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**DIVISION 1**

**PROCEDURAL RULES**

- 583-001-0000 **Notice of Proposed Rule**

Prior to adoption, amendment or repeal of any permanent rule, the Office of Degree Authorization shall give notice of the intended action:

(1) In the Secretary of State's Bulletin referred to in ORS 183.360 at least 14 days before the effective date of the intended action;

(2) By mailing a copy of the Notice to persons on the Office of Educational Policy and Planning mailing list established pursuant to ORS 183.355(7);

(3) By mailing or furnishing a copy of the Notice to:

- (a) Capitol Press Room;
- (b) State Department of Education;
- (c) State Department of Higher Education;
- (d) Oregon Community Colleges;
- (e) Oregon Independent Colleges;
- (f) Oregon Independent Colleges Association;
- (g) ODA-authorized schools;
- (h) Teacher Standards and Practices Commission;
- (i) Oregon Career College Association.

Stat. Auth.: ORS 183 & ORS 348

Stats. Implemented: ORS 183.335

Hist: ECC 21, f. & ef. 11-28-75; ECC 1-1984, f. & ef. 11-28-84; ODA 2-2000, f. 7-7-00, cert. ef. 7-20-00

**583-001-0005**

**Model Rules of Procedure**

The ODA adopts by reference the Attorney General's 1999 Model Rules of Procedure under the Administrative Procedure Act. [ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the office of the Attorney General or the agency.]

Stat. Auth.: ORS 183 & ORS 348

Stats. Implemented: ORS 183.341

Hist: ECC 22, f. & ef. 1-13-76; ECC 4-1978, f. & ef. 4-12-78; ECC 1-1980, f. & ef. 2-19-80; ECC 2-1981, f. & ef. 12-16-81; ECC 2-1983, f. & ef. 11-7-83; ECC 1-1986, f. & ef. 9-20-86; ODA 2-2000, f. 7-7-00, cert. ef. 7-20-00

**DIVISION 30**

**STANDARDS AND PROCEDURES FOR SCHOOLS  
REQUIRED TO OBTAIN AUTHORIZATION TO  
OFFER ACADEMIC DEGREES IN OREGON, OR  
REQUIRED TO ESTABLISH EXEMPTION**

**583-030-0005**

**Purpose and Scope**

(1) This rule implements Oregon Revised Statutes (ORS) 348.594 to 348.615 and 348.992 insofar as each section therein relates to ORS 348.606, which provides that a school must meet state standards and be approved through the Office of Degree Authorization before it may confer or offer to confer any academic degree or certificate, or provide services purporting to lead to a degree in whole or in part. The requirement is intended by statute "to provide for the protection of the citizens of Oregon and their postsecondary schools by ensuring the quality of higher education and preserving the integrity of an academic degree as a public credential."

(2) This rule establishes standards required by ORS 348.606, and procedures to implement the standards or to verify any exemption, thus assuring the quality of education leading to academic degrees or credit toward degrees that may be offered to residents of Oregon, or offered by residents of Oregon to persons anywhere, and assuring the ethical conduct of persons offering degrees or degree credit. Protection from substandard or fraudulent degree programs and documents is thus afforded to students, businesses and other employers, patients and clients of degree claimants, professional licensing boards, and all citizens. Schools that meet Oregon standards are protected by the assurance that no substandard or fraudulent program will be assumed by residents of any state or country to be of the same quality.

(3) This rule applies to any school offering degrees and credits from within Oregon to recipients anywhere, and it applies to any person assisting such a school. The rule further applies to any school offering degrees and credits from outside of Oregon, in connection with learning or evaluation meant to occur within this state, if there is any person assisting the school from within this state in any way, formal or informal, and it applies to every such person assisting the school. As a matter of practical rather than legal limitations, the rule will not be applied to a school that offers degrees or credits from outside of Oregon and is unassisted within the state, so that any concomitant learning or evaluation not occurring outside of Oregon is

accomplished exclusively through private interstate communication (e.g., internet, mail, telephone, fax) in which the student acts entirely alone within this state.

(4) Complete and partial exemptions are described in 583-030-0010.

Stat. Auth.: ORS 348.594 & ORS 348.606  
 Stats. Implemented: ORS 348.594, ORS 348.603 & ORS 348.606  
 Hist.: ECC 22, f. & ef. 12-22-75; ECC 2-1980, f. & ef. 4-14-80; EPP 1-1988, f. & cert. ef. 1-7-88; EPP 1-1993, f. & cert. ef. 6-28-93; EPP 1-1995, f. & cert. ef. 10-6-95; EPP 1-1996, f. & cert. ef. 8-7-96; SSC 1-1997(Temp), f. & cert. ef. 8-25-97; ODA 2-1998 f. & cert. ef. 8-12-98; ODA 1-2001, f. & cert. ef. 6-27-01

**583-030-0010**

**Exemptions**

The standards and procedures in this rule shall not apply to a school determined by the Office of Degree Authorization under ORS 348.594 to be exempt in either of the following ways, except that no one is exempt when assisting a school that is not exempt.

(1) A school in the public postsecondary educational system of the State of Oregon is exempt when offering degrees and credits exclusively in its own name and under its own control as the Oregon University System or constituent unit thereof, an Oregon community college, or the Oregon Health Sciences University.

(2) A school is exempt when offering only degrees in theology and religious occupations with exclusively religious titles explicitly approved for the school by the Office of Degree Authorization. This exemption may be approved for an authentic school of doctrinal theology that is not organizationally attached to an unaccredited school offering degrees anywhere other than those herewith exempted. A school of theology is considered authentic if it requires a high school diploma or the equivalent for undergraduate admission or a bachelor's degree for graduate admission, employs officers and faculty members who have appropriate graduate degrees or exceptional compensatory qualifications, and requires recipients of its degrees to complete an instructional program of conventional or greater length. A degree approved through this exemption is a sectarian church credential and is not a public credential valid for general academic and professional purposes.

Stat. Auth.: ORS 348.594  
 Stats. Implemented: ORS 348.594  
 Hist.: ECC 22, f. & ef. 12-22-75; ECC 2-1980, f. & ef. 4-14-80; ECC 3-1981, f. & ef. 12-16-81; EPP 1-1988, f. & cert. ef. 1-7-88; EPP 1-1995, f. & cert. ef. 10-6-95; EPP 1-1996, f. & cert. ef. 8-7-96; SSC 1-1997(Temp), f. & cert. ef. 8-25-97; ODA 2-1998, f. & cert. ef. 8-12-98

**583-030-0015**

**Definitions of Terms**

The following definitions have particular application to one or more provisions of this rule.

(1) "Degree" means any academic or honorary title, rank, or status that may be used for any purpose whatsoever, which is designated by a symbol or series of letters or words such as, but not limited to, associate, bachelor, master, or doctor, and forms or abbreviations there of that signifies, purports, or may generally be taken to signify (a) completion of a course of instruction at the college or university level, or (b) demonstration of achievement or proficiency comparable to such completion, or (c) recognition for nonacademic learning, public service, or any other reason of distinction comparable to such completion. "Degree" does not refer to a certificate or diploma signified by a series of letters or words unlikely to be confused with a degree, clearly intended not to be mistaken for a degree, and represented to students and the public in ways that prevent such confusion or error.

(2) "Confer a degree" means give, grant, award, bestow, or present orally or in writing any symbol or series of letters or words that would lead the recipient to believe a degree had been obtained.

(3) "Offer a degree" means announce, advertise, declare, or imply orally or in writing the willingness or intention to confer a degree directly or to cause a degree to be conferred by agreement or arrangement with any person or school.

(4) "School" means any person or persons and any organization or group of organizations, whether incorporated or not, engaging or appearing to engage in the activities of an educational entity or institution of learning, whether or not naming itself a school, college, uni-

versity, institute, academy, seminary, conservatory, or similar term. The activities attributable to a school include but are not limited to teaching, measurement of achievement or proficiency, or recognition of educational attainment or comparable public distinction.

(5) "Oregon school" means any school or organized group of schools that has its principal executive offices in Oregon or is otherwise controlled effectively from within this state, regardless of the number of students served in various locations. "Non-Oregon school" means any school controlled effectively from outside the state.

(6) "Person assisting a school" means any person or organization helping the school or its students or clients by acting as educator or intermediary or provider of communication technology, or by acting in any other way that helps the school offer or effectuate its services in Oregon, regardless of whether the person assisting has a contract or compensation. "Person assisting a school" includes but is not limited to: advertiser, recruiter, admissions agent, course registerer, advisor, teacher, mentor, tutor, supervisor of an internship or practicum, occasional speaker, seminar leader, informal discussion leader, student host for group activity, evaluator, member of a thesis or study committee, publisher of educational materials, or operator of a radio station or a cable or broadcast television station.

(7) "Office" means the Office of Degree Authorization, as represented by the administrator or designated agent.

(8) "State academic standards" for Oregon means the standards provided in OAR 583-030-0035.

(9) "Accredited" means approved to offer degrees at a specified level by an agency or association recognized as an accreditor nationally by the U.S. Secretary of Education, or so recognized by the Council for Higher Education Accreditation or its successor, or having candidacy status with an agency or association whose pre-accreditation category is recognized specifically by the U. S. Secretary of Education as an assurance of future accreditation. "Regionally accredited" means approved to offer degrees at a specified level by a regional institutional accreditor recognized for that purpose by the U.S. Secretary of Education.

(10) "Graduate degree" or "post-baccalaureate degree" means a master's or doctor's degree conferred upon completion of a course of study for which admission can be gained only through possession of a bachelor's degree satisfactory to the school offering the graduate instruction.

(11) "First-professional degree" means master's or doctor's degree conferred upon completion of a course of study for which admission into some schools may be gained with less than a baccalaureate, but for which pre-admission and professional study together invariably require more time than is required for a bachelor's degree alone, regardless of how many matriculants already have a bachelor's degree.

(12) "Credit," when the full term is "postsecondary or college credit," means indication or certification by a school that a student has completed a unit of study, demonstrated achievement or proficiency, or manifested measured learning outside of school, so as to have satisfied a portion of the requirements for a degree or for any other academic recognition offered by the school.

(13) "Residential degree" means a degree earned primarily through "resident instruction," which is face-to-face teaching and learning at a school's main campus or other major facility with a regularity designed to accommodate full-time students and others who need continuous access to teachers and related resources on site.

(14) "External degree" means a degree that can be earned mostly or entirely through correspondence, electronic recordings, or subscription telecommunications, rather than by resident instruction, except that some assistance may be provided for students face-to-face by school adjuncts in capacities such as advisor, mentor, tutor, clinic or practicum supervisor, topical speaker, occasional seminar leader, evaluator, or member of a thesis or study committee.

(15) "Semi-residential degree" means a degree that can be earned through a combination of residential and external methods but requires a substantial portion of learning from structured face-to-face teaching at a school's main campus or other major facility, or at a temporary instructional site where students meet in groups.

(16) "Restricted degree" means an external or semi-residential degree offered exclusively to employees or members of contracting

organizations, which receive on their own premises services that may include direct or televised teaching by regular or adjunct faculty members of the school. The opposite of restricted is "open" to all members of the general public who are qualified for admission.

(17) "Class hour" or "contact hour" means approximately one hour of direct communication between a teacher and one or more students, minus time for rest or change of classes. Conventionally this has been a fifty-minute period.

(18) "Academic year" means full-time study requiring approximately nine months, conventionally during fall, winter, and spring. "Semester" means half an academic year. "Quarter" means one third of an academic year. "Term" means a segment of an academic year, ordinarily a semester or quarter but sometimes less.

(19) "Full-time student" means a student who is engaged in academic study as the primary occupation, thus ordinarily requiring 35 to 45 hours per week divided between interaction with teachers and independent preparation. A full-time student receives "full-time instruction," ordinarily 10 to 20 teacher hours weekly.

(20) "FTE" stands for "full-time-equivalent," which means imaginary number of full-time students, teachers, or other personnel who in time expended would be the equivalent of an actual group being described, any member of which may be engaged full time or part time.

(21) "Lower-division instruction" means course content and teaching at a level appropriate for first and second-year postsecondary students generally, but available to more advanced students who have no prior experience in the subject, and "upper-division instruction" means course content and teaching appropriate for third and fourth-year students or others with a strong background in the subject.

(22) "Certificate" means a formal academic award that signifies, purports, or may generally be taken to signify completion of a course of instruction for which college or university level academic credit is given but which is shorter or more limited than that leading to a degree. Certificate includes the term "diploma" if used to mean a similar award.

Stat. Auth.: ORS 348.594 & ORS 348.606  
 Stats. Implemented: ORS 348.594, ORS 348.603 & ORS 348.606  
 Hist.: ECC 22, f. & ef. 12-22-75; ECC 2-1980, f. & ef. 4-14-80; EPP 1-1988, f. & cert. ef. 1-7-88; EPP 1-1993, f. & cert. ef. 6-28-93; EPP 1-1995, f. & cert. ef. 10-6-95; EPP 1-1996, f. & cert. ef. 8-7-96; SSC 1-1997(Temp), f. & cert. ef. 8-25-97; ODA 2-1998, f. & cert. ef. 8-12-98; ODA 1-2001, f. & cert. ef. 6-27-01

**583-030-0016**

**Exclusive Use of Term "University"**

The term "university" refers exclusively to a school that is authorized to offer bachelor's degrees together with graduate or first professional degrees, or to an organization that constitutes a formal consortium of schools so authorized. Any entity that calls itself "university" without authorization but with serious intent will be referred to the Department of Justice for enforcement of the statute that defines such deceptive representations as unlawful trade practices. No religious exemption applies.

Stat. Auth.: ORS 348.594 & ORS 348.606  
 Stats. Implemented: ORS 348.594, ORS 348.603 & ORS 348.606  
 Hist.: EPP 1-1993, f. & cert. ef. 6-28-93; EPP 1-1995, f. & cert. ef. 10-6-95; EPP 1-1996, f. & cert. ef. 8-7-96; ODA 2-1998, f. & cert. ef. 8-12-98

**583-030-0020**

**Exercise of Office Authority**

(1) A school that offers to anyone from within Oregon or offers to Oregon residents from outside the state any form of instruction, lecture, training, tutoring, seminar, workshop, examination, evaluation, or other service represented as contributing credit or otherwise leading toward a specified or unspecified degree or certificate that will or might be conferred anywhere shall notify the Office in advance and then promptly supply all information the Office requests. Failure to notify the Office in advance or to provide preliminary information as directed may result in permanent denial of approval for the school to offer any services in or from Oregon. Schools that offer no degrees in Oregon but want to offer a certificate are under the jurisdiction of the Private Career Schools office

of the Department of Education and should contact that office for approval.

(2) On the basis of preliminary information, the Office will determine whether the school:

(a) Shall apply for state authorization to offer instruction or related services leading to one or more degrees under the standards in OAR 583-030-0035, verbatim or as modified under OAR 583-030-0036; or

(b) Shall apply for approval of the exemption of one or more degrees from the standards in OAR 583-030-0035 as provided in OAR 583-030-0010(2); or

(c) Shall apply for deferment of the authorization requirement conditional on continuing to offer, under contract satisfactory to the Office, services leading only to academic credit issued by and in the name of an authorized or exempt school; or

(d) Shall apply for deferment of the authorization requirement conditional on continuing to offer services that do not, alone or in combination with services from any other school, lead substantially toward a degree to be conferred anywhere.

(3) A school that applies for degree authorization or exemption or requests a deferment shall use forms and follow procedures determined by the Office. Failure to comply constitutes good reason to reject an application or a deferment request. Such school shall be open to inspection and may be inspected at any time to verify its statements and to examine facilities. Inspection of a school and evaluation of its application or deferment request will be performed by state officials or consultants as the Office considers necessary, and findings will be utilized as the Office considers appropriate. Information from other examiners, such as accreditors or professional licensing agencies, may accompany materials submitted by the school and may be used by the Office at its discretion.

(4) Deferment of the requirement to apply for degree authorization is based on specified services from specified locations. A school receiving such deferment shall notify the Office immediately of any subsequent change in its offer of credit. Such school shall continue to supply information pertinent to its degree and credit status upon request and shall be open to inspection by the Office at any time. A deferment based on an inter-school contract or the offer of essentially non-degree credit is a temporary waiver entirely at the discretion of the Office, which may end it at any time, and it shall not be construed as an approval with right of appeal.

(5) Authorization to offer instruction or related services leading to a degree applies to specific curricula and services, offered at or from specific locations. The Office, on the basis of judgment about the relationship between a curriculum and a degree title, may require revision of title. Authorization is given for a specific degree for a fixed period of not less than two nor more than four calendar years. During any such period, the Office at its discretion may include a new location or closely related curriculum within the scope of the authorization through an abbreviated application procedure, with reduction or waiver of fee. Such abbreviated procedures generally apply to proposed changes that do not require a new faculty. At regular application junctures, several curricula leading to the same degree may be submitted as part of a single application.

(6) Authorization to offer instruction or related services leading to a degree expires at the end of the period for which it is given, without right or presumption of renewal, except that an authorized school having submitted a complete and timely application for renewal continues to be authorized until such time as a review or revocation procedure may determine otherwise. After discontinuing its offer of an authorized degree before the end of the period of authorization, a school shall not reinstate the degree without permission from the Office.

(7) Authorization to offer instruction or related services leading to a degree is subject at all times to revocation for proper cause according to procedures described in OAR 583-030-0045 below.

(8) Exemption of a degree with an approved religious title from the standards in OAR 583-030-0035 as provided in OAR 583-030-0010(2) is given for an indefinite period as long as the school continues to satisfy the exemption criteria of admission requirements, faculty qualifications, and length of program. After discontinuing the

offer of an exempt degree, a school shall not reinstate that degree without receiving renewed permission from the Office.

Stat. Auth.: ORS 348.594 & ORS 348.606  
 Stats. Implemented: ORS 348.594, ORS 348.603 & ORS 348.606  
 Hist.: ECC 22, f. & ef. 12-22-75; ECC 2-1980, f. & ef. 4-14-80; EPP 1-1988, f. & cert. ef. 1-7-88; EPP 1-1993, f. & cert. ef. 6-28-93; EPP 1-1995, f. & cert. ef. 10-6-95; EPP 1-1996, f. & cert. ef. 8-7-96; ODA 2-1998, f. & cert. ef. 8-12-98; ODA 1-2001, f. & cert. ef. 6-27-01

**583-030-0021**

**Nondegree Certificates and Diplomas**

(1)(a) A school that is authorized to grant a degree may also grant certificates in the same field without an independent review of the certificate, provided that the certificate is granted for completion of a specified set of courses approved in a degree curriculum as part of degree authorization.

(b) A school that is authorized to grant a degree and which wants to offer a certificate in a field in which the school is not authorized to grant a degree must apply for approval for the certificate. The process will be shorter and less elaborate than for a degree authorization and the fee will be that usually charged for external degree programs.

(c) A school that is not approved to grant any degrees in Oregon may apply for approval to grant certificates. Application must be made to the Private Career Schools office of the Department of Education, not to ODA.

(d) A school providing religious education does not require ODA approval in order to issue certificates or diplomas unless academic credit usable toward a degree is formally granted by the school.

(2) A school that can offer neither an authorized nor exempted degree to students who complete a postsecondary program may be permitted by the Office to issue a diploma or certificate under conditions that will not mislead the student or the public to think it is a degree. If such diploma or certificate represents two or more academic years of study or is titled in a way that could lead someone to confuse it with a degree, the Office at its discretion may require the school to print an approved disclaimer of degree offer on the inside front cover or facing page of its catalog.

Stat. Auth.: ORS 348.594 & ORS 348.606  
 Stats. Implemented: ORS 348.594, ORS 348.603 & ORS 348.606  
 Hist.: EPP 1-1988, f. & cert. ef. 1-7-88; EPP 1-1995, f. & cert. ef. 10-6-95; EPP 1-1996, f. & cert. ef. 8-7-96; ODA 2-1998, f. & cert. ef. 8-12-98; ODA 1-2001, f. & cert. ef. 6-27-01

**583-030-0022**

**Honorary Degrees**

A school authorized under this rule to offer academic degrees at or above the baccalaureate level may obtain permission from the Office, or be permitted by the standards of an accreditor under OAR 583-030-0037, to confer an honorary degree with a title clearly differentiated from the titles of earned degrees authorized or likely to be authorized in the state. The basis for a proposed honorary degree must be consistent with generally accepted practice among long established colleges and universities, thus reflecting great scholarly achievement, professional distinction, or humanitarian service. An honorary degree must be represented so as to be clearly not earned through collegiate study. No school shall otherwise offer or confer an honorary degree in or from Oregon. An honorary degree is honorific only and is not a public credential valid for academic and professional purposes.

Stat. Auth.: ORS 348.606  
 Stats. Implemented: ORS 348.603 & ORS 348.606  
 Hist.: EPP 1-1988, f. & cert. ef. 1-7-88; EPP 1-1995, f. & cert. ef. 10-6-95; EPP 1-1996, f. & cert. ef. 8-7-96; ODA 2-1998, f. & cert. ef. 8-12-98

**583-030-0025**

**Eligibility to Apply for Degree Authorization**

(1) To be eligible to apply for initial or renewed authorization to offer a residential or semi-residential degree to Oregon residents, or to offer any degree from within Oregon to persons anywhere, a school must ordinarily appoint a responsible administrator who resides and has a business address and telephone within the state, who may transact the essential business of application, and who in

any case shall be made an informed party to all such business. Alternative liaison arrangements may be permitted at the discretion of the Office where a non-Oregon school plans an unusually small or narrowly specialized operation within this state, provided that no degree will be offered from within Oregon to students who did not receive their residential instruction here.

(2) An applicant school shall provide evidence that it can employ sufficient faculty to enable all students to begin work toward a degree at a rate equivalent to at least half-time study. The school shall have reasonable prospects of obtaining facilities and other resources consistent with its academic plans at the outset of operation.

(3) No school shall be eligible to apply for authorization to offer in or from Oregon any instruction or other services leading to a doctor's degree before it has obtained accreditation or pre-accreditation candidacy at or above the bachelor's degree level recognized by the U.S. Secretary of Education or by the Council for Higher Education Accreditation. However, offer of doctoral programs in another state by an unaccredited school will not automatically disqualify such school from authorization to offer degrees below the doctoral level in Oregon if one or more of the doctoral programs would evidently qualify to be considered for Oregon authorization immediately upon becoming accredited.

Stat. Auth.: ORS 348.606  
 Stats. Implemented: ORS 348.603 & ORS 348.606  
 Hist.: ECC 22, f. & ef. 12-22-75; ECC 2-1980, f. & ef. 4-14-80; EPP 1-1988, f. & cert. ef. 1-7-88; EPP 1-1995, f. & cert. ef. 10-6-95; EPP 1-1996, f. & cert. ef. 8-7-96; ODA 2-1998, f. & cert. ef. 8-12-98

**583-030-0030**

**Application Procedure**

(1) A school seeking initial degree authorization should allow three months to prepare its application and six additional months for review by the Office. Approval of exempt degrees and abbreviated reviews for certain external or semi-residential degrees may require less time. To be considered timely, application for renewal of an existing authorization must be completed six months before that authorization expires, and a school seeking renewal is fully responsible for beginning the procedure.

(2) In order to be valid, application must be made by method determined by the Office, including completion according to instruction of any forms provided for the purpose. Modification will be allowed by explicit permission only. The applicant school shall submit any information requested by the Office and may submit such supplemental information as it considers pertinent. The Office will provide advice.

(3) An applicant school shall disclose any business or other relationship with another organization or person that may influence decisions taken by the school in a matter other than content of courses. The school shall furnish such information concerning the other organization or person and the relationship as the Office may direct. Concealment of such a relationship or failure to supply relevant information as directed is a basis for rejection of an application.

(4) Resumes or biographical outlines for owners, governing board members, officers, administrators, and teachers associated with the applicant school or its parent organization shall be submitted according to form determined by the Office. After the initial application is transmitted and before the Office has acted on it, the school shall submit the resume of any new such principal or employee immediately for inclusion with the application materials.

(5) Application for authorization to offer an academic degree, or to provide services leading to a degree in whole or in part, must be accompanied by payment of the fee described in OAR 583-030-0046 or such reduced fee as is determined by the Office in special circumstances. ORS 348.606(3) prohibits fee refunds.

Stat. Auth.: ORS 348.606  
 Stats. Implemented: ORS 348.603 & ORS 348.606  
 Hist.: ECC 22, f. & ef. 12-22-75; EPP 1-1988, f. & cert. ef. 1-7-88; EPP 1-1995, f. & cert. ef. 10-6-95; EPP 1-1996, f. & cert. ef. 8-7-96; ODA 2-1998, f. & cert. ef. 8-12-98; ODA 1-2001, f. & cert. ef. 6-27-01

## 583-030-0035

**Standards for Schools Offering Degree Programs in or from Oregon**

In order to receive and hold authorization to offer in or from Oregon instruction or related services leading to one or more academic degrees, a school must remain open to inspection at all times and continuously satisfy each of the following standard requirements as written, except where the Office approves modification under OAR 583-030-0036 or substitution under OAR 583-030-0037.

(1) **Name.** The school shall use for doing business publicly a name that is consistent with its purpose and educational programs, regardless of any corporate name, and the underlying corporate name shall not contradict purpose or program.

(2) **Purpose.** The school shall serve a reasonably distinct general purpose useful to Oregon society. That purpose shall be communicated clearly to students and the public. Its relationship to administrative and educational functions should be obvious, revealed in visible planning from general purpose to specific objectives and in the measurability of attainment of the objectives.

(3) **Control.** The school shall satisfy the Office that all persons responsible for top management policy are individually qualified by education, experience, and record of conduct to assure effective management, ethical practice, and the quality of degrees and services offered. Any controlling organization or owner is subject to this standard. Persons who control a nonprofit school shall be fully accountable to the people of Oregon for management of a public trust. They shall not ordinarily be operating officers or employees of the school, and their authority and role shall not be attenuated by commitment to other than the school's best interest.

(4) **Interest.** A school operated for profit shall disclose fully to students and faculty, as well as to the Office, the specific financial interest of any organization or person, except that a large group of shareholders may be described generally. All business activities of interested organizations or persons are subject to disclosure. A nonprofit school shall guard by policy and practice against conflicts of interest at all organizational levels. No governing board member, officer, or other person in a position to influence the management of a nonprofit school shall have any direct or indirect means of personal gain from the policy or activities of the school. However, such persons may loan money to the school at a moderate rate of return if a needed loan is not available from commercial lenders. This section does not prohibit a person who owns or is employed by an entity with which a nonprofit school does business from serving on the school's board provided that the school can demonstrate that no personal financial gain has occurred or could occur as a result of such board service.

(5) **Organization.** The school and any parent organization shall be organized so as to distribute responsibility clearly among positions in a logical structure that is consistent with services offered and qualifications needed to fulfill the duties of the positions. An individual may occupy more than one position.

(a) There shall be located in Oregon an administrator generally responsible for school operations within the state and transaction of business with the Office, except that alternative arrangements may be permitted at the discretion of the Office where a non-Oregon school conducts a small or highly specialized operation within the state. Unless an exception is approved by the Office because of unusual compensatory qualification, that administrator shall possess a degree at least as high as any offered by the school in connection with operations in Oregon, together with appropriate administrative experience.

(b) There shall be a chief executive officer for the entire school responsible to its governing board or other corporate owner for overall management of operations in Oregon and elsewhere. Unless an exception is approved by the Office because of unusual compensatory qualification, that officer shall possess a doctor's degree or otherwise a degree higher than any offered by the school anywhere, together with postsecondary managerial experience appropriate to the level, size, and complexity of the school.

(c) There shall be an academic officer for the entire school responsible for faculty and academic programs offered in or from Oregon. Unless an exception is approved by the Office because of

unusual compensatory qualification, that officer shall possess at least a master's degree and shall possess a doctor's degree if the school offers any graduate or non-baccalaureate professional degree. That officer shall have experience in teaching and academic administration, both experiences appropriate to the level, size, and complexity of the school.

(d) There shall be a business officer for the entire school responsible for accounting and managerial services. Unless an exception is approved by the Office because of unusual compensatory qualification, that officer shall possess at least a bachelor's degree, together with appropriate administrative experience.

(6) **Administrators.** The school shall satisfy the Office that all top executive officers and other administrators are individually qualified by education, experience, and record of conduct to assure competent management, ethical practices, and effective educational service. Unless an exception is approved by the Office because of unusual compensatory qualification, administrators above the entry level shall have experience related to their present duties, and all administrators shall possess appropriate academic degrees earned from schools that are regionally accredited or otherwise determined by the Office to be acceptable. The school shall employ, compensate, supervise, and evaluate its administrators systematically and fairly, not arbitrarily. Administrators shall be paid by fixed salary and not by commission. Appointment shall be made for at least one academic year and not be terminated before expiration without cause and due process. The school shall fully inform its administrators as to whether and how they are indemnified against professional liability. The school shall demonstrate an effort when hiring administrators to avoid dependence on its own most recent graduates.

(7) **Teachers.** The school, keeping official transcripts, shall satisfy the Office that all teachers are individually qualified by education and experience to give expert instruction or evaluation in their specialties. Unless an exception is approved by the Office because of unusual compensatory qualification, teachers shall be qualified for the various levels of instruction or evaluation as described below, with degrees earned from schools that are regionally accredited or otherwise determined by the Office to be acceptable. Teachers shall be numerous enough and so distributed as to give effective instructional and advisory attention to students in all programs offered by the school. A school having an unusually high student-faculty ratio, or not having at least one full-time teacher in each specialty, must show in more than usual detail the adequacy of faculty contribution to organizational integrity and continuity, to academic planning, and to resident student development. The school shall employ, compensate, supervise, and evaluate its teachers systematically and fairly, not arbitrarily, and shall have a faculty development policy that continuously improves their knowledge and performance. Teachers shall be paid by fixed salary and not by commission. Except for temporary adjuncts, appointment shall be made for at least one academic year and shall not be terminated before expiration without cause and due process, unless the position itself is eliminated at the end of a term. A teacher evaluated as better than adequate and not removed for cause can expect continually renewed appointment unless the position is eliminated for documented financial or curricular reasons. The school shall fully inform its teachers as to whether and how they are indemnified against professional liability. The school shall demonstrate an effort when hiring teachers to avoid dependence on its own most recent graduates.

(a) A teacher on a faculty offering associate's degrees ordinarily shall possess a bachelor's degree appropriate to the subject taught or evaluated, except that compensatory nonacademic qualifications will be more readily accepted by the Office in programs leading to occupational degrees. Where the degree emphasizes transfer courses in the arts and sciences, the teacher ordinarily shall possess an appropriate master's degree.

(b) A teacher on a faculty offering bachelor's degrees ordinarily shall possess an appropriate master's degree.

(c) A teacher on faculty offering master's degrees ordinarily shall possess an appropriate doctor's degree and some teaching experience, except that up to half of the teachers in an occupational or professional degree program may substitute for the doctorate a master's degree together with occupational or professional licensure or equiv-

alent certification and related work experience. More substitutions may be permitted where the terminal degree for teachers in an occupational or professional field is not generally considered to be a doctorate.

(d) A teacher on a faculty offering doctor's degrees ordinarily shall possess an appropriate doctor's degree and substantial graduate or first-professional teaching experience, including experience overseeing advanced independent study or student practice, except that the doctor's degree alone may suffice for teaching courses at the master's level generally or at any level in the teacher's particular sub-specialty.

(e) A teacher of an academic or scientific discipline within an occupational or professional degree program (e.g., economics within a business program, psychology within education, anatomy within nursing) ordinarily shall possess the appropriate degree in the discipline rather than a non-disciplinary occupational or professional degree. Elementary courses may be taught by those with non-disciplinary degrees who have demonstrable and extensive acquaintance with the discipline.

(8) **Curriculum.** The school shall justify a degree offer by assuring the quality of all attendant teaching, learning, and faculty-student interaction. The curriculum shall have a structure that reflects faculty acceptance of responsibility for what is to be learned overall, as well as in each course, and thus for the logical sequence and increasing difficulty of subjects and instructional levels. The curriculum shall reflect the distinction between the liberal disciplines and the occupations and professions, the nature of specialization in study and work, the contribution of liberal arts and sciences, and the relationship between teaching and faculty creativity. A graduate curriculum shall reflect a concept of the graduate school as a group of scholars, the faculty members of which have had extensive collegiate teaching experience and are engaged in the advancement of knowledge. Periods of study and other fundamental requirements for the four levels of academic degree are as follows, and they will be augmented by separately issued Office guidelines for particular degree titles within those levels.

(a) An associate's degree shall require at least two academic years in FTE postsecondary study, including general requirements as found in current guideline.

(b) A bachelor's degree, or baccalaureate, shall require at least four academic years in FTE postsecondary study, including general requirements as found in the current guideline. At least 40 semester hours shall be in upper-division courses, and no more than two academic years of instruction shall be from schools that do not offer baccalaureate degrees. The degree shall require distinct specialization, i.e., a "major," which should entail approximately one academic year of work in the main subject plus one year in related subjects, or two academic years in closely related subjects within a liberal arts interdisciplinary program.

(c) A master's degree shall require at least one full academic year in FTE post-baccalaureate study, except that a first-professional master's degree may be authorized for study beyond fulfillment of undergraduate requirements approved by the Office if the total period of study is at least five academic years. The curriculum shall specialize in a single discipline or single occupational or professional area and culminate in a demonstration of mastery such as a research thesis, a work of art, or the solution of a practical professional problem.

(d) A doctor's degree shall require at least three academic years in specialized post-baccalaureate FTE study, except that a first-professional doctor's degree may be authorized for four academic years of study beyond fulfillment of undergraduate requirements approved by the Office. Study for a closely related master's degree may be counted toward doctoral requirements. The doctor's degree shall represent a student's ability to perform independently basic or applied research at the level of the professional scholar or to perform independently the work of a profession that involves the highest levels of knowledge and expertise. Requirements for the degree shall include demonstration of mastery of a significant body of knowledge through comprehensive examination, unless a graduate must pass a similar examination in order to be admitted to professional practice in Oregon. The curricular program of a research degree shall be

appropriately broad and shall manifest full understanding of the level and range of doctoral scholarship, the function of a dissertation and its defense, the nature of comprehensive examination, and the distinction between matriculation and degree candidacy.

(9) **Credit.** The school shall award credit toward degrees proportionate to work done by students and consequent upon the judgment of qualified teachers and examiners. Where conventional language is used, a semester "credit hour" shall represent approximately one week of full-time work, i.e., 35 to 45 hours of learning activity in and out of class. Other units shall have proportionate value. Credit awarded by the school shall indicate the judgment of faculty members who have had extensive direct contact with the students who receive it, with the exception of methods listed below insofar as they are approved by the Office pursuant to the school's application. At least one academic year of credit toward any degree, most of it near the end, shall represent teaching or direct evaluation by faculty members employed by the school, except that the Office may approve a lesser amount for an associate's degree.

(a) Transfer credit integral to the school's approved degree curriculum may be awarded at the corresponding degree level and division thereof for academic work documented by other schools that are regionally accredited, authorized to confer degrees in Oregon, or otherwise individually or categorically approved by the Office.

(b) Advanced placement credit integral to the approved degree curriculum may be awarded in the lower-division up to a limit of one academic year for passing examinations constructed by testing organizations satisfactory to the Office.

(c) Challenge examination credit as an actual component of the approved degree curriculum may be awarded only at the undergraduate level for successful performance on a final course examination, or on a similar test covering all course content, given by the school in lieu of requiring class attendance.

(d) Noncollegiate learning credit integral to the approved degree curriculum, may be awarded only at the undergraduate level for learning validated by a student "portfolio," a credit evaluation guide issued by the American Council on Education, or a similar criterion. Such learning must be formulated through sufficient contact between teacher and student, communicated competently in terms of ideas (e.g., concept, generalization, analysis, synthesis, proof) rather than mere description, and judged by faculty members or contracted experts demonstrably qualified to evaluate it. Upper-division credit of this type may be awarded only in academic fields in which the school employs its own faculty.

(e) Distance learning credit as an actual component of the approved degree curriculum, making extensive use of telecommunication and essentially identical to courses the school has already offered face-to-face, may be approved if there will be sufficient interaction between students and faculty and, if possible, among students. Correspondence credit having no systematic telecommunication component other than mailed audio or video recordings, but essentially identical to courses the school has already offered face-to-face, may be approved if the student will be permitted to meet reasonably often with the teacher and may telephone for individual help. The Office at its discretion may limit credit awarded for any type of distance learning.

(10) **Admission.** The school shall offer admission only on receipt of evidence that the applying student can reasonably expect to complete a degree and to benefit from the education obtained. Any student permitted to take courses within a degree curriculum has been admitted thereby unconditionally to the degree program unless individually informed otherwise in writing. Students offered unconditional admission shall have the following qualifications, unless the Office approves specific testing or other alternative method of determining applicant admissibility.

(a) A student admitted to undergraduate degree study for the first time shall have either a high school diploma or an equivalent credential.

(b) A student admitted to undergraduate degree study with undergraduate experience shall have a record of successful performance therein or else a record of responsibility and achievement following unsuccessful collegiate performance.

(c) A student admitted to graduate degree study shall have a baccalaureate degree from a school that is regionally accredited, authorized to confer degrees in Oregon, or otherwise approved by the Office either individually or by category.

(d) A student admitted to first-professional degree study shall have at least three academic years of undergraduate credit, graded average or better, including pre-professional courses specified by the school and approved by the Office.

(11) **Guidance.** The school shall help students to understand the curriculum and to make the best use of it. There shall be a program of general orientation for new students. Each student shall be assigned a qualified academic advisor to assist individually in planning, course selection, learning methods, and general adjustment. The school shall provide career guidance to the extent that curriculum is related to a specific prospective occupation or profession.

(12) **Learning.** The school shall require each student to complete academic assignments and demonstrate learning appropriate to the curriculum undertaken. Teachers or evaluators shall inform students clearly of what should be learned in each course and how it will be measured. Expectations of student performance shall be increased with each ascending step in degree level. Evidence of expectation and performance shall be retained for all academic courses. The school shall require students to make continuous progress toward a degree while they are enrolled and liable for tuition and shall suspend or dismiss those who do not make such progress, except that a period of probation with guidance may be instituted in order to obviate separation of a student who can be expected to improve immediately. Grading and appeal procedures shall be fair and administered equitably, and criteria of student progress shall be validated by research if not obviously valid.

(13) **Student Affairs.** Through both services and supervision the school shall demonstrate commitment to the success of individual students and to maintenance of an atmosphere conducive to learning. There shall be available to undergraduate students and responsible for student affairs an official who possesses knowledge, skill, and managerial experience particularly appropriate to the function, unless the Office waives this requirement. Every school shall distribute a student handbook or similar publication describing services and regulations, unless such descriptions are complete in the school's main catalog. Functional standards follow for all schools.

(a) Rules of student conduct shall be reasonable, sufficiently specific, fully communicated, systematically and equitably enforced, and accompanied by policy and practice of disciplinary due process, including notice and hearing and related rights as described in current Office guideline.

(b) Security services and fire protection shall be adequate to ensure student safety on school premises.

(c) Counseling or advising services shall be accurately described. There shall be no suggestion of professional psychological counseling, therapy, or testing, unless provided by persons who possess directly related graduate degrees.

(d) Health services where provided shall be under supervision of a registered nurse or licensed physician. There shall be an arrangement for quick and effective referral in medical or psychiatric emergencies beyond school capability. The school shall provide adequate first-aid supplies on its premises.

(e) Housing where provided or endorsed by the school shall be conducive to study and adequately supervised.

(f) Financial aid services shall be provided by qualified administrators.

(g) Placement services where provided shall be described clearly to students, and the school shall take precautions to avoid unrealistic expectation of placement.

(h) Organizations and activities where sponsored or endorsed by the school, whether using school facilities or not, are the responsibility of the school and shall be supervised if and insofar as necessary to ensure student safety and good conduct.

(i) Recreation or rest areas shall be provided on school premises and equipped appropriately in relation to student use and need.

(j) Records documenting relationships between school and a student shall be open to that student, who may request changes or enter dissenting comments, and the content of records shall be objec-

tive and fair. The private notes of a counselor are not to be considered records and shall not be transmitted as such, either inside or outside the school. All medical records are confidential and shall not be released without permission of the patient.

(14) **Information.** School publications, advertisements, and statements shall be wholly accurate and in no way misleading. Reference to state approval shall be limited to that described in OAR 583-030-0041. Reference to accreditation shall be limited to that defined in OAR 583-030-0015(9). A prospective student shall receive a complete description of the school and its policies before being enrolled. Where a degree implies preparation for a specific occupation, the school shall explain clearly the true relationship between its curriculum and subsequent student qualification for occupational practice. Specific information requirements follow.

(a) The school shall publish at least every two years a catalog or general bulletin. The catalog shall contain a table of contents and adequate information concerning period covered, school name and address, telephone numbers, state approval, purpose, relationship to occupational qualification, controlling structure, board membership, financially interested parties, internal organization, faculty and administrators (listing position or teaching specialization together with all earned degrees and their sources, omitting unearned degrees and not confusing professional licenses with degrees), degree requirements and curricula, academic calendar, credit policy in accordance with OAR 583-030-0035(9), transferability of credit to other schools, admission requirements and procedures, academic advising and career planning, academic policies and grading, rules of conduct and disciplinary procedure, student services (counseling, health, placement, housing, food, bookstore, activities, organizations), student records, library, facilities, fees and refunds, estimated total expenses, financial aid, and job opportunities for current students.

(b) The school shall publish in its catalog or general bulletin a description of the line of authority from Oregon operations to all sources of control, including any parent or intermediary organizations. The catalog shall include membership of the school governing board and at least the officers of the governing board of any other organization that exerts direct or indirect control. A school operated for profit shall publish in its catalog a clear description of the financial interest of any organization, and it shall publish the names of persons having an interest in a closely held school corporation or parent corporation of a subsidiary school.

(c) The school shall be scrupulously ethical in all communication with the public and with prospective students. A claim made to attract students shall be documented by evidence available to any person on request. The school shall make no attempt to attract anyone who does not appear likely to benefit from enrollment, and no attempt to attract students on any basis other than instruction and campus life appropriate to an educational institution. Outside the regular student financial aid process, there shall be no discounting of tuition as an incentive to enroll.

(d) A school without regional accreditation shall print in a separate section of its catalog titled "transfer of credit to other schools" a statement warning students verbatim that "transfer of credit is always at the discretion of the receiving school, generally depends on comparability of curricula, and may depend on comparability of accreditation." Other comments may follow concerning the school's documented experience in credit transferability, but it must be clear that a student should make no assumptions about credit transfer.

(e) Research involving human subjects shall be done only with their informed consent.

(15) **Credentials.** The school shall provide accurate and appropriate credit transcripts for students who enroll and diplomas for students who graduate.

(a) The school shall maintain for every past and present student, and shall issue at the request of any student who is not delinquent in fee payment, a current transcript of credits and degrees earned. The transcript shall identify the school fully and explain the academic calendar, length of term, credit structure, and grading system. It shall identify the student and show all prior degrees earned, details of any credit transferred or otherwise awarded at entry, and periods of enrollment. It shall include for each period of enrollment every com-

pleted course or module with an understandable title, number of credits earned, and grade received. The transcript shall note with or without explanation if the student is not immediately eligible to continue enrollment.

(b) Upon satisfaction of degree requirements and payment of all fees owed, the school shall provide the graduating student with a diploma in a form approved by the Office, appropriately documenting conferral of the degree.

(16) **Records.** The school shall keep accurate and safe all records affecting students. There shall be at all times complete duplicate transcript information kept in a location away from the original transcripts, such that duplicates and originals are not exposed to risk of simultaneous damage. In addition to transcripts, which may never be destroyed, the school shall maintain detailed records documenting the significant parts of its formal relationship with each student: financial transactions and accounts, admission qualifications, validation of advanced standing, instructor course records as posted to transcripts, and status changes due to unsatisfactory performance or conduct. Such supporting records shall be kept safe for a period of at least three years after a student has discontinued enrollment. Instructor course records other than those posted to transcripts shall be kept for at least one year.

(17) **Library.** The school shall provide or arrange for its faculty and students direct or electronic access to verbal and sensory materials sufficient in all subjects of the curriculum to support instruction and to stimulate research or independent study. The school may arrange for comprehensive privileges from libraries of other organizations, provided it can prove convenient access and extensive use, but the school shall retain full responsibility for adequacy of resources available to students. Library services shall be under the direction of a person educated professionally in library and information studies, except that the Office may waive this requirement where the range of academic fields represented is narrow. Library resources shall be current, well distributed, cataloged, logically organized, and readily located. The school shall maintain a continuous plan for library resource development and support, including objectives and selection of materials, and shall maintain accurate information on resource collections, access, student use, faculty use, staffing, and finance. The school should conform to the following guidelines for library services unless it can justify a deviation on the basis of unusual educational requirements.

(a) With the exception of those in specialized associate's degree programs, students should ordinarily receive access to a minimal basic collection equivalent to 10,000 volumes per academic year of instruction, including particular collections of not less than 1,000 volumes for each major field taught at the bachelor's degree level, 3,000 for each major at the master's level, and 12,000 for each major at the doctor's level, together with one serial subscription per 100 volumes.

(b) The budget for library services should equal or exceed 10 percent of the direct cost of academic instruction, with one third spent on the collection.

(c) Staff should include a professional librarian for each 1,000 students, with clerical support adequate to relieve librarians of all non-professional duties.

(d) Students should have full access to all resources for at least 40 hours per week, and all services should be available for 20 hours per week. The facility should seat no less than 10 percent of the students enrolled.

(18) **Facilities.** The school shall have buildings and equipment sufficient for the achievement of all educational objectives and shall maintain a plan for facilities use and development, ordinarily including data showing utilization. A school that offers a residential or semi-residential degree shall conform to the standard criteria listed below unless the Office approves an exception based on unusual conditions. A school that does not own facilities meeting the standard shall provide them by lease or other arrangement that guarantees operational stability and continuity.

(a) Buildings in general, including student or faculty housing units, shall be uncrowded, safe, clean, well furnished, and in good repair; and they shall be well lighted, heated, ventilated, and protected from noise. School grounds where provided shall be appropriately used and adequately maintained.

(b) Instructional facilities shall be adequate and conducive to learning. There shall be no less than 15 square feet per student station in classrooms, with at least one station for every two FTE students enrolled. Total classroom and study area, including library space for reading, shall be no less than 10 square feet per FTE student.

(c) Laboratory space and instructional equipment shall be inventoried, its use explained on the resulting report, and its adequacy defended on criteria obtained from experts and documented by the school. A laboratory ordinarily shall have no less than 30 square feet per student station.

(d) Clinical facilities and other public service areas shall be appropriate for instruction of students as well as for service to patients or clients.

(e) Faculty offices shall be sufficient to prevent crowding and to allow private conversations with students.

(19) **Finance.** The school shall have financial resources sufficient to ensure successful continuing operation and to guarantee full refund of any unearned tuition. There shall be competent financial planning using complete and accurate records. The school shall demonstrate satisfaction of this standard upon application, and thereafter annually, by submitting independently audited financial statements with opinion by a certified public accountant. In some cases, the Office at its discretion may accept an audited balance sheet with opinion, together with annual operating statements that have been reviewed by the auditor. A school that is a subsidiary shall submit financial statements of the parent corporation on request. In unusual circumstances, the Office may require a special investigative audit and report.

(a) Financial reports shall be prepared in a format acceptable to the Office, clearly delineating assets and liabilities and informatively classifying revenues by source and expenditures by function. Operating expenditures shall be classified so as to show separately what has been spent for direct instruction, with the inclusion of strictly academic administration optional. Separate expenditures shall be shown also for library services, non-library academic support, student services, organized research, public services, and auxiliary services. Facility operating expenditures ordinarily should be shown separately. The other administrative and institutional support expenditures may be itemized or combined. Student aid must be shown separately as either an expenditure or a reduction of income. Hospitals and clinics must be accounted for as separate enterprises, with all costs allocated and fully charged back as reductions of general institutional expenditures.

(b) Current assets shall be entirely tangible and such that the school is not dependent for solvency on substantial increases in receivables collection rate, gifts, tuition rates, or enrollment. Prospective tuition for which a student is not legally liable is not an asset and shall not be shown as a receivable or other balance sheet asset. Tuition collected but still subject to refund shall be shown as a "prepaid" or "unearned" tuition liability.

(c) A school unable to demonstrate financial strength may be permitted at the discretion of the Office to submit a surety bond in amount equal to the largest amount of prepaid tuition held at any time. The bond would be subject to claims for tuition refund only.

(d) The school shall carry casualty and general liability insurance sufficient to guarantee continuity in case of accident or negligence, and it shall provide or else require by policy professional liability insurance for all of its officers and employees.

(20) **Fees and Refunds.** The school shall maintain fee and refund policies that are fair, uniformly administered, and clearly explained in the school catalog as well as in any contract made with students. A student shall not be enrolled without having received the explanatory material. The school shall not change its fee policy during an academic year and shall not at any time make extreme changes affecting students already enrolled without permission from the Office.

(a) Tuition shall be charged by the credit hour or by fixed rate, for instruction during an academic semester, quarter, or shorter term. No student is obligated for tuition charged for a term that had not commenced when the student withdrew or a term that was truncated by cessation of school services.

(b) A non-refundable application fee charged by the school ordinarily shall not exceed \$50. A total of \$200, including such fee, may be kept by the school from a student who withdraws voluntarily after accepting admission but before attending classes. Any additional fees preceding admission, such as those for qualification, aptitude, or placement tests given by the school or an external testing organization, must be specifically approved by the Office.

(c) After classes begin for a term, a student shall not be obligated for more than 20 percent of term tuition for each week of instruction that has begun before initiation of withdrawal or \$200, whichever is greater. The Office will determine comparable refund requirements for any unconventional class schedule. Without specific Office approval, refund rates shall not be differentiated on the criteria of a student's source of income or loan repayment obligations. In particular, the school shall treat federally aided and unaided students alike in the first academic year.

(d) Fees for credit transferred, for credit attempted or earned by examination or portfolio, or for any period when a student is not attending classes (e.g., during a field experience or a period of thesis research) shall be justified to the satisfaction of the Office, and they shall be explained fully to prospective students. Any such fee must be based on the cost of service actually provided, ordinarily less than the cost of regular instruction, and the mere award of credit does not justify a fee.

(e) Academic policies shall not artificially prolong the enrollment of a failing student with the effect of increasing financial obligation.

(f) Separation from the school for reason of discipline or other administrative action shall not cause forfeiture of ordinary refund amounts.

(g) Charges for food, housing, academic supplies, books, and activities shall ordinarily be based on time of service or exact measure of materials and services provided. Refunds for such non-tuition items shall be prorated on that basis upon withdrawal, except that the Office may give permission for reduced housing refund to a student whose withdrawal is essentially voluntary and creates a vacancy that cannot be filled. Commitments to purchase school services up to a full academic year may be enforced so long as the student remains in attendance.

(21) **Creative Rights.** Students shall retain rights to their creative academic work. The school and faculty shall give full attributive credit for any student work used in publications, classes, performances, exhibits, or elsewhere. Major portions of student creative work shall not be used without permission, except that general display may be part of a course or degree requirement. Nonliterary work shall be purchased from the student if it is not returned after a reasonable display period.

(22) **Evaluation.** The school shall evaluate its own educational effectiveness continually in relation to purpose and planning, including in all aspects the opinions of students. There shall be evaluation of present curriculum and instruction, of attrition and reasons for student withdrawal, and of performance by students after their graduation. In addition to the comments of graduates, employer opinions and licensing examination records should be used in the post-graduation study.

(23) **Fair Practice.** Notwithstanding the absence of a specific standard or prohibition in this rule, no school authorized to offer academic degrees or seeking to qualify for such authorization shall engage in any practice that the Office, accepting the burden of proof in due process, finds to be in contravention of statutory intent by reason of being fraudulent, dishonest, unethical, unsafe, exploitive, irresponsible, deceptive, or inequitable and thus harmful or unfair to persons with whom it deals.

Stat. Auth.: ORS 348.606

Stats. Implemented: ORS 348.603 & ORS 348.606

Hist.: ECC 22, f. & ef. 12-22-75; ECC 2-1980, f. & ef. 4-14-80; ECC 3-1981, f. & ef. 12-16-81; EPP 1-1988, f. & cert. ef. 1-7-88; EPP 1-1995, f. & cert. ef. 10-6-95; EPP 1-1996, f. & cert. ef. 8-7-96; ODA 2-1998, f. & cert. ef. 8-12-98; ODA 1-2001, f. & cert. ef. 6-27-01

**583-030-0036**

**Modification for Schools Without Resident Instruction in Oregon**

(1) The Office at its discretion may adapt the standards and procedures described above when reviewing the application of a non-Oregon school, if it has accreditation or comparable assurance of quality, to offer a degree without resident instruction in Oregon. Some classroom courses and all supervised clinical or other internships, either restricted or open, would be permitted within the state. Modification of standards and procedures reflects the fact that the school will have no facility or regular employees in Oregon, and authorization of a degree in this way thus includes waiver of the requirement to have a resident Oregon administrator.

(2) Schools offering no resident instruction in Oregon are likely to be reviewed using modified standards and procedures when most or all of the following conditions exist: degrees are highly specialized, information from the school is clear, advice and assistance are accessible for students, tuition refund policies are generous, program evaluation is done systematically by the school, curricula for Oregon residents are identical to those at a main campus, instruction relayed either live or on recordings is received in Oregon just as it was presented during resident instruction, academic assignments and testing and grading policies for Oregon students are identical to those for students on a main campus, and all or nearly all members of the faculty hold degrees meeting Oregon standards.

(3) If a restricted degree is authorized under modified standards, the client organization must ensure full library services, employ persons qualified by a higher degree and experience to judge the quality of the degree program, and appoint a site coordinator who will assist with any inspections and provide information continually to the Office.

Stat. Auth.: ORS 348.606

Stats. Implemented: ORS 348.603 & ORS 348.606

Hist.: EPP 1-1996, f. & cert. ef. 8-7-96; ODA 2-1998, f. & cert. ef. 8-12-98

**583-030-0037**

**Modification for Schools Having Separate Regional Accreditation**

(1) The standards of a U.S. regional accrediting association or its successor national association shall be substituted for the standards in OAR 583-030-0035 for all Oregon operations of a school that has conferred degrees under the same control for five years in Oregon from at least one operationally separate unit accredited as a separate institution by such association, provided the school submits for arbitration by the Office any unresolved dispute in which a person alleges detrimental violation of a standard guaranteed by the accreditor but which the accreditor has declined to arbitrate. Upon substitution of standards, the Office will waive application requirements and apply abbreviated reporting requirements. An "operationally separate unit" is a complete and semi-autonomous institution that has a core of full-time teachers, a separate student body, local administration for all educational functions, and academic programs comprising the totality of educational experience. The unit must be separately evaluated by the appropriate accreditor following regular procedures for the accreditation of an autonomous institution, and it must be listed as separately accredited in all regional and national directories.

(2) Arbitration will be as informal as possible, including a sustained effort at compromise through mediation, and will occur only after all of the school's internal procedures for dispute resolution have been exhausted.

(3) Arbitration decisions will be based on the standards published by the accreditor as interpreted through continual consultation with the accreditor, and the Office will not substitute its judgment for that of school officials in the ordinary interpretation of factual evidence or the exercise of managerial discretion. In the absence of any obvious factual error that changes the decision record as a whole, the question for arbitration will be whether institutional procedures have been as promised and have led to an action consistent with the accreditation standards as interpreted reasonably and fairly.

(4) The Office at its discretion may refuse or discontinue arbitration in any case where the dispute is trivial in that it does not involve a significant question of standards, where a complaint is frivolous or indicates harassment of an institution by a complainant, where the issue is managerial judgment rather than an objective stan-

dard or of value preference rather than justice, where the matter falls within the more appropriate jurisdiction of another state agency to which appeal is readily available, or where a decision involves fundamentally the academic judgment of expert professionals on the faculty. No case that has entered litigation may be accepted for arbitration unless there is a binding suspension of litigious activities.

(5) Judicial review of an arbitration decision is available to either party under the Administrative Procedure Act, which provides for review of agency orders other than contested cases. A petition for review without jury may be made to the Circuit Court for Marion County or circuit court in the county where the petitioner resides.

Stat. Auth.: ORS 348.606

Stats. Implemented: ORS 348.603 & ORS 348.606

Hist.: EPP 1-1996, f. & cert. ef. 8-7-96; ODA 2-1998, f. & cert. ef. 8-12-98

### 583-030-0040

#### Review Procedures for Degrees

(1) Review and evaluation begin upon receipt of an application found by the Office to be complete. The Office will return an incomplete application for revision by the applicant. After formal evaluation begins, the Office will request additional information where needed.

(2) In the course of evaluation, the Office will ordinarily inspect the facilities and records of an applicant school and interview officials, employees, or students of the school as necessary to obtain sufficient information. The Office may interview employers of school graduates and representatives of organizations that appear closely related to the school. Where competency in a particular academic discipline is essential to an evaluation, the Office may seek expert advice in that discipline. However, adequacy of instruction in a discipline will ordinarily be judged by faculty credentials in relation to the standards, by curricular content in comparison with similar programs of established quality, and by educational resources and student performance. Where competency in a particular occupation or profession is needed for an evaluation, the Office will seek expert advice from the corresponding state licensing board.

(3) Review of an application to offer instruction or related services leading to a degree or certificate includes evaluation of the school and its proposed programs in relation to each of the state academic standards set forth in OAR 583-030-0035, which may be modified under OAR 583-030-0036 for a non-Oregon school that will not offer resident instruction in Oregon. Review of free-standing certificate programs will generally follow the model for external degrees. The review culminates in preparation of findings, including explanation of any failure to satisfy a standard. If the applicant school believes there are errors of fact in the report, it may request correction based on clear evidence. Ultimate findings of fact and all conclusions of judgment are the responsibility of the Office, notwithstanding opinions received and duly considered in the course of the evaluation.

(4) Pursuant to a modification of standards under OAR 583-030-0036, the Office at its discretion may employ an abbreviated review procedure with adjusted fee for a non-Oregon school offering no resident instruction in Oregon. In place of a completed degree application form, abbreviated review entails study of information already published by the school, augmented by answers to any remaining questions.

(5) Refusal to authorize an applicant school to offer instruction or related services leading to a degree is subject to right of review as provided in ORS 348.615 by an action brought for trial without jury in the circuit court of the county in which the school is located. A school or putative school having no location in Oregon at which students are actually served must bring any such action in the circuit court of Marion County.

Stat. Auth.: ORS 348.606

Stats. Implemented: ORS 348.603 & ORS 348.606

Hist.: ECC 22, f. & ef. 12-22-75; ECC 26, f. & ef. 6-8-77; ECC 2-1980, f. & ef. 4-14-80; EPP 1-1988, f. & cert. ef. 1-7-88; EPP 1-1995, f. & cert. ef. 10-6-95; EPP 1-1996, f. & cert. ef. 8-7-96; ODA 2-1998, f. & cert. ef. 8-12-98; ODA 1-2001, f. & cert. ef. 6-27-01

### 583-030-0041

#### Authorization Statement in School Catalog

(1) Upon receipt of authorization to offer instruction or related services leading to one or more degrees, and until such time as that authorization has expired or been revoked, an Oregon school shall print the following statement prominently on the inside front cover or facing page of its catalog and any general bulletin, shall include the statement with any internet web site announcement, and may publish the statement in other school announcements. Choose one descriptive term from each parenthetical pair.

This school (is) (is a unit of) a (business) (nonprofit) corporation authorized by the State of Oregon to offer and confer the academic (degree) (degrees) described herein, following a determination that state academic standards will be satisfied under OAR 583-030. Inquiries concerning the standards or school compliance may be directed to the Office of Degree Authorization, 1500 Valley River Drive, Suite 100, Eugene, Oregon 97401.

(2) A non-Oregon school shall print or affix the above statement on the inside front cover or facing page of every catalog distributed in Oregon.

Stat. Auth.: ORS 348.606

Stats. Implemented: ORS 348.603 & ORS 348.606

Hist.: EPP 1-1988, f. & cert. ef. 1-7-88; EPP 1-1995, f. & cert. ef. 10-6-95; EPP 1-1996, f. & cert. ef. 8-7-96; SSC 1-1997(Temp), f. & cert. ef. 8-25-97; ODA 2-1998, f. & cert. ef. 8-12-98; ODA 2-2000, f. 7-7-00, cert. ef. 7-20-00

### 583-030-0042

#### Reporting Requirements

(1) A school authorized to offer instruction or related services leading to one or more academic degrees under the standards in OAR 583-030-0035 shall submit to the Office annually, with a form provided in the fall, a brief report of activities and planning in the academic or fiscal year just ended. In its report, the school shall describe any important changes in academic or administrative policies, facilities or locations of instruction, and organization or personnel. Simultaneously, the school shall supply data requested on state and federal forms provided by the Office, including forms for the Integrated Postsecondary Education Data System (IPEDS), together with current catalogs and the latest independent financial audit not previously submitted. Between annual reports, the school shall mail or fax to the Office promptly the resumes of new owners, governing board members, officers, or administrators or teachers serving Oregon students, and shall send immediately the details of any possible or anticipated change of ownership or governance or any other matter having extensive effect on the school.

(2) A school authorized to offer instruction or related services leading to one or more academic degrees under the substitute standards provide by OAR 583-030-0037 shall report as described in the preceding paragraph, except that immediate reporting of new governing board members, officers, administrators, or teachers is not required. The reporting of any possible or anticipated change of ownership or governance or other major change should be immediate.

(3) A non-Oregon school authorized to offer instruction or related services leading to one or more academic degrees but without resident instruction in Oregon, under OAR 583-030-0036, shall submit to the Office annually, with a form provided in the fall, a brief report of activities and planning in the academic or fiscal year just ended, insofar as Oregon students would be affected. In its report, the school shall describe as they might affect Oregon residents any important changes in academic or administrative policies, facilities or locations of instruction, and organization or personnel. Simultaneously, the school shall supply Oregon enrollment and degrees-granted data on a state form provided by the Office, together with current catalogs and the latest independent financial audit not previously submitted. IPEDS reports will not be made through Oregon. Between annual reports, the school shall send to the Office immediately details of any possible or anticipated change of ownership, governance, curriculum, Oregon site coordinator, or other matter having potential importance to Oregon students.

(4) A school approved to offer exempt religious degrees under OAR 583-030-0010(2) will be asked on a special form supplied by the Office to describe changes in address, organization, degree curricula, officers or faculty, together with any plans to seek exemption for new degree titles, current full-time and part-time enrollment, degrees issued in the preceding academic year, and important recent

developments the school may wish to relate. Federal IPEDS information will not be sought from exempt schools, which offer sectarian rather than general public credentials.

(5) An authorized or exempted degree-granting school shall continue during the period of its authorization or approved exemption to respond promptly to Office requests for general or particular information and shall supply the information as directed.

(6) A school that ceases to offer any authorized or exempted degree or the instruction related thereto, other than during regular academic recesses, shall notify the Office immediately and not reinstate the degree program without permission.

Stat. Auth.: ORS 348.594 & ORS 348.606

Stats. Implemented: ORS 348.594, ORS 348.603 & ORS 348.606

Hist.: EPP 1-1988, f. & cert. ef. 1-7-88; EPP 1-1995, f. & cert. ef. 10-6-95; EPP 1-1996, f. & cert. ef. 8-7-96; ODA 2-1998, f. & cert. ef. 8-12-98

### 583-030-0043

#### Duty to Notify Employees and Students of Change in Status

Any school for which degree authorization has expired or been revoked or suspended shall immediately in writing notify all employees and students of its change in status. The school shall not lead students or employees to conclude that restoration of degree granting is assured.

Stat. Auth.: ORS 348.606

Stats. Implemented: ORS 348.603 & ORS 348.606

Hist.: EPP 1-1988, f. & cert. ef. 1-7-88; EPP 1-1995, f. & cert. ef. 10-6-95; EPP 1-1996, f. & cert. ef. 8-7-96; ODA 2-1998, f. & cert. ef. 8-12-98

### 583-030-0044

#### State Responsibility for Student Records

(1) The state is ultimate custodian of records documenting in transcript form the admission, academic degree credits, and performance ratings of students enrolled in Oregon schools that have been authorized by the Office to offer instruction or related services in or from Oregon leading to degrees that are valid as public credentials. Whenever such transcripts appear to be at risk of damage, loss, or misappropriation, the Office may direct a school to change its practices in order to safeguard the records, and the school shall comply immediately.

(2) If such an authorized Oregon school plans to discontinue operations or is warned by the Office specifically because of failure to safeguard student records, the school shall promptly furnish to the Office legible paper copies of fully current transcripts.

(3) If such an authorized Oregon school discontinues operation or has degree authorization revoked or suspended, it may seek Office permission to place original transcripts in the custody of a related or similar school that will continue to issue them on behalf of former students. The Office will approve another school as custodian or else seek possession of the original transcripts, if necessary by court order.

(4) The Office on request may take possession of transcripts from a closing Oregon unit of a non-Oregon degree granting school, if that appears to be the only way to protect Oregon residents who were enrolled at the Oregon unit.

(5) Upon taking possession of student academic transcripts, the Office will issue a transcript copy at the request of any student who is not delinquent in fee payment, except that the Office will not issue such transcript copies while any unit of the school of origin or the assigned custodial school can administer their issuance. Individual student records are confidential and not Office records open to the public.

Stat. Auth.: ORS 348.606

Stats. Implemented: ORS 348.603 & ORS 348.606

Hist.: EPP 1-1988, f. & cert. ef. 1-7-88; EPP 1-1995, f. & cert. ef. 10-6-95; EPP 1-1996, f. & cert. ef. 8-7-96; ODA 2-1998, f. & cert. ef. 8-12-98

### 583-030-0045

#### Revocation of Authorization

(1) The Oregon Student Assistance Commission on recommendation by the Office, after a hearing before a hearing officer appointed by the Commission, may under ORS 348.612 revoke or suspend authorization given to a school to confer or offer to confer degrees in or from Oregon, or to offer instruction or related services in or from Oregon purporting to lead to a degree in whole or in part.

(2) A hearing to consider a proposed revocation or suspension shall be held only after the affected school has been given written notice of the time and place of such hearing 20 days in advance.

(3) Revocation or suspension of degree authorization applies to a school as a whole, inasmuch as failure to satisfy any state requirement for offer of any degree constitutes failure to satisfy all requirements applicable to the school. Refusal by a school to discontinue any substandard offer or practice, regardless of the quality of any other offer or practice, will lead the Office to propose revocation or suspension in the entirety.

(4) A school whose degree authorization is revoked shall be considered for reinstatement only after one year and only when the Office is satisfied that causes of the revocation have been entirely removed. Application for reinstatement from a school in revoked status shall comply with all requirements for a new applicant.

(5) A school whose degree authorization is suspended shall be considered for reinstatement only when the Office is satisfied that causes of the suspension have been entirely removed. Application for reinstatement from a school in suspended status shall comply with all requirements for a renewing applicant.

(6) Grounds for revoking or suspending the degree authorization of a school include its failure to provide services it has guaranteed to students in writing; failure to supply records and other information to the Office as directed; falsification of any information supplied to the Office, students, or the public; failure to comply with all requirements of OAR 583-030-0016, 583-030-0020, 583-030-0021, 583-030-0022, 583-030-0030, 583-030-0035, 583-030-0036, 583-030-0037, 583-030-0041, 583-030-0042, 583-030-0043, 583-030-0044, and 583-030-0046; and failure to prove to the satisfaction of the Office on request compliance with any such requirement with respect to which the school's current performance is questioned specifically by the Office as a result of routine monitoring or individual complaint.

(7) Revocation or suspension requires a school immediately to cease and desist from offering in or from Oregon any degree, or instruction or related services purporting to lead to a degree in whole or in part, except that the Commission at its discretion may permit a revoked or suspended school to complete an academic term already in progress on the date of the action. During such period of completion the school may not enroll new students, and it may not offer to those already enrolled any instruction or services purporting to lead to a degree that would be earned and conferred later than the immediate end of the term in progress. Completion of such term with good faith and fair dealing toward currently enrolled students, or reasons for failure to so complete the term, shall be factors in any subsequent consideration of a revoked or suspended school for reinstatement.

Stat. Auth.: ORS 348.606

Stats. Implemented: ORS 348.603, ORS 348.606 & ORS 348.612

Hist.: ECC 22, f. & ef. 12-22-75; EPP 1-1988, f. & cert. ef. 1-7-88; EPP 1-1995, f. & cert. ef. 10-6-95; EPP 1-1996, f. & cert. ef. 8-7-96; ODA 2-1998, f. & cert. ef. 8-12-98; ODA 2-2000, f. 7-7-00, cert. ef. 7-20-00

### 583-030-0046

#### Fees and Expenses

(1) Each application from a school seeking new or renewed authorization to confer or offer to confer a degree, or through instruction or related services to provide academic credit applicable to a degree, shall be accompanied by payment of a fee to the "State of Oregon ODA." There is no entitlement to refund of a paid fee under any circumstances, but the Office at its discretion may permit a school to withdraw an application with partial or complete refund before substantial staff time has been expended in review. The fee is intended to recover some of the expenses of carrying out a review and providing services to a school during its period of authorization.

(2) The fees reflect proportionately, though not in sum, the usual demands of adequate review plus subsequent service. The full amounts are \$4,800 for review of a doctor's degree, \$3,600 for review of a master's or bachelor's degree, and \$2,400 for review of an associate's degree. The base fee for an external degree or free-standing certificate is \$250, with a higher fee not to exceed a total of \$1000 possible if the application appears likely to pose complex questions requiring additional staff time or professional consultation. No fee

is charged when an institution with an approved degree wants to add a certificate in the same field. In reviewing simultaneous application for two or more degrees, the Office at its discretion may reduce the fee for review of a degree that is closely related in type and content to one for which the full fee is paid. Such a reduction ordinarily depends on the provision of instruction by a single faculty for both degrees. The Office at its discretion may also reduce the fee for an approved college seeking renewal of authorization when low faculty and administrative turnover, stability of ownership or board membership or other factors substantially reduce staff time required for evaluation and subsequent oversight and service.

(3) Application from a school for authorization to offer instruction or related services providing academic credit applicable to a degree offered only by another school or schools shall be accompanied by fees proportionate to those established in the paragraph immediately above. However, such fees may be discounted at the discretion of the Office to reflect a program of reduced dimension if and only when the necessary review analysis is concomitantly reduced.

(4) When the Office finds it necessary to pay an expert outside consultant for assistance in reviewing an application, or when it incurs other unusual expenses in the course of review, all costs thus incurred shall be charged to the applicant school in addition to the basic fee.

Stat. Auth.: ORS 183 & ORS 348  
 Stats. Implemented: ORS 348  
 Hist.: ECC 1-1982(Temp), f. & ef. 3-12-82; ECC 2-1982, f. & ef. 9-8-82; EPP 1-1988, f. & cert. ef. 1-7-88; EPP 1-1993, f. & cert. ef. 6-28-93; EPP 1-1995, f. & cert. ef. 10-6-95; EPP 1-1996, f. & cert. ef. 8-7-96; SSC 1-1997(Temp), f. & cert. ef. 8-25-97; ODA 2-1998, f. & cert. ef. 8-12-98; ODA 1-2000, f. & cert. ef. 2-29-00; ODA 1-2001, f. & cert. ef. 6-27-01

**583-030-0049**

**Criminal and Civil Penalties**

(1) Without authorization from the Office as provided in this rule, any offer of an academic degree or of services purporting to lead to a degree in whole or in part is a Class B misdemeanor under ORS 348.992. Complaints may be brought to a prosecutor against any person acting individually or in concert with others, including any person assisting a school as defined in OAR 583-030-0015(6).

(2) Without authorization from the Office as provided in this rule, any offer of an academic degree or of services purporting to lead to a degree in whole or in part may be a violation of ORS 646.608, the Unlawful Trade Practices Act (UTPA). ODA may in addition request injunctive relief or a fine against violators. Complaints may be brought to the Department of Justice against any person acting individually or in concert with others, including any person assisting a school as defined in OAR 583-030-0015(6).

Stat. Auth.: ORS 348.606 & ORS 348.992  
 Stats. Implemented: ORS 348.603 & ORS 348.606  
 Hist.: EPP 1-1993, f. & cert. ef. 6-28-93; EPP 1-1995, f. & cert. ef. 10-6-95; EPP 1-1996, f. & cert. ef. 8-7-96; SSC 1-1997(Temp), f. & cert. ef. 8-25-97; ODA 2-1998, f. & cert. ef. 8-12-98; ODA 1-2001, f. & cert. ef. 6-27-01

**DIVISION 40**

**REVIEW OF PROPOSED NEW POST-SECONDARY PROGRAMS AND LOCATIONS**

**583-040-0005**

**Purpose and Scope**

(1) This rule implements Oregon Revised Statutes (ORS) 348.603, which assigns to the Office of Degree Authorization under purview of the Student Assistance Commission responsibility to prevent new publicly funded postsecondary programs or locations from causing detrimental duplication or significantly adverse intersegmental impact. The rule further implements ORS 348.594, 348.596, and 348.992 insofar as those sections relate to ORS 348.603.

(2) Before a proposed new publicly funded postsecondary program or location may be implemented, ORS 348.603 requires that the Office of Degree Authorization shall have reviewed the proposal and taken action if either detrimental duplication or adverse intersegmental impact seems likely. If the Office cannot resolve all issues

through recommendations to proposing and responding schools or their ultimate governing boards, or through mediation between representatives of involved boards, the Oregon Student Assistance Commission has final authority for approval or disapproval of the program or location that is proposed.

(3) ORS Chapters 326 and 351 provide for the cooperation of the State Board of Education and the State Board of Higher Education and require compliance with decisions of the Oregon Student Assistance Commission in exercising its final authority for approval or disapproval of a proposed new program or location.

(4) When the Commission determines by a preponderance of the evidence subsequent to an institutional complaint that a proposed new program or location would cause detrimental duplication or significant adverse impact on one or more segments, and if mediation and negotiation efforts are unsuccessful, the Commission must find in favor of an institution demonstrating that detrimental duplication or significant adverse impact would occur.

Stat. Auth.: ORS 348.603  
 Stats. Implemented: ORS 348.603  
 Hist.: ECC 24, f. & ef. 1-19-76; SSC 2-1997(Temp), f. & cert. ef. 8-25-97; ODA 2-1998, f. & cert. ef. 8-12-98; ODA 2-2000, f. 7-7-00, cert. ef. 7-20-00; ODA 4-2000, f. & cert. ef. 11-13-00

**583-040-0010**

**Definitions**

(1) "Commission" means the Oregon Student Assistance Commission.

(2) "Office" means the Office of Degree Authorization, a statutory unit of the Commission, through which all new postsecondary program and location proposals are reviewed.

(3) "Program" means any organized teaching and learning activity with open enrollment of which successful completion qualifies a student for a degree, a certificate of substantial academic or vocational learning short of a degree, a certificate of preparation related to new or modified occupational licensure, or another academic or vocational certificate that represents a shorter period of activity but has value as a public credential. An activity is not a "program" if it leads to no document other than proof of attendance, which accordingly does not signify or imply measured or measurable academic or vocational learning and does not signify or imply measured or measurable preparation for new job duties, provided that the activity is advertised solely for intrinsic intellectual or recreational value or is advertised explicitly as continuing education for previously qualified workers seeking review or additional knowledge related to their current occupations.

(4) "New program" means any program not previously approved by the Office or the Commission, or by their predecessor review authorities, regardless of whether it comprises new instructional components or the reassembled components of existing programs. "New program" does not mean addition of a minor area of optional specialization within an existing program when there is no substantial change in the credential awarded. Reorganization or renaming does not in itself constitute a new program.

(5) "New location" of an approved program means a facility where students collectively may receive instruction in the program face-to-face or through telecommunications in a community not previously so served, including a non-Oregon location within 50 miles of where a comparable program is located in Oregon. "New location" does not mean a medium of statewide or universal transmission through which students separately and privately receive instruction for distance learning.

(6) "Segment" of education refers to one of the following:

(a) Oregon community colleges, community college districts, or service districts, together with every other postsecondary program or location ultimately sponsored by the State Board of Education;

(b) Oregon state-owned institutions of higher education and related organizational units, together with every other postsecondary program or location ultimately sponsored by the State Board of Higher Education;

(c) The Oregon Health Sciences University, any hereafter created public corporations for higher education, and any organizational units of such public corporations, together with every postsecondary program or location under their ultimate sponsorship;

(d) Private Oregon degree-granting institutions and organizations and all non-Oregon entities offering residential instruction in Oregon for credit toward full degrees approved by the Office of Degree Authorization, together with every postsecondary program or location they sponsor; and

(e) Private nondegree career schools offering instruction in Oregon and licensed under ORS 345, together with every postsecondary program or location they sponsor.

(7) "Publicly funded" means controlled by an agency of government or by a public corporation as occurs in categories (6)(a) through (6)(c) above, regardless of specific sources and applications of funds, or controlled by a private entity as occurs in categories (6)(d) and (6)(e) above but subsidized with appropriated public funds received directly for program operation rather than indirectly in the form of student financial aid.

(8) "Detrimental duplication" occurs when recruitment of students for a new program or location will tend to redirect prospects from a fixed pool concomitant with the application of publicly funded educational cost subsidies, thereby significantly reducing enrollment in existing similar programs for which student financial aid is available but the number of prospective enrollees is limited by non-financial factors such as interest, qualifications needed for admission, internship openings for students, and job openings for graduates.

(9) "Adverse intersegmental impact" means that the detriment of duplication would fall on a school or its students in a segment other than that of the school proposing the new program or location, except that a publicly funded program or location proposed by a private school or other organization has adverse intersegmental impact if it is detrimental to a school in any of the five segments.

(10) "Community not previously so served" means a location in addition to or outside of the geographic regions or specific sites for which the program is approved. Programs operating prior to August 12, 1998 are considered approved for any geographic regions or specific sites included in their original public notice.

(11) "Offered" means at least half of the credit or clock hours necessary to complete the specified program are provided at the location in a two-year period. The credit or clock hour percentage does not include courses that meet general education requirements of pre-existing approved programs at the location.

Stat. Auth.: ORS 348.603

Stats. Implemented: ORS 348.603

Hist.: ECC 24, f. & ef. 1-19-76; ECC 25, f. & ef. 6-8-77; ECC 1-1983, f. & ef. 9-19-83; SSC 2-1997(Temp), f. & cert. ef. 8-25-97; ODA 2-1998, f. & cert. ef. 8-12-98; ODA 2-2000, f. 7-7-00, cert. ef. 7-20-00; ODA 4-2000, f. & cert. ef. 11-13-00

**583-040-0025**

**Review Procedure**

The ultimate governing board of a school or system that may propose or oppose new publicly funded postsecondary programs and locations must ensure conformity to the following procedure:

(1) A proposing board, or its school by delegation, shall notify other potentially affected segments and the Office of its intent to propose a new postsecondary program or location. Notice shall be given at least 45 days before the proposing board intends to ratify the proposal and in a manner approved by the Office. Multiple sites, geographic regions or state-wide service for a program may be listed in a single notice at the proposing institution's option. Only sites or regions included in this notice shall be considered proposed locations.

(2) In order to exercise rights under this rule, a school or segment concerned that apparent duplication might be detrimental must respond to the proposer and give a response copy to the Office within 15 days of receiving the notice of intent to propose a new program or location.

(3) The proposing school shall contact any responding school that says it may be affected, and then within 15 days of being contacted every responder must join the proposer for informal discussion among school officers constituting an effort to resolve all concerns. The parties may jointly invite the Office or any advisory panel to enter the discussion as a resource and mediator. Lacking agreement, the proposer if it so chooses may postpone board ratification up to the time limit set by step 8 below.

(4) If agreement is not reached informally, a school that anticipates damage because of the proposer's latest declaration of intent may within 15 days submit to the Office and the proposing school a written demur to explain why it anticipates damage and to question where applicable the proposer's projections for enrollment, internships, or job placement of graduates. The Office may advise withdrawal of the responder's demur if it is not found persuasive.

(5) Within 15 days after receiving a demur that is not subsequently withdrawn, the proposing school if it so chooses may respond in writing so as to restate or offer modification of its proposal.

(6) If unsatisfied with a proposer's response, the demurring school or schools may within 15 days of receipt continue demurrals by replying in writing to argue for withdrawal or specific modification of the proposal.

(7) If no agreement emerges from the exchange of written ideas, the Office will promptly convene the disagreeing schools for a discussion of quality of evidence on all sides and formal negotiations. Staff members of the ultimate governing boards may attend. At any stage of negotiations, the Office may recommend acceptance of the proposal in its latest form or upon request by all parties may assemble a review panel of academic experts having no conflict of interest to assist and advise the parties.

(8) If negotiation at the institutional level fails to produce complete agreement, the proposing school shall either withdraw the proposal or within 60 days obtain a decision from its ultimate governing board as to whether the board wishes to go forward with the proposal in some form after acquiring full knowledge of objections by responders. The ultimate governing board shall report its decision immediately to the Office.

(9) If the decision of the proposer's ultimate governing board does not satisfy the ultimate governing board of every demurring school, the Office shall recommend a resolution to the boards. If the boards do not all accept the recommendation, the Commission shall appoint a mediator to mediate between their representatives to seek a negotiated resolution at the board level.

(10) If negotiation between board representatives does not produce agreement, the Office shall refer the question with accompanying record for decision by the Commission, which may at its discretion arrange to have one or more commissioners hear arguments in review but shall not receive any evidence not already in the record as distributed by the Office to all parties before mediation.

(11) A final program review decision made by the Commission and issued through the Office is an agency order other than contested case, which may therefore be appealed by any engaged board, through petition for review without jury to the Circuit Court for Marion County or to the circuit court in the county where petitioner resides.

(12) Nothing in these rules precludes OSAC through ODA from encouraging and accepting agreements among all potentially affected sectors regarding new programs and locations in situations in which such agreements are a more effective and efficient way to establish and improve post-secondary service to Oregonians than program-by-program notice and response.

Stat. Auth.: ORS 348.603

Stats. Implemented: ORS 348.603

Hist.: ECC 24, f. & ef. 1-19-76; SSC 2-1997(Temp), f. & cert. ef. 8-25-97; ODA 2-1998, f. & cert. ef. 8-12-98; ODA 4-2000, f. & cert. ef. 11-13-00

**DIVISION 50**

**VALIDATION OR INVALIDATION OF CLAIM TO POSSESS AN ACADEMIC DEGREE**

**583-050-0006**

**Purpose and Scope**

(1) This rule implements Oregon Revised Statutes (ORS) 348.594 to 348.615 and 348.992 insofar as each section therein relates to ORS 348.609, intended to protect postsecondary institutions, businesses and other employers, professional licensing boards, patients and clients of degree holders, and all citizens from any person claiming to possess a valid academic degree that in fact

was issued by a fraudulent or substandard school or by some entity posing as a school.

(2) In order to be intrinsically valid in Oregon as a public credential usable for general academic or professional purposes, under ORS 348.609 a claimed degree must have been awarded by a school that:

(a) Has accreditation recognized by the U.S. Department of Education or has the foreign equivalent of such accreditation; or

(b) Has been approved through the Office of Degree Authorization to offer and confer degrees in Oregon;

(c) Is located in the United States and has been found by the commission acting through the Office of Degree Authorization to meet standards of academic quality comparable to those of an institution located in the United States that has accreditation, recognized by the U.S. Department of Education, to offer degrees of the type and level claimed by the person, or

(d) Has obtained from the Office of Degree Authorization a religious exemption for a degree with an approved title in theology or a religious occupation.

(3) This rule applies to any claim to possess an academic degree made by any person acting within the state, acting outside the state while domiciled within the state, or acting outside the state on behalf of an organization that is located within the state.

Stat. Auth.: ORS 348.609

Stats. Implemented: ORS 348.603 & ORS 348.609

Hist.: ODA 2-1998, f. & cert. ef. 8-12-98; ODA 1-2001, f. & cert. ef. 6-27-01

**583-050-0011**

**Definitions of Terms**

(1) "Office" means Office of Degree Authorization, as represented by the administrator or designated agent.

(2)(a) "Degree" means any academic or honorary title, rank, or status designated by a symbol or by a series of letters or words—such as, but not limited to, associate, bachelor, master, doctor, and forms or abbreviations thereof—that signifies, purports, or may generally be taken to signify:

(A) Completion of a course of instruction at the college or university level; or

(B) Demonstration of achievement or proficiency comparable to such completion; or

(C) Recognition for non-academic learning, public service, or other reason of distinction comparable to such completion.

(b) "Degree" does not refer to a certificate or diploma signified by a series of letters or words unlikely to be confused with a degree, clearly intended not to be mistaken for a degree, and represented to the public so as to prevent such confusion or error.

(3) "Confer a degree" means give, grant, award, bestow, or present orally or in writing any symbol or series of letters or words that would lead the recipient to believe it was a degree that had been received.

(4) "Claim a degree" means to present orally, or in writing or in electronic form any symbol or series of letters or words that would lead the listener or reader to believe a degree had been received and is possessed by the person speaking or writing, for purposes related to employment, application for employment, professional advancement, qualification for public office, teaching, offering professional services or any other use as a public credential, whether or not such use results in monetary gain.

(5) "School" means any person or persons, whether incorporated or not, engaging or appearing to engage in the activities of a school, college, university, institute, academy, seminary, conservatory, or any other such educational entity, or of any organized group of such entities. The activities attributable to a school include instruction, measurement of achievement or proficiency, or recognition of educational attainment or comparable public distinction.

(6) "Accredited" means fully accredited and approved to offer degrees at the specified level by an agency or association recognized as an accreditor by the U.S. Secretary of Education, under the 1965 Higher Education Act as amended at the time of recognition, or having candidacy status with such an accrediting agency or association whose pre-accreditation is also recognized specifically for HEA purposes by the Secretary of Education.

(7) "Foreign equivalent of such accreditation" means authorization by a non-U.S. government found by ODA to have standards at least as stringent as those required by U.S. approved accrediting agencies at the same degree level. This determination may be made through one or more of the following methods at ODA's discretion:

(a) Direct investigation of foreign standards;

(b) Reliance on an evaluation and determination made by the National Association of Collegiate Registrars and Admissions Officers; or

(c) Evaluation of the transferability of courses and degrees earned in the foreign country to accredited Oregon institutions at similar degree levels.

(8) "Academic Standards" means those standards in 583-030-0035 or the equivalent standards of an accrediting body that relate to admission requirements, length of program, content of curriculum, award of credit and faculty qualifications.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 348.609

Stats. Implemented: ORS 348.603 & ORS 348.609

Hist.: ODA 2-1998, f. & cert. ef. 8-12-98; ODA 3-2000, f. & cert. ef. 8-8-00; ODA 1-2001, f. & cert. ef. 6-27-01

**583-050-0016**

**Validation of a Secular Degree**

(1) Any person claiming to possess an academic degree shall, upon request from the Office of Degree Authorization, have an official transcript of the degree sent directly to the Office from the registrar or other appropriate official of the conferring school.

(2) Where validation of a degree by telephone or electronic means seems readily obtainable from a school, the Office at its discretion may postpone with option of waiver the requirement for a transcript upon receiving from the degree claimant the name, address, and telephone number of the conferring school. Requirement of one or more transcripts may be reinstated at any time if other methods of validation are not sufficient for a conclusive determination.

(3) Upon receipt of evidence of a valid degree, the Office shall inform the degree claimant that a validation has been entered into the record, which shall specify any title and abbreviation that may be used to claim the degree.

Stat. Auth.: ORS 348.609

Stats. Implemented: ORS 348.603 & ORS 348.609

Hist.: ODA 2-1998, f. & cert. ef. 8-12-98; ODA 1-2001, f. & cert. ef. 6-27-01

**583-050-0021**

**Validation of a Religious Degree**

(1) If a degree that is not valid as a public credential was conferred by a sectarian religious institution, the claimant may request state permission to claim the degree as a sectarian church credential rather than a secular credential for general academic or professional purposes. To be allowed under this religious exemption, any such degree claimed must have a title in theology or a religious occupation approved by the Office so that it is clearly not a general public credential and not misleading to the public.

(2) In response to a request for religious exemption, the Office will seek information leading to a determination of whether the conferring school meets criteria established in OAR 583-030-0010(2), regardless of whether the school actually wishes to confer degrees within Oregon. It is the responsibility of the degree claimant to ensure that the Office receives sufficient information from the school, without which there shall be no exemption.

(3) Upon receipt of evidence sufficient to justify a religious exemption, the Office shall inform the degree claimant that an exemption has been entered into the record, which shall specify any title and abbreviation that may be used to claim the degree.

Stat. Auth.: ORS 348.609

Stats. Implemented: ORS 348.603 & ORS 348.609

Hist.: ODA 2-1998, f. & cert. ef. 8-12-98

**583-050-0026**

**Invalidation of a Degree, Warning, Enforcement**

(1) A person who may not have known that his or her claimed degree is invalid is given the benefit of the doubt as to intent, so as to reflect consideration for the apparent victims of diploma mills, and will be referred to listings of appropriate degree providers.

(2) Failure to provide when requested a transcript or other information needed for validation of a degree is prima facie evidence under statute that the claim to such degree is invalid.

(3) Failure or inability to produce conclusive evidence of a valid degree or of entitlement to a religious exemption results in a warning from the Office that the claimant must thereafter cease and desist from making the invalidated claim.

(4) Subsequent to such warning and in violation thereof, any renewed claim of an invalid degree exposes the violator to penalties as set forth in statute and under OAR 583-050-0026(5).

(5) Any violation of ORS 348.603 or 348.609 may result in any or all of the following sanctions.

(a) Prosecution for a Class B misdemeanor under ORS 348.992.

(b) Injunction against further use of the claimed degree.

(c) Civil suit for violation of the Unlawful Trade Practices Act, if applicable.

Stat. Auth.: ORS 348.609

Stats. Implemented: ORS 348.603, ORS 348.609 & ORS 348.992

Hist.: ODA 2-1998, f. & cert. ef. 8-12-98; ODA 1-2001, f. & cert. ef. 6-27-01

### 583-050-0031

#### Unaccredited Degree Claims

(1) A claimant of an unaccredited degree may submit to the Office information indicating that the school conferring the degree is operating legally in another state and could reasonably be considered for approval in Oregon under OAR 583-030 or for approval by a federally recognized accreditor.

(2) A reasonable possibility of approval can be demonstrated in any of the following ways:

(a) Submit to ODA a written statement from a U.S. Department of Education approved U.S. accreditor stating that if the unaccredited school were to go through the usual accreditation process, it could be accredited based on how it currently operates or how it operated at the time the degree was issued. The accreditor must be one that accredits in the appropriate field and at the appropriate degree level.

(b) Submit to ODA the approval standards of a U.S. Department of Education approved U.S. accreditor and show how the unaccredited institution would meet each of the academic standards. The accreditor must be one that accredits in the appropriate field and at the appropriate degree level.

(c) Submit to ODA sufficient evidence that the unaccredited institution could meet ODA academic standards under OAR 583-030 for authorization to operate in Oregon if it chose to make such an application.

(d) ODA may, upon its own motion, evaluate an unaccredited institution and determine whether it has a reasonable chance to meet Oregon authorization standards without a degree user making such a request. In such cases ODA will use the standards set forth under 583-050-0031(2)(c) above.

(3) A \$25 fee is charged for evaluation of each institution unless it has already been evaluated by ODA. Allow 90 days from the date of submission of materials for review to be completed.

(4) If a request for evaluation under this section is not made to ODA within 30 days of notification that an unaccredited degree is being used contrary to Oregon law, the degree user's right to such a review is waived and ODA may pursue appropriate enforcement action. Degree users may, within the first 30 days, request up to 30 additional days for the purpose of gathering material necessary to apply for an evaluation.

[Publications referenced to in this rule is available from the agency.]

Stat. Auth.: ORS 348.609

Stats. Implemented: ORS 348.603, ORS 348.609 & ORS 348.992

Hist.: ODA 2-1998, f. & cert. ef. 8-12-98; ODA 1-2001, f. & cert. ef. 6-27-01

### 583-050-0036

#### Inquiries and Complaints

(1) Monitoring and validating degree claims will be done by the Office in the course of routine activities such as approving faculty members of schools seeking authorization to offer degrees in Oregon, advising employers or professional licensing boards on applicant credentials, examining backgrounds listed by candidates for public election, and reviewing telephone directories or other publications for advertisements that list degrees.

(2) Any citizen as a matter of general information may ask the Office to discuss whether a degree encountered sounds questionable, and any citizen as a matter of public protection may ask the Office to validate a degree claimed by an identified individual. It is entirely optional for an inquirer unsure about a degree to make a formal complaint, because an inquiry alone does not imply that the inquiring citizen has accused the degree claimant of any deception.

Stat. Auth.: ORS 348.609

Stats. Implemented: ORS 348.603 & ORS 348.609

