

# Organic Law of the National Autonomous University of Honduras



**UNAH**  
Dirección de  
Investigación Científica  
y Posgrado



# Organic Law of the National Autonomous University of Honduras

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# TITLE I

## GENERAL PROVISIONS

### CHAPTER I

#### NATURE AND OBJECTIVES

**ARTICLE 1.-** The Universidad Nacional Autonoma de Honduras (UNAH) is an autonomous governmental Institution, with a legal status and own patrimony; its autonomy is established in the Constitution. This law and bylaws rule its organization, operation, functions and attributions. Its main campus is located in Tegucigalpa, the capital city of Honduras, having a nationwide coverage, and being capable of developing activities abroad through agreements with other higher education institutions.

**ARTICLE 2.-** According to Article 160 in the Constitution of the Republic, the university's autonomy includes:

- 1) Ideological pluralism, freedom of professorship, of research, of study and of linkage with society;
- 2) Autonomy in the management and administration of its own resources with transparency and with due accountability before the University Community, the government controlling entities and before society in general;
- 3) The faculty and capacity to elect its own authorities autonomously;
- 4) The power to issue the pertinent regulatory or statutory norms needed to develop this Law; and,
- 5) The autonomy to manage its labor relations and to formulate the policies of access, stay and graduation of students.

**ARTICLE 3.-** The Objectives of the UNAH are:

- 1) To foster and promote support of the development of Higher Education for the benefit of Honduran Society;

- 2) To educate professionals of the highest educational, civic and ethical level, duly able to face the challenges imposed by society;
- 3) To promote, develop, innovate and disseminate scientific, humanistic and technological research;
- 4) To foster and disseminate national identity, arts, sciences and culture in the correspondingly educational level;
- 5) To foster linkage of the University with the productive, labor and business forces as well as those that constitute Honduran society;
- 6) To contribute to the transformation of Honduran society and its sustained development.

**ARTICLE 4.-** To achieve its objectives, the UNAH will be based on the principles of freedom of professorship, research, universality of science, representation, pluralism, democratic participation, responsibility, fairness, equal opportunity, transparency, accountability, pertinence, solidarity (shared and constructive responsibility) and support.

## **CHAPTER II**

### **FUNCTIONS AND POWERS**

**ARTICLE 5.-** To accomplish its objectives, the UNAH has the following functions and powers :

- 1) To exclusively organize, direct and develop higher and professional education in Honduras;
- 2) To integrate and preside through the Rector the Council of Higher Education;
- 3) To perform according to Law and the Vice-Presidency of the National Council of Education, in order to coordinate together with the Secretary of State in the Education Department and other institutions of State, the norms and actions enabling the achievement of a harmonious and coherent national educational system at all levels;
- 4) To educate the professionals the community demands for its development in the fields of Science, Technology and Arts, as well as

to prepare them for the responsible and efficient performance in their respective professional fields;

- 5) To strengthen and permanently innovate the educational and training processes that offer professional improvement to contribute to the country's development;
- 6) To generate and develop science, technology and humanities through the study of national, regional, worldwide problems and their solutions; and,
- 7) To participate through its programs and projects, in the cultural, scientific, technological and humanistic development of Honduran society.



## **TITLE II**

### **ORGANIC FRAMEWORK**

#### **CHAPTER I**

##### **ORGANIZATIONAL STRUCTURE**

**ARTICLE 6.-** The instances of UNAH's Government are:

#### **A.- HIGH DIRECTING LEVEL :**

- 1) The University Council; and,
- 2) The University Board of Directors.

#### **B.- ACADEMIC AND EXECUTIVE LEVEL**

- 1) The Rector's Office;
- 2) The Faculties, University Centers and Regional University Centers; and,
- 3) The Departments and Careers.

#### **C.- CONTROLLING LEVEL**

- 1) The Management Control Commission; and,
- 2) The Internal Auditing Office

#### **D.- AUXILIARY BODIES**

- 1) The Professors' Assembly;
- 2) The Professor's Professional Development General Council;
- 3) The University Employees Welfare Institute, known as INPREUNAH;
- 4) The University Commissioner; and,
- 5) The Higher Education Direction.

**FIRST SECTION**  
**ABOUT THE UNIVERSITY COUNCIL**

**ARTICLE 7.-** The University Council is the highest organism of superior direction, responsible for arranging and generating university administrative plans, policies and strategies of the University Administration, with a long term vision; for conducting social auditing, evaluations and redirecting the most significant objectives of the National Autonomous University of Honduras (UNAH); ensuring transparent administration, the autonomy of the University and the Alma Mater's interests. The University Council will not directly execute administrative actions and it will be integrated by university authorities, teachers, students and community representatives in the following way:

**A. UNIVERSITY AUTHORITIES:**

- 1) The Rector, who will preside;
- 2) The Faculty Deans;
- 3) The Directors of University Centers;
- 4) The Directors of Regional University Centers; and,
- 5) The Director of Higher Education

**B. TEACHERS:**

- 1) A representative from each Faculty;
- 2) A representative from each University Center; and
- 3) A representative from each Regional Center,

**C. STUDENTS:**

- 1) A representative from each Faculty;

- 2) A representative from each University Center; and
- 3) A representative from each Regional Center,

#### **D. COMMUNITY REPRESENTATION:**

The Community will participate through the Executive Secretary of the National Convergence Forum (FONAC) or, failing him, the equivalent institution.

Each authority and representative will have its corresponding legal substitute who will attend only in absence of the regular member.

The Vice Rectors, one representative from the University's Student Federation from UNAH, the General Secretary referred to in Article 26 of this law, as well as other natural or legal parties especially invited by the Council, will attend the sessions in the capacity of observers.

**ARTICLE 8.-** The members of the University Council will work ad-honorem and will remain in office according to their category:

- 1) The deans of faculties, directors of centers and regional centers will be members for the term they were appointed;
- 2) Teachers and students will be members for two (2) years and may be reelected only once; and,
- 3) The rest of the members during the term they remain in their respective positions.

For representing teachers it is required to have the category of "Profesor Titular" <sup>1</sup>, with a minimum of five-year-teaching experience.

For students to be appointed as members of the Council, they need to be currently enrolled as undergraduate students and maintain regular attendance, have an overall academic average of at least eighty per cent (80%) and have completed a third of the courses in their program.

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<sup>1</sup> In UNAH's context, a professor holding a Master's degree or who has been promoted to this category for his merits.

**ARTICLE 9.-** The University Council will hold ordinary meetings once a month and extraordinary meetings as many times as necessary, called by the General Secretary by initiative of the Rector or ten (10) of its members.

**ARTICLE 10.-** The University Council has the following powers:

- 1) To elect the members of the University Direction Board according to this Law and its issued regulations;
- 2) To implement its legal authority in the context of its competence;
- 3) To establish the criteria to evaluate and to prove academic and administrative quality and excellence, of the institution; and to implement the periodical evaluations within each academic year;
- 4) To adopt the relevant decisions to fulfill the recommendations obtained in the periodical evaluations referred to in the previous item;
- 5) To prescribe general acts and regulations in order to direct the academic and administrative functions of the institution;
- 6) To approve the annual budget, the operative plans, the financial reports, the accounts and annual reports of the institution;
- 7) To establish the criteria for ruling the registering, permanence and graduation of the students;
- 8) To receive and discuss accordingly, faculty, boards and institutes proposals, established according to this law;
- 9) To establish the principles and criteria for making and approving the UNAH's Excise Regime;
- 10) To be informed as the last administrative instance, about the general administrative actions, and those issued by the Faculties Board of Directors, University Centers, Regional Centers, the General Council of Professors Professional Development and the Council of Higher Education;
- 11) To create commissions, consultative or technical research instances, for the analysis of initiatives presented to the Board of University Directors;
- 12) To appoint or cancel accordingly, the University's Commissioner and issue its regulations;
- 13) To confer the Doctor Honoris Causa degree, Emeritus Professor and other recognitions and acknowledgements, according to the

- corresponding regulations;
- 14) To approve the annual academic schedule;
  - 15) To approve and reform academic regulations and study plans (curriculums); and,
  - 16) To approve, after having secured a qualified opinion from the Board of University Directors, the opening, functioning, fusion or annulment of Faculties, Careers, University Centers, Regional University Centers and Scientific Research Institutes

The powers stated in numerals 1 and 9 of this article can only be implemented with the approval of two thirds of all the members of the University Council.

## **SECOND SECTION**

### **ABOUT THE BOARD OF UNIVERSITY DIRECTORS**

**ARTICLE 11.-** The Board of University Directors is the main administrative instrument of the UNAH, responsible for the planning, organization, administrative control and follow-up of the Institution's operative results. It will be formed by nine (9) members, elected by the University Council for graded periods established in this Law; its members will remain in office for four (4) years and may be re-elected only once.

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When there is a vacancy due to resignation, decease or another legal cause for separation of any of its members, the University Council will proceed to its substitution and the substitute will continue in function for the remaining time in order to complete the term for which the former was originally elected.

The Board of University Directors, once sworn in, at the moment of taking office will proceed immediately to implement its internal organization.

The Rector will attend the meetings of the Board of University Directors participating with the only right to say, not to vote.

**ARTICLE 12.-** To be a member of the Board of University Directors it is required:

- 1) To be a Honduras or Central American citizen;
- 2) To be older than thirty five (35) years;
- 3) To have a UNAH's conferred, recognized and incorporated university degree, preferably postgraduate degree;
- 4) To have distinguished him(her)self for his/ her higher education teaching, research and community servicing;
- 5) To be in full capacity of his/her civil and political rights; and,
- 6) To be of recognized honorability.

**ARTICLE 13.-** The following cannot be appointed as University Directors:

- 1) Members of the University Council; and,
- 2) Those who hold positions in Director's boards in the central organizations of political parties.

**ARTICLE 14.-** Teacher members of the University Board of Directors will not earn emoluments additional to their salary as teachers; those who are not teachers will earn the average salaries of the teacher members.

Whoever has been a member of University Directors' board and consequently aspires to be designated as Rector, Vice-president, Dean or Director of a Center, must allow the passing of at least one (1) year after having concluded his function as a member of the board of University Directors.

**ARTICLE 15.-** The Board of Directors of the University has the following powers:

- 1) Once the candidates requirements have been verified by the Professors Professional Development General Council, to appoint the Rector, Vice-rector, Deans of faculties, Director of University and Regional Centers, High Education Director, and UNAH's members of the Board of Higher Education;

- 2) To know and resolve resignations or removals due to a proven serious offence of those identified in the previous item;
- 3) To appoint and remove accordingly, the members of the Commission of Administrative Control, the Internal auditor as well as other officials under his responsibility, according to this law;
- 4) To define policies that guarantee due accountability to the University Community, the Honduran State and society and, in case, to the international cooperation as well as the supervision of assigning and using of UNAH's resources, applying principles of rationality, efficiency, legality and transparency;
- 5) To submit for approval of the University Council, the operative plans and yearly budget, financial reports and the annual memory of UNAH with its observations and recommendations;
- 6) To draw up, according to the University Council's established principles and criteria, the excise regime and to submit it to the council for its approval;
- 7) To formulate the policies in order to assure the quality of services offered by the UNAH;
- 8) To approve the internal organization, the guidelines and academic norms of the UNAH and supervise their application and effectiveness following the orientations of the University Council;
- 9) To approve and reform plans and strategies of University development at short, medium and long term in accordance with the institutional objectives identified by this Law and by the University Council;
- 10) To apply in accordance with the resolutions of the Higher Education Council, the structure of the university's academic degrees and academic titles to be issued by the UNAH ;
- 11) To receive, know and resolve about the financial accountability reports from the Management Control Commission, from UNAH's professional associations and of the Internal Auditor;
- 12) To hire external auditors to check and give a professional opinion about the execution of the budget, accounts, assigning and using of the resources used by the different instances, authorities, employees and students organizations of the UNAH; as well as to adopt the corrective measures which may eventually proceed, instructing the rest of the authorities about the respective measures;

- 13) To request immediate intervention of the Ministry of Public Affairs, the Attorney General of the Republic and other governmental authorities when considering the existence of involving signs of the commission of a crime;
- 14) To know and resolve about its corresponding matters pertinent to the instances established in the UNAH's regulations;
- 15) To approve the regulations submitted to its consideration by the Administration Control Commission and Internal Auditing Office;
- 16) To supervise the application of policies, strategies, plans, programs, projects and budgets of the UNAH;
- 17) To consult with the members of the University Community regarding matters of general interest in compliance with the issued regulations;
- 18) To resolve complaints presented by the University Commissioner related to his jurisdiction;
- 19) To negotiate in coordination with the rector's office, the financial obligations contracted by the UNAH;
- 20) To regulate self-management programs of the UNAH's units;
- 21) To regulate the use of physical space of the UNAH;
- 22) To establish the internal organization without prejudice of the instances created by this Law, and;
- 23) To issue in relation with the acts of its jurisdiction, the regulations and resolutions esteemed necessary and supervise their implementation.

**ARTICLE 16.-** The University Board of Directors will hold regular meetings every fifteen (15) days and extraordinary meetings when summoned by its President or when it is determined by five (5) of its members or by request from the University Council.

Extraordinary meetings will only deal with topics included in the attendance call.

The powers of the Board of Directors will be implemented through the approval of the votes in favor of the simple majority from all the members, excepting numerals 1), 2), and 3) article 15 of this Law, in which case the votes from two thirds of its members will be required.





### THIRD SECTION ABOUT THE RECTOR'S OFFICE

**ARTICLE 17.-** The Rector is the executive authority and holds the legal representation of UNAH. The Rector will last in office for four (4) years and cannot be re-elected. In case of absence or any other temporal impediment, he will be substituted by the Academic Vice- Rector and in the absence of the latter he will be substituted by the Dean or Director with most seniority; if two or more Deans or Directors were to share the same seniority, then the Rector will be substituted by the oldest one. If the absence were to be final, the Board of University Directors will elect a Rector according to this Law.

**ARTICLE 18.-** In order to be appointed as a Rector, it is required:

- 1) To be older than thirty five (35) years, Honduran or Central American citizen, residing in the country;
- 2) To have a post graduate degree, duly recognized or incorporated in the UNAH; with a minimum teaching or research experience of five (5) years or to possess a university degree with ten (10) years of academic experience;
- 3) To have higher education, scientific, technical and humanistic written productions published in recognized media;
- 4) To be in full exercise of his/her citizen's rights and not be or have been subject to objection on behalf of the government; and,
- 5) To be of recognized honorability and trustworthiness.

**ARTICLE 19.-** The Rector has the following powers:

- 1) To act as the legal representative of the UNAH and to grant representation powers for administrative and legal matters to the UNAH's General Attorney or other legal professionals;
- 2) To appoint the General Attorney and other Secretary Officials listed in Article 27 of this Law;

- 3) To propose before the University's Board of Directors the shortlist (three candidates) for the General Secretary Position, as well as the removal in justifiable cases according to the Law and corresponding regulations;
- 4) To participate in the National Council of Education and exercise its Vice-Presidency;
- 5) To summon and preside the meetings of the University Council and the Council of Higher Education;
- 6) To submit the strategic, operative and budgetary plans to the Board of Directors of the University for their approval;
- 7) To submit the annual memory of the UNAH for its approval and subsequent forwarding to the University Council before the University Board of Directors;
- 8) To execute the decisions adopted by the University Council, the Board of Directors and the National Council of Education;
- 9) Prior to a public selection process, according to this law, its bylaws and corresponding regulations:
  - a) Appoint the teaching and administrative personnel.
  - b) Appoint the personnel assigned to the University Commissioner at his/her request.
- 10) To promote, transfer and remove all personnel from UNAH according to the Law, the bylaws and the regulations.
- 11) To supervise university performance complying with the quality criteria as appropriate for the Higher Education level;
- 12) To preside the conferring ceremony of honorary degrees, distinctions and recognitions approved by the University Council;
- 13) To take pertinent measures in order to maintain order and discipline at the UNAH;
- 14) To exercise the disciplinary and penalizing authority, according to this Law and its regulations; and,
- 15) Other powers and responsibilities conferred by this Law, other laws, the Statute and regulations.

## FOURTH SECTION ABOUT VICE RECTORS AND SECRETARIES

**ARTICLE 20.-** Under the Rector's direction, the UNAH will have the following Vice Rectors:

- a) Academic;
- b) International Relations; and,
- c) Orientation and Student Affairs.

**ARTICLE 21.-** The vice Rectors will remain in office for four (4) years and can be appointed in the position of rectors, in the immediately following term.

**ARTICLE 22.-** The requirements to become a Vice Rector are the same as those established to be a Rector.

**ARTICLE 23.-** The Academic Vice- Rector has the following powers:

- 1) To substitute the Rector in case of absence or temporary impossibility;
- 2) To coordinate the permanent commissions organized by the University Council, related to her/his field;
- 3) To coordinate, supervise and evaluate the activities related to teaching, research, linkage with society, administrative and academic counseling, teacher training and accreditation;
- 4) To negotiate agreements with national institutions submitting them to the University Council for their approval by the Rector;
- 5) In the field of his responsibility, to issue judgments, agreements and resolutions;
- 6) To foster and promote as an institutional policy, the evaluation, accreditation and certification programs in the academic degrees determined by the Law in compliance with national and international guidelines and standards;
- 7) To direct, coordinate and promote the spreading of scientific and creative university activities through the University's editorial; bookstores and the rest of diffusion agencies;

- 8) To schedule UNAH's participation in agreement instances with governmental organizations and with organized civil society instances;
- 9) To foster cultural development activities in the context of national identity, arts, sports, bibliographical and historical documentation;
- 10) To formulate academic regulations and to submit them through the rector for their approval by the University Council;
- 11) To regulate the functioning of distance- and on line educational programs;
- 12) All other powers and responsibilities conferred by the law, bylaws, provisions and regulations.

**ARTICLE 24.-** The International Relations' Vice Rector has the following powers:

- 1) To propose and coordinate International Relations Policies;
- 2) To coordinate the permanent commissions organized by the University Council related to his field;
- 3) To negotiate agreements with international institutions and to submit them for the approval of the University Council by means of the Rector;
- 4) To organize, lead, supervise and evaluate periodically the fulfillment of agreements, contracts and other forms of cooperation and collaboration established by the UNAH with foreign institutions and international organizations;
- 5) To generate ideal conditions for the UNAH to establish timely and convenient relations with the outside world in order to favor the integral academic excellence of the UNAH;
- 6) In coordination with the Academic Vice Rector, to promote as institutional policies, the evaluation, accreditation and certification of academic programs in compliance with regional and international agreements;
- 7) In coordination with the Higher Education Director, to promote homologation and recognition agreements of the UNAH degrees and academic careers with the international academic community;

- 8) To inform periodically the university units as well as the society in general about the agreements and study opportunities available in international institutions;
- 9) To promote and coordinate international academic exchange programs;
- 10) To submit semester reports about the progress of its management through the Rector's Office at the University Council; and,
- 11) Other powers and responsibilities conferred by the Law, bylaws and regulations issued by the governing institutions of the UNAH.

**ARTICLE 25.-** The Vice – Rector for Students' Orientation and Affairs has the following powers:

- 1) To propose and execute the student counseling policies and treatment of students affairs stimulating students potential to achieve academic excellence;
- 2) To coordinate the permanent commissions organized by the University Council related to his field;
- 3) To negotiate agreements with national institutions and submit them to the approval of the University Council by means of the Rector;
- 4) To render all student counseling and assistance services, including those of vocational and psycho-pedagogic nature necessary for students to reach their objectives;
- 5) To organize, lead, supervise, and periodically evaluate the practice of counseling and students' assistance;
- 6) To foster and promote evaluation and accreditation programs of the activities under his responsibility; and,
- 7) Other powers and responsibilities assigned by the corresponding regulations and provisions issued by the governmental instances of the UNAH.

## **FIFTH SECTION ABOUT THE GENERAL SECRETARY**

**ARTICLE 26.-** The UNAH will have a General Secretary, appointed by the Board of Directors from a shortlist of three candidates proposed by the Rector. The General Secretary will be responsible for registering, certifying and notifying all resolution acts and administrative procedures of the UNAH. The corresponding regulations will control everything related to his position and performance.

## **SIXTH SECTION ABOUT THE EXECUTIVE SECRETARIES**

**ARTICLE 27.-** For its functioning and depending from the Rector's Office, the university will have the following Executive Secretaries:

- 1) Administration and Finance;
- 2) Institutional Development; and,
- 3) Staff Development

The Executive Secretaries will function according to the corresponding regulations.

### **CHAPTER III**

***ABOUT THE ACADEMIC STRUCTURE: FACULTIES, UNIVERSITY CENTERS, REGIONAL UNIVERSITY CENTERS, DEPARTMENTS, CAREERS AND INSTITUTES***

**ARTICLE 28.-** To carry out its functions, the UNAH is structured into Faculties, University Centers, Regional University Centers, Departments, Careers and Institutes.



**ARTICLE 29.-** The organizational structure of the Faculties, University Centers and Regional University Centers is integrated respectively by the following:

- 1) The Board of Directors;
- 2) The Dean or Director, respectively;
- 3) The Secretary;
- 4) The Professors' Assembly;
- 5) The Academic Departments;
- 6) The Career Coordinators;
- 7) The Career's Technical Committee;
- 8) The Local Council of Professors Professional Development; and,
- 9) The Institutes.

**ARTICLE 30.-** The Faculties Boards of Directors, the University Centers and Regional University Centers are integrated accordingly by the Dean or Director, the Secretary, three (3) teachers' representatives and two (2) students' representatives. In case of the temporary absence of the Dean, Director or Secretary, these will be substituted by the teacher of highest seniority correspondingly.

The selection mechanisms for the teachers' and the students' representatives, as well as the functioning of the Directive Board will be controlled by the regulation of Directive boards and the University Centers and Regional University Centers issued by the University Council. In order to be appointed as members of the Directive Boards, the students should comply with the requirements stated in the final paragraph Article 8 of this Law.

In accordance with the policies of decentralization and subsidiary policies, the Directive Boards can only issue agreements, resolutions and measures within the domains of their respective areas of competence.

**ARTICLE 31.-** The Faculty Deans, the Directors of the University Centers and the Directors of University Regional Centers will be appointed by the Board of University Directors for a period of four(4) years, and will be

accordingly, removed, by this Board, due to a just cause, following established legal procedures.

In case of a definite absence, the Board of University Directors will appoint a substitute.

In order to be appointed, candidates should comply with the following requirements:

- 1) Be a Honduran or Central American citizen, older than (30) years and be a legal resident in the country.
- 2) Be a University “Profesor Titular “ having a UNAH’s conferred, recognized and incorporated university degree with seven (7) years of academic teaching experience as a minimum or with a post-graduate degree, with five (5) years of teaching experience;
- 3) To be of recognized honorability and trustworthiness,
- 4) To be in full exercise of his/her civil rights.

**ARTICLE 32.-** The Secretaries of the Faculties, of the University Centers and Regional University Centers are the instances depending from the Dean Offices or the Directions of University Centers or University Regional Centers that will be functioning in accordance with their respective regulations.

**ARTICLE 33.-** The Professors’ Assemblies of the Faculties, of the University Centers, and of the Regional University Centers are the academic institutions that collegiately integrate all the teachers from the different academic departments and Institutes of each Faculty, University Centers, and of the Regional University Centers incorporated to the Professors’ Professional Development. The Professors’ Assembly will meet in order to deal with academic issues, elect its representatives before the UNAH government organisms and elect the candidates who will be proposed to occupy positions in UNAH’s governing institutions in compliance with their respective regulations.

**ARTICLE 34-** The departmentalization is mandatory for all academic units .



The Departments are academic-administrative units in charge of the development of a specific field of knowledge; for this reason they will develop careers in particular academic degrees established by the Law and its regulations. Their functions, organization and attributions will be established in their respective regulation.

**ARTICLE 35.-** The Coordination of the Career is the institution in charge of the academic administration of a curricular planning. In each career a Technical Committee will function presided by the Career Coordinator and integrated by two (2) representatives from the Professors' Assembly, two (2) representatives from the Students' Association of the Career and two (2) representatives from the respective University Professional Association. Its functioning will be controlled by the corresponding regulation.

**ARTICLE 36.-** The local Councils of the Professors' Professional Development are ruled by the corresponding regulation.

**ARTICLE 37.-** The Institutes are specialized academic units through which each academic discipline focuses on issues and problems of its own field, in order to control, preserve, increase, question and project knowledge and higher academic experiences belonging by affinity to the discipline.

Each Faculty, University Center, University and Regional University Center will organize as many Institutes as necessary and convenient, to carry on the activities of teaching, research, extension, training, counseling and academic administration, giving priority to the creation of research institutes that enable the schools or centers to comply with the Constitutional mandate of studying and offering solutions to the problems of national scope. The UNAH will create teaching training institutes in order to raise the professional, academic and scientific level of its teaching staff, until every UNAH teacher achieves a post-graduate level; likewise the institution will create institutes of cultural dissemination or of extension to reinforce the links with society and contribute, from a superior academic level, to the transformation of Honduras.

In the annual budget of the UNAH, an appropriate allocation will be

consigned for the development of activities in the institutes, and these resources will not be transferable for any other purpose. The respective regulation will control the nature, content, structure and the functions of the institutes.

**ARTICLE 38.-** Through the Council of Higher Education, the UNAH will determine the career levels and higher education academic degree and modalities necessary to reach the objectives established in the Constitution of the Republic and in this Law. The educational plans and study programs of the UNAH as well as the demands of academic excellence will be the same in the Central campus as in the regional campus.

## **TITLE III**

### **ABOUT THE UNIVERSITY PROFESSORS' PROFESSIONAL DEVELOPMENT, THE TEACHING STAFF, ADMINISTRATIVE AND SERVICE PERSONNEL AND ABOUT THE STUDENTS**

#### **CHAPTER I**

#### **ABOUT THE UNIVERSITY PROFESSORS' PROFESSIONAL DEVELOPMENT**

**ARTICLE 39** - The University Professors' Professional Development is created to guarantee the:

- 1) The admission by opposition or public competition;
- 2) Candidates' expertise for the position;
- 3) No discrimination for any reason
- 4) Promotions based on merits or attitude, adequacy, years of service at the Institution, degrees and academic titles;
- 5) Position stability;
- 6) An adequate salary for the performed functions and services;
- 7) Training to reach an optimal level of excellence and professional performance;
- 8) A honorable retirement; and,
- 9) All other rights recognized by the UNAH.

The General Council of the Professors' Professional Development is the collegiate institution of highest hierarchy in the Professors' Professional Development system and has the following powers:

- 1) To verify that the candidates who occupy the positions of Rector, Vice Rector, General Secretary, Deans, Directors of University Centers, University Regional Centers and Directors of Higher Education fulfill the requirements demanded by the Law;
- 2) To advise authorities and governing instances of the UNAH in the

planning of the general policies of the Professors' Professional Development, and others as assigned by the University governing instances.

3) Other powers assigned by the University governing instances

## **CHAPTER II**

### **ABOUT THE ADMINISTRATIVE AND SERVICE PERSONNEL**

**ARTICLE 40 .** - The labor relations between the UNAH and its workers will be regulated by the Constitution of the Republic, the Treaties and International Agreements and the Labor Code.

**ARTICLE. 41.-** The present Law guarantees the acquired rights for the teaching, administrative and service personnel of the UNAH.

## **CHAPTER III**

### **ABOUT THE UNIVERSITY STUDENTS**

**ARTICLE 42.-** University students are those considered to be legally enrolled in the UNAH and those who comply with the academic and administrative requirements established in the internal regulations.

**ARTICLE 43.-** The UNAH will provide protection to its students and seek their well- being and improvement; offering them the necessary and sufficient facilities and services enabling them to acquire an integral education and to develop their potentialities.

**ARTICLE 44.-** All students will share equal rights and duties without distinction other than the one derived from the teaching modality under which they are studying and from the necessary requirements regarding representation.

The students' rights and duties are exercised in accordance with the UNAH's

own goals, unrestrictedly respecting this Law, the academic norms, statutes and regulations of the UNAH, as well as those of students associations and of the University Students Federation of Honduras (FEUH) without detriment to the rights of the other University Community members.

**ARTICLE 45.-** The University Student Federation of Honduras (FEUH), the students' associations of each Faculty, University Centers and Regional University Centers will be able to represent the students in accordance with their statutes and regulations.

## TITLE IV ABOUT THE CONTROL INSTANCES

### CHAPTER I

#### ABOUT THE MANAGEMENT CONTROL COMMISSION OF THE UNIVERSITY

**ARTICLE 46.-** The Management Control Commission of the UNAH is the responsible instance in charge of planning the financial and patrimonial evaluation of the UNAH which directly accounts to the University Board of Directors. It will be integrated by three (3) members who should be recognized for their professional competence, moral solvency and for having been distinguished in positive work in society. The members will remain in their positions for four (4) years and can only be elected for a second term.

**ARTICLE 47.-** The requirements to be member of the Management Control Commission of the UNAH are the following:

- 1) Be a Honduran or a Central American residing in the country;
- 2) Be of thirty (30) years of age;
- 3) Be a University professional with an academic degree, duly issued, recognized, or incorporated by the UNAH; and
- 4) To have experience in financial matters and to enjoy a high general esteem as an honorable person.

**ARTICLE 48.-** Cannot be members of the Management Control Commission of the UNAH :

- 1) Those who work in remunerated positions or public jobs;
- 2) Those who are relatives among themselves or to any other person that holds a position of authority at the UNAH, within the fourth blood degree of consanguine relationship or second degree of affinity or whoever belongs to- or is partner in the same mercantile society.

- 3) Whoever has had any form of conflict in matters related to the finances of the University
- 4) Those who have been declared in bankruptcy or are in process to being so, and,
- 5) Those who have been sentenced for a fraudulent crime.

**ARTICLE 49.** – The powers of The Management Control Commission of the UNAH are the following:

- 1) Ensuring that the by-project of the annual budget of earnings and expenditures of the UNAH be elaborated according to pertinent policies and regulations in the matter, before the Rector submits it to the University Board of Directors for its revision and this instance submits it for approval before the University Council;
- 2) Guaranteeing the strict execution of the budget approved by the University Council;
- 3) Proposing measures for the development and conservation of the physical and environmental spaces in every University Campus;
- 4) Proposing policies and coordinating studies so that UNAH may receive funds for research and educational services, grants and donations from national and international cooperation sources;
- 5) Maintaining a continuous communication with the Office of the Internal Auditor and revising the monthly reports and the special reports from this Office;
- 6) Formulating and establishing mechanisms to ensure transparency and accountability regarding to the functioning of the UNAH in accordance with this Law and its regulations.
- 7) Inventorying the UNAH's patrimony and accounting for its use before the University Board of Directors in accordance with this Law and established regulations.
- 8) Supervising the control of expenditures, the recollection of funds and assets from the General Treasury of the UNAH; and,
- 9) Organizing itself internally in order to execute its powers.

**ARTICLE 50.-** The UNAH, through the Management Control Commission, will provide spaces in the most advanced technological media, by means of which the Commission will disclose before the University community and society in general, in a permanent and up-to-date form, among other issues, the following:

- 1) The general strategies of the Institution's Development Plan.
- 2) The budget of earnings and expenditures of the UNAH as well as the physical and budget execution of its programs and projects;
- 3) The processes of acquisition and supply that involve goods and services, and contracts of public works, consulting and of any other nature.

The regulation will direct the application of what is dictated in this numeral in reference to the personal services.

- 4) The salary structure; and,
- 5) Any other act that implies expenditure or commitments of economic nature.

## **CHAPTER II**

### **ABOUT THE INTERNAL AUDITING OFFICE**

**ARTICLE 51.-** The internal auditor will be appointed by the University Board of Directors, for a period of three (3) years out of a shortlist of five (5) candidates presented by the Management Control Commission. The Internal Auditor may be appointed for another equal period by request of the Management Control Commission.

The Internal Auditor may be removed from his position without responsibility for the UNAH, due to any of the following reasons:

- 1) When he fails to present reports of his management before the University Board of Directors, the Management Control Commission and the Rector;



- 2) When according to the High Accountability Court (TSC), irregularities have been presented that the Internal Auditor should have identified and opportunely resolved;
- 3) When the execution of other failures has been proved in the exercise of his position.

**ARTICLE 52 . -** The inspection should be carried out adjusting to what is stipulated by the present Law, the High Accountability Court law, the regulations of Internal Auditing and other provisions of governing instances of the UNAH.

While executing a preventive inspection, the Internal Auditor will have to exercise his authority on all the acts and all determining processes that involve expenditure from the budget of the UNAH.

In no case should the Internal Auditor's Office have the power to interrupt the decision-making processes; however it must warn the responsible subject about the risks and responsibilities in which it can incur, including that of repairing patrimony damage.

The preventive inspection conducted by the Internal Auditor's Office will be reflected in the written reports he will send to the University Board of Directors, to the Management Control Commission and to the Rector. A copy of these monthly reports will be sent to the High Accountability Court (SAT/TSC).

## **TITLE V**

### **ABOUT THE UNIVERSITY COMMISSIONER**

#### **ONLY CHAPTER**

#### **ABOUT THE COMMISSIONER**

**ARTICLE 53.-** The University Commissioner shall be responsible of guaranteeing and protecting the rights of the University community members, reporting to the competent internal and external authorities, violations of the fundamental rights consigned in the Constitution of the Republic and in the Laws and Regulations applicable to the UNAH; especially regarding to human dignity, academic and research freedom and diffusion of culture, academic excellence and other rights and guarantees inherent to University life.

The University Commissioner will benefit from independence in the exercise of his functions and will submit reports to the University community in public acts called for with that purpose. His denunciations will be reported to the University Board of Directors with copies to the Rector, the Office of Internal Audits and the other competent authorities.

**ARTICLE 54. -** To exercise the position of University Commissioner it is required :

- 1) To be a citizen of Honduras and of thirty (30) years of age or older;
- 2) To be a University professional with an academic degree, duly issued, recognized, or incorporated by the UNAH;
- 3) To be of known honorability; and,
- 4) To be in full exercise of his/her civil rights.

**ARTICLE 55. -** The University Commissioner shall have the following powers:

- 1) Ensuring that the University authorities comply with the Constitution, with this Law, other laws, the current bylaws and regulations;
- 2) Proposing to the Rector, the appointment of the personnel under his/her responsibility;
- 3) Being present at any UNAH's campus site to verify violations to the rights and ensuring the execution of sanctions to the responsible ones;
- 4) Handling the complaints with responsibility and diligence, opportunely deciding on its presentation before the competent authorities;
- 5) Requesting the necessary information from any university office for the handling of complaints that are presented, information that needs to be provided by the aforementioned office within a time limit that will not exceed in any case, ten (10) working days;
- 6) Attending the University Council meetings and also those of any other collegiate instances units of the UNAH, as an observer;
- 7) Proposing his Operational Plan and his annual budget to the Rector; and,
- 8) Publishing every three months the Commissioner's Bulletin in which he will inform the University Community about the execution of his budget and about his acts.

## **TITLE VI**

### **ABOUT THE AUXILIARY INSTANCES**

#### **CHAPTER I**

##### **ABOUT THE HIGHER EDUCATION COUNCIL**

**ARTICLE 56.-** The Higher Education Council is the instance of the UNAH created to comply with the Constitutional mandate to organize, direct and develop the higher and professional education in Honduras.

#### **CHAPTER II**

##### **ABOUT THE GENERAL ATTORNEY**

**ARTICLE 57.-** There will be a General Attorney, appointed by the Rector whose responsibility will be to organize and direct the Legal Department, provide the legal advice required by authorities and other university units and by delegation or mandate from the Rector, and to represent the Institution in administrative or judicial matters.

## **TITLE VII**

### **ABOUT THE PATRIMONY**

#### **ONLY CHAPTER**

##### **ABOUT THE PATRIMONIAL ELEMENTS**

**ARTICLE 58.-** Are part of the patrimony of the University:

- 1) The facilities and real estate, credits and rights of his property;
- 2) The transference assigned by the government, in a private way and annually, of no less than 6 percent (6%) of the budget of net income of the Republic, in compliance with Article 161 of the Constitution of the Republic. To this effect, net income is understood as the current income as consigned in the Republic's General Budget of Income through tax and non tax revenues, excluding loans and donations;
- 3) The additional funds transferred by the government;
- 4) The income perceived from other sources of internal or external origin;
- 5) The furniture and real estate, credits and rights acquired from any concept;
- 6) The perceived rent, interests, commissions and other income;
- 7) The funds originated by its own university activity;
- 8) The legacies, inheritances and donations;
- 9) The trust funds as established in its favor;
- 10) The quotas, tuitions and fees to be collected from those who benefit from services of the UNAH.

## TITLE VIII

### THE WELFARE SYSTEM

#### *ONLY CHAPTER*

#### *ABOUT THE UNIVERSITY EMPLOYEES WELFARE INSTITUTE*

**ARTICLE 59.-** The Employees Welfare Institute is hereby created for the Employees of the National Autonomous University of Honduras (INPREUNAH), with due legal status , its own patrimony and with administrative, financial and technical autonomy in order to guarantee in a permanent way retirements, worthy pensions, the proper use of its funds and the accomplishment of its obligations and agreements. Its legal organization will be congruent with the constitutional and legal bases ruling the system

## TITLE IX FINAL PROVISIONS

### ONLY CHAPTER FINAL AND TRANSITORY PROVISIONS

**ARTICLE 60.-** Besides from what is contemplated in the retirement plans, it is forbidden for officials and employees of the UNAH to make expenditures, agree or receive any kind of benefit or privilege of economic nature that is not derived from the direct retribution of their services.

**ARTICLE 61.-** In order to ensure the integral institutional reform of the National Autonomous University of Honduras (UNAH); the organization of the new University structure; the investiture of the new University authorities; the academic reform and in general the prompt and right application of this Law, the Commission of Transition of the UNAH is created during this transition term:

- 1) The University Transition Commission is the highest authority of the National Autonomous University of Honduras and will function as such until the new University Council is solemnly installed, assuming all the powers granted by this Law, to the University Council and to the University Board of Directors.
- 2) The agreements and resolutions from the Commission are mandatory for all authorities and other members of the University Community; and,
- 3) The Commission will solemnly install all its appointed authorities and the new University Council <sup>2</sup>.

.....

<sup>2</sup> Reformed by the Decree No 13-2006 (Gaceta No 30,968 of Saturday, 2006 April 1st). Previous content of "Article 61 The Commission of Transition of the UNAH is hereby created to ensure the integral institutional reform of the UNAH, the organization of the new University Structure; the investiture of the new University authorities; the academic reform and in general the prompt and right application of this Law"

**ARTICLE 62.** – To this end, the following procedure is established:

Three (3) days after the entrance into effect of this Law and for the proposals of the candidates meeting the requirements established in Article 12 of this Law, to be presented to the Rector, in order to integrate the Transition Commission, the Rector of the UNAH will organize a public bid to the following sectors:

- 1) The Professors' assemblies of the Faculties, University Centers and Regional University Centers of the UNAH, with three (3) candidates for each one.
- 2) The Teacher's Association of the National Autonomous University of Honduras (ADUNAH), with five (5) candidates.
- 3) The Workers Union of the National Autonomous University of Honduras (SITRAUNAH), with five (5) candidates.
- 4) The Federation of University Professionals Associations (FECO-PRUH), with five (5) candidates.
- 5) The National Competitiveness Commission, with five (5) candidates.
- 6) The National Council of Education, with ten (10) candidates.
- 7) The National Forum of Convergence (FONAC), with ten (10) candidates; and,
- 8) The National Congress, with twenty (20) candidates.

**ARTICLE 63.-** The candidates' proposals will be sent to the office of the Rector of the UNAH not later than ten (10) days after the bid has been realized. Within the following five (5) days, the Rector will send all the received proposals to the National Congress with the respective observations.

**ARTICLE 64. -** From the list of candidates sent to the National Congress, this institution will proceed to the election, by two thirds qualified majority, of seven (7) nine (9) persons among these, being considered to be the most suitable to integrate the Transition Commission, that will exercise its mandate for the period of three (3) two (2) years, starting from the day they are sworn in and if they are substituted, the new members will conclude the legal term. The selection criteria considered by the National Congress will be those



established in Article 12 of the Organic Law of the National Autonomous University (UNAH).

The National Congress will designate among the members of the Commission a President, a Vice President and a Secretary. In case of occurring vacancies in the Transition Commission, the National Congress will execute the corresponding appointing.

The remuneration of the members of the Transition Commission should be contemplated within the limits established in Decree No 219-2003 from December 19<sup>th</sup> 2003, which contains the "Rationalization Law of Public Finances".

The members of the Transition Commission may be substituted by the National Congress by two thirds qualified majority and as stipulated in the second paragraph of this article for the following reasons:

- a) Acceptance of tendered resignation.
- b) Permanent lack of legal or natural capacity which preventing the member .from performing his functions; and,
- c) By recommendation of the Special Legislative Monitoring Commission, in application of the powers conferred in the reformed Article 69-B of this Organic Law of the UNAH.

If by any chance the position of any university authority of those established in numeral a) from Article 7 of the Organic Law of the UNAH, would be vacant in advance, the Transition Commission will appoint the substitutes, who will occupy their positions only for the time remaining to conclude the term <sup>3</sup>.

<sup>3</sup> Reformed by the decrees No.13-2006 (Gaceta No. 30,968 of Saturday April 1st 2006); and 71-2006 (Gaceta 31,091) of Monday, August 28th 2006). Previous content of Article 64. – "From the list of candidates transmitted to the National Congress, this institution will proceed to the election, by two thirds qualified majority, of nine persons among these, being considered to be the most suitable to integrate the Transition Commission, which will exercise its mandate for the period of two (2) years. The Commission will be sworn in by the President of the National Congress. The selection criteria considered by the National Congress will be those established in Article 12 of the Organic Law of the National Autonomous University (UNAH). The members of the Commission will immediately take office, and their first act will consist of organizing themselves internally, appointing among them a President and a Secretary".

**ARTICLE 65.-**The following persons are disqualified to integrate the Transition Commission:

- 1) Government officials <sup>4</sup>
- 2) Officials of the present administration of the UNAH;
- 3) Deputies of the National Congress;
- 4) Those who occupy directive positions in the central organization of the political parties; and,
- 5) The candidates enrolled in order to participate in the internal and primary elections to be held in February 2005.

**ARTICLE 66.-** The powers of the Transition Commission are :

- 1) To exercise the powers of the Board of University Directors established in the present Law;
- 2) To appoint the Management Control Commission;
- 3) To approve in a term not exceeding sixty (60) days, the general plan for the integral reform of the University ;
- 4) To structure the University Council in accordance with the dispositions of this Law;
- 5) To exercise the regulation authority of the present Law; and issue as many dispositions esteemed necessary for the fulfillment of its functions during the transition period <sup>5</sup>.
- 6) To present before the Special Legislative Follow up Commission for the University Reform monthly reports of his administration and others as requested; and,
- 7) In its case appoint an interim Rector for the term the Commission exercises its functions, having the possibility to remove him when it is esteemed convenient <sup>6</sup>.

**ARTICLE 66B.-** The members of the Transition Commission will not be able

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<sup>4</sup> 2005-30639 FE DE ERRATA: Numeral 1 of Article 65, should be read as "Government officials", eliminating the word "employees".- Gaceta No 30,639 of Saturday, March 1st 2005.

<sup>5</sup> Reformed by Decree No. 13-2006 (Gaceta No.30,968 of Saturday, April 1st 2006,) previous content of reformed items : "5) Exercise the regulation authority of the present Law; and, " -" 6) To inform the National Congress twice a month about its administration ."

<sup>6</sup> Added by Decree No.13-2006 (Gaceta No.30,968 of Saturday, April 1st 2006).

to opt for any authority position for the Universidad Nacional Autónoma de Honduras (UNAH) based on what is established in letter “a” of article 7 of this Law, until at least a year has passed starting from the cessation day of the Commission <sup>7</sup>.

**ARTICLE 67.-** For this sole time, the Transition Commission will appoint the new authorities of the UNAH by means of agreement, and according to the requirements of this Law.

If the officials or employees, hired or nominated for a given period, had exercised their function as teachers or administrators, they will return to their original positions. If they did not exercise any function in the University structure, they will be compensated with the payment of the amount of salaries that they would have earned during the time left to conclude their period without exceeding the equivalent of a maximum of fifteen (15) monthly salaries. If the nomination were for an undetermined time, the ceased employee will receive severance pay and other legal compensations established conforming to the Labor Code.

During its term, the Transition Commission will proceed to hire an institution with accredited experience in the field, in order to carry out the personnel evaluation; proceeding to, according to what is established in the Law, the cancellations of employees and officials who do not approve this evaluation, prior to the payment of their labor severances and legal compensations. Likewise within its term, the Transition Commission will determine the cancellation of positions as well as the personnel in charge, in which case, the acquired labor rights of the cancelled employee or official will be recognized. Similarly, the Transition Commission will be able to determine the creation of new positions and the hiring of the corresponding personnel, by means of a selection process.

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<sup>7</sup> The Decree No.71-2006 (Gaceta No.31,091 of Monday, August 28th 2006), reforms the item 7 and abolishes item 8.- Previous content of item “7). To exercise the powers granted to the University Council during the transition period; and, during said period, the president of the Transition Commission will exercise the legal presentation of the Universidad Nacional Autónoma de Honduras (UNAH).However, previous to its exercise, he (she) should carry out the consultations esteemed necessary to guarantee the defense and participation rights. Meanwhile, the aspects stipulated in numerals 1 and 5 of Article 19 of this Law are suspended, and, “the content of item 8 abolished”... To supervise and monitor the selection processes of all representatives in the University Council, and to guarantee the fulfillment of the dispositions of this Law and the regulatory ones.

**ARTICLE 68.-** In a term not exceeding two (2) months from the moment of the publication of the present Law, the Transition Commission will have to issue the Regulation of the University Council. In a subsequent term not exceeding ten (10) months, all the other regulations must be in force for their due application. Meanwhile, the regulations that have always been in force will continue to be applied, as long as they are not opposed to what is established in this Law. In any case, the Commission will issue the corresponding decision.

**ARTICLE 69.-** The President of the National Congress will have to integrate a Special Legislative Follow Up Commission whose first mission will be to carry out the qualification of the candidates to the Transition Commission.

**ARTICLE 69 B.-** The Special Legislative Commission shall have the following powers:

- 1) To ensure the fulfillment of the duties imposed in this Law by the Transition Commission; and in its case, recommend to the National Congress the corresponding corrective measures;
- 2) To approve or disapprove the management reports to be monthly presented by the Transition Commission;
- 3) To guarantee the free exercise of citizens to opt for authority positions the National Autonomous University of Honduras (UNAH) as long as they comply with the requirements of this Law, and to this effect, the Commission will have free access to the development of selection processes, having in its case the power to nullify them; and,
- 4) To ensure that the Transition Commission fulfills its duty to create participation spaces and resolutions in favor of the different sectors which conform the University Community with the purpose of knowing and contributing to the resolution of its problems and requiring from the UNAH the presentation of special reports <sup>8</sup>.
- 5) To suspend the members of the Transition Commission after a pertinent analysis confirming the non fulfillment of functions and goals of a member, who would have been assigned by the Law and the

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<sup>8</sup> Added by Decree No. 13-2006 (Gaceta No.30,968 of Saturday, April 1st 2006)



University Reform Plan, and inform the National Congress in order to proceed to their replacement.

The suspended members will not be able to call upon their investiture to demand the exercise of powers or rights whatsoever <sup>9</sup>.

**ARTICLE 70.-** The Management Control Commission will review the management report of the outgoing Council of Administration; being able to propose modifications of the General Budget of the UNAH for the year 2005 to the Transition Commission, taking into consideration the observations of the Rector, without exceeding the budgetary limits approved by the National Congress.

**ARTICLE 71.-** The Organic Law of the National Autonomous University of Honduras issued by means of Decree No. 170 , on October 15th , 1957, the Decree No. 52 dated April 30th , 1958 and the Law Decree No. 45 dated May 31st , 1973, is abolished; likewise is abolished any other regulation opposing to the spirit and content of this Law.

**ARTICLE 72.-** The present Law will come into force the day following its publication in the Official Newspaper “La Gaceta”.

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<sup>9</sup> Added by Decree No.71-2006 (Gaceta No.31,191 of Monday, August 28th 2006)

Given in the city of Tegucigalpa, municipality of the Central District, in the Hall of Sessions of the National Congress, on December seven-teenth, of the year two thousand four.

**PORFIRIO LOBO SOSA**

*President*

**JUAN ORLANDO HERNÁNDEZ ALVARADO**

*Secretary*

**VÍCTOR HUGO BARNICA A.**

*Secretary*

To the Executive Body,  
Therefore, to be enforced  
Tegucigalpa, M.D.C. December 31st 2004

**RICARDO MADURO**

*President of the Republic*

**LUIS FERNANDO SUAZO BARAHONA**

*Secretary of State of the Interior and of Justice, by law*





