

3. ACADEMIC AFFAIRS POLICY

3.1 Institutional Accreditation and State Authorization

3.1.1 Purpose

A. Basis of Authorization

The Oklahoma Higher Education Code, enacted by the Oklahoma Legislature, states:

1. . . . Any persons, group, or other entity, establishing a private educational institution shall do so only as a corporation organized or domesticated under the laws of Oklahoma (70 O.S, §4101).
2. . . . All private and out-of-state public degree-granting institutions shall be accredited by a national or regional accrediting agency which is recognized by the Secretary of the United States Department of Education (USDE) as a reliable authority as to the quality of education or training offered by institutions of higher education for the purposes of the Higher Education Act of 1965, as amended. Additionally, for the purposes of consumer protection and to maintain financial eligibility for Title IV funding as described in 34 CFR Part 600, institutions shall be authorized according to the policies and procedures established by the Oklahoma State Regents for Higher Education. These policies and procedures shall be limited to a complaint process provision, standards for operation, stipulations for a written enrollment agreement between the institution and the student, and reporting requirements. The following institutions shall be exempt from this section (70 O.S, §4103):
 - a. Private institutions participating in the Oklahoma Tuition Equalization Grant program; and
 - b. Out-of-state public and private institutions participating in a state authorization reciprocity agreement that only conduct activities in Oklahoma that are acceptable under the terms and conditions of the state authorization reciprocity agreement.
3. Non-exempt institutions engaged in non-degree granting activities, such as offering certificates and diplomas, shall be subject to the standards administered by the Oklahoma Board of Private Vocational Schools (70 O.S, §4103).

B. Purpose

Consumer Protection. The primary purpose of this policy is to protect Oklahoma citizens by ensuring that higher education institutions meet statutory and policy requirements regarding institutional quality.

3.1.2 Definitions

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

“Academic Degree” is defined as any associate, baccalaureate, first professional, master’s, intermediate (specialist) or doctorate degree and any variations of these words to describe postsecondary education.

“Accreditation” is the status of public recognition that a national or regional accrediting agency, which is recognized by the United States Department of Education, grants to an educational institution that meets the agency's standards and requirements.

“Asynchronous” is defined as learning in which student and faculty are not present and available simultaneously. Regular communication and instruction may be facilitated by e-mail, discussion boards, or other electronic formats.

“Degree-Granting Institution” is defined as an institution that offers education leading to an associate’s degree or higher.

“Deleted Program” is defined as a program that has been deleted from the institution’s academic degree program inventory.

“Enrollment Agreement” is defined as a contract that establishes the relationship and obligations of the institution and the student. The enrollment agreement specifies the conditions under which the institution will provide educational instruction to the student named on the enrollment agreement. The enrollment agreement also specifies all costs the student must pay in order to enroll in and undertake completion of a specific academic program.

“Financial Responsibility Composite Score” is defined as a USDE issued score to determine a private institution’s financial stability for Title IV participation.

“Institutional Director” is defined as the institutional administrator designated by the institution to assume responsibility for the conduct of the institution and its agents within this policy.

“Non-Degree Granting Activity” is defined as offering education or training that does not lead to an associate’s degree or higher.

“Oklahoma Tuition Equalization Grant Program” is defined as a need-based grant program that awards grants to Oklahoma residents enrolled as full-time undergraduates at qualified Oklahoma not-for-profit, private/independent institutions of higher education.

“Out-of-State Public Institution” is defined by any public institution with a physical presence in Oklahoma that is established, operated, and governed by another state or any of its political subdivisions.

“Physical Presence” is defined as activities or operations at a geographic location in Oklahoma that require State Regents’ authorization. See the special section on physical presence below for more detailed information.

“Private Institution” is defined as an educational institution with a physical presence in Oklahoma, which is controlled by a private individual(s) or by a

nongovernmental agency, usually supported primarily by other than public funds, and operated by other than publicly elected or appointed officials. These institutions may be either for-profit or non-profit. Consistent with 70 O.S. §4103, private institutions that participate in the Oklahoma Tuition Equalization Grant program are exempt from policy section 3.1.4.

“Program” is defined as a sequentially organized series of courses and other educational experiences designed to culminate in a postsecondary academic degree (instructional program, academic program, and course of study are considered synonymous). For the purposes of this policy, certificates and diplomas are not considered programs and the authorization to offer such credentials falls under the jurisdiction of the Oklahoma Board of Private and Vocational Schools.

“Review Panel” is a three-member panel appointed by the Chancellor if the institution objects to the State Regents’ staff recommendation of one of the following: denial, nonrenewal, or revocation of authorization. The review panel examines the State Regents’ staff report and rationale for the recommendations and makes a formal recommendation on the institution's status to the Chancellor for action by the State Regents.

“State Authorization Reciprocity Agreement” is defined as an agreement among states, districts, and territories that establishes comparable standards for providing distance education form their postsecondary educational institutions and out-of-state students.

“Suspended Program” is defined as a program that has been suspended from the institution’s academic degree program inventory.

“Synchronous” is defined as learning that takes place when students and/or faculty are in different geographical locations, but interact (or meet) in real-time using technology.

3.1.3 **State System Institutions**

State System institutions are accredited by the HLC. For information purposes, public institutions will provide copies of self-study reports and final evaluation reports in a timely manner. This information will be reviewed and summarized for the State Regents.

3.1.4 **Private Institutions and Out-of-State Public Institutions**

- A. To operate as a degree granting institution in Oklahoma a private institution or an out-of-state institution shall:
 1. Be accredited by a national or regional agency which is recognized by the Secretary of the USDE; and
 2. Submit an application and receive authorization from the State Regents. Upon receiving an application for authorization to operate as a degree granting institution in the State of Oklahoma, State Regents’ staff shall review the application to determine if the institution satisfies the criteria detailed in policy section 3.1.4.

B. Physical Presence

For the purposes of this policy section 3.1.4, any of the following activities constitute a physical presence for a private institution or out-of-state public institution. Therefore, a private institution or public institution shall be subject to policy section 3.1.4 if any of the following occur:

1. The private or out-of-state public institution offers college level credit in the state that leads to an academic degree, including:
 - a. Establishing a physical location in the State of Oklahoma for students to receive synchronous or asynchronous instruction;
 - b. Requiring students to physically meet at a location in the State of Oklahoma for institutional purposes that comprise more than two (2) class periods equivalent to six (6) hours; or
 - c. Providing an offering in the nature of a short course or seminar, if instruction for the short course or seminar is greater than twenty (20) contact hours.
2. The private institution or out-of-state public institution establishes an administration office in the state including:
 - a. Maintaining an administrative office in the State of Oklahoma for the purpose of providing information to prospective students or the general public about the institution, enrolling students, or providing services to enrolled students;
 - b. Providing office space to instructional or non-instructional staff; or
 - c. Establishing an institutional mailing address, post-office box, street address, or phone number in the State of Oklahoma.

C. Standards for Operation

A private institution or out-of-state public institution shall:

1. Provide prospective and current students with a printed catalog, upon request, or make an electronic version of the catalog accessible on the institution's website. At minimum, the catalog shall include the following:
 - a. A general institutional admission policy as well as specialized admission policies for specific programs;
 - b. The purpose, duration, and objectives of each program offered by the institution;
 - c. Student costs, including tuition, and an itemized listing of all the mandatory fees, as well as refund and financial aid policies;

- d. The institution's calendar, including the beginning and end dates for each instructional term, holidays, and registration and withdrawal dates;
 - e. An institutional policy regarding the transfer of credit earned at another institution of higher education; and
 - f. A disclosure statement noting the transferability of credit awarded by the institution is at the discretion of the receiving institution.
2. Provide prospective and current students, upon request, with a copy of the documents describing the institution's accreditation and its state, federal, or tribal approval or licensing.
 3. Designate one individual as an institutional director who is responsible for maintenance of proper administrative records and all other administrative matters related to this policy. Additionally, the institutional director shall serve as the official point of contact for all business between the institution and State Regents' staff.
 4. Disclose accurate information regarding its accreditation status, as detailed in policy section 3.1.5.
 5. Not use fraud or misrepresentation in advertising or publications, as detailed in policy section 3.1.5.
 6. Establish a clearly understood and published student complaint process as detailed in policy section 3.1.6.
 7. In the event of an imminent closure or loss of institutional accreditation, adhere to policy section 3.1.7.

D. Enrollment Agreement

Prior to accepting payment, a private institution or out-of-state public institution shall provide the student with an enrollment agreement that explicitly details the obligations of the institution and the students as well as the enrollment period for which the agreement applies. The enrollment agreement shall be written in a manner that can be understood by all prospective students, regardless of the educational level of the individual. Upon completing the enrollment agreement, the student shall receive a paper copy and/or electronic copy and the private institution or out-of-state public institution shall retain the original document for record keeping purposes. Each agreement, at minimum, shall include the following:

1. The name and address of the institution and the addresses where the instruction will be provided;
2. The title of the program or each course in which the student is enrolling, as listed in the course catalog;
3. Time period for which the enrollment agreement covers;

4. The total number of credit hours, clock hours, or other increment required to complete the degree program;
5. Total costs of the program, including itemized separate costs for tuition, fees, books, any required equipment purchases;
6. The basis for termination of the enrollment agreement by the institution before the student's completion of the program or each course;
7. The date by which the student must exercise his or her right to cancel or withdraw;
8. A statement disclaiming any guarantee of employment for the student after the program or each course is completed;
9. A transfer disclosure statement noting there is not a guarantee that the credits earned at the institution will transfer and that any decision about the applicability of credit and whether it should be accepted is at the discretion of the receiving institution;
10. An acknowledgement that the student who signs the enrollment agreement has read and received an electronic or paper copy of the agreement;
11. Signature of the student and date signed; and
12. Signature of the appropriate school official and acceptance date.

E. Reporting Requirements

1. Each institution that is authorized to operate shall provide an annual report in a form prescribed by the State Regents. The report will include, but may not be limited to, information pertaining to enrollment, graduation, credentials awarded, and financial aid.
2. In addition to the annual report, a private institution or out-of-state public institution shall provide the Chancellor:
 - a. Notice of a change in ownership or form of control, which may include, but is not limited to: the sale of the institution, the merger of two or more institutions, the division of one institution into two or more institutions, or a conversion of the institution from a for-profit institution to a non-profit or a non-profit institution to a for-profit;
 - b. Notice of offering a program at a new location;
 - c. Notice of offering a new program;
 - d. Notice of deleting or suspending a program. The institution shall also detail its teach-out plan or how the students will be advised regarding other options;
 - e. Notice of an action or review by the institution's accrediting body concerning the institution's

accreditation status, including, but not limited to, reaffirmation or loss of accreditation or any sanction relative to the institution's level of accreditation such as, but not limited to, warning, probation, or show cause. In addition, the institution shall immediately provide notice if the institution's accrediting body is no longer recognized by the Secretary of the USDE;

- f. Notice of information related to a Title IV program review conducted by the USDE. A private institution receiving a USDE financial responsibility score below 1.5 shall also provide documentation to substantiate that the institution completed any necessary actions(s) required to retain Title IV funding eligibility; and
- g. Notice of appointing a new institutional director.

F. Procedures for Denial, Revocation, or Nonrenewal of Authorization

The authorization to operate as a degree granting institution may be denied, revoked, or non-renewed when a private institution or out-of-state public institution fails to meet or comply with any portion of policy section 3.1.4. When State Regents' staff recommends for an institution's authorization to be denied, revoked, or non-renewed, its due process rights will be governed and limited by 75 O.S., §314 (2001), and any pertinent amendments. Those provisions of the Oklahoma Administrative Procedures Act (APA) pertaining to individual proceedings, 75 O.S. §309 (2001), et seq., are not applicable to State Regents' state authorization decisions. The following procedures will apply specifically to denial, revocation, or nonrenewal.

1. Objections by Institutions

The institution will have fifteen (15) days from the receipt of the final State Regents' staff report to inform the Chancellor, in writing, of any objections it may have thereto. If the institution does not object, the staff report and recommendations will be forwarded to the State Regents for their consideration and action.

2. Forming a Review Panel

If the institution objects to the staff report, the Chancellor will convene a neutral three-member panel of educators to consider the institution's objections. The Chancellor will also designate a lawyer to serve as a non-voting legal advisor to the panel. The

institution will have a reasonable opportunity to object, for good cause shown, to the Chancellor's appointees to the panel.

3. Review Panel Hearing

The review panel will schedule a hearing in a timely fashion at which the institution's objections to the State Regents' staff report will be fully considered. The institution may call its own

witnesses and may question any witness called by the State Regents.

The institution may be represented at this hearing by persons of its own choosing, including legal counsel. Notwithstanding the participation of legal counsel, it should be recognized that the State Regents do not have the authority in such hearings to issue subpoenas or to compel sworn testimony.

The State Regents will arrange to have an audio recording made of the hearing, a copy of which shall be furnished to the institution. Either the State Regents or the institution may, at its own expense, arrange for a transcription of the hearing.

4. Review Panel's Proposed Findings

Within 15 days of the hearing, the panel will issue proposed findings addressing the objections raised by the institution. The findings will be supported by, and based solely upon, testimonial and documentary submissions at the hearing and on matters officially noted at the hearing. The panel's proposed findings will be submitted, together with any other records from the hearing, to the State Regents at their next regular meeting.

5. State Regents' Action

The State Regents, after considering the panel's findings, the State Regents' staff report, and the rest of the official record pertaining to the state authorization application, will take appropriate action on the institution's application. No new evidentiary materials will be received at the State Regents' meeting. The institution will, however, be given the opportunity to present to the State Regents remarks in support of fitness for authorization. The State Regents' consideration of these matters and action taken thereon will constitute a final State Regents' review of the institution's authorization to operate as a degree granting institution.

3.1.5 **Publications/Marketing**

All institutions operating in the state of Oklahoma shall detail prominently in all appropriate publications and promotional materials its current and complete accreditation status. Institutions shall not make misleading, deceptive, and/or inaccurate statements in advertisements, brochures, catalogs, web sites, or other publications. Disclosure of the institution's complete accreditation status shall be in boldface print and in a manner reasonably calculated to draw the attention of the reader. Such disclosure must also include information about the transferability of courses. Failure to make required disclosures or the making of misleading statements about the institution's accreditation status is prohibited. These requirements also apply to unaccredited institutions that offer certificates or diplomas.

3.1.6 **Student Complaint Process**

All in- and out-of-state institutions shall include student complaint procedures and a complaint appeal process in the student handbook or other student information documents and will provide enrolled and prospective students living in Oklahoma with contact information, upon request, for filing complaints against the institution at the institutional level.

In- and out-of-state institutions will also provide enrolled and prospective students living in Oklahoma with contact information, upon request, for filing complaints with the appropriate state agency or with the institution's accrediting body.

Information regarding filing complaints with the State Regents against an institution can be found in the Academic Affairs Procedures Handbook.

3.1.7 **Teach-Out Agreements and Records Disposition**

All institutions operating in the state of Oklahoma shall notify the Chancellor immediately if loss of institutional accreditation or closure is imminent. Official notification may originate from the institution or the accrediting agency, but must be received within ten working days of action taken against an institution. Institutions that face imminent loss of accreditation will arrange formal teach-out agreements with surrounding institutions as coordinated with the State Regents' office. Arrangements for loss of accreditation or closure should also include student notification (present and former students), processes for addressing issues relating to degree or course completion before the school closes, and detailed plans (including contact information and location and maintenance of the records) regarding issuing official transcripts and release of records. Additionally, specific procedures regarding the accrediting agencies' procedures and obligations under Title IV of the Higher Education Act will be followed.

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