



Republic of the Philippines
OFFICE OF THE PRESIDENT
COMMISSION ON HIGHER EDUCATION



Department of Transportation
MARITIME INDUSTRY AUTHORITY

JOINT CHED-MARINA MEMORANDUM CIRCULAR NO. 01
Series of 2018

**SUBJECT: GUIDELINES ON JOINT CHED-MARINA MONITORING OF
MARITIME EDUCATION PROGRAMS**

In accordance with the pertinent provisions of Republic Act (RA) No. 7722, otherwise known as the "Higher Education Act of 1994"; RA 10635 and its Implementing Rules and Regulations (IRR) which established the Maritime Industry Authority (MARINA) as the Philippines' Single Maritime Administration; the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978, as amended (STCW Convention '78, as amended); and by virtue of the recommendation of the Technical Panel for Maritime Education (TPME) as approved by CHED Commission *en banc* (CEB) through Resolution No. 251-2018 dated May 29, 2018, the following guidelines are hereby adopted and promulgated, thus:

ARTICLE I
POLICIES AND LEGAL BASES

Section 1. Statement of Policies. The following are hereby declared the policies of CHED and MARINA with regard to maritime education programs:

- a. **Right of all citizens to quality education.** CHED and MARINA uphold Section 1, Article XIV of the 1987 Philippine Constitution as well as the declared policy of the State to protect, foster and promote the right of all citizens to quality education, among others.
- b. **Quality of education is a matter of national interest and an international obligation.** CHED and MARINA recognize that protecting and promoting the quality of maritime education in the country is a matter of national interest and an international obligation, the Philippines being a Party and signatory to the STCW Convention '78, as amended.

Section 2. Legal Bases. The following are the legal bases for the joint CHED and MARINA monitoring of maritime education programs:

- a. **The authority of CHED to set standards and monitor the performance of maritime education programs and institutions of higher learning.** CHED, under Section 8 [d] and [e] of RA 7722 is mandated to "set minimum standards for programs and institutions of higher learning recommended by panels of experts in the field and subject to public hearing, and enforce the same" and "monitor and evaluate the performance of programs and institutions of higher learning for appropriate incentives as well as the imposition of sanctions, respectively".

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The Office of Programs and Standards Development (OPSD) shall be the implementing office of CHED for purposes of the joint monitoring of maritime education programs as herein provided and shall ensure close coordination with the STCW Office of MARINA.

- b. **The authority of the MARINA to monitor maritime education programs.** **MARINA under Section 3 of RA 10635** was established as the Philippines' Single Maritime Administration mandated to implement and enforce STCW Convention '78, as amended and international agreements or covenants related thereto".

One of the functions of MARINA under Section 4, paragraph [c], subparagraph (4) of the said law is to *"ensure that all maritime education, including the curricula and training programs, are structured and delivered in accordance with the written programs, methods and media of delivery, procedures, and course materials compliant with international standards as prescribed under the STCW Convention."* For this purpose, *"MARINA shall, among others, monitor and verify, in coordination with CHED, compliance with the policies, standards, and guidelines of maritime education in the conduct of maritime education and training programs" and "review and harmonize the procedures for periodic evaluation, assessment and monitoring of all maritime education and training institutions in accordance with the standards of the CHED and other recognized international organizations"*.

ARTICLE II DEFINITION OF TERMS

Section 1: For purposes of this Joint Memorandum Circular, the following terms shall apply:

- a. **Annual Monitoring Program** refers to an approved document containing, among other things, schedules of monitoring activities planned for a calendar year.
- b. **Annual Monitoring Period** refers to June of the next year to May of the succeeding year.
- c. **Appropriate Technical Knowledge and Experience** refers to technical expertise corresponding to the maritime education program to be monitored.
- d. **Assessment** means the process of evaluating evidence of competence through one or more of the methods of demonstrating competence (Column 3 of the tables) under the STCW Code.
- e. **BSMarE** refers to the Bachelor of Science in Marine Engineering program which covers the approved education and training for an officer-in-charge of an engineering watch under Regulation III/1 and part of Regulation III/2 of the 1978 STCW Convention, as amended.



- f. **BSMT** refers to the Bachelor of Science in Marine Transportation program which covers the approved education and training for an officer-in-charge of a navigational watch under Regulation II/1 and part of Regulation II/2 of the 1978 STCW Convention, as amended.
- g. **Competence** means the ability that extends beyond the possession of knowledge and skills. It includes 1) the cognitive competence involving the use of theory and concepts as well as informal tacit knowledge gained experientially; 2) functional competence (skills or know-how), those things that a person should be able to do when they work in a particular area; 3) personal competence involving knowing how to conduct oneself in a specific situation; and 4) ethical competence involving the possession of certain personal and professional values.
- h. **Corrective Action** refers to an action to eliminate the cause of an identified ~~prohibited act~~, nonconformance and observation finding in a monitoring activity in order to prevent its recurrence.
- i. **Correction** refers to an action to address an identified ~~prohibited act~~, nonconformance and observation finding which can be made in advance of, in conjunction with or after a corrective action.
- j. **Curriculum** is a specification of the learning outcomes of a degree program—i.e. what students expect to know, understand, and be able to do after completing the program—that shows the minimum number of units required to attain them; a summary of required courses, electives, major courses, among others, and the minimum acceptable level of demonstrated achievement (evaluated against assessment criteria) for awarding credits.
- k. **Evaluation** is one or more process for interpreting the data and evidence accumulated through assessment processes. Evaluation determines the extent to which outcomes are being attained. Evaluation results in decisions and actions regarding program improvement.
- l. **Evaluator** refers to a qualified person duly authorized to monitor maritime education programs.
- m. **Examination** is a formal test of a person's knowledge, understanding or proficiency in any of the specific competencies under Column 1 of the Competency Table of the STCW Code.
- n. **Follow-up Verification** refers to the follow-up visit at the institution to verify and validate the implementation and effectiveness of actions undertaken to address the observations, nonconformances and ~~prohibited acts~~.
- o. **MARINA** refers to the Maritime Industry Authority, which is the "Maritime Administration" or "Single Maritime Administration", in accordance with Sec. 2 (e) of R.A. 10635, or simply the "Administration" under the STCW Convention.



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- p. **Maritime Education Programs (MEPs)** refer to the approved education and training for Officers-in-Charge for navigational or engineering watch covered under Chapters II and III of the STCW Convention '78, as amended, or more popularly known as the Bachelor of Science for Marine Transportation (BSMT) and Bachelor of Science for Marine Engineering (BSMarE) programs.
- q. **Maritime Higher Education Institution (MHEI)** refers to all higher education institutions, public or private, duly authorized by CHED and in the case of State Universities and Colleges (SUCs) and Local Universities and Colleges (LUCs) approved by the respective Governing Boards to operate the BSMT and/or BSMarE programs in accordance with the STCW Convention and the applicable laws, rules and regulations of the Philippines.
- r. **Monitoring** refers to the series of evaluations carried out in an MHEI to verify the extent of compliance or degree of deviation from an expected norm or standard, including core processes and procedures leading to the achievement of defined objectives and outcomes.
- s. **Monitoring Finding and Corrective Action Report (MFCAR)** refers to a form used by CHED and MARINA to record the official individual findings to be transmitted to concerned MHEI.
- t. **Monitoring Log and Report (MLR)** refers to a form used by the Monitoring Team to record all the findings identified in a monitoring activity.
- u. **Monitoring Plan** refers to an approved document containing the activities and arrangements in a monitoring for a specific MHEI.
- v. **Monitoring Team** refers to the composite CHED and MARINA evaluators authorized to conduct monitoring of the BSMT and BSMarE programs.
- w. **Nonconformance** refers to a deficiency or failure to maintain compliance with prescribed standards and requirements or a deviation from standard norms, processes and procedures, substantiated by objective evidence, that leads to failure in achieving defined program objectives and outcomes.

A number of lapses against one clause of guidelines when acting together reduce the effectiveness of a process to the extent that there are actual adverse effects on customer satisfaction and product or service quality which can represent a nonconformance.

- x. **Noteworthy Efforts** refer to initiative/s undertaken by the institution to achieve higher level of qualitative results (e.g. best practices that resulted towards further improvement of expected outcomes).
- y. **Objective Evidence** refers to qualitative or quantitative information, documents, records or statement of facts based on observation, test or measurement and which can be verified.



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- z. **Observation** refers to a single observed lapse or failure to comply with a requirement of the guidelines or an internal requirement which however, as based on objective evidence, does not jeopardize product or service quality.

Statement of facts substantiated by objective evidence that constitute single weakness, lapse or defect that does not directly affect the achievement of objectives.

- aa. **Observer** refers to a person who is authorized to join the Monitoring Team as under study and who shall not be involved or interfere in the monitoring activity. This also refers to a person who has undergone some of the requisite trainings to be an evaluator.
- bb. **Opportunity for Improvement (OFI)** refers to a process, activity or document that is currently conforming, that may if not improved, result in nonconforming system or service.
- cc. **Outcomes-based Monitoring Instrument (OBMI)** refers to a quality form used by the composite CHED and MARINA Monitoring Teams as a checklist and recording tool during the conduct of monitoring.
- dd. **Phase-out process** means the gradual closure of a higher education program or a higher education institution. In any case, the termination or closure of a program shall be effected at the end of an academic year. However, students that are already in the second, third and fourth year levels shall be allowed to finish their study until graduation or to transfer to other institutions, at the option of the student(s). Reference: CMO No. 40, series of 2008 or the "Manual of Regulations for Private Higher Education Institutions (MORPHE).
- ee. **Prohibited Acts** refer to acts which are inimical to public interest committed by institutions or persons, such as those stipulated under Section 65 of CMO 40 series 2008 (MORPHE) and under Rule IV, Section 8.3 of the IRR of RA 10635.
- ff. **Quality Standards System** refers to an established system – documented policies, procedures, controls and internal quality assurance, which covers, but is not limited to, education and training and assessment of competence. The QSS is established as a mechanism to monitor and ensure the achievement of defined objectives of the approved education and training program in accordance with the requirements of the STCW Convention.
- gg. **Root Cause Analysis** refers to a process of determining the reason for nonconformance and observation or why it occurred for the purpose of identifying appropriate corrective actions.
- hh. **Technical Evaluator** refers to a qualified person who possesses professional qualification that determines his technical expertise corresponding to the maritime education program to be monitored and is duly authorized to conduct monitoring of maritime education program.



ARTICLE III MONITORING APPROACH AND IMPLEMENTATION

Section 1. Monitoring Approach. The monitoring approach herein provided shall be conducted using relevant CHED Memorandum Order (CMOs), MARINA STCW Circulars and the STCW Convention '78, as amended, as references, following an outcomes-based approach and implementation, which:

- a. Focuses on the outcomes of maritime education programs;
- b. Looks at core processes and procedures leading to the achievement of said outcomes;
- c. Intends to make MHEIs, as well as academic and non-academic personnel responsible for the maritime education program(s) they offer.

Section 2. Availability of Documents and Records. To facilitate the conduct of monitoring, the MHEIs shall make their documents, records, QSS Manuals and related monitoring reports available for purposes of evaluation by the Monitoring Team.

ARTICLE IV QUALIFICATIONS AND COMPOSITION OF THE MONITORING TEAM

Section 1. Qualifications. Every person joining the monitoring team shall possess the following qualifications:

- a. For Lead Evaluator – the Lead Evaluator must:
 - 1) have completed a Lead Auditor Course;
 - 2) have participated in at least 3 monitoring activities as a member of a Monitoring Team after completing the Lead Auditor Course;
 - 3) be knowledgeable of the following:
 - i. programs being evaluated
 - ii. statutory requirements (STCW, CMOs, Memorandum Circulars)
 - 4) preferably have teaching experience in an MTI/MHEI
 - 5) have signed a disclosure of conflict of interest and non-disclosure agreement
 - 6) have undergone Quality Management System (QMS) training
 - 7) have completed the Training Course for Instructors (IMO Model Course 6.09)
 - 8) have completed training course on Assessment, Examination, and Certification of Seafarers (IMO Model Course 3.12); and
 - 9) have completed the training on IMO Model Course 6.10
- b. For Technical Evaluator – the Technical Evaluator must:
 - 1) be graduate of the program being evaluated;
 - 2) be a Management Level Officer of the program being evaluated;
 - 3) have completed Internal Quality Auditor Course;
 - 4) have participated in at least 3 monitoring activities as a member of Monitoring Team after completing the Internal Quality Auditor Course;



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- 5) be knowledgeable of the following:
 - i. program/s being evaluated
 - ii. statutory requirements (STCW, MC, CMO)
 - 6) preferably have teaching experience in an MTI/MHEI;
 - 7) have signed a disclosure of conflict of interest and non-disclosure agreement;
 - 8) have undergone Quality Management System (QMS) training;
 - 9) have completed the Training Course for Instructors (IMO Model Course 6.09);
 - 10) have completed training course on Assessment, Examination, and Certification of Seafarers (IMO Model Course 3.12); and
 - 11) have completed the training on IMO Model Course 6.10
- c. The CHED Authorized representative and MARINA Evaluators must:
- 1) have completed Internal Quality Auditor Course;
 - 2) have joined at least 3 monitoring activities as an Observer;
 - 3) be knowledgeable of the following:
 - i. program/s being evaluated
 - ii. statutory requirements (STCW, MC, CMO)
 - 4) have signed a disclosure of conflict of interest and non-disclosure agreement; and
 - 5) have undergone Quality Management System (QMS) training.

Section 2. Composition of the Monitoring Team. The monitoring of MEPs is conducted by a team of evaluators from CHED and MARINA composed of the following:

- a. Maritime Education and Training Standards Supervisor (METSS) of the STCW Office, MARINA as Lead Evaluator;
- b. MARINA Evaluator from STCW Office Monitoring Division and/or qualified evaluator from MARINA Regional Office;
- c. Technical Evaluator/s from CHED and MARINA with expertise corresponding to the maritime education program to be monitored;
- d. OPSP Staff from Maritime Education Section (MES) under Division of Programs with International Conventions (DPIC) and/or CHED Regional Office Supervisor in-charge of maritime education as CHED representatives.

Members of the Monitoring Team must not be involved in the activities of, or have any connection to the MHEI to be monitored;

A maximum of two (2) observers may be allowed to join the monitoring team.

Section 3. Functions of Lead Evaluator and Monitoring Team Members. The functions of the Lead Evaluator and Monitoring Team members are as follows:

- a. **Lead Evaluator:**
 - 1) Prepares monitoring plan in coordination with Monitoring Team members;
 - 2) Ensures the effective and efficient conduct of the monitoring;
 - 3) Coordinates the conduct of monitoring according to monitoring plan;
 - 4) Presides the pre-monitoring and post-monitoring meetings;



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- 5) Presides opening and closing meetings with MHEI officials;
- 6) Prepares final monitoring report in coordination with Monitoring Team members. Note that the Lead Evaluator shall ensure monitoring findings are collectively agreed by members of the Monitoring Team;
- 7) Submits final monitoring report to the STCW Office;
- 8) Carries out ethical and professional audit standards;
- 9) Provides Feedback Form to the MHEI officials; and
- 10) Performs other tasks (e.g. verification).

b. Technical Evaluator:

- 1) Provides technical expertise in the monitoring of the program requirements as stipulated in STCW Convention '78, as amended and applicable issuances, circulars or policies by CHED and MARINA;
- 2) Conducts monitoring according to monitoring plan;
- 3) Carries out ethical and professional audit standards; and
- 4) Performs other tasks assigned by the Lead Evaluator during the monitoring.

c. CHED Authorized Representative:

- 1) Assists the Monitoring Team in the conduct of monitoring according to monitoring plan;
- 2) Assists the Monitoring Team in the interpretation of CHED Memorandum Orders (CMOs) and other issuances;
- 3) Provides administrative support such as coordination with MHEI, logistical support (travel, accommodation, etc.);
- 4) Carries out ethical and professional audit standards; and
- 5) Performs other tasks assigned by the Lead Evaluator and Technical Evaluators during the monitoring.

d. MARINA Evaluators:

- 1) Conducts monitoring according to monitoring plan;
- 2) Provides administrative support such as coordination with MHEI, logistical support (travel, accommodation, etc.);
- 3) Carries out ethical and professional audit standards; and
- 4) Performs other tasks assigned by the Lead Evaluator and Technical Evaluators during the monitoring.

ARTICLE V PREPARATION AND APPROVAL OF THE ANNUAL MONITORING PROGRAM

Section 1. Preparation and Approval. As a general rule, based on the Process Flow attached as **Annex A**, CHED Office of Programs and Standards Development - Division of Programs with International Conventions (CHED OPSD-DPIC) and MARINA STCW Office Monitoring Division (MARINA STCWO-MD) shall jointly prepare Annual Monitoring Program (AMP) every August and submit the same to the Technical Panel for Maritime Education (TPME) within September. If acceptable, the TPME shall endorse and recommend the approval of the AMP to the CHED Commission en banc (CEB).



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If not acceptable, CHED OPSD-DPIC and MARINA STCWO-MD shall revise the AMP within 15 days.

The CEB shall act on the AMP within one month upon submission and if approved, the AMP shall be signed by both CHED Chairperson and MARINA Administrator.

- a. The Annual Monitoring Program includes the following:
 1. name of all MHEIs to be monitored;
 2. programs to be monitored;
 3. composition of the Monitoring Team;
 4. budget; and
 5. schedule of monitoring and follow-up visit.
- b. The order of prioritization of MHEIs to be monitored shall be:
 1. MHEIs with Prohibited Act;
 2. MHEIs with phased-out programs;
 3. MHEIs with nonconformances in areas stipulated in the existing policies standards and guidelines for BSMT and BSMarE;
 4. MHEIs with findings which were not addressed within the specified timeframe; and
 5. MHEIs that should be monitored as part of the three-year monitoring cycle.
- c. All MHEIs shall be monitored at least within a three-year period. These MHEIs shall be programmed for monitoring based on the order of prioritization.
- d. The focus of monitoring shall be addressed in the Monitoring Plan for specific MHEI.

Section 2. Preparation and Transmission of Monitoring Plan for a Specific MHEI. A monitoring plan shall be prepared by the Lead Evaluator through the Monitoring Division, STCW Office, using the appropriate Quality Form under the QSS of MARINA. The Lead Evaluator shall ensure that each of the team members is given monitoring assignment in accordance with their qualification and expertise or where their qualifications adequately fit.

The MARINA STCW Office Monitoring Division shall:

- a. finalize the composition of the MARINA Monitoring Team;
- b. prepare travel authority in the form of a Special Order for approval of the MARINA Administrator or STCW Office Executive Director;
- c. upon approval of the MARINA Special Order, prepare the Monitoring Plan for approval of STCW Office Executive Director; and
- d. upon approval of the Monitoring Plan, transmit the approved Monitoring Plan to CHED.

The CHED OPSD-DPIC shall:



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- a. finalize the composition of CHED Monitoring Team members and representatives from CHEDRO and DPIC and transmit the names to MARINA;
- b. prepare travel authority upon the recommendation of the OPSD Director for approval of the CHED Chairperson through the Executive Director;
- c. upon receipt of the approved Monitoring Plan from MARINA, the OPSD Director through DPIC-MES sends Notices and Monitoring Plan to MHEIs through the concerned CHEDROs, seven (7) working days prior to the monitoring activity; and
- d. concerned CHEDRO Directors send Notices and Monitoring Plan to concerned MHEIs.

Section 4. Cancellation or postponement of the monitoring activity. Approved monitoring schedules may be cancelled or deferred by MARINA under the following circumstances:

- a. Force majeure;
- b. Any events that may threaten the safety and security of the Monitoring Team;
- c. Any unforeseen events that may render the area inaccessible;
- d. Holidays; and
- e. Other analogous circumstances (those which are not under the control of the Monitoring Team and the institution).

In cases of overlapping schedules or if the Lead Evaluator and any of the Technical Evaluator or member of the Monitoring Team become unavailable, MARINA may re-schedule the monitoring activity or reconstitute the composition of the Monitoring Team. Such re-scheduling shall be communicated to the institution by CHED OPSD-DPIC, in writing, telephone or electronic communication, whichever is most efficient, feasible and appropriate to the situation.

Section 5. Request for cancellation or postponement of monitoring activity by MHEIs. All requests for postponement and re-scheduling of monitoring activity shall be communicated to CHED which shall coordinate with MARINA the review of requests for postponement to determine if acceptable. If the request is not granted, CHED shall inform the institution of the decision. CHED shall confer with MARINA on the new schedule of monitoring if the request for postponement is granted.

ARTICLE VI KEY AREAS OF EVALUATION

The compliance of maritime higher education institutions operating the BSMT and/or BSMarE programs shall be measured against the STCW Convention standards and applicable issuances, circulars or policies of CHED and MARINA.

The monitoring of the BSMT and BSMarE programs shall cover the evaluation on the following key areas:



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1. Quality Standards System (including Organization and Management);
2. Curriculum;
3. Teaching Methods and Media of Delivery (Academic Strategies);
4. Examination and Assessment System, including Appeals and Re-sits;
5. Faculty (Instructors, Assessors and including Support Staff);
6. Admission and Retention;
7. Facilities and Training Equipment;
8. Shipboard Training; and
9. Research and Extension.

Nonconformances in the above areas except item 9 (Research and Extension) can be basis of sanctions per existing policies, standards and guidelines (PSGs) of CHED for BSMT and BSMarE programs.

ARTICLE VII CONDUCT OF MONITORING

Section 1. Pre-Monitoring Meeting. The Lead Evaluator shall convene the Monitoring Team prior to the Opening Meeting to confirm and discuss the monitoring plan particularly the assignment for each evaluator, the results of the previous monitoring of the MHEI and such other documents or information relevant to the monitoring activity.

The monitoring plan may be modified, as the need arises and upon agreement of the Monitoring Team members and to be conveyed to the institution during the opening meeting.

Section 2. Operational Procedures. Every monitoring activity shall be conducted in accordance with the following:

- a. Opening meeting – The Joint CHED-MARINA Monitoring Team conducts Opening Meeting with MHEI President or duly authorized representative and concerned officials and staff.
- b. Protocols to be observed – The President or his/her designated representative shall welcome the evaluators and introduce the MHEI's officials and staff.

The Lead Evaluator shall introduce the members of the Monitoring Team and provide information on the following:

1. scope and objective(s) of monitoring, key areas of evaluation and assigned evaluators, estimated time or duration of the activity, based on the Monitoring Plan;
2. methods and procedures to be used in the monitoring;
3. documents, information, equipment, facilities, presence of officials and support staff that may be needed by the Monitoring Team;
4. confidentiality of monitoring findings, documents and information;



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5. method of reporting, categories of findings including the consequences, timeframe for the submission of Root Cause Analysis of the findings and the corresponding Corrective Action/s;
6. follow-up verification and closing out of findings; and
7. Feedback Mechanism.

The Lead Evaluator shall inform the MHEI's officials that they may provide feedback on the manner the monitoring was conducted by using the Feedback Form, attached as **Annex E**, which shall be furnished to them during the opening meeting. The MHEI's officials should submit the accomplished Feedback Form in a sealed envelope to CHED OPSD, copy furnished the STCW Office Executive Director.

- c. Evaluation proper – The monitoring shall be carried out by evaluating the key areas of evaluation through any of the following:
 1. Interviewing responsible personnel/staff for the key area being evaluated;
 2. Evaluating and reviewing the relevant quality processes, procedures and documented information;
 3. Evaluating approved Curriculum including its implementation;
 4. Observing classroom instruction, laboratory/simulation activity, workshop (but shall not interfere or disrupt the on-going teaching and learning activities);
 5. Observing conduct of assessment (oral, written and practical, but shall not interfere or disrupt the on-going assessment activities);
 6. Random interview of students;
 7. Testing and evaluating the functionality, suitability and adequacy of relevant facilities and laboratory equipment based on carrying capacity requirements; and
 8. Evaluating and gathering necessary objective evidences relevant to the key area evaluated and informing the responsible official of specific objective evidence that may lead to findings.
- d. Instrument and Forms – Every monitoring activity shall be conducted using the Monitoring Plan (MP) attached as **Annex B**, Monitoring Finding and Corrective Action Report (MFCAR) attached as **Annex C**, Monitoring Log and Report (MLR) attached as **Annex D**, and Outcomes-based Monitoring Instrument (OBMI) attached as **Annex F**, which shall be subject to continuous updating and improvement.
- e. Deliberation of findings – Once the evaluation is completed, the Monitoring Team shall meet to discuss and agree on their findings among themselves. They shall decide whether an identified finding constitutes a ~~prohibited act~~, nonconformance, observation or opportunity for improvement.
- f. Closing meeting – The Joint CHED-MARINA Monitoring Team conducts closing meeting with MHEI President or Authorized Representative and concerned Officials where monitoring findings are discussed.

The Monitoring Team shall discuss the highlights of the monitoring to the official(s) and key personnel of the MHEI concerned. The Lead Evaluator

shall exercise due care in managing the proceedings and give the MHEI's officials and personnel the opportunities for clarifications.

If the President or the officials concerned agree to the findings, the Lead Evaluator, members of the Monitoring Team and MHEI President or Authorized Representative sign the Monitoring Log and Report. A copy of the signed report shall be provided to the MHEI.

If the President or the officials concerned do not agree to the findings, the President or authorized representative shall acknowledge the findings with a notation, comments or remarks. A copy of the signed Monitoring Log and Report shall be provided to the MHEI. The MHEI may file a formal appeal following the provisions of Article XI of this Memorandum Circular.

Article VIII MONITORING FINDINGS

Section 1. Category of findings. Each finding shall be categorized as "*Noteworthy Efforts*", "*Prohibited Acts*", "*Nonconformance*", "*Observation*" and "*Opportunity for Improvement*". Evaluators shall be guided by the definition of the said category of findings in Article II, Section 1 of this Joint Memorandum Circular.

Section 2. Recording of Findings. All findings shall be recorded in the Monitoring Log and Report, including those which have been immediately corrected or rectified.

Findings should be written incorporating the following key elements: category of findings in specific area, statement of facts or objective evidence, requirement, deviation from the requirement or standard, and standards or references.

Section 3. List of Prohibited Acts. The following includes prohibited acts as stipulated under CMO 40, series of 2008, Manual of Regulations for Private Higher Education Institutions (MORPHE) and the Implementing Rules and Regulations (IRR) of RA 10635:

- a. implementing or conducting unapproved education programs that have similar title and/or content as any of the approved MEP by CHED, tending to deceive the learner or the public that such programs are approved and compliant with STCW, as amended, whether intentional or not;
- b. continuing to offer a phased out MEP;
- c. the operation of a branch or extension, whether locally or foreign-based, without prior permit or authorization issued by CHED;
- d. the advertisement or publication of any advertisement or announcement before a permit to operate is granted by CHED; and
- e. Issuing documentary evidence described under Sec. 2 (d) of R.A.10635 of any of the approved METPs, where the learner did not comply with the attendance, participation or satisfactory completion requirements, as prescribed by MARINA or its authorized office or agency, as appropriate; and other acts in gross violation of the standards as may be identified by MARINA, or as required by STCW, as amended.



In case the joint CHED-MARINA monitoring team found a prohibited act committed by the MHEI, the same shall be immediately reported to the TPME for appropriate action and or issuance of show cause order based on existing rules, regulations, policies and or circulars.

Article IX ACTION ON THE MONITORING REPORT

Section 1. Submission. Lead Evaluator shall submit the Monitoring Finding and Corrective Action Report Form together with the Monitoring Log and Report to the STCW Office Executive Director through the Monitoring Division, within seven (7) working days from the date of completion of the visit.

Section 2. MARINA STCW Office Executive Director shall review and officially communicate the monitoring report within three (3) working days to CHED OPSD Director.

Section 3. CHED shall officially communicate to MHEI the monitoring report within seven (7) working days from the receipt thereof from MARINA.

Section 4. The MHEI shall submit, within fifteen (15) working days upon receipt of the monitoring report, the Monitoring Finding and Corrective Action Report/s (MFCAR) with appropriate root cause of the finding and corresponding corrective actions and documentary evidence to CHED copy furnished the MARINA STCW Office.

Section 5. Copy of the MFCAR including the corresponding documentary evidence shall be forwarded to the concerned Monitoring Team by MARINA STCW Office within three (3) working days upon receipt for review and evaluation.

Section 6. The concerned Monitoring Team shall review within five (5) working days upon receipt, the corrective action/s to determine whether the documents submitted are sufficient to address the findings or a follow-up verification visit will be conducted.

Section 7. If the corrective action/s are not acceptable, Monitoring Team through STCWO Executive Director transmits to CHED OPSD results of the review of root causes and corrective actions of findings. CHED informs MHEI of result of review and evaluation of corrective action plans and advise MHEI to submit lacking documents. If MHEI submits revised corrective action plans or lacking documents, Monitoring Team reviews the revised corrective actions. If not, OPSD transmits monitoring results to TPME for review and appropriate recommendation.

If the corrective action/s are acceptable and a verification visit is necessary, the Lead Evaluator shall conduct follow-up verification visit preferably with the same members of the original Monitoring Team and through the STCW Office Executive Director shall submit the result of verification to CHED OPSD for subsequent transmittal to the Technical Panel for Maritime Education (TPME) for review. **The TPME may recommend further revalidation based on the results of the review.**



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If the corrective action/s are acceptable and a verification visit is not necessary, the Monitoring Team through STCW Office Executive Director shall transmit to CHED OPSD the result of the of review of findings. CHED OPSD shall transmit the said result to the Technical Panel for Maritime Education (TPME) for review. **The TPME may recommend the conduct of further revalidation of the findings and corrective actions taken based on the results of the review.**

The TPME shall submit to the CHED Commission en banc (CEB) its recommendation.

The CEB shall decide on the recommendation of the TPME. If the recommendation is acceptable, the CEB shall issue the corresponding decision. If the recommendation is not acceptable, the CEB shall direct the TPME for further review and verification.

If the decision involves phasing-out of program, CHED shall issue a show cause order to the MHEI concerned, copy furnished MARINA.

Article X

SUBMISSION AND IMPLEMENTATION OF CORRECTIVE ACTIONS

Section 1. Nonconformance. The MHEI concerned shall conduct root cause analysis vis-à-vis the findings identified by the Monitoring Team. The institution shall submit to CHED the accomplished MFCAR with root causes and corrective action/s within fifteen (15) working days, after the receipt of the official monitoring report/s from CHED.

The institution shall ensure to close out the nonconformance within a reasonable period of time which shall not exceed one (1) month from the implementation date of the corrective action/s. Thereafter, a follow-up verification, if necessary, shall be conducted to ensure that the corrective action plan is being implemented and effectively addressing the nonconformance.

If the MHEI fails to comply with the aforesaid conditions within the agreed timeframe or based on clear evidence during the follow-up verification visit, the imposition of sanctions which includes phasing out the maritime education program shall be initiated by CHED and MARINA.

Section 2. Observation. The MHEI concerned shall conduct root cause analysis vis-à-vis the findings identified by the Monitoring Team. The institution shall submit to CHED the accomplished MFCAR with root causes and corrective action/s within fifteen (15) working days, after the receipt of the official monitoring report/s from CHED.

The institution shall ensure to close out the Observation within a reasonable period of time which shall not exceed one (1) month from the implementation date of the corrective action/s. Thereafter, a follow-up verification, if necessary, shall be conducted to ensure that the corrective action plan is being implemented and effectively addressing the Observation.



If the MHEI fails to comply with the aforesaid conditions within the agreed timeframe or based on clear evidence during the follow-up verification visit, the observation will be upgraded into a nonconformance.

Article XI APPEAL PROCEDURES

Section 1. Filing of appeal. MHEIs may file an appeal to CHED copy furnished MARINA STCW Office Executive Director for any findings which were not resolved between the institution and the Monitoring Team. In which case, the head of MHEI shall express in writing the specific finding that is under protest.

Section 2. Where and when to file. The MHEI concerned may appeal the adverse findings of the Monitoring Team to the CHED Chairperson and STCW Office Executive Director. Such appeal must be supported by an affidavit bearing a statement of facts and evidence that rebuts the adverse findings.

CHED shall refer the appeal to the Monitoring, Evaluation and Review Committee (MERC), with the MARINA STCW Office Executive Director acting as Chair, which shall review and validate the findings.

Subsequently, CHED OPSD shall forward the recommendation of the MERC to the Technical Panel for Maritime Education (TPME) for appropriate action and recommendation. The TPME shall forward its recommendation to the Commission en banc (CEB) which shall issue a decision or resolution on the appeal.

Section 3. Finality of Judgment. The decision or resolution of the CEB shall be final and executory. No motion for consideration of the decision of the CEB shall be entertained except when based on palpable or patent errors, provided that the motion is under oath and filed within 10 days from receipt of the decision or resolution, with proof of service that the same has been furnished to the adverse party.

Section 4. Motion for Reconsideration of the decision of the CEB. Only one (1) Motion for Reconsideration on the decision of the CEB shall be allowed in matters affecting MHEIs.

Within 10 days from receipt of Order or decision of the CEB, the concerned party may file a Motion for Reconsideration.

Section 5. Period to resolve the Motion for Reconsideration. The CEB shall resolve the Motion for Reconsideration within a period of 15 calendar days from receipt thereof.

Article XII MISCELLANEOUS PROVISIONS

Section 1. Repealing Clause. All issuances, relevant policies, standards and guidelines which are inconsistent with the provisions of this Joint Memorandum



Circular are hereby repealed, amended, modified or superseded in accordance with the intent of this Circular.

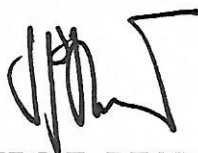
Section 2. Separability Clause. If any part or provision of this Joint Memorandum Circular shall be held unconstitutional or invalid, other provisions hereof which are not affected thereby shall continue to be in full force and effect.

Section 3. Effectivity Clause. This Joint Memorandum Circular shall take effect immediately.

Quezon City, Philippines, July 10, 2018.

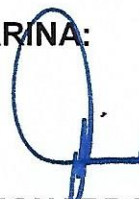
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For CHED:

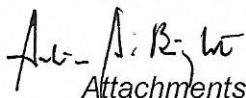


J. PROSPERO E. DE VERA III, DPA
Officer-in-Charge

For MARINA:



REY LEONARDO B. GUERRERO
Administrator


Attachments:



Annex A: Process Flow of Joint CHED-MARINA Monitoring of Maritime Education Programs

Annex B: Monitoring Plan Form

Annex C: Monitoring Finding and Corrective Action Report Form

Annex D: Monitoring Log and Report Form

Annex E: Feedback Form

Annex F: Outcomes-Based Monitoring Instrument

