

### 3.1 INSTITUTIONAL ACCREDITATION AND STATE AUTHORIZATION

#### 3.1.1 Purpose

##### A. Basis of Authorization

The Oklahoma Higher Education Code states:

1. “Any person or 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]:
  1. Private institutions participating in the Oklahoma Tuition Equalization Grant program; and
  2. Out-of-state public institutions 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.” (70 O.S. §4103(B)).
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(C)).

##### 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 State System Institutions

State System institutions shall maintain accreditation either individually or jointly with one or more public institutions by the Higher Learning Commission (“HLC”).

For information purposes, public institutions will provide OSRHE's Vice Chancellor for Academic and Student Affairs with electronic copies of self-study reports and final evaluation reports in a timely manner.

### 3.1.3 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 institutionally accredited by an agency recognized by the Secretary of the 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.
2. Be authorized by the State Regents. Upon receiving an institution's application for authorization to operate as a degree-granting institution in the State of Oklahoma, OSRHE staff shall review the application to determine if the institution satisfies the criteria detailed in this section.

B. Physical Presence

The following activities constitute a physical presence for a private institution or out-of-state public institution.

1. The private or out-of-state public institution offers college-level credit in the state that leads to an academic degree using one or more of the following methods constituting presence:
  - 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 instructional purposes that comprise more than two (2) class periods equivalent to six (6) hours; or
  - c. Providing a short course or seminar with 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 a catalog, upon request, and make an electronic version of the catalog accessible on the institution's website. At a minimum, the catalog shall include the following:
  - a. A general institutional admission policy as well as specialized admission policies for specific programs;
  - b. The normal time to completion 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;
  - f. A disclosure statement noting the transferability of credit awarded by the institution is at the discretion of the receiving institution; and
  - g. A description of the institution or program level accreditation and its state, federal, tribal approval or other specific licensing.
2. 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 OSRHE staff.
3. Disclose accurate information regarding its accreditation status, as detailed in section 3.1.4.
4. Not use fraud or misrepresentation in advertising or publications, as detailed in section 3.1.4.
5. Establish a clearly understood and published student complaint process as detailed in section 3.1.5.
6. If an imminent closure or loss of institutional accreditation occurs, the institution shall adhere to policy 3.1.6.
7. Develop and submit a plan to the State Regents for the disposition of academic records if an institutional or campus closure occurs.

D. Enrollment Agreement

Prior to accepting payment, a private institution or out-of-state public institution shall provide the student an enrollment agreement that explicitly details the obligations of the institution and the student 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. Upon completing the enrollment agreement, the student shall receive a paper and/or electronic copy and the private institution or out-of-state public institution shall retain the original paper and/or electronic 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 separate itemized costs for tuition, fees, instructional materials, and 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

A private institution or out-of-state public institution shall provide the Chancellor:

1. 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 vice versa;
2. Notice of offering a program at a new location within Oklahoma;
3. Notice of offering a new program;

4. 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;
5. 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;
6. 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;
7. Notice of appointing a new institutional director; and
8. Notice of any updates to the institution's academic records disposition plan.

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 this section (3.1.3). When OSRHE staff recommend an institution's authorization be denied, revoked, or non-renewed, the institution's due process rights will be governed and limited by 75 O.S. § 314. Those provisions of the Oklahoma Administrative Procedures Act pertaining to individual proceedings, 75 O.S. § 309 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) calendar days from the receipt of the final OSRHE 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 does object to the staff report, the Chancellor will appoint 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 - Informal Hearing

The review panel will schedule a timely, informal hearing at

which the institution's objections to the OSRHE staff report will be fully considered. The institution and State Regents may both submit any documentation deemed relevant to the panel, in addition to calling/questioning witnesses at the hearing. Formal rules of evidence shall not, however, apply.

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 fifteen (15) calendar days after 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 to the panel 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, 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 brief 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.

3.1.4 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. The 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.

3.1.5 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 in other student informational documents and will provide enrolled and prospective students 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 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.

#### 3.1.6 Loss of Institutional Accreditation or Closure.

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 (10) calendar days of action taken against an institution. Institutions that face imminent loss of accreditation will arrange formal teach-out agreements with surrounding institutions in coordination 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.