives the writing, will decide on that same day or on

the following whether he abstains or whether he/she considers the recusation to lack foundation, and will proceed, in any case, in the manner ordained by the preceding articles. The public servant or the organism called to resolve, will be able to collect reports and to order other tests that he/she considers appropriate within the non-deferrable period of five days and will resolve in the manner and terms set forth in the preceding articles. The recusation of the President of the Republic will not be sustained."

Article 48 of the Regulation to Law 6693 establishes the remedies of repeal and appeal in case of inadequate application of any authorization.

"Article 48.- Against the decisions of the Technical Secretariat the remedies of repeal and appeal before the CONESUP will be given, which will have to be presented in writing and stating the reasoning behind the remedy, presented to the same secretariat within the ten work days after the notification, starting with the day after said notification. With the same requirements and terms the remedy of repeal will be admitted against decisions of CONESUP, who will end the administrative process."

2.b) CONESUP will be empowered to do all inspections that are required to the proper verification of the fulfillment of the standards. In case the university fails to fulfill these, articles 17, 18, 19 and 32 will be followed, which sanctions range from reprimands to the closing down of the educational entity. In this last case, an Intervening Board is created that guarantees the rights of the students."

"Article 17.- CONESUP will approve the structure and functioning of the proposed university by the agent entity, except there be objective and precise reasons, which will have to be pointed out, that justify its disapproval."

"Article 18.- In what is pertinent, the norms relative to the physical plant in the Security and Occupational Hygiene and Construction Regulations will be applied, with the end of assuring the minimal conditions in which academic activities will take place. Likewise, for the ends anticipated, the respective functioning permit issued by the Health Ministry will be submitted. The fulfillment of the established requirements is indispensable for the university or its entities to be authorized. In any case, the physical plant in which the university develops its activities will have the respective permits that are demanded by the corresponding organisms, which will make sure that the technical and health conditions needed to exercise professorship are met."

"Article 19.- The application for the opening of a major by a duly authorized university will have at least the following information: Name of the major and academic degrees Professional profile; study plan, duration and requirements for admittance and graduation. Courses syllabi, and their corresponding value in credits, lecture and individual work hours, as well as a description of the courses, their general and specific objectives, contents, bibliography, materials

and equipment. Description of the library services, bibliographical resources, availability of laboratories and general infrastructure at the time the application is submitted, as well as the investment and acquisition plan provided for the adequate operation of the major. Titles and degrees that are to be conferred. Enrollment and tuition costs. Academic personnel for the first two years and their documentation.

" **Article 21.-** To all application of opening of a major there will be attached a comparative analysis of the study plans and community work programs or obligatory social service for the new major, with the state universities or of other universities of well-known prestige, for purposes of articles 9 and 13 of the law.

3. In conformity with an Agreement taken by CONESUP in a meeting held on August 27, 1998, medical schools are reevaluated at least once every five years in order to verify if they continue to comply with the approval standards, according to an agreement taken by

4.-

a) Yes.

b) Yes.

c) The inspection visits are conducted by the Inspection Committee, as per CONESUP's Agreement of August 27, 1998. Said visits include the revision of the whole of the physical plant of the medical schools. In the exercise of its power of inspection, CONESUP, through the Inspection Committee makes as many visits as it deems necessary and with the priority it deems pertinent, but at least it should conduct one visit every two years

d) Yes. In the inspection process, CONESUP can ask for all the information needed, including interviews with the professors, students and administrative personnel.

" **Article 51.-** During the exercise of its powers of inspection, CONESUP, either directly or through its Technical Secretariat, will be capable of requesting from universities the information it deems necessary, or to prove on-site the facts and circumstances that are of its interest, with the object of verifying the fulfillment of the norms on behalf of the institution, or due to a procedure that is pending a resolution. It is the obligation of the institutional authorities to facilitate the exercise of those powers. "

e) Yes. The evaluation process includes an examination of the medical school's facilities.

f) Yes. The process of self-evaluation, that must be done at least once every five years, includes the elaboration of a formal report. Said report is prepared by a self-evaluation committee and the Dean of the medical school is responsible for presenting it, as established in CONESUP's Agreement taken in the meeting held on August 27, 1998.

5. In conformity to the agreement taken by CONESUP on August 27, 1998, individuals in charge of the self-evaluation of the Medicine and Surgery major must: Have university research or teaching experience of at least four years in higher education.

Have at least three publications or works of merit.

Have at least one medical specialty or a specialty in basic sciences depending on the case.

6. In case of conflicts of interest in the heart of the CONESUP the process established by articles 230, 234, and 236 above, of the General Law of Public Administration must be followed.

Article 48 of the Regulation to Law 6693 establishes the remedies of repeal and appeal in case of inadequate application of any authorization.

"Article 48.- Against the decisions of the Technical Secretariat the remedies of repeal and appeal before the CONESUP will be given, which will have to be presented in writing and stating the reasoning behind the remedy, presented to the same secretariat within the ten work days after the notification, starting with the day after said notification. With the same requirements and terms the remedy of repeal will be admitted against decisions of CONESUP, who will end the administrative process."

Ministry of Public Education

General Regulations for the National Council of Private
Higher University Education (CONESUP)

1996

Lee

1Law Nº 6693
Legislative Assembly of the Republic of Costa Rica
Decree

Article 1. The National Council for Private Higher University Education is hereby established under the supervision of the Ministry of Public Education, which has final authority over any matters that may be referred to it by this law or its accompanying regulations.

The Council comprises:

a) The Minister of Public Education, who presides over the council.

b) A representative designated by CONARE.

c) A joint representative of all the Private Universities.

ch) A representative from the National Planning Office.

d) A representative designated by the Federation of University Professional Associations

The representatives referred to in c and ch above shall not hold office in any university.

The members of the Council must be Costa Ricans, be thirty or more years of age, and hold a professional title. And, except for the representative of the Federation of University Professional Associations and the National Planning Office, must have held an academic appointment for at least five years.

The representatives shall serve for two years and may be reelected to successive terms.

Except for the Minister of Public Education, the members of the Council shall not receive more than two official salaries. The amount of each shall be the same as the stipends of the Higher Education Council.

Article 2. The Minister of Public Education, in an officially recorded ceremony, swear in the representatives and appoint them to their offices. In order to complete the Council, he shall request the designating entities to name their representatives when appropriate. If the entities have not named their representatives a month after notice, then the Minister shall name them *ex officio*.

The Council, at its first session, shall elect from among its members, a vice-president, who will substitute for the president during temporary absences.

¹ U.S. Department of Education, Office of Post secondary Education, Accreditation and Eligibility Determination Division, Washington D.C. 20202-5244.

Article 3. The duties of the National Council of Private Higher University Education are:

a) To authorize the creation and operation of the private universities, when they have complied with the requirements set out in this law.

b) To approve the bylaws and amendments to the bylaws of these institutions, as well as their academic regulations.

c) Authorize the schools and courses of study once they have been subjected to study by the National Higher Education Planning Office [Oficina de Planificación de la Enseñanza Superior (OPES)].

ch) Approve registration fees and course costs in order to assure the proper operation of the various private universities.

d) Approve the curricula and its changes.

e) To supervise and inspect the private universities according to the regulations suggested and approved by the executive branch. The regulations must assure that the provisions of this law are complied with, without violating the academic and teaching freedom of the universities and without inhibiting the development of their plans and programs.

f) Apply the penalties established in article 17 of this law.

Article 4. In order to fulfill its mission, the Council will hold ordinary meetings at least once every fifteen days, and will hold extraordinary meetings whenever they are called by the president or a majority of the members.

[Article 5 stricken in the original document]

Article 6. In order for the Council to process an application, the university that wishes to establish itself must fulfill the following requirements:

a) Must be legally constituted as established in the previous article.

b) Have sufficient resources for the establishment of two university colleges, or a single college with two departments at least, or its equivalent in the appropriate subject area.

c) Must be staffed by necessary teaching personal suitably trained to carry out their activities.

ch) Must have sufficient qualified professionals to staff the university administrative positions called for in the bylaws.

d) File a list of available major courses of study, the curricula for the courses, and the duration of the courses of study.

e) Must file the bylaws and academic regulations.

f) Must have the possibility of establishing libraries,

laboratories, equipment, buildings and other facilities to meet its objectives.

Article 7. The National Council for Private Higher University Education must decide whether to approve an application within four months of the application being filed. The failure to act on an application will require all members of the Council to be removed except for the Minister.

If the Council should deny the application, the interested party may appeal from such denial pursuant to the procedure indicated in article 19 of this law.

Article 8. Once its operations have been authorized, the private university shall be free to carry out its academic and teaching activities; and to develop its plans and study programs. It must start its lessons in the same academic year that it is authorized to do so, or the following year.

Article 9. Pursuant to this law private universities, as institutions of higher learning, will fully free to engage in teaching, scientific research, and public education activities. They must contribute to research and to the solution of national problems, for which purpose they must establish community or compulsory service programs equivalent, or similar to those at public universities.

Article 10. The officers of private universities shall be those named in its bylaws. They must include no fewer than 25 percent student representatives in collective bodies. Generally, students must be assured the right to freely associate.

Examination bodies are exempted from the student representation requirement.

Article 11. The method of naming or nominating university officers, professors, and administrative personnel, as well as the designations of their authority and responsibility, and the requirements for the admission of students, shall be clearly established in the appropriate bylaws and regulations of the institution.

Article 12. Study at private universities shall be governed by their respective standards, plans, and programs.

Article 13. The study programs at private universities shall be similar to those of the public universities of the nation, or of other universities of recognized prestige, and equivalent for the purpose of recognition of its courses.

Article 14. The private universities shall be authorized to issue academic degrees, and these degrees will be valid for their respective professions.

[Article 15 stricken in the original document]

Article 16. In their organization and operations, private universities must abide by principles of respect for the opinions and beliefs of its students, and respect for the faculties freedom to teach.

Article 17. Non-compliance with the provisions of this law and its regulations on the part of private universities, shall be punished according to the circumstances with:

a) Written reprimand.

b) Temporary suspension of its activities for a year. If at the conclusion of the year, the violations that led to the sanction have not been corrected, the institution shall be closed, in which case the documentation related to the grading and promotion of students must be deposited with the National Council for Higher University Education.

Article 18. None of the sanctions indicated in the previous subsection may be imposed unless and until the interested party has had a period of eight days to prove and argue its case.

Article 19. Appeal from these sanctions shall be to the Council, which is the exclusive administrative remedy. An appeal must be presented within 10 business days following the notice and shall be acted upon within a month of its filing.

Article 20. If private universities use equipment, materials, or the premises of some public institution, they must contribute to their cost of maintenance, pay rent, pay for the costs of materials or replace them if completely used, according to the criteria of the public institution involved.

Article 21. If necessary the National Council of Higher University Education will create an intervenor board to assure the continuity of service of those private universities or its affiliates or subsidiaries that cease their academic activities either by law or in fact.

This board shall have full power over administration, direction, and administrative coordination and control, and may structure the entity as may best preserve the level of teaching.

Should the intervenor board find it necessary, the National Educational Loans Council may meet capital and cash expenses, on a priority basis, to pay for the resources required to replace the fixed and variable capital of the entities that have ceased functioning, as well as those

necessary to assure that they continue providing their previous services.

Article 22. This is a public law in derogation of any provisions that contradict it.

Article 23. Effective upon publication.

Transitory I. -The National Council for Private Higher University Education must be constituted, at the latest, three months after this law takes effect.

Transitory II. -The private universities that have already been authorized by the executive branch, shall continue their activities without any new authorization, but they must modify their bylaws and legal structure, and forward to the National Council of Private Higher University all of the documentation that this law and its accompanying regulation requires as if they were requesting authorization, within three months following the publication of this law. Omitting to do so will incur the sanctions previously specified according to article 17(b).

Transitory III. -The procedures provided by article 21 shall apply in the case of corporations that presently carry out university activities that cease operations either in fact or by law. Obligations of the entity that has ceased its activities that the intervenor board determines are necessary for the entity to preserve its continuity and the proper level of teaching, shall have priority over any others that result from the winding down or liquidation of the corporation or firm.

Send to the Executive Branch.

Legislative Assembly. -San Jose, the twenty-third day of November of nineteen hundred and eighty-one.

Christian Tattenbach Yglesias, President

Carlos Manuel Pereira Garro, First Secretary

Juan Rafael Barrientos Germe, Second Secretary

Presidency of the Republic. -San Jose, the twenty-seventh of the month of November of nineteen hundred and eighty-one.

Approved, Rodrigo Carazo

Minister of Education, Maria Eugenia Dengo Obregon

Published in La Gaceta, 21 December, 1981

Decree N^o

The President of the Republic and the Minister of Public
Education

Pursuant to the authority conferred upon them by the
Constitution, and pursuant to Law N^o6693 of 27 November of
1981 and considering:

I. That the constitutional department of Supreme Court has
ruled that academic freedom is a fundamental right under our
legal system, the exercise of which is subject to inspection
and enforcement by the State in order to assure harmonious
balance on the part of those who provide and those who
receive learning. (Votes: 3550-92 at 16 o'clock, 24 November
of 1992).

II. That Law N^o6693 of 23 November, 1981 created the
National Council of Private Higher University Education under
the Ministry of Public Education, and that in order to
facilitate its implementation Decree N^o19659-MEP of the 18th
of April of 1990 was given effect.

III. That experience has shown that it is necessary to update
aspects of the current regulations so that it may operate
adequately and in accordance with the guidelines established
by the constitutional department of the Supreme Court, and
the other constitutional and legal principles govern the
matter.

IV. That in accordance with the powers granted by article
140 clause 3 of the Constitution, it is an obligation of the
Executive Branch to pronounce regulations under the laws and
enforce their execution.

Therefore,

It is Decreed:

The following:

General Regulations for the National Council of Private
Higher University Education, CONESUP.

Chapter 1

The National Council of Private Higher University Education

Section One

Character, Organization and Functions

Article 1: The National Council of Private Higher University Education is an agency under the Ministry of Public Education under the terms and for the purposes defined in Law N°6693 of 27 November of 1981.

Article 2: CONESUP is charged with the execution of its functions and attributions as expressly stated in its enabling law and, particularly those found in article 3, according to these regulations.

Article 3: The National Council of Private Higher University Education shall be constituted according to article 1 of its enabling statute and its members must meet the requirements indicated therein. The designations of the members from the entities and agencies with rights of representation shall be carried out according to the internal procedures in effect in the entities, except for the representative of the totality of private universities who shall be designated in accordance with the next article.

Article 4: The representative of the private universities shall be elected by a simple majority vote of the university presidents at a meeting assembled for the purpose, and presided over by the Minister of Education or his alternate, and called not more than one month before the expiration of the office of the previous representative of the private universities. The requirements for representative will be the same as for president of a private university.

Article 5: The proprietary members of CONESUP shall be represented in their absence, by alternates named by the same procedure. The alternate of the Minister will be the Vice-Minister, who will have full authority in his absence. The alternates shall attend the meetings to which they are expressly called or meetings when they have prior knowledge of the absence of their principals.

Article 6: CONESUP will have a Technical Secretariat with powers defined in these regulations. The highest officer of the Secretariat will be the Secretary General, who may attend CONESUP sessions with speaking rights. The Executive Branch shall designate the Secretary General after nomination by the CONESUP for four years, and may be reelected indefinitely. He must fulfill the same requirements as the requirements herein demanded of a person who may be a president of a private university.

The Technical Secretariat shall also be staffed by the professional and administrative personnel necessary to fulfill its functions.

Article 7: The budget of the Republic will provide the funds necessary for CONESUP including its Technical Secretariat.

Second Section

Sessions

Article 8: CONESUP's meetings shall be presided over by the Minister of Public Education or his representative, except as provided for in the next article. The quorum for the meetings shall be attendance by at least by four of its members. Its resolutions shall be carried by a simple majority of votes. In case of a tie, the issue will be voted upon at the next meeting, if the tie persists, the Minister of Public Education cast the deciding vote.

Article 9: CONESUP shall elect from among its members a Vice-president who will preside over the meetings in the absence of the Minister and his representative. The term shall be for one year and may be reelected successively.

Article 10: The Technical Secretariat will be record keeper and will take charge of correspondence and will prepare the agenda for the following meeting and inform the members of the agenda with at least three business days notice.. It will also carry out studies relevant to CONESUP decision making, or cause them to be carried out. It will make reports and recommendations when required or when it judges necessary.

For the setting of the agenda, documents received after notice of the meeting has already issued, shall not be used, nor documents received during the three business-day period before the notice, unless exigent circumstances so require according to the Minister or his representative. The agenda must be set by the Minister or his representative and the items must be in the chronological order in which they were received by the Technical Secretariat.

Chapter II

Authorization for the Operation of Private Universities

First Section

Applications

Article 11: All applications to operate as a private university must be made to the CONESUP Technical Secretariat by the legal representative of the applicant entity in Spanish and include, at a minimum, the following information:

a. -Name and nature of the applicant entity, which must be constituted according to the provisions of article 5 of the law.

- b. -Complete name and position of the representative of the applicant entity.
- c. -Financial statement and projected cash flow for the first three years of operation.
- d. -List of professionals, including qualifications, who will head the principal offices of the university.
- e. -Application for authorization of a minimum of two professional courses of study with which the university will begin its activities and the initial date of operations.
- f. -List of faculty along with their courses of instruction, their rank, academic experience, publications, and other meritorious activities proper of university faculty.
- g. -References to the approved agreements of the proposed enabling statute and of the proposed regulations of institutional activity.
- h. -Institutional development programs, especially of academic activities (teaching, research programs, community service).
- i. -Detailed description of the facilities and infrastructure for the operation of the university, especially of: classrooms, libraries, physical plant and, if appropriate, workshops, fields, laboratories, and other facilities necessary for the carrying out of the activities called for in the course of study plan. When the entity does not have such facilities it shall so state, but must include a detailed plan of facilities acquisition, including a timeline and financing. Private universities must, at the beginning of each academic period, report on the progress of the various stages of their acquisition and development plans.

In any case, the physical plant in which it initiates its activities must have all the permits required by the authorities, who must confirm that the plant meets the technical and health specifications necessary for its teaching activities.

- j. -An office designated for notices.

Article 12: The following documentation shall be annexed to the application mentioned in the previous article:

- a. -Certification of registration, legal existence and registration number of the applicant entity issued by the National Registry or by a Public Notary.

b. -A certificate issued by an authorized public accountant on the financial situation of the entity and projected cash flow for the first three years of operations.

c. -Authenticated copy of the charter or bylaws of the entity.

d. -A list of principal officers of the proposed university and of its teaching staff. The personal characteristics, academic curriculum vitae of each one of them is to be included, along with authenticated acceptance signature. The acceptance commitment referred to in this subsection must be for at least a year and must state a time during which the signer keeps open his offer to serve in the projected university. It must also indicate the professorship or professorships he will accept and level of commitment he is willing to offer to the academic task.

e. -Authenticated photocopies of the affidavits and the professional or academic titles of the persons referred to in the previous subsection. His academic degree must be at least of the level to be offered in the planned course of studies for each profession.

f. -Authenticated copy of the charter or bylaws of the university and its regulations with respect to educational objectives, teaching regimen, scholarship plan, disciplinary and community service plan.

g. -If applicable, authenticated copy of the contracts, registration, rental or licensing agreement for the use of premises, facilities, physical plant, libraries, laboratories and other necessary facilities.

Article 13: To receive authorization for the creation of a private university, the entity must demonstrate that the proposed university has the necessary academic, qualified personnel to carry out its operations, as required by subsection (c) of article 6 of the law. Therefore the teaching staff must comprise:

a) Persons who hold university titles that are legally valid or properly recognized by the appropriate official agencies.

b) At a minimum, seventy-five percent (75%) must hold the degree of licentiate² or equivalent.

c) Ten percent must hold a degree beyond the licentiate.

d) Fifty percent must have published at least three articles in prestigious specialized journals on topics related to

² [Translators Note: A licentiate is usually a five-year undergraduate degree. More than a U.S. bachelor's degree; but not a master's.]

those they will teach. In the case of artists, the publications may be substituted by public exhibits or public performances. Meritorious books may also substitute for the publication of articles, either partially or totally.

e) In the case of specialists in technical subjects, the requirements of the previous subsection can be met by works of other types, such as plans, maps, execution of significant projects, or scientific or technical contributions, depending on the characteristics of the subject involved.

f) Ten percent of the professors must have academic teaching or research experience for at least ten years and twenty-five percent for at least five years.

g) For the doctoral program all of the professors must hold a doctorate. Analogous requirements must be met for other degrees.

h) None of the teaching staff may have a teaching load of more than 24 hours per week at the universities, which will be shown by sworn affidavit of the professors.

Article 14: The president, the deans and the directors of academic units or their equivalents, must have a degree of licentiate at least and have ten, eight, and four years of academic experience respectively, in national or foreign universities. With respect to other university academic authorities, they must hold a licentiate degree and at least four years of academic experience. Whoever alternates with presidents, dean, or directors of academic units, must fulfill their same requirements.

Article 15: Given the complexity of the matter and the variation in the possible instances, when there is doubt as to whether an academic officer or teacher has fulfilled the requirements set forth in the two previous subsections, the CONESUP must study the situation on a case by case basis. To that purpose, it will establish a set of internal guidelines, based on the experience of its own members or of qualified persons to aid in enforcing the previous provisions.

Article 16: The charter or bylaws of each private university, must regulate the creation and functioning of its basic offices and must include student representation as provided by law.

Article 17: CONESUP must approve the operation and structure of the proposed university unless there are precise and objective reasons not to, in which case they must be stated specifically and must justify withholding of approval.

Article 18: When appropriate, the physical plant standards of the Health and Occupational Safety in Construction

Regulations shall be applied in order to provide for the minimum conditions for academic activities. Likewise, for those purposes a Ministry of Health permit must be obtained. Compliance with these standards are essential to obtain approval of the university or its entities.

In all cases, the physical plant where the university will carry out its activities must have the permits required by and issued by the appropriate agencies, which must confirm that the plant meets the technical and health specifications necessary for its teaching activity.

Second Section

Authorization for New Courses of Study and Study Plans

Article 19: An application to offer a professional course of study at a university must be properly authorized and must contain, at least, the following information:

- a) Name of the profession and academic title.
- b) Professional profile.
- c) Study plan.
- d) Duration.
- e) Admissions and graduation requirements.
- f) Study programs, credit-hour value, teaching and individual study hours, as well as a description of the course, general and specific objectives, content, bibliography, materials and equipment.
- g) Description of library services, bibliographic resources, availability of laboratory, and in general of infrastructure available at the time the application is filed, as well as the investment and acquisition plan necessary for the proper functioning of the course of study.
- h) Titles and degrees to be granted.
- i) Registration and tuition costs.
- j) Academic staff for the first two years and their affidavits.

Article 20: CONESUP will only approve university courses of study that lead to a degree for which there is a minimum requirement of 120 credits.

A credit is a valuation unit of the work of a student, equivalent to three hours weekly of classes during 15 weeks; applied to an activity that is supervised, evaluated, and approved by the teacher.

Article 21: Any application to offer a new professional course of study must be accompanied by a comparative analysis of the study plans and the community service programs or compulsory service programs of the new professional course, with those of the public universities or universities of recognized prestige, in order to comply with articles 9 and 13 of the law.

Article 22: The admissions and graduation requirements must be indicated precisely in the application for authorization of the new professional course of study. The CONESUP will assure itself that the requirements are sufficient before authorizing the professional course.

Section Three

Changes in the Professional Course of Studies and Authorized Study Plans.

Article 23: All changes, suspension, or interruption of professional courses of study authorized by the CONESUP must receive prior approval.

Article 24: Applications to change authorized professional courses of study must fulfill the relevant requirements stated in the previous Section.

Article 25: The suspension or interruption of a course of study authorized by the CONESUP must be preceded by notice of not less than six months, and must comply with the provisions of these regulations in order to safeguard the rights of those students who might be affected by the suspension or interruption.

Chapter III

Procedures

First Section

Authorization for a Private University to Operate

Article 26: The Technical Secretariat of CONESUP must determine if a proposed university meets the requirements of articles 11 and 12 of these regulations within ten business

days after receiving an application for its operation. Likewise, the Secretariat will confirm compliance with the formalities of any application or document presented. Should there be an omission, it will communicate the fact to the party and inform the CONESUP at the next meeting. No application will be deemed received until any defects or omissions are cured within the ten business days indicated in article 264 of the General Public Administration Law.

Article 27: Once the application is received in its proper form or the defects or omissions have been cured, the Technical Secretariat will forward the documentation to the Higher Education Planning Office for its decision. The Higher Education Planning Office will analyze the documentation and present its decision to the CONESUP within a month.

Article 28: The Technical Secretariat, likewise, will grant an opportunity to be heard for fifteen business days to university professional associations, the federation of university professional associations, and interested teacher or student associations.

Article 29: Once the Higher Education Planning Office decision has been given, and the interested entities or organizations have expressed themselves, or the comment period has closed, the Technical Secretariat will prepare a report that will include all actions, the principal comments, and its own analysis and conclusion, and will forward this information to CONESUP for resolution.

Second Section

Authorization and Modification of Professional Courses or Study Plans

Article 30: With respect to the modification of professional courses and study plans the procedure, where relevant, used to originally approve the course or plan will be followed when these modifications substantively affect the technical conditions under which they were originally approved.

Third Section

Modification of Charters, Bylaws and Regulations

Article 31: Once an application to modify the statutes or regulations of the university has been received in proper form, the Technical Secretariat will require, without further procedure, an opinion from the legal advisor.

Article 32: The Office of the Legal Advisor must give its decision within fifteen business days, and must agree that the proposed modifications harmonize with the principles and provisions embodied in this law and its regulations.

Article 33: Having received the decision, the Technical Secretariat shall inform CONESUP of the matter and request its approval.

Fourth Section

Affiliation and Disaffiliation of University Entities

Article 34: In the case of universities that operate in a decentralized manner, the creation, suppression, or fusion of affiliated or subsidiary university entities must be reported by the legal representative in writing to the CONESUP, so that notice may be taken. An analogous obligation exists in relation to departments, research institutes, and any other academic entities. This provision is applicable to all cases to which this article refers, so long as the change does not involve a modification of the bylaws, or the regulations, nor the creation or modification of professional courses of study, in those cases the appropriate procedures must be followed.

Fifth Section

Approval of Fees, Rights and Rates

Article 35: After study by the Technical secretariat and in order to comply with article 15 of the law, the CONESUP will approve the registration and tuition fees that students pay for their courses at the private universities.

The legal representative must present the appropriate application with the necessary justification so as to inform the CONESUP with the respect to its decision.

Article 36: The universities will be empowered to adjust the amount authorized by the CONESUP as a maximum by the amount of the previous year's inflation according to the index prepared by the Central Bank. The Technical secretariat should be informed of the adjustments.

Sixth Section

Authorization of Titles

Article 37: All titles issued by private universities that accredit a university degree, must be authorized by the Technical Secretariat and registered with the CONESUP.

Article 38: The interested university will request authorization for the title or titles from the Technical Secretariat. The same request must include a sworn statement or affidavit from the president of the university indicating that the titles have been issued according to the law, and

that the holders have fulfilled all of their academic requirements.

Article 39: The Technical Secretariat will grant the authorization within fifteen days of receipt of the application, unless it determines that there is some irregularity, in which case it will so inform the CONESUP.

Article 40: The titles issued by private universities and properly authorized by the Technical Secretariat will have the same validity as those issued by universities or educational institutions.

Seventh Section

Application of Sanctions

Article 41: The noncompliance with legal provisions, regulations and CONESUP's agreements and resolutions will result in the application of legal sanctions.

Article 42: The procedure to be followed to determine the facts, shall be that established by the General Public Administration Law, Ordinary Proceeding, with the particularities contained in articles 17, 18, and 19 of Law 6693 of 27 November of 1981.

Article 43: In any procedure to verify noncompliance with the law or of these regulations, the Technical Secretariat shall prosecute. The CONESUP will decide.

Eighth Section

Final Act

Article 44: The final act must be pronounced with the formalities of the law.

Article 45: The CONESUP will pronounce the final act within the time set by the law or these regulations.

Article 46: Nonetheless; the time to decide upon the modification of professional courses or study plans shall be two months.

Article 47: The time for a default judgment shall be computed from the date when the Technical Secretariat receives, with all the formalities required by law, the respective applications.

Ninth Section

Resources

Article 48: There shall exist the right to request annulment or a right of appeal to the CONESUP from the decisions of the Technical Secretariat. The appeal must be in writing, must state all arguments, and must be filed with the Technical Secretariat within ten business days from the day following receipt of notice.

The same requirements apply to a request for annulment of the CONESUP decision which will exhaust the administrative remedy.

Chapter IV

General Provisions

Article 48: Once the authorized university has operated for a year, it must have two schools, or one department and two schools, at least, or its equivalent in the appropriate subject area. The CONESUP, in response to a justified request, may postpone the period another year. If the requirement is not met, the school must stop operations and the provisions of article 21 of this law applied.

Article 50: Professional courses of study that have already started and have students cannot be suspended or closed without CONESUP's authorization, which will safeguard the interests of the students.

Article 51: Exercising its power of inspection CONESUP or its Technical Secretariat may require from the universities the information it deems necessary to obtain or confirm in order to assure itself of compliance with the law, or because of a pending application.

Article 52: In order to promote high academic quality and service to the student, CONESUP will support the private universities in arriving at a voluntary grading system for its professional studies, in order to provide public, transparent, and sufficient information on the quality of the professional studies so that the student may make informed decisions.

Article 53: If it were necessary to create an intervenor board for the reasons and with the purpose defined in article 21 of the law, CONESUP must set a deadline within which the intervention must take place, with necessary postponements if necessary.

Article 54: These regulations will take effect upon publication and in derogation of the regulations contained in Executive Decree Nº 19650-MEP of April 18, 1990.

Issued by the Presidency of the Republic in San Jose, on ____ of the month of March of 1996.

[Names of the President: Jose Maria Figueres, and the
Minister of Public Education Eduardo Doryan Garron].

No. 25071 - MEP

**THE PRESIDENT OF THE REPUBLIC AND THE MINISTER OF PUBLIC
EDUCATION,**

In function of the authority vested in them by the Constitution, Law No. 6693 of November 27, 1981 and,

Whereas:

I. - the Constitutional Court of the Supreme Court of Justice has ruled that the right to teach is a fundamental right recognized by our judicial system, the exercise of which is subject to inspection and investigation by the State in order to ensure the harmonious balance in the freedom of education between those who offer it and those who receive it. (Vote 3550-92 at 16:00 hours, November 24, 1992).

II. - through Law No. 6693 of November 23, 1981, the National Council of Private University Teaching was created, assigned to the Ministry of Public Education, which, to facilitate its execution, was made effective by Decree No. 19650-MEP on April 18, 1990.

III. - experience has shown that it is necessary to update aspects of current guidelines in order to operate properly and according to the policies established by the Constitutional Court of the Supreme Court of Justice as well as other constitutional and legal principles that apply.

IV - in accordance with the faculty authorized by article 140, item 3) of the Constitution, it is the responsibility of the Executive Power to regulate the rules and make sure they are followed. Therefore,

DECREE:

The following,

**GENERAL REGULATIONS OF THE NATIONAL COUNCIL OF
PRIVATE UNIVERSITY TEACHING**

CHAPTER I

On the National Council of Private University Teaching

SECTION 1

Nature, Organization and Functions

Article 1: The National Council of Private University Teaching (Consejo Nacional de Enseñanza Superior Universitaria Privada - "CONESUP") is an agency assigned to the Ministry of Public Education in the terms and for the purposes stipulated in Law No. 6693, of November 27, 1981.

Article 2: CONESUP is responsible for the execution of the functions and authority expressly stated by the law which resulted in its creation and, in particular, the functions assigned in article 3, in conformity with these regulations.

Article 3: The make-up of CONESUP will be as stated in article 1 of its charter and its members must meet the requirements stated therein. The designation of members from organizations and agencies with a right to representation will be made according to the internal procedures which have been established to that effect, with the exception of the representative of the group of all the private universities, which will be carried out according to the policies set forward in the following article.

Article 4: The representative of the private universities will be chosen by a simple majority of the rectors present at a session scheduled to that effect and presided over by the Minister of Education or his proxy, and which will be scheduled not less than one month before the end of the outgoing representative's term. The requirements are the same as those for the position of rector.

Article 5: The regular members of CONESUP will be replaced during temporary absences by their respective alternates, designated in the same manner as the regular members. The Minister's alternate will be the Viceminister, who will stand in for him in his absence. Alternates will attend sessions to which they have specifically been summoned or when they are aware that the respective regular member will not attend.

Article 6: CONESUP will contract a Technical Secretary with the abilities specified in these regulations and whose higher-in-command will be the Secretary General, who may attend CONESUP sessions with the right to speak. The Executive Power will be in charge of his/her nomination, which is for a term of four years by proposal of CONESUP, with the possibility of indefinite reelections. He/she must meet the same requirements established in these regulations for private university rectorship.

The Technical Secretary will have at his/her disposal the professional and administrative personnel necessary to fulfill the duties assigned to the organization.

Article 7: The costs of running CONESUP, including the Technical Secretary, shall be included in the national budget.

SECTION 2

Sessions

Article 8: CONESUP sessions will be presided over by the Minister of Public Education or his/her representative, except as stipulated in the following article. For a session to take place, there must be a quorum of at least four members. Agreements will be adopted by simple majority; in the case of a tie, the matter will be put to a new vote in the following session, and if the tie is not broken, the Minister of Education or his/her representative will cast the tie-breaking vote.

Article 9: CONESUP will choose from among its members a vicepresident who will preside over sessions in the absence of the Minister and his/her representative. The position has a term of one year and successive re-election is allowed.

Article 10: The Technical Secretary will function in the role of secretary in terms of records and correspondence, preparing the minutes and notifying members of the following meeting's agenda at least three working days in advance. He/she will also perform or have performed the studies necessary for the making of decisions by CONESUP. He/she will turn in the reports and make the recommendations that he/she sees fit.

For the preparation of the agenda, documents presented after the agenda has been announced, or those that are presented during the three working days prior to such announcement, will not be considered, unless the Minister or his/her representative deems them urgent and deserving of attention. The agenda must be drawn up by the Minister or his/her representative and will strictly follow the chronological order in which matters were received by the Technical Secretary.

CHAPTER II

Authorization for the Operation of Private Universities

SECTION I

Applications

Article 11: All applications for operation by private universities must be presented to the Technical Secretary of CONESUP by the legal representative of the organization making the application, in Spanish, and must contain at least the following information:

- a) Name and nature of the organization, which must be established according to article 5 of the Law.
- b) Name and complete personal information of the representative of the organization.
- c) Financial statements and a cash flow projection for the first three years of operation.
- d) List of the professionals, along with their qualifications, that will serve in the key areas of the university.
- e) Application for authorization of at least two majors with which the university will be opened, along with the dates proposed for opening.
- f) List of professors indicating what courses they will teach, their degrees, academic experience, publications and any other university-level attributes.
- g) Reference to the approval agreements for institutional statutes projects and the proposed regulations for institutional activity.
- h) Programs of institutional development, with special emphasis on academic aspects (teaching, research and social projects).
- i) Detailed description of the facilities and infrastructure with which the university will function, with special reference to: classrooms, libraries, the physical plant, and, if applicable, workshops, laboratories and any other facilities necessary to carry out the activities specified in the plan of studies. If such installations are not

part of the university, a detailed plan for acquisition should be provided, specifying time frames and methods of financing. Private universities must report, at the beginning of each scholastic term, on their progress in the various stages of their acquisition and development plans. CONESUP must verify the timely compliance of the plan.

- j) Designation of office for notices.

Article 12: The application, presented as specified above, must be accompanied by the following documentation:

- a) Certification of registration, representation and legal identification, issued by the National Registry or a notary public, of the organization making the application
- b) Certification issued by a certified public accountant regarding the financial state of the organization and cash flow projections for the first three years of operation.
- c) An authenticated copy of the charter of the organization.
- d) List of the personnel who will serve in key areas of the proposed university, including teaching staff. It must include qualifications, résumés, and acceptance signatures, duly notarized. The acceptance agreement on the part of the teaching staff must be for at least one academic year and must indicate the time frame for which the instructor will extend his/her offer of services to the proposed university. It must also indicate the program or programs the instructor will develop and the commitment he/she is willing to make to academic tasks.
- e) Authenticated photocopy of the affidavits and the academic or professional diplomas of the personnel referred to in the previous article. Academic levels must be at least of the same level as those that will be offered in the plan of studies of each major.
- f) Authenticated copy of the institutional statutes of the university and its regulations on academic policy, teaching policy, scholarship system, disciplinary code and community service.
- g) Authenticated copy of contracts or of the registry records, if it were the case, regarding construction, rental or access agreements for the facilities, physical plant, libraries, laboratories and other necessary facilities.

Article 13: In order for the creation of a private university to be authorized, it must be demonstrated that the proposed university has the necessary academic personnel, adequately trained for the performance of the duties with which they will be charged, as stipulated in item c) of article 6 of the Law. To this effect, the teaching staff must be made up of:

- a) Members with legally valid or duly recognized (by the respective official organizations) university degrees.
- b) A minimum of seventy-five percent (75%) of staff with a *licenciatura* or the equivalent (*note: a licenciatura is an intermediate degree between a bachelors and a masters*).

- c) A minimum of ten percent (10%) of the staff with an academic degree superior to *licenciatura*.
- d) Fifty percent (50%) must have published at least three articles in recognized professional journals, on topics related to the courses they will teach. In the case of artists, publications may be replaced by three works exhibited or executed in public. Likewise, noteworthy books may partly or completely fulfill the article requirement.
- e) In the case of specialists in technical fields, in order to fulfill the requirements of the previous item, other types of achievements may be taken into consideration, such as plans, significant projects, or contributions to scientific or technological development, according to the particularities of the field in question.
- f) Ten percent (10%) of the instructors must have at least ten years of university-level teaching or research experience, and another twenty-five percent (25%) must have at least five years' experience.
- g) In doctoral programs, all professors must hold doctorates. The same idea holds true for programs awarding other degrees.
- h) None of the members may have a teaching load of more than 24 university teaching hours, which must be stated as sworn testimony by each instructor.

Article 14: The rector, the deans and the directors of the academic units or their equivalents must hold a minimum of a *licenciatura* and have academic experience, in national or foreign universities, of no less than ten, eight, and four years, respectively. For all other university academic authorities, a minimum of a *licenciatura* and four years of academic experience is required. Any substitutes for rectors, deans or directors of academic units must meet the same requirement as outlined above.

Article 15: Given the complexity of the subject matter and the variety of cases which could come up, in the case of doubts regarding the manner in which an academic authority or an instructor has fulfilled the requirements outlined in the two previous items, CONESUP will have to investigate on a case by case basis. For such cases, it will set up a body of internal rules based on the experience of its members or of people qualified to help ensure compliance with the above-mentioned criteria.

Article 16: The institutional statutes of each private university must regulate the constitution and working of its key organizations and must establish the principle of student representation, according to the terms established by law. The principles of freedom of opinion and of beliefs on the part of the students, the liberty of course structure on the part of the teachers, and the right to education and to free student association must be expressly respected. This last part implies not only the freedom to form associations, but also the free development of their activities.

Article 17: CONESUP will approve the structure and the functioning of the university proposed by the organization making the application, unless there exist specific, objective reasons, which would have to be detailed, that justify refusal.

Article 18: Where applicable, the physical plant will be subject to the norms of the Regulations of Occupational Health and Safety and the Regulations of Construction, in order to ensure the minimum conditions are being provided for academic activities to take place. Likewise, to the same ends, the respective operating permit is required from the

Ministry of Health. Compliance with these requirements is an indispensable condition for the university or its organization to be authorized.

In any case, the physical plant in which the university will carry out its activities must have the respective permits as required by the corresponding organizations, who must verify that they possess all the necessary technical and health-related conditions to engage in teaching.

SECTION 2

Authorization of New Majors and Plans of Study

Article 19: The application for the addition of a major in a duly authorized university must contain at least the following information:

- a) Name of the major and the academic degree.
- b) Professional profile.
- c) Plan of study.
- d) Duration.
- e) Entry and graduation requirements.
- f) Course programs and the corresponding credits, class hours and hours of individual study, as well as the course description, general and specific objectives, contents, bibliography, materials and equipment.
- g) Description of the library services, bibliographic resources, availability of laboratories and of the infrastructure in general available at the time the application is made, as well as the plan for investment and future acquisitions for the proper functioning of the major.
- h) Degree and academic level to be granted.
- i) Registration fees and tuition costs.
- j) Academic personnel for the first two years and their affidavits.

Article 20: CONESUP will only authorize university majors that grant degrees, for which one hundred twenty credits is the minimum.

A credit is a valorative unit of the students' work which is equivalent to three hours (one hundred eighty minutes) of class per week for fifteen weeks, applied to activities that are supervised, evaluated and approved by the instructor.

Article 21: All applications to authorize majors must be accompanied by a comparative analysis of the plans of study and the community service plans of the new major with those of state universities or other prestigious universities, according to the aims stated in articles 9 and 13 of the Law.

Article 22: The entrance and graduation requirements must be precisely specified in the major authorization application. Before approving the major, CONESUP must be sure that they are appropriate.

SECTION 3

Modifications to authorized majors and plans of study

Article 23: Any modification, suspension or interruption of majors authorized by CONESUP requires prior approval.

Article 24: Applications leading to the modification of majors authorized by CONESUP must meet the pertinent requirements as laid out in the previous section.

Article 25: The suspension or interruption of a particular major authorized by CONESUP must be reported no less than six months in advance and must comply with the measures adopted by this organization, with the aim of safeguarding the rights of the students who may be affected by such a suspension or interruption.

CHAPTER III

Procedures

SECTION 1

Authorization of the operation of a private university

Article 26: Within ten working days of the reception of an application for authorization to operate a private university, the Technical Secretary of CONESUP must determine if it meets the requirements detailed in articles 11 and 12 of these regulations. Likewise, the secretary will verify fulfillment of the formalities for each application or document presented. If there is something missing, he/she will report, in writing, the necessary preparations, of which CONESUP will be advised in the following session. No application will be considered until any problems or omissions are taken care of, the time limit for which is ten working days, as indicated by article 264 of the General Law of Public Administration.

Article 27: Once the application or the missing documents have been received, the Technical Secretary will need a report from the Office of Higher Educational Planning, to which end they will submit the pertinent documents. The Office of Higher Educational Planning will analyze the corresponding documentation and will present its report to CONESUP within one month of receiving the request.

Article 28: The Technical Secretary will, for a period of fifteen working days, grant audiences to university-level professional organizations, to the Federation of University Professional Organizations and to student or teacher organizations interested in the movement.

Article 29: Once the Office of Higher Educational Planning report has been received, as have the manifestations of the interested organizations, or once the time limit has expired, the Technical Secretary will prepare a report containing a summary of all action taken, of the principal observations made, and of his/her own conclusions, which will be sent to CONESUP for resolution.

SECTION 2

Authorization or modification of majors or plans of study

Article 30: For modifications of majors or plans of study, the same procedure applies as for approval of majors and plans of study when such modifications significantly affect the conditions of the initial approval.

When, according to the Technical Secretary's judgment, the application refers to other elements, he/she will inform CONESUP, with his/her recommendations, for the final resolution.

SECTION 3

Modification of statutes and regulations

Article 31: Upon receiving an application for modification of university statutes or regulations, the Technical Secretary will request, with no further paperwork, a report from the judicial advisory organization.

Article 32: The judicial advisory organization must turn in its report within fifteen working days and must verify that the proposed reforms or modifications are in accordance with the principles and procedures of the law and of these regulations.

Article 33: Once the report has been received, the Technical Secretary will refer the matter to CONESUP for resolution.

SECTION 4

Affiliation and disaffiliation of university entities

Article 34: In the case of a university operating in a decentralized manner, the creation, elimination or fusion of affiliated or ascribed entities must be communicated in writing to CONESUP by the legal representative of the university, so it can be noted. Faculties, research institutes and any other academic entities are under the same obligation. These measures are applicable in all cases to which this article refers, as long as the change involves neither a change in statutes or regulations, nor the creation, closing or modification of majors, in which cases the corresponding measures would apply.

SECTION 5

Approval of costs and rates

Article 35: According to article 15 of the Law and prior study by the Technical Secretary, CONESUP will approve the registration fees and the cost of the courses for private university students.

The respective application must be prepared by the legal representative and must be accompanied by the necessary justifications, in such a way that the criteria of CONESUP will be clearly illustrated when they make their ruling.

Article 36: The universities will be authorized to adjust the amount allowed by CONESUP by no more than the inflation rate, as determined by the index of the Banco Central for the immediately preceding year. Any such adjustments must be communicated in writing to the Technical Secretary.

SECTION SIX

Endorsement of diplomas

Article 37: Any diploma issued by a private university that confers a university degree must be endorsed by the Technical Secretary and registered with CONESUP.

Article 38: The interested university should solicit the respective endorsement for the corresponding diploma or diplomas from the Technical Secretary. This motion should be accompanied by a sworn statement from the rector saying that the diplomas in question have been duly issued in that the recipients have completely fulfilled all their academic obligations.

Article 39: The Technical Secretary will make the endorsement within fifteen working days of having received the request, except in the case of any irregularity, in which case he/she will notify CONESUP as he/she sees fit.

Article 40: Diplomas issued by private universities and duly endorsed by the Technical Secretary will be equally as valid as those issued by state universities or institutions of higher education.

SECTION 7

Application of sanctions

Article 41: Failure to comply with the legal procedures, regulations or the measures and resolutions adopted by CONESUP will lead to the application of sanctions provided for by law.

Article 42: The procedure to be followed in order to get to the truth will be that established by the General Law of Public Administration, Regular Procedures, as detailed in articles 17, 18 and 19 of Law No. 6693 of November 27, 1981.

Article 43: In any procedure aimed at verifying a failure to comply with the law or with these regulations, the Technical Secretary will be in charge. CONESUP will make the final decision.

SECTION 8

The final act

Article 44: The final act must be dictated as stipulated by judicial ordinance.

Article 45: CONESUP will dictate the final act within the time frames established by law or by these regulations.

Article 46: Nevertheless, the time frame for deciding on applications for modifications of majors or plans of study and for modifications of statutes or regulations will be two months.

Article 47: The time frame for "silence implies consent" will be calculated beginning from the date on which the Technical Secretary formally, as stipulated by law, received the application.

SECTION 9

Appeals

Article 48: In the face of the decisions of the Technical Secretary are the recourses of revocation and appeal before CONESUP, which must be presented in writing and duly explained to the secretary within ten working days, beginning on the day following the notification.

The same requirement and time frame apply to appeals of decisions made by CONESUP, which will also go through the administrative process.

CHAPTER IV

General Provisions

Article 49: Once the first working year has been concluded, the university must have at least two university schools or one faculty with two schools or the equivalent in the respective terminology. CONESUP, in response to a justified application, may extend this period for another year. If this requirement is not met, the university will cease to operate and article 21 will apply.

Article 50: Majors that have been initiated and that have students may not be closed or suspended without the authorization of CONESUP, who will look out for the students' interests.

Article 51: Exercising the power of inspection, CONESUP may, directly or through the Technical Secretary, solicit from the universities the information it deems necessary or check on site facts and circumstances of interest, with the aim of verifying compliance with the norms on the part of the institution or as related to any procedure awaiting resolution.

It is the obligation of the institutional authorities to facilitate the exercise of these rights.

Article 52: In order to maintain high academic standards and provide solid academic preparation to the student, CONESUP will support private universities in the organization of an evaluation system for its majors, with voluntary participation, which will offer clear and plentiful information to the public on the quality of the majors, allowing students to make solid decisions.

Article 53: In the case that it becomes necessary to form a regulatory board for the reasons and aims expressed in article 21 of the Law, CONESUP will determine the term of the intervention, without prejudice in terms of the extensions that may be necessary.

Article 54: These regulations are valid from the date of publication and derogate the contents of Executive Decree No. 19650-MEP of April 18, 1990.

Given in the Presidency of the Republic -- San José, the twenty-sixth day of March, nineteen ninety-six.

**Publish -- JOSE MARIA FIGUERES OLSEN -- Minister of Public Education,
Eduardo Doryan Garrón -- One time -- C-16800. -- (18985)**

**COSTA RICAN SOCIAL SECURITY SYSTEM
BOARD OF DIRECTORS**

**"RULES FOR INSTRUCTIONAL CLINICAL ACTIVITY IN THE
COSTA RICAN SOCIAL SECURITY SYSTEM"**

WHEREAS:

- in order to fulfill the constitutional and legal duties and obligations of this institution, it is important to have duly trained personnel in the various areas of the health field.
- there are different public and private organizations dedicated to the training of health personnel.
- according to the training plans developed to date, students in the field of health need access to so-called "clinical training sites" in the service agencies of this institution in order to better their skills.
- as a result, it is necessary to regulate the assignment of these "clinical sites" to different training centers, in honor of the fundamental rights of the patients, of good public service, and of the institutional heritage.

THEREFORE:

Based on article 14, clause f) of the Charter of the Costa Rican Social Security System, decrees the following:

**"RULES OF INSTRUCTIONAL CLINICAL ACTIVITY IN THE
COSTA RICAN SOCIAL SECURITY SYSTEM"**

CHAPTER 1 -- GOALS AND OBJECTIVES

Article 1: This policy governs instructional clinical activity in the Costa Rican Social Security System, with the aim of guaranteeing that patients' rights are not infringed upon in any way by the teaching process carried out in its facilities. By the same token, it also aims to ensure the most appropriate use of the institutional resources to improve the quality of said instruction.

Article 2: For the purposes of this policy, the following terms apply:

Teaching facility: Public or private institution of higher education, duly authorized to educate or train health personnel.

Clinical training site: Place in which, without lowering service standards, a student can engage in clinical activities for instructional purposes. A clinical training site is understood to exist because of the student.

Health Educational Unit: Suitable unit for the functioning of clinical training sites.

Instructional Clinical Activity: Methodological process of the teaching of medicine and related sciences, duly planned, in which there is direct interaction among the student, the instructor, the patient, and the environment in which the teaching practice is carried out.

CENDEISSS: "Centro de Desarrollo Estratégico e Información en Salud y Seguridad Social" (Center for Strategic Development and Information in Health and Social Security).

II. - THE AGENCY RESPONSIBLE FOR ADMINISTRATION

Article 3: CENDEISSS is the agency responsible for authorizing the teaching facilities to use the clinical training sites.

The determination of the clinical training sites in each center will be made by the director of the center in question, taking into consideration the recommendation of the academic council on establishment. This will, in turn, define the number of clinical training sites, based on the indications of the section chief of the installation in which the training will be carried out, and duly approved by the board of directors of the center.

The recommendation of the academic council and the resolution of the management of the teaching unit must be justified, explaining the criteria used, such as the number of health officials, the number of patients, the number of beds, patient turn-over, and the existing teaching facilities, as well as any other variables needing to be taken into account.

Supervision of educational clinical activity is the responsibility of the academic council of each teaching unit. The preparation and application of programs for each school is the responsibility of the respective university.

Article 4: The existence of an academic council for each teaching unit will be a requirement for the authorization of clinical training sites.

Article 5: The assignment of clinical training sites to the teaching unit will be made by CENDEISSS once Social Security's own needs have been met, according to the number of instructors hired by the teaching unit and the number of students registered.

Article 6: Authorizations for use of clinical trainings sites will be valid for a period of no longer than one year.

CHAPTER III – PROCEDURES

Article 7: In order to make use of a clinical training site, the teaching unit should apply for a training site according to their needs for the following year, no later than the last working day of August.

Article 8: The teaching unit will present CENDEISSS with the application for use of the clinical training sites of interest, together with the requirements that, according to this policy, are set forth by CENDEISSS, including acceptance of article 13, paragraph 1, and a copy of the policy to which the paragraph 2 (ibidem) refers. CENDEISSS will announce its decision no later than the last working day of November.

Resolutions will be made considering all complete applications received by the deadline; however, a separate resolution will be made for each area of study.

Article 9: In the event that a teaching unit does not use the clinical training site to its advantage, the site will be reassigned by CENDEISSS according to the same parameters established herein.

CHAPTER IV – PATIENTS' RIGHTS

Article 10: In clinical activity related to the teaching process, instructors and students must be respectful of the rights and dignity of the patient, and must maintain patient-doctor confidentiality, in accordance with the Social Security Code of Ethics and the Bill of Patients' Rights.

Article 11: Only under the supervision and responsibility of an instructor duly registered with the CENDEISSS, who is an official of the Social Security System in the medical area in question, may a student carry out any physical examination or procedure. In the event that the patient is opposed to the student's participation, the student must abstain from any involvement in the examination or procedure.

Article 12: No disrespectful or damaging comments should be made during clinical activity. Questions or answers from the instructors or students that could confuse or upset the patient, in terms of comments on doubts, diagnoses, or treatments, or discussion of differences of opinion regarding diagnosis or treatment should be discussed outside of the consultation area, away from the patient and family members.

CHAPTER V -- RIGHTS AND RESPONSIBILITIES OF THE TEACHING FACILITY

Article 13: Every year, the teaching facilities must register with CENDEISSS the instructors assigned to the different teaching units.

Article 14: The students, instructors and administrative personnel will be able to use equipment, materials, hospital garments, and Social Security facilities directly related to

the normal functioning of the clinical training site only within the service facility with which they are associated and according to the established schedule. Should it be discovered that a person has made inappropriate use of equipment, hospital garments, materials or facilities, as a precautionary measure, the teaching unit will be denied entry, independent of any administrative sanctions or penalties that may apply.

It is the responsibility of the instructors to ensure compliance with this provision.

Article 15: The authorization for the clinical teaching practicum is subject to the teaching facility's maintenance of an insurance policy, valid for one year beyond the end of the authorization period solicited, covering damages or losses resulting from the action of its representatives, students, instructors, or administrative personnel in general, to physical resources, equipment or facilities.

The category, amount and conditions of the policy mentioned above will be determined on a case-by-case basis by the "Dirección Actuarial y de Planificación Económica" (Actuarial and Economic Planning Manager), who regularly reports such determinations to the medical management.

In any case, the head of the financial division must ensure that the only beneficiary of the policy is the Social Security System.

CHAPTER VI – USE OF THE FACILITIES

Article 16: The number of students sharing the use of clinical training sites will be determined by the joint decision of the director of the teaching unit and section and service heads, in order to maintain the level of service to the public.

Article 17: The scheduling of academic programs must be carried out as it was approved by CENDEISSS. In the event that some change were to be necessary, it must be agreed upon by both parties (the hospital or clinic administration and the instructor responsible) at least twenty-four hours in advance.

Article 18: Teaching activities must be carried out taking into consideration the conditions inherent to each service by nature.

Article 19: The responsible party for each teaching unit must ensure the proper use of the equipment, materials and facilities used in the clinical training facilities and maintain a control of the inventory.

Article 20: Any problem, accident or procedural error caused by an instructor or student, along with any breach of the rules or of good judgment, that negatively affects a patient, personnel, a third party or the Social Security System itself, must be reported by the head of the teaching unit to the instructor, the immediate supervisor, the director of the health center, and the director of CENDEISSS, as well as to those in charge of the teaching

facility. Once the problem has been confirmed, the director of the medical center may solicit the exclusion of the responsible party from his/her hospitals and clinics. If the responsible party is an instructor, the report will be made directly to the teaching facility.

Article 21: In order for the teaching unit to enter the facility, the students, instructors and administrative personnel must wear their identification badges in a visible place at all times.

Article 22: Hospital or clinic authorities may, at any time, impede the entrance of students, instructors or administrative personnel who do not comply with standards of personal appearance, as previously established.

CHAPTER VII -- FINANCING OF CLINICAL TRAINING SITES

Article 23: The teaching facilities will cover the cost of the clinical training sites through a monthly fee for each site, except in the case that they are required by public universities for their own students, in which case they will fall under the terms set forth in the institutional cooperation agreements.

Article 24: The fee for each clinical training site will be per semester -- from January to June and from July to December, and will be paid in advance by the teaching facilities at the beginning of each scholastic period, according to the applicable rate at that time.

Article 25: The "Departamento de Costos de la Dirección Financiero Contable" (Head of Financial Accounting -- Department of Costs) will determine on a semesterly basis, per the express request of CENDEISSS, the fee for the use of each clinical training site.

In order to calculate and update the fees, all costs, direct and indirect, of the operation of each clinical training site will be taken into account, as will the behavior of the relevant price indices.

In June and December of each year, the Department of Costs will inform CENDEISSS of the fee that will be in effect for the following semester.

Article 26: Failure to meet financial obligations within the allotted time will automatically result in the suspension of any obligation on the part of the Social Security System in terms of assignment of clinical training sites to the teaching facility in question.

Article 27: CENDEISSS will authorize the use of clinical training sites by teaching facilities only upon presentation, by the teaching facilities, of documentation proving that corresponding payment has been made. No teaching unit may receive students in a clinical training site without the official authorization of CENDEISSS.

Article 28: It will be CENDEISSS's responsibility to establish the procedures that will guarantee the timely compliance of these rules and to make sure they are enforced.

CHAPTER VIII – INFORMATION ON CLINICAL TRAINING SITES

Article 29: In order to carry out its functions of scheduling, control, and evaluation of the instructional clinical activities carried out through the Social Security System, CENDEISSS may periodically request pertinent information to this end from the teaching facilities and the teaching units.

Article 30: Both teaching facilities and teaching units will be under obligation to supply in a timely manner the information requested by CENDEISSS for purposes of scheduling and control.

Failure to comply with this obligation on the part of a teaching facility will be considered a motive for the suspension of any obligation on the part of the Social Security System in terms of clinical treatment site assignment, without any obligation to return unused portions of funds paid in advance.

Failure to comply with this obligation on the part of a teaching unit will be considered a motive for the suspension of clinical treatment site assignments to the teaching unit in question.

Article 31: CENDEISSS will publish at least one annual report including data on the volume and distribution of the clinical training sites, finances, instructional activities and any other information relevant to the evaluation of programs and instructional clinical activities of the Social Security System.

The terms of payment (form and schedule) will be established on a case by case basis, taking into consideration, among other things, the scholastic calendar of each academic entity.

CHAPTER IX – EVALUATION

Article 32: CENDEISSS and the teaching facilities will carry out evaluations, at least once a year, of the results of the practica in the clinical training facilities for the purpose of making any necessary changes and adjustments in the theoretical or practical parts of the programs, in order to improve the professional and technical development process, and to reflect the reality and the needs of the country according to institutional policies in the area of health, provided that this does not affect the autonomy of the university. The results of these evaluations will be communicated in writing to the Head of the Medical Division. The former should not be taken in any way to interfere with the independence of the teaching process.

CHAPTER X -- ACADEMIC COUNCILS

Article 33: An academic council will be created by each teaching unit, as the assessment body of the same.

Article 34:

The academic council of each teaching unit will be made up of:

- a) the director of the teaching unit, who will preside over the council,
- b) the section chiefs and the chiefs of medical services where the university teaching is carried out,
- c) the head or director of nursing,
- d) the teaching coordinators of the various programs and schools that receive instruction there, nominated according to the procedures of each school or faculty in accordance with the policies established by article 11 of this document,
- e) the coordinator of medical technology instruction.

The make-up of the academic councils in regional and peripheral hospitals and in clinics and mobile units will be defined by the Head of the Medical Division, according to the specific circumstances of organization and availability of human resources.

Article 35: The academic council of each teaching unit must maintain a book of records, containing the minutes of each meeting with the signatures of those present. This book of records will contain the names of the students, rotation periods, work days, schedules, and services in which they will rotate, as well as the respective tutor and any other variables that should reasonably be taken into account.

Article 36: The academic council will be responsible for supervising the instructional clinical activity and the quality of teaching offered in the various services, allowing for the formation of professionals and specialists capable of promoting good health in the country, in terms of the actual needs of the population.

Article 37: It is the responsibility of the academic council to determine the number of clinical training sites that the teaching facility in question can offer. This is based on the indications of the chiefs of section and of medical services as well as what is established in paragraph three of article three of the rules for instructional clinical activity in the Costa Rican Social Security System.

Article 38: The academic council must inform the directors of health units on the actual benefits of the clinical training sites and send a monthly report to the head of CENDEISSS.

Article 39: It is the responsibility of the academic council to turn in a monthly report to the director of the teaching unit on the number of clinical training sites taken advantage of. This report should contain not only the benefits to the students, but to the teaching facility as well. The information in the report should also be sent by the director of the teaching unit to the head of CENDEISSS.

Article 40: In the event that a member of the academic council, for reasons beyond his/her control, cannot attend a council meeting, the person who would replace him/her in his/her medical duties could stand in for him/her. The representatives of teaching facilities can be replaced per their authorization.

(Ratified in article 12 of session number 6977, article 6 of session number 7065, and article 25 of session number 7122, held, respectively, November 21, 1995, October 8, 1996, and April 22, 1997.)

**HANDBOOK OF POLICIES FOR THE ACADEMIC COUNCILS
ON INSTRUCTIONAL CLINICAL ACTIVITY IN THE
COSTA RICAN SOCIAL SECURITY SYSTEM**

WHEREAS:

- instructional clinical activity is considered fundamental to the achievement of an appropriate level of medical attention,
- the ideal places for instructional clinical activity to take place are the various service units in health establishments,
- the teacher-assistant activities for which clinical training sites are necessary and which are carried out in the different units require strict supervision of the management in question,
- the growing demand for clinical training sites in health establishments requires the formation of collegiate groups to watch over the level of teaching, irregardless of the participation of student assistants.
- these collegiate groups in each health establishment, which will supervise and coordinate academic and practical activities, will be known as "*academic councils.*"