

School of Plastic Arts

Act No. 54 of August 22, 1990, as amended

(Contains amendments incorporated by:

Act No. 92 of June 22, 2002

Act No. 349 of September 16, 2004

Act No. 146 of October 11, 2007)

To create the Puerto Rico School of Plastic Arts, as an autonomous entity attached to the Institute of Puerto Rican Culture, to determine its purposes, functions and powers, to transfer its programs and corresponding assets and to repeal clause (13) subsection (a) of Section 4 of Act No. 89 of June 21, 1955, as amended.

STATEMENT OF MOTIVES

Act No. 52 of June 21, 1971, as amended, authorized the Institute of Puerto Rican Culture to organize and establish a program for the teaching of art techniques and to grant to any person who approved [sic] the academic requirements an accrediting certificate that would have the same value as the bachelor degrees issued by other higher education institutions.

Since then all the students that meet the academic requirements established by the School of Plastic Arts have been granted a Bachelor of Arts degree by the Institute of Puerto Rican Culture which has been recognized by the country's private and public educational institutions, as well as abroad. In order to strengthen the academic autonomy of the School of Plastic Arts as a higher education institution, this Legislature provides for it to be governed by its own Board of Directors, with full autonomy, budget, teaching and non-teaching personnel, curriculum, long and short term plans for the school's development and so that it adopts its own rules and regulations.

Be it enacted by the Legislature of Puerto Rico:

Section 1. — Creation. (18 L.P.R.A. §1521)

The School of Plastic Arts known from here on as "the School" which will be attached to the Institute of Puerto Rican Culture, is hereby created as an autonomous entity for the purpose of strengthening and reaffirming the academic autonomy in the plastic arts.

Section 2. — Objectives of the School. (18 L.P.R.A. §1522)

As a higher education organism and because of its obligation to serve the culture and the people of Puerto Rico, the School of Plastic Arts has as its mission to attain the following objectives, in harmony with the most ample freedom of teaching and artistic investigation:

- (a) To conserve, enrich and diffuse the cultural values of the Puerto Rican people. To contribute to the development and enjoyment of the ethical and aesthetic values of our culture.
- (b) To seek the full formation of the student vis-a-vis his/her responsibility in the service of the cultural, national and universal community.
- (c) Develop to its fullness the intellectual and spiritual richness latent in students, so that they are able to place it in service of the Puerto Rican society.
- (d) To offer higher education study programs geared towards the development of the plastic arts using the teaching of art techniques to stimulate the humanistic development of the student body.
- (e) To collaborate, within the spheres that are appropriate to it, in the study and propagation of the cultural endeavor with other organisms of society.

Section 3. — Functions and Powers of the School. (18 L.P.R.A. §1523)

The School will have, without it being understood as a limitation, the following functions and powers:

- (a) To be the owner in fee simple, administer and coordinate the most efficient use of the facilities related to its purposes, presently used or being constructed, or those that are constructed or acquired in the future.
- (b) To possess and use an official seal which it may alter at will and of which judicial notice shall be taken.
- (c) To acquire the rights and assets, be they real estate or personal, through donation, bequest, purchase or other legal means and possess and dispose of the same pursuant to the applicable acts and in the manner indicated by its own regulations as long as it is necessary and convenient to realize its corporate ends and in the best interests of the School.
- (d) To formulate and adopt regulations to govern its activities, as well as its internal operations.
- (e) To adopt its own accounting system with the approval of the Board. The School's accounts will be managed in such a manner that they can be segregated or separated by activities. The Comptroller of Puerto Rico or his/her representative, shall from time to time examine the accounts and books of the School.
- (f) It may execute contracts and legalize all types of documents that would be necessary or convenient to the exercise of its powers.
- (g) To accept donations or loans and enter into contracts, agreements and other transactions, with agencies of the Government of the United States of America and with the Government of the Commonwealth of Puerto Rico, its agencies, instrumentalities and municipalities and invest the product from any of said income, donations or loans for any valid purpose.
- (h) It may collect for the services it renders and use said income for any valid purpose.
- (i) Rent and dispose of whatever assets or any interest over the same in the form, manner and extension that the School determines.
- (j) To perform all the acts necessary or convenient to put into effect the powers granted to it by this or any other act.

- (k) To subsist in perpetuity, to sue and be sued as a juridical person.
- (l) To receive funds from public and private sources and spend such funds for purposes that are consistent with the objectives of the School.
- (m) Confer academic degrees to its students, validate courses completed in other academic institutions and degrees conferred thereby, and confer academic honors in the field of plastic arts and the teaching thereof, pursuant to the laws and regulations that govern said matter.
- (n) Take money on loan, contract obligations and secure them with any property of the School, after the approval of the Government Development Bank, which shall act as its fiscal agent.
- (o) Establish a trust and other juridical structures of a similar nature that contribute to safeguard and advance the interests of the School.

Section 4. — Board of Directors. (18 L.P.R.A. §1524)

The School shall have a governing board that shall be named "Board of Directors of the School of Plastic Arts", hereinafter "the Board", whose functions, duties, and composition shall be:

(a) *Composition of the Board.*

The Board shall be composed of seven (7) members, four (4) of them appointed by the Board of Directors of the Institute of Puerto Rican Culture, who may not be employees of the School and shall represent the public, educational and cultural interest. Two (2) of them shall be appointed for four (4) years, one (1) for three (3) years and one (1) for two (2) years. One (1) of said members shall be a person between the ages of eighteen (18) and thirty-five (35) years and/or one (1) regular student at [the] undergraduate level. The Board of Directors of the Institute of Puerto Rican Culture shall also elect from among and by a majority of its members, three (3) directors who shall serve in the Board of the School and one of them shall hold the position of President. These last three (3) members shall remain in their positions until the term of their appointments to the Board of Directors of the Institute of Puerto Rican Culture expires and their successors are appointed and take office. In the event of a vacancy, substitutes shall be appointed who shall perform their functions for the remainder of the term of the member [occasioning] the vacancy.

(b) *Sessions and Per Diems.*

The Board shall hold regular sessions in accordance with an annual calendar approved during the first session of each year. It may hold special sessions after a summons by its President, *motu proprio* or upon a request by a majority of its members. The agreements and resolutions of the Board will be taken by a majority of the quorum of the members present, but no agreement or resolution may be adopted without the affirmative vote of at least four (4) of its members.

The Board members will receive fifty (50) dollars for each meeting they attend on account of per diem [sic]. Those members who are public employees will only be entitled to payment of travelling expenses and per diem for official missions they perform.

(c) *Faculties and Powers.*

(1) The Board will formulate the directives that will govern the orientation and development of the School of Plastic Arts of Puerto Rico, as well as supervise the general administration of the School.

(2) It will appoint the Chancellor after previous consultation, with the faculty, students and non-teaching personnel. The Chancellor shall be a person with a complete knowledge of the plastic arts, the culture in general and academic administration.

- (3) It will grant academic degrees to the students of the School, upon a recommendation from the Chancellor.
- (4) It shall fix the Chancellor's salary and any other compensation it deems fair and convenient for the latter.
- (5) It will approve the General Regulations of the School, the Student's Regulations and any other regulations applicable to the School.
- (6) It shall approve the budgetary request to be submitted to the Office of Management and Budget.
- (7) It will submit to the Board of Directors of the Institute of Puerto Rican Culture an annual report on the endeavors and the state and finances of the School.
- (8) It shall create and grant academic distinctions on its own initiative or proposed by the Chancellor.
- (9) It shall approve the cost per academic credit, laboratories, workshops, admission, readmission, graduation quotas and any other cost for the services that the School might offer.

Section 5. — Chancellor. (18 L.P.R.A. §1525)

The School will be directed by a Chancellor who will have the administrative and academic authority pursuant to that which is provided in this Act and the rules and regulations adopted by the Board.

The following shall be functions, duties and attributions of the Chancellor without it being understood as a limitation:

- (a) Enforce the compliance with the objectives, norms, regulations and budget and development plans of the School.
- (b) Official representative of the School.
- (c) Formulate a development plan for the School for consideration and approval by the Board.
- (d) Submit the candidates for graduation to the Board.
- (e) Submit the regulations for general application to the Board and all those matters that require approval by the Board.
- (f) Formulate the annual budget project and submit it to the Board for its consideration and approval, and once it has been approved, submit it to the corresponding government [bodies]; and defend the same before the Legislative Assembly.
- (g) Submit to the Board the appointments of the deans and of any other official that requires confirmation.
- (h) Appoint and contract the School's teaching and non-teaching personnel.
- (i) Orient and supervise the School personnel in the teaching, technical, research and administrative functions.
- (j) Appoint visiting lecturers and any other type of visiting personnel.
- (k) Submit an annual report to the Board about School activities including a financial statement audited by a firm of authorized public accountants.
- (l) Establish and maintain relations with higher education institutions and cultural centers in Puerto Rico and abroad.

Section 6. — Personnel Administration. (18 L.P.R.A. §1526)

The School shall administer its own personnel system and shall appoint all its officers, agents and employees who shall be public employees entitled to belong to the Association of Employees of the Government of Puerto Rico and shall assign to them the functions it deems convenient.

The Board may establish a ranking system for the teaching personnel of the School.

The School shall be considered to be an Individual Administrator, as established in Act No. 5 of October 14, 1975, as amended, known as the "Public Service Personnel Act" [*Note: Repealed by Act 184-2004 known as "Public Service Human Resources Administration Act of the Commonwealth of Puerto Rico"*]., with respect to its teaching and non-teaching personnel.

Removal of a member of the School personnel whose appointment is of a permanent nature may not be carried out without first having filed charges and given said person the opportunity to present his/her defense; however, the Chancellor may suspend from employment and salary any member of the personnel until the charges against said person have been heard without prejudice of the motion for appeal granted in this Act.

It may contract the services of employees and officers of any agency, instrumentality and political dependency of the Government of Puerto Rico outside their working hours and pay the proper compensation for the additional services, as established in Act 100 of June 27, 1956 [18 L.P.R.A. §§ 678 et seq.], which has applied to the present to the University of Puerto Rico. The employees and public officers that are contracted by the School shall not be subject to subsection (f), Section 3.2 of Act No. 12 of July 24, 1985, known as the "Ethics in Government Act of the Commonwealth of Puerto Rico" [*Note: Repealed by Act 1-2012 known as "Puerto Rico Government Ethics Act of 2011"*].

The artists members of the permanent faculty of the School of Plastic Arts are hereby authorized to receive pay, without being subject to the double compensation prohibition provided in Section 177 of the Political Code of 1902 [3 L.P.R.A. § 551], for services rendered outside their working hours in said School to any department, subdivision, agency, board, commission, committee, instrumentality, public corporation or municipality of the Government of the Commonwealth of Puerto Rico, for which the prior written authorization of the Chancellor of the School of Plastic Arts shall be required.

Section 7. — Transfers. (18 L.P.R.A. §1521 note)

The following will be transferred to the School of Plastic Arts without the same being understood as a restriction.

(a) There are hereby transferred all the powers, duties, functions, faculties, contracts, obligations, exemptions, properties and privileges created by subsection (13) clause (a) of Section 4 of Act No. 89 of June 21, 1955, as amended.

(b) There are hereby transferred the personnel, property, files, mementos, documents, available and remaining funds from any source and licenses if any.

(c) The transferred personnel shall retain their status as employees and the rights acquired pursuant to the provisions of Act No. 5, of October 14, 1975, as amended, as well as that which is related to the retirement systems, loans and savings to which they belong and until the pertinent regulations are approved.

(d) Any regulations that govern the operation of the school which are in effect on the date of effectiveness of the transfer authorized by this Act, will continue in effect until amended or repealed by the corresponding administrative authority.

Section 8. — Miscellaneous Provisions. (18 L.P.R.A. §1521 note)

No provision of this Act shall be understood as modifying, altering or invalidating any agreement, accord, claim or contract that the responsible officials from the Institute of Puerto Rican Culture have executed and are in effect when this Act takes effect.

Section 9. — Repeal.

Clause (13), subsection (a) of Section 4 of Act No. 89 of June 21, 1955, as amended, is here by repealed.

Section 10. — Effectiveness.

This Act shall take effect immediately after its approval.

Note. This compilation was prepared by the Puerto Rico OMB staff who have striven to ensure it is complete and accurate. However, this is not an official compilation and may not be completely free of error. It contains all amendments incorporated for reading purposes only. For accuracy and exactitude please refer to the act original text. Compiled by the Office of Management and Budget Library.