



GOVERNING BOARD UNIVERSITY
OF PUERTO RICO

(Translation)

CERTIFICATION NUMBER 119
2021-2022

I, Margarita E. Villamil Torres, Secretary of the University of Puerto Rico Governing Board, CERTIFY THAT:

The Governing Board agreed:

WHEREAS: On October 28, 2021, through Certification No. 45 (2021-2022), the Governing Board proposed to approve a amendments to the *Regulations for Administrative Appellate Proceedings of the University of Puerto Rico* to allow remote administrative hearings in the event of an emergency, modify the proceedings and terms to reconsider the decisions of appellate bodies, and to enforce the rights recognized under Law No. 174 of 2018, *Act to Facilitate Access to Justice for Persons with Conditions that Prevent Effective Communication*, among other matters.

WHEREAS: In Certification No. 45 (2021-2022) provided that “If no comments or requests for a hearing are received within the cited term, the proposed regulations shall be given final approval, and the Secretary will be authorized to file it with the Department of State pursuant to the UAPA.”

WHEREAS: Pursuant to the Uniform Administrative Procedure Act of the Commonwealth of Puerto Rico, Law No. 38 of 2017, the Board published on February 15, 2022, a notice on the proposed action online and in a newspaper of general circulation in Puerto Rico. A period of thirty (30) days from the date of publication of the notice was granted for written comments or a substantiated request for public hearing.

WHEREAS: The Governing Board, within said term and before reaching a final decision on the adoption of the aforementioned proposed Regulation, Received no comments or requests for public hearing on the proposed action;

WHEREFORE: Pursuant to the above, the Governing Board resolved to:

Approve amendments to the Regulations for Administrative Appellate Proceedings of the University of Puerto Rico, Certification No. 35 (2018-2019), Regulation No. 9054 (2018), to allow remote administrative hearings in the event of an emergency, modify the proceedings and terms to reconsider the decisions of appellate bodies, and to enforce the rights recognized under Law No. 174 of 2018, *Act to Facilitate Access to Justice for Persons with Conditions that Prevent Effective Communication*, among other matters.

1. Provide that the amendments to the *Regulations for Administrative Appellate Proceedings of the University of Puerto Rico*, Certification No. 35 (2018-2019), Regulation No. 9054 (2018), be filed with the Department of State of the Government of Puerto Rico, pursuant to the cited Uniform Administrative Procedure Act;
2. Provide that these amendments shall take effect thirty (30) days after its filing with the Department of State.

IN WITNESS WHEREOF, I issue the present Certification, in San Juan, Puerto Rico,
this 24th day of March 2022.




Margarita E. Villamil Torres
Secretary

GOVERNING BOARD
UNIVERSITY OF PUERTO RICO

Number: 9327

Date: April 11, 2022

Approved: **Félix Rivera Torres, Esq.**
Deputy Secretary of State

(illegible signature)

Department of State
Government of Puerto Rico

**AMENDMENTS TO THE REGULATIONS FOR
ADMINISTRATIVE APPELLATE PROCEEDINGS
OF THE UNIVERSITY OF PUERTO RICO**

CERTIFICATION NO. 119 (2021-2022)

Approved on: March 24, 2022

TABLE OF CONTENT

EXECUTIVE SUMMARY.....	3
AMENDMENTS.....	3
SECTION 6 - DEFINITIONS.....	3
SECTION 19 - ADMINISTRATIVE HEARING.....	3
SECTION 24 - ADJUDICATIVE HEARINGS	3
A. Factors for Holding Adjudicative Hearings	3
B. Notice of Adjudicative Hearing.....	5
SECTION 29 - RECONSIDERATION	5
A. Reconsideration Before Appellate Bodies	5

EXECUTIVE SUMMARY

These amendments seek to allow remote administrative hearings in the event of an emergency, modify the proceedings and terms to reconsider the decisions of appellate bodies, and to enforce the rights recognized under Law No. 174 of 2018, Act to Facilitate Access to Justice for Persons with Conditions that Prevent Effective Communication, among other matters.

AMENDMENTS

PART I - GENERAL PROVISIONS

[...]

SECTION 6 – DEFINITIONS

[...]

W.

X. Remote Administrative Hearings - A method that replaces a participant's personal appearance with a remote, two-way communication, simultaneous appearance.

PART III-ADMINISTRATIVE APPELLATE PROCEDURE

[...]

SECTION 19 - ADMINISTRATIVE HEARINGS

A. [...]

B. As an exception, when an emergency is declared by the Government of Puerto Rico or the federal government and if all parties agree, administrative hearings may be held remotely.

[...]

SECTION 24 - ADJUDICATIVE HEARINGS

A. Factors for Holding Adjudicative Hearings

1. [...]

2. [...]

3. Adjudicative hearings may be held remotely. To do so, the following requirements must be met:
 - a. An emergency has been declared by the state or federal government, which makes it impossible for the parties to physically appear at the same place.
 - b. Remote hearings will be held on a voluntary basis.
 - c. Either party may file a motion to request fin writing that the proceedings be held remotely.
 - d. Any hearing that initially began in person and continued as a result of the emergency may be held remotely thereafter, provided that both parties agree and the motion is granted by the appellate body or its representative.
 - e. The appellate body or its representative is authorized to grant or deny a motion for a remote hearing.
 - f. Once a remote hearing has begun, the appellate body or its representative may interrupt the proceedings and order that it be held in person.
 - g. The factors to consider when passing on a motion to hold remote hearings or to decree a continuance to resume hearings in person are the following:
 - 1) Whether the parties or the witnesses have the necessary and suitable equipment to appear for a remote hearing
 - 2) Complexity of the issues before the appellate body or its representative
 - 3) Number of parties and witnesses
 - 4) Amount of evidence
 - 5) Ability to present evidence remotely
 - 6) Conduct of the parties during the proceedings
4. When a person who is deaf or has severe, moderate or mild hearing disability or other hearing loss or condition that prevents them from communicating effectively, whether or not that person is a party to the proceedings commenced with the University under

the provisions of these Regulations, the University will assign a sign language and/or lip reading interpreter, or provide such other reasonable accommodation, as provided in the Americans with Disabilities Act (Pub. L. 101-336, as amended), and Law No. 136 of 1996, that may ensure that they may effectively communicate.

B. Notice of Adjudicative Hearing

1. If the appellate body [...]
2. The appellate body [...]
 - a. date, day, time and place where the hearing will be held;
 - b. if the hearing to be held remotely, the program or platform the parties will use shall be specified and the link shall be included;
 - c. warning that the parties [...];
 - d. nature and purpose [...];
 - e. citation of the statutory [...];
 - f. warning of the measures [...];
 - g. that the parties may [...];
 - h. warning that the hearing [...];
 - i. warning that if the person who is deaf or has severe, moderate or mild hearing disability or other hearing loss or condition that prevents them from communicating effectively, he or she may be accompanied by a sign language interpreter or lip reader provided by the University;
 - j. or other reasonable accommodation necessary to ensure the effectiveness of the communication throughout the adversary proceeding.


SECTION 29 - RECONSIDERATION

A. Reconsideration Before Appellate Bodies

Any party may move to reconsider any partial or final ruling or order, or part thereof, issued by an appellate body within 10 days of service of notice. The appellate body shall decide, at its discretion, whether to reconsider its ruling or order as requested, in which case it shall notify the parties within 10 days from the date of service of the motion to reconsider. Absent notice from the appellate body expressly stating its intention to reconsider, the motion shall be denied outright. Motions to reconsider shall toll the term to file an appeal with the proper forum.

If the appellate authority grants the motion to reconsider but fails to take any action in relation thereto within 60 days after it was filed, it shall lose jurisdiction to pass on the motion and term to file an appeal with the next appellate body shall begin to run as of the expiration of those 60 days, unless the appellate body, for good cause and within those 60 days, extends the term to issue its decision for a period that shall not exceed an additional 30 days.

Approved by the Governing Board of the University of Puerto Rico at its regular meeting on March 24, 2022, as stated in Certification No. 119 (2021-2022), which is attached.



Margarita Villamil Torres
Secretary