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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 & 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 Office of Degree Authorization.]

Stat. Auth.: ORS 183 & 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 provide services purporting to lead to a degree, by establishing the standards and the procedures to implement the standards or to verify any exemption or exclusion.

(2) 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. Assisting the school includes, but is not limited to:

- (a) Maintaining an office or mailing address in the state or
- (b) Conducting any part of the instruction program or support activities from or in the state.

(3) Exclusions to the rule are described in OAR 583-030-0009.

(4) Complete and partial exemptions and modifications are described in OAR 583-030-0010 and 583-030-0011.

Stat. Auth.: ORS 348.594 & 348.606

Stats. Implemented: ORS 348.594, 348.603 & 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; ODA 5-2005, f. 12-1-05, cert. ef. 12-7-05

583-030-0009

Exclusions

(1) These rules do not apply 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 occurring within Oregon is accomplished exclusively through interstate communication (e.g., internet, mail, telephone, fax) in which the student acts entirely alone within this state.

(2) A school in Oregon that does not offer degrees or credits viable toward a degree is under the jurisdiction of the Oregon Department of Education and not the Office of Degree Authorization.

Stat. Auth.: ORS 348.594 - 348.615, 2005 SB 1039 enrolled (2005 Laws 546)

Stats. Implemented: ORS 348.594 - 348.615

Hist.: ODA 5-2005, f. 12-1-05, cert. ef. 12-7-05

583-030-0010

Exemptions

The standards and procedures in this rule shall not apply to a school that is 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 and Science University.

(2) A school is exempt on religious grounds if the school meets the requirements of ORS Chapter 546, 2005 Laws. No rules in 583-030 are applicable to a religious-exempt school except as permitted by ORS Chapter 346, 2005 Laws.

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; ODA 1-2003, f. & cert. ef. 4-16-03; ODA 4-2003, f. 10-29-03, cert. ef. 11-1-03; ODA 2-2004(Temp), f. & cert. ef. 2-11-04 thru 7-30-04; Administrative correction 8-19-04; ODA 5-2005, f. 12-1-05, cert. ef. 12-7-05

583-030-0011

Modification for Schools Having Separate Regional Accreditation

(1) As set forth in ORS 348.606, the standards of a U.S. regional accrediting association shall be substituted for the standards in these rules 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. 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) Upon substitution of standards, the Office will waive application requirements and apply abbreviated reporting requirements.

(3) 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.

(4) 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.

(5) 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 standard 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.

(6) 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 & 348.606

Hist.: EPP 1-1996, f. & cert. ef. 8-7-96; ODA 2-1998, f. & cert. ef. 8-12-98; Renumbered from 583-030-0037, ODA 5-2005, f. 12-1-05, cert. ef. 12-7-05

583-030-0015

Definitions of Terms

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

(1) "Academic year" means approximately nine months, conventionally during fall, winter, and spring.

(2) "Accredited" means approved to offer degrees at a specified level by an agency or association recognized as an accreditor in the U.S. by the U.S. Secretary of Education 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.

(3) "At risk" means the school demonstrates one or more of the following conditions that the Office determines may cause potential serious problems for the continued successful operation of the organization: Failure to meet the standards of financial responsibility; Misrepresentation; Frequent substantiated complaints filed with the Office; Significant decrease in enrollment from the previous reporting year; or Significant staff turnover from the previous reporting year.

(4) "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. A certificate may be at the undergraduate or graduate level.

(5) "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.

(6) "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.

(7) "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.

(8) "Credit hour" means one postsecondary credit resulting from one of the following intended to result from at least 2 hours of student work out of class (or in equivalent lab time) for each contact hour in class, totaling:

(a) Approximately 45 hours of student work in a semester;

(b) Approximately 30 hours of student work in a quarter;

(c) An equivalent amount of student work under an alternate term calendar schedule approved by ODA; or

(d) Equivalent student work demonstrated by student performance on a nationally recognized examination or evaluation acceptable to the Office.

(9) "Degree" means any academic or honorary title, rank, or status that may be used for any purpose, 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 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 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.

(10) "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.

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

(13) "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.

(14) "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.

(15) "General Education" is a term that includes liberal education and other nonvocational courses outside a student's major field.

(16) "Liberal Arts and Sciences" courses means courses in the following subjects:

(a) Humanities: Language, literature, philosophy, religious thought; fine arts (not emphasizing performance skills).

(b) Social studies or sciences: Anthropology, cultural geography, general history, religious history and culture, economics, political science, general psychology, sociology.

(c) Natural sciences: Biology, biological psychology, chemistry, physics, geology and physical geography, mathematics.

(17) "Limited resident instruction" means instruction by an accredited school consisting of less than 50 percent of a degree or certificate program offered to more than one student at a physical site

in Oregon, when the providing school is not otherwise authorized to offer degrees in Oregon.

(18) "Lower-division instruction" means course content and teaching at a level appropriate for first- and second-year postsecondary students generally (including all community college and associate degree instruction), but available to more advanced students who have no prior experience in the subject.

(19) "Non-Oregon school" means any school controlled from outside the state.

(20) "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.

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

(22) "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.

(23) "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 register, 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, operator of a radio station, internet service provider or a cable or broadcast television station.

(24) "Practicum" means that portion of a degree program that involves a supervised field placement in a professional or workplace environment. For purposes of these rules, also includes "internship."

(25) "Professional and vocational courses" mean courses in the following subjects: agriculture and forestry (or wildlife management), architecture and design, business and public administration, broadcasting or journalism, computer technology, education, engineering and related technologies, health professions, home economics, law, library science, military science, parks and leisure studies, physical education and recreation, protective services, or religious services. Professional courses may also include artistic performance or physical activity courses, practical and general information courses such as personal health, career planning, human relations, public speaking, elementary writing, elementary mathematics, and computer fundamentals.

(26) "Quarter" means one third of an academic year, typically 9–12 weeks in length and divided among fall, winter and spring.

(27) "Religious degree" means a degree with a title in theology or religious occupation(s).

(28) "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.

(29) "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.

(30) "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, university, 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.

(31) "Semester" means half an academic year, typically 15-16 weeks in length, conventionally including a fall semester from September through December and a spring semester from January through May.

(32) "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.

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

(34) "Term" means a segment of an academic year, ordinarily a semester or quarter but sometimes less. Term is the preferred descriptor for degree program courses using a nontraditional calendar.

(35) "Upper-division instruction" means course content and teaching appropriate for third- and fourth-year students or others with a strong background in the subject. Upper-division instruction is not offered in associate degree programs or by community colleges.

Stat. Auth.: ORS 348.594 & 348.606

Stats. Implemented: ORS 348.594, 348.603 & 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; ODA 1-2003, f. & cert. ef. 4-16-03; ODA 5-2005, f. 12-1-05, cert. ef. 12-7-05

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.

Stat. Auth.: ORS 348.594 & 348.606

Stats. Implemented: ORS 348.594, 348.603 & 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; ODA 5-2005, f. 12-1-05, cert. ef. 12-7-05

583-030-0020

Exercise of Office Authority

(1) A school that intends to offer to anyone from within Oregon or offer 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 information as directed may result in permanent denial of approval for the school to offer any services in or from Oregon.

(2) 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 Oregon Department of Education and should contact that office for approval.

(3) Schools intending to apply for ODA authorization or exemption shall provide to the Office information about school ownership and structure, proposed programs, and relationships to other institutions, if any. On the basis of this preliminary information, the Office will determine whether the school:

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

(b) Is exempt for other than religious reasons under ORS 348.594(2);

(c) Is eligible for exemption under ORS Chapter 546, 2005 Laws, section 2 and therefore has a choice of standard state approval or religious exemption.

(4) A school that applies for degree authorization or exemption shall use forms and follow procedures determined by the Office. Failure to comply constitutes good reason to reject an application. 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 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.

(5) Authorization to offer instruction or related services leading to a degree applies to specific curricula and services for specific periods:

(a) Authorization is normally given for the state as a whole, but may be limited by the Office in order to ensure program quality or operational stability.

(b) The Office, on the basis of judgment about the relationship between a curriculum and a degree title, may require revision of title. Degree titles may not contain the name of organizations, companies or products.

(c) Authorization is given for a specific degree for a fixed period of not less than two nor more than four calendar years. The Office may vary the length of approval periods by up to one year subject to the four-year limit in order to consolidate applications or renewals for the convenience of the school or the Office.

(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. A program shall be deemed discontinued if a period of two academic years passes without any students being enrolled in the program.

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

(8) Approval of a degree by ODA does not constitute approval of the program as training for professional practice when the state licenses or otherwise regulates professional practice. Applicants must also seek approval from the appropriate state licensing entity.

Stat. Auth.: ORS 348.594 & 348.606

Stats. Implemented: ORS 348.594, 348.603 & 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; ODA 1-2003, f. & cert. ef. 4-16-03; ODA 4-2003, f. 10-29-03, cert. ef. 11-1-03; ODA 2-2004(Temp), f. & cert. ef. 2-11-04 thru 7-30-04; Administrative correction 8-19-04; ODA 5-2005, f. 12-1-05, cert. ef. 12-7-05

583-030-0025

General Conditions Required for Residential or Semi-residential Degree Program Authorization

All applicant schools must meet the following conditions 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.

(1) A school must 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. If a non-Oregon-based school plans a small or narrowly specialized operation within this state, the Office may permit the applicant to use a non-Oregon administrator.

(2) All programs must be designed to allow all students to work toward a degree at a rate equivalent to at least half-time study.

(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. 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. The only exception to this provision is that a proposed school offering one or more doctoral programs leading to professional licensure in a field in which Oregon has such licensure may apply for ODA approval. In such cases, the school proposing to offer doctoral programs may apply for ODA approval only if the program is designed and intended to meet the standards for licensure required by the appropriate Oregon professional licensing board.

(4) A foreign (non-U.S.) school is eligible to apply for Oregon approval if it is approved to offer degrees by the appropriate agency in its home country and ODA finds that its home country has adequate oversight of academic programs. Foreign schools are not limited to offering in Oregon the same degrees for which they have approval in their home country, but may not offer degrees at a higher level in Oregon than those for which they have authorization in their home country.

Stat. Auth.: ORS 348.606

Stats. Implemented: ORS 348.603 & 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; ODA 1-2003, f. & cert. ef. 4-16-03; ODA 1-2005, f. & cert. ef. 3-3-05; ODA 5-2005, f. 12-1-05, cert. ef. 12-7-05

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 or for limited or restricted residential instruction may require less time. To be considered timely, a complete application for renewal of an existing authorization must be submitted 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 the 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) Program approval may be made conditional on approval of employees hired after the approval date.

(4) Application for authorization to offer a 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. Several curricula leading to the same degree may be submitted as part of a single application.

(5) If a school has limited financial resources, ODA may at its discretion allow payment of fees over a period of time not to exceed two years from the date of initial approval. In the event that an initial application is successful, payment in full must be received before application for renewal can be accepted. In the event that initial application is not successful, payment in full of the review fee must be completed within two years of the date of formal denial of the application. Any proposed payment plan must be evaluated and, if adequate, approved by the OSAC chief financial officer. ORS 348.606(3) prohibits fee refunds.

Stat. Auth.: ORS 348.606

Stats. Implemented: ORS 348.603 & 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; ODA 1-2003, f. & cert. ef. 4-16-03; ODA 1-2004, f. & cert. ef. 1-14-04; ODA 5-2005, f. 12-1-05, cert. ef. 12-7-05

583-030-0032

Review Process for Degrees

(1) 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 the state academic standards set forth in OAR 583-030-0035, or modified under OAR

583-030-0036 for a non-Oregon school that will offer limited resident instruction in Oregon.

(2) Pursuant to OAR 583-030-0036, the Office at its discretion may employ an abbreviated review procedure with adjusted fee for a non-Oregon school offering limited or restricted instruction in Oregon for an external degree.

(3) Review of free-standing certificate or diploma programs offered by degree-granting schools, or credit-bearing courses offered by schools that do not issue degrees in their own name will generally follow the model for associate degrees.

(4) 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 also interview employers of school graduates and representatives of organizations that appear closely related to the school.

(5) 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.

(6) The state will not review sectarian content of curriculum for degrees with a religious title or significant religious content; the state's only concern will be to ensure that the curriculum has a reasonable structure related to credits awarded.

(7) The review culminates in preparation of findings, including explanation of any failure to satisfy a standard, which are provided to the applicant in a formal report. Approval is not granted until all standards are satisfied. If a standard cannot be satisfied in a reasonable length of time, approval will be denied.

(8) Refusal by the Office 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 & 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; ODA 1-2003, f. & cert. ef. 4-16-03; Renumbered from 583-030-0040, ODA 5-2005, f. 12-1-05, cert. ef. 12-7-05

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 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 583-030-0011. Standards are applicable to all programs.

(1) Name. The school shall use for doing business publicly a name that is consistent with its purpose and educational programs.

(2) Control.

(a) All persons responsible for top management policy must be individually qualified by education, experience, and record of conduct to assure effective management, ethical practice, and the quality of degrees and services offered. Boards must collectively demonstrate financial, academic, managerial and any necessary specialized knowledge, but individual members need not have all of these characteristics. Any controlling organization or owner is subject to this standard.

(b) Administrators shall be paid by fixed salary and not by commission. Any portion of payment that is based on enrollment of stu-

dents recruited by the administrator or the administrator's staff is considered payment by commission.

(c) Teachers shall be paid by fixed salary and not by commission. Any portion of payment that is based on enrollment of students recruited by the teacher is considered payment by commission.

(d) Nonprofit Schools:

(A) Persons who control a nonprofit school shall demonstrate a commitment to the school's best interest as a public trust.

(B) A nonprofit school shall have a published policy that is followed in practice against conflicts of interest at all organizational levels.

(e) For-profit Schools:

(A) A school operated for profit shall disclose fully to the Office, the specific financial interest of any organization or person, except that a large group of shareholders may be described generally. Any person or entity holding at least 5 percent of voting or common shares in a for-profit school must be named and the percentage of holdings disclosed. All business activities of interested organizations or persons are subject to disclosure.

(B) All board members, administrators, or owners of five percent or more of shares of an applicant school or parent corporation must disclose with explanation the following:

(i) Any prior felony convictions.

(ii) Any known violations of federal financial aid rules by a school of which the person was a board member or employee.

(iii) Any known violations of the policies of an accreditor by a school of which the person was a board member or employee.

(iv) Any previous or current ownership or administration of a school that closed or filed for bankruptcy.

(3) Organization.

(a) 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.

(b) 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 sufficient compensatory qualification, administrators above the entry level shall have experience related to their present duties, and all administrators with authority over academic programs shall possess appropriate degrees earned from schools that are regionally accredited or otherwise determined by the Office to be acceptable.

(c) The school shall make available to the Office an administrator generally responsible for school operations within the state and transaction of business with the Office. Unless an exception is approved by the Office because of sufficient 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.

(d) 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 sufficient 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.

(e) 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 in a business-related field, together with appropriate administrative experience.

(4) Teachers.

(a) The school must obtain and keep official transcripts for all teaching faculty.

(b) The school 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 sufficient compensatory qualification, teachers shall be qualified for the various levels of instruction or evaluation as described below, with degrees earned from schools that are accredited by a federally recognized accreditor or otherwise determined by the Office to be acceptable.

(c) 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.

(d) A school having an undergraduate FTE student-faculty ratio of greater than 30-1 or a graduate FTE student-faculty ratio of greater than 20-1 for students taught in or from Oregon must demonstrate that students and faculty have adequate opportunities for one-to-one interaction.

(e) A school that does not have at least one full-time teacher resident in Oregon or directly teaching Oregon students in each specialty must demonstrate with specific examples the adequacy of faculty contribution to organizational integrity and continuity, to academic planning, and to resident student development.

(f) The school shall have a faculty development policy that continuously improves their knowledge and performance.

(g) The school must provide ODA with annual data regarding turnover of full-time teachers. ODA may limit use of part-time teachers upon finding that such turnover or use results in substandard education of students.

(h) The school shall demonstrate an effort when hiring teachers to avoid dependence on its own most recent graduates. No more than 20 percent of all applicant school teachers can hold their highest degree from the applicant school unless fewer than 10 schools in the United States offer the highest degree available in the field. Schools offering solely religious degrees are exempt from this requirement.

(i) 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. Lower-division undergraduate courses may be taught by those with non-disciplinary degrees who have demonstrable and extensive acquaintance with the discipline.

(j) Standards applicable to specific degree levels.

(A) Standards applicable to associate degrees: 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) Standards applicable to bachelor's degree programs: A teacher on a faculty offering bachelor's degrees ordinarily shall possess an appropriate master's degree.

(C) Standards applicable to master's degree programs: 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 equivalent 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) Standards applicable to doctoral programs: 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 subspecialty.

(5) Credit. The school shall award credit toward degrees proportionate to work done by students and consequent upon the judgment of qualified teachers and examiners. Credits are generally expressed as either semester (SCH) or quarter credit hours (QCH). One semester credit represents approximately 45 hours of on-task student work in a semester (usually two study hours per faculty contact hour). A quarter credit hour represents approximately 30 hours of student work in a quarter. Credit hours earned through nontraditional learning schedules shall have proportionate value to credit hours based on customary term lengths.

(a) Instructional methods:

(A) Credit awarded by the school shall be based solely upon the judgment of teachers who have had extensive direct contact with the students who receive it, with the exception of methods listed in these rules if approved in advance by ODA

(B) 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.

(C) Credit may be awarded for distance learning if the school demonstrates that it has adequate methods in place to ensure that student work is sufficient both in quality and quantity to meet ODA requirements, courses are developed and taught by qualified faculty and there will be sufficient interaction between students and faculty and, if possible, among students. The Office may limit or disallow credit awarded for any type of distance learning if the school cannot demonstrate adequate oversight and quality control measures.

(D) Transfer credit integral to the school's approved degree curriculum may be awarded at the corresponding degree level for academic work documented by other schools that are regionally accredited, authorized to confer degrees in or from Oregon, or otherwise individually or categorically approved by the Office. Such credit must be converted as needed from semester, quarter or nontraditional calendar systems.

(b) Noninstructional Methods No more than one year of an academic program can be completed using any combination of the non-instructional methods set forth in (A), (B), and (C) below:

(A) 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.

(B) 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. No more than 25 percent of an undergraduate degree program may be earned through challenge examinations.

(C) Noncollegiate learning integral to the approved degree curriculum may be awarded credit 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. No more than 25 percent of an undergraduate degree program may be earned through award of credit for noncollegiate work.

(6) Curriculum. The school shall assure the quality of all attendant teaching, learning, and faculty-student interaction. The curriculum shall have a structure that reflects faculty 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. While requirements are sometimes listed in both semester and quarter credit hours, ODA usually states credit hours as semester credit hours. If quarter credits are not listed, colleges using the quarter system should multiply the stated credits by 1.5 to obtain the correct requirement in quarter credit hours (QCH) under

quarter systems. These are the basic requirements for different kinds of degrees available in Oregon. ODA may approve minor variations from these curriculum standards in order to allow programs to operate efficiently.

(a) Undergraduate Programs All associate and bachelor's degrees require one year (at least 6 semester (SCH) or 9 quarter credit hours (QCH) or equivalent alternate term credit hours) of English composition or equivalent ODA-approved writing courses. Students may meet this requirement by achieving a score on a nationally normed test that would permit a waiver of English composition requirements or the award of academic credit in English composition at an accredited college or university.

(b) Associate Degrees An associate's degree requires at least two academic years (60 semester credit hours or 90 quarter credit hours) in FTE postsecondary study. The degree requires at least 15 SCH or 22 QCH in general education courses, including the undergraduate English composition requirement

(A) Associate of Arts. A full-transfer degree, the A.A. requires two academic years applicable to B.A. or B.S. study fulfilling baccalaureate liberal arts requirements. A major is optional. Thus, the A.A. requires 24 SCH (36 QCH) in the liberal arts and sciences, with at least 6 hours (9 QCH) each in the humanities, sciences, and social sciences.

(B) Associate of Science. A limited-transfer degree, the A.S. requires a major and two academic years applicable to professional or technical baccalaureate study. The A.S. degree requires 24 SCH (36 QCH) in the humanities, sciences and social sciences, or in non-vocational courses closely related to them.

(C) Associate, Professional or Technical. A terminal degree, the professional or technical associate's degree requires a major (Degree title examples: Associate of Applied Arts, Associate of Applied Science, Associate of Technology, Associate of Occupational Studies, Associate of Business, Associate of Religion). In addition to the major requirements, this degree requires the basic 15 SCH or 22 QCH in general education courses, including the English composition requirement.

(c) Bachelor's Degrees A bachelor's degree, or baccalaureate, requires at least four academic years (120 SCH or 180 QCH) in FTE postsecondary study. At least 40 semester credit hours (60 QCH) shall be in upper-division courses, and no more than two academic years of instruction (no more than 50 percent of credit hours used for the degree) shall be from schools that do not offer baccalaureate degrees.

(A) General Education: The degree requires one academic year (at least 30 SCH or 45 QCH) of general education, which includes the one-year undergraduate English composition requirement.

(B) Major Field: The degree requires distinct specialization, i.e., a "major," which entails approximately one academic year of work (30 SCH or 45 QCH) in the main subject, with 20 SCH (30 QCH) in the upper division and 15 SCH (22 or 23 QCH) of upper-division hours taught by the resident faculty. A dual major simply doubles these numbers.

(C) An interdisciplinary major is also permitted. It requires two academic years (60 SCH) in either three or four disciplines, with at least 15 hours in each discipline and at least 9 upper-division hours in each. A school may offer a major or an interdisciplinary option in any field in which it has more than one fully qualified teacher if at least one teaches full time.

(D) Degrees. The following bachelor's degree names, levels and types are available in Oregon:

(i) Bachelor of Arts. An arts degree, the B.A. requires competency in a foreign language and one academic year in the humanities, i.e., 30 SCH, of which 12 can be in foreign languages. The language competency requirement is equivalent to the 12 hours, the second-year level, and ESL students can satisfy it with 12 hours of English language and literature. As general education outside the major, the B.A. requires 24 SCH in the liberal arts and sciences, with at least 6 hours in each of the three areas: humanities, social sciences, and natural sciences.

(ii) Bachelor of Science. A science degree, the B.S. requires one academic year in the social or natural sciences, i.e., 30 SCH, of which

12 can be in mathematics and state-approved computer courses. As general education outside the major, the B.S. requires 24 SCH in the liberal arts and sciences, with at least 6 hours in each of the three areas: humanities, social sciences, and natural sciences.

(iii) Bachelor, Professional. As general education outside the major, the professional bachelor's degree requires 24 SCH hours in the liberal arts and sciences, with at least 6 hours in each of the three liberal arts and sciences areas: humanities, social sciences, and natural sciences.

(iv) Bachelor, Technical. As general education outside the major, the technical bachelor's degree requires 24 SCH in the liberal arts and sciences, or in non-vocational courses closely related to them, with at least 3 semester hours in each of the three areas: humanities, social studies, and natural sciences, and a total of at least 9 in the two areas most unrelated to the major.

(d) Graduate Degrees 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. A graduate degree must involve teaching by such qualified faculty and cannot be earned solely by testing and/or portfolio review.

(A) 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.

(B) 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.

(7) Learning. The school shall require each student to complete academic assignments and demonstrate learning appropriate to the curriculum undertaken.

(a) Teachers or evaluators shall inform students clearly using a syllabus or similar instrument of what should be learned in each course and how it will be measured.

(b)(A) Expectations of student performance shall be increased with each ascending step in degree level. Higher degrees must represent an increase in the difficulty of work and expectations of students, not simply a cumulation or increase in quantity of student work.

(B) Evidence of expectation (e.g., syllabi and sample exams) and performance (e.g., student grades) shall be retained for all academic courses for at least one year.

(c) 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. Continuous progress for students receiving Title IV aid shall be defined according to federal Title IV standards. Students not receiving Title IV aid shall meet the school's own published standards for satisfactory progress.

(d) Grading and appeal procedures shall be fair and administered equitably, and criteria of student progress shall be validated by research if not obviously valid.

(8) Recruitment:

(a) The school is responsible for insuring that its recruitment agents are knowledgeable about the school's:

(A) History and accreditation;

(B) Programs of study;

(C) Admission and assessment requirements;

(D) Ability to assist in providing housing and/or job placement;

(E) Financial policies and procedures, including the point at which students can expect to receive financial aid disbursements;

(F) Refund policy;

(G) Graduation requirements and rates;

(H) Rules and regulations;

(I) Placement rates if they are used in recruiting.

(b) The school is responsible for insuring that its recruitment agents are providing accurate, realistic information about the school, its policies and achievements, and its ability to assist students.

(c) A prospective student shall receive a complete description of the school and its policies, including an estimate of annual or program costs, before being enrolled. This estimate is not binding on the institution but must give prospective students a reasonable idea of their financial commitment.

(d) 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, including employment rates in the field and graduates' success rates in passing licensure examinations if applicable. Employment rates in the field shall treat graduates as employed in the field only if the position in which the graduate is employed is at least half-time and requires or is usually filled by a person with a college degree.

(e) The school shall take precautions to avoid unrealistic expectation of housing availability and cost when the school does not provide housing and job placement, including part-time employment and practica during the student's enrollment.

(f) 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.

(g) Outside the regular student financial aid process, there shall be no discounting of tuition as an incentive to enroll.

(9) 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.

(a) A student admitted to undergraduate degree study for the first time shall have either a high school diploma or an equivalent credential. Home-schooled students without a traditional credential may be admitted provided that they can demonstrate the ability to perform college-level academic work.

(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 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 accredited or ODA-approved undergraduate credit, graded average or better, including pre-professional courses specified by the school and approved by the Office.

(10) Guidance. The school shall help students to understand the curriculum and to make the best use of it.

(a) There shall be a program of general orientation for new students.

(b) Each student shall be assigned a qualified academic advisor to assist individually in planning, course selection, learning methods, and general adjustment.

(c) The school shall provide career guidance to the extent that curriculum is related to a specific prospective occupation or profession.

(11) 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.

(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.

(b) Health, counseling or psychological services provided to students must meet requirements for professional practice in Oregon.

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

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

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

(f) Records documenting relationships between the 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 objective and fair. The private notes of a counselor are not to be considered educational 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.

(g) 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. In general, waivers are granted only for small startup schools in their first approval cycle and for schools that mainly teach people who are of nontraditional age (23 or older) or already in the workforce.

(h) 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.

(12) Information. The school shall be scrupulously ethical in all communication with the public and with prospective students. 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(2)

(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, 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(5), 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. Electronic publication meets this standard provided that a paper version of the catalog is provided to ODA, is available to students upon request and is maintained as the "official" version in order to avoid confusion if electronic versions are changed.

(b) 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.

(13) 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 completed 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, e.g., for reasons of academic probation or suspension.

(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.

(14) 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.

(15) 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.

(a) 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.

(b) 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.

(c) Library resources shall be current, well distributed among fields in which the institution offers instruction, cataloged, logically organized, and readily located.

(d) 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 receive direct, contracted or electronic access to a minimal basic collection equivalent to that held by accredited schools offering similar programs. The applicant school must demonstrate this comparability.

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

(C) 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, whether provided by the college directly or by contract, should seat no less than 10 percent of the students enrolled unless the program is primarily intended to train practitioners in technical or fine arts fields, in which case a lower percentage may be requested. If the school meets the library standard largely by electronic means, electronic services must be available to a comparable portion of the student body for a comparable period.

(16) Facilities. The school shall have buildings and equipment sufficient for the achievement of all educational objectives.

(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.

(17) 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.

(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. 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.

(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.

(18) 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 tuition or fees more than once during a calendar year.

(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) Except as noted below in this section, fees not included in tuition shall not exceed five percent of full-time tuition for any term in which separate fees are charged. One-time application or admission fees may exceed 5 percent of first-term tuition but shall not exceed \$200. Lab or equipment fees related to the actual necessary operational costs of specific courses may exceed 5 percent of tuition provided that the fees are made known to students prior to enrollment

in the course. Nominal fees for late payments, course withdrawals and the like are acceptable.

(c) After classes begin for a term, a student who withdraws from a course is eligible for a partial refund through the middle week of the term. Refunds shall be based on unused instructional time and shall be prorated on a weekly basis for schools using a semester, quarter or nontraditional calendar. Without specific Office approval, refund rates shall not be differentiated on the criteria of a student's source of income or loan repayment obligations except as otherwise required by law.

(d) Any fees for credit transferred, for credit attempted or earned by examination or portfolio must be based on the cost of service actually provided, ordinarily less than the cost of regular instruction. 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.

(19) Evaluation. The school shall, in order to improve programs, 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.

(20) Fair Practice. Notwithstanding the absence of a specific standard or prohibition in this rule, no school authorized to offer degrees or seeking to qualify for such authorization shall engage in any practice that is 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 & 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; ODA 1-2002, f. & cert. ef. 2-19-02; ODA 1-2003, f. & cert. ef. 4-16-03; ODA 4-2003, f. 10-29-03, cert. ef. 11-1-03; ODA 2-2004(Temp), f. & cert. ef. 2-11-04 thru 7-30-04; Administrative correction 8-19-04; ODA 5-2005, f. 12-1-05, cert. ef. 12-7-05

583-030-0036

Schools With Limited Resident Instruction in Oregon

(1) Accredited schools offering limited resident instruction in Oregon are reviewed using modified standards and procedures under the following conditions:

(a) Courses are highly specialized or offered for a period of less than three years;

(b) Information from the school is clear;

(c) Advice and assistance are accessible for students;

(d) Tuition refund policies meet Office requirements;

(e) Program evaluation is done systematically by the school;

(f) Curricula for Oregon residents are identical to those at a main campus;

(g) Instruction relayed either live or on recordings is received in Oregon just as it was presented during resident instruction;

(h) Academic assignments and testing and grading policies for Oregon students are identical to those for students on a main campus;

(i) All members of the faculty teaching from Oregon or teaching Oregon resident students hold degrees meeting Oregon standards.

(2) If limited or restricted residential instruction is authorized, 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 to the Office.

Stat. Auth.: ORS 348.606

Stats. Implemented: ORS 348.603 & 348.606

Hist.: EPP 1-1996, f. & cert. ef. 8-7-96; ODA 2-1998, f. & cert. ef. 8-12-98; ODA 1-2003, f. & cert. ef. 4-16-03; ODA 5-2005, f. 12-1-05, cert. ef. 12-7-05

583-030-0038

Nondegree Certificates and Diplomas Granted by Degree-Granting Schools

(1) 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.

(2) A school that is authorized to grant a degree and 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.

(3) An education provider that does not have the legal authority to offer degrees anywhere and wants to offer college-level courses for credit without applying for authority to issue degrees may apply for approval to do so under the same standards as a degree applicant. Any such approval is limited to three years unless the provider establishes a transfer agreement with at least one accredited school.

Stat. Auth.: ORS 348.594 & 348.606

Stats. Implemented: ORS 348.594, 348.603 & 348.606

Hist.: ODA 5-2005, f. 12-1-05, cert. ef. 12-7-05

583-030-0039

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; Renumbered from 583-030-0022, ODA 5-2005, f. 12-1-05, cert. ef. 12-7-05

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, facing page, or other page approved by the Office 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 or back cover (preferred) or on an appropriate page approved by ODA of every catalog distributed in Oregon.

Stat. Auth.: ORS 348.606

Stats. Implemented: ORS 348.603 & 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; ODA 4-2003, f. 10-29-03, cert. ef. 11-1-03; ODA 2-2004(Temp), f. & cert. ef. 2-11-04 thru 7-30-04; Administrative correction 8-19-04; ODA 5-2005, f. 12-1-05, cert. ef. 12-7-05

583-030-0042

Reporting Requirements

(1) A school authorized to offer instruction or related services leading to one or more degrees under the standards in OAR 583-030-0035 shall submit to the Office annually, with a form provided by the Office, 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. The school shall also supply data such as teacher turnover and student enrollment, completion, and placement as requested on state forms provided by the Office, together with current catalogs and the latest independent financial audit not previously submitted. Between annual reports, the school shall send to the Office promptly qualification forms of new owners, governing board members, officers, 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 degrees under OAR 583-030-0011 shall report as described in the preceding paragraph, except that 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 degrees but without resident instruction or with limited 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. The school shall also 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. 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, teachers or other matter having potential importance to Oregon students.

(4) A school that offers exempt religious degrees is subject to the annual self-certification requirements set forth in Chapter 546, Section 2, 2005 Laws.

(5) An authorized degree-granting school shall continue during the period of its authorization to respond promptly to Office requests for general or particular information and shall supply the information as directed. Monthly reporting may be required for a school determined to be at risk.

(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 & 348.606

Stats. Implemented: ORS 348.594, 348.603 & 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 1-2003, f. & cert. ef. 4-16-03; ODA 4-2003, f. 10-29-03, cert. ef. 11-1-03; ODA 2-2004(Temp), f. & cert. ef. 2-11-04 thru 7-30-04; Administrative correction 8-19-04; ODA 5-2005, f. 12-1-05, cert. ef. 12-7-05

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 & 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 5-2005, f. 12-1-05, cert. ef. 12-7-05

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 & 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 5-2005, f. 12-1-05, cert. ef. 12-7-05

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. Revocations resulting from a change in state or federal law or judicial ruling do not require the use of a hearing officer.

(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 ODA to propose revocation or suspension of approval and/or civil or criminal action.

(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 changes in state or federal law or judicial rulings affecting the status of a school or 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 583-030-0011, 583-030-0016, 583-030-0020, 583-030-0025, 583-030-0030, 583-030-0032, 583-030-0035, 583-030-0036, 583-030-0038, 583-030-0039, 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, 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.

(8) A separate revocation process for schools exempted on religious grounds is listed in Chapter 546, 2005 Laws.

Stat. Auth.: ORS 348.606

Stats. Implemented: ORS 348.603, 348.606 & 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; ODA 1-2003, f. & cert. ef. 4-16-03; ODA 1-2004, f. & cert. ef. 1-14-04; ODA 5-2005, f. 12-1-05, cert. ef. 12-7-05

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. The fee is intended to recover 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.

Basic fee schedule for ODA reviews

Doctoral degrees — \$5,500

Masters degrees — \$4,150

Bachelors degrees — \$4,150

Associate degrees — \$2,750

Limited instruction or program — \$250 minimum, \$1000 maximum

(a) The base fee for an external program with limited instruction or a 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.

(b) Certificates. No fee is charged when an institution with an approved degree wants to add a certificate in the same field.

(c) Fee discounts.

(A) 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 on the same level for which the full fee is paid. Such a reduction ordinarily depends on the provision of instruction by a single faculty for both degrees. Degrees on the same level using at least 50 percent of the same courses, taught by at least 50 percent of the same faculty, will be treated as one degree application for review and fee purposes.

(B) The Office at its discretion may also reduce the fee when institution size, 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. Such reductions are limited to 20 percent below the basic fee.

(C) The fee for religious-exempt schools may not exceed the lesser of the actual cost to the commission of determining the school's compliance with the requirements for an exemption or fifty percent of the standard fee for approval to offer a non-exempt bachelor's degree.

(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 may be charged to the applicant school in addition to the basic fee.

Stat. Auth.: ORS 183 & 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; ODA 1-2003, f. & cert. ef. 4-16-03; ODA 4-2003, f. 10-29-03, cert. ef. 11-1-03; ODA 2-2004(Temp), f. & cert. ef. 2-11-04 thru 7-30-04; Administrative correction 8-19-04; ODA 5-2005, f. 12-1-05, cert. ef. 12-7-05

583-030-0049

Criminal and Civil Penalties

(1) Without authorization from the Office as provided in this rule, any offer of a 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(23).

(2) Without authorization from the Office as provided in this rule, any offer of a 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 civil penalty 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(23).

Stat. Auth.: ORS 348.606 & 348.992

Stats. Implemented: ORS 348.603 & 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; ODA 1-2003, f. & cert. ef. 4-16-03; ODA 5-2005, f. 12-1-05, cert. ef. 12-7-05

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 Com-

mission 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 both (a) a proposed new program or location would cause detrimental duplication or significant adverse impact on one or more segments and (b) that there is no proven unmet workforce need for the program, 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; ODA 2-2003, f. 10-29-03, cert. ef. 11-1-03

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 and Science 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 a proposed new publicly funded program or location is likely to divert enough students from existing similar programs to imperil the viability of existing programs when the number of potential students is limited by factors such as interest, qualifications needed for admission, internship openings for students, and job openings for graduates. Detrimental duplication cannot be shown if the Commission finds that the proposed program or location meets an unmet workforce need in the state.

(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; ODA 2-2003, f. 10-29-03, cert. ef. 11-1-03

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. Each sector of Oregon postsecondary education must designate at least two recipients for this notice. Notice served upon these recipients by letter or e-mail shall meet the notice requirements of these rules for all potentially affected schools in each sector. Notice shall be given at least 16 days before the proposing board intends to ratify the proposal and in a manner approved by the Office. If an objection is filed, then board ratification shall be postponed until the adverse impact claim has been resolved. Multiple sites, geographic regions or statewide 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 within 7 days of receiving an objection any responding school that says it may be affected.

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. The proposer must notify ODA and the objector of its intentions.

(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 of the meeting required in section 3 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. A copy of any such communication must be provided to ODA.

(6) If unsatisfied with a proposer's response, the demurring school or schools may within 15 days of receipt continue demurral 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 within 15 days 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 of the meeting required in section 7 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 within 90 days of the date that the issue was referred to the boards for mediation under Section 9, 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. The Commission must act within 180 days of the date that the issue is referred to ODA for a recommendation as set forth in section (7) above. The Commission must approve the proposed program if the proposing school proves that it meets an unmet workforce need in the state.

(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; ODA 2-2003, f. 10-29-03, cert. ef. 11-1-03; ODA 3-2004, f. & cert. ef. 2-13-04

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 nonexistent school, by a non-educational entity posing as a school, by a nonstandard school without the use of a disclaimer, or by any entity in violation of statute or Commission rules.

(2) In order to be 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 (ODA) to offer and confer degrees in Oregon; or

(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) Is an Oregon school that has achieved exemption from state oversight on religious grounds; or

(e) If unaccredited, has the legal authority from a U.S. state or foreign country to issue degrees usable as educational credentials in the jurisdiction of issue.

(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 & 348.609

Hist.: ODA 2-1998, f. & cert. ef. 8-12-98; ODA 1-2001, f. & cert. ef. 6-27-01; ODA 3-2003, f. 10-29-03, cert. ef. 11-1-03; ODA 3-2005, f. 9-27-05, cert. ef. 9-30-05

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" includes a person, organization, school or institution of learning that confers or offers to confer an academic degree upon a person or to provide academic credit applicable to a degree. 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 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 adequate academic standards. 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 American Association of Collegiate Registrars and Admissions Officers (AACRAO); 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.

(9) "Standard School" means a school that meets the requirements of ORS 348.609(1) for degree use without a disclaimer.

(10) "Nonstandard School" means a degree provider that has legal authority to issue degrees valid in its authorizing jurisdiction, but which does not meet the requirements to be a standard school.

(11) "Diploma mill" or "degree mill" means an entity that meets any one of the following conditions as defined in ORS 348.594:

(a) A school against which a court or public body, as defined in ORS 174.109, has issued

a ruling or finding, after due process procedures, that the school has engaged in dishonest,

fraudulent or deceptive practices related to the award of degrees, academic standards or

student learning requirements; or

(b) Is an entity without legal authority as a school to issue degrees valid as credentials in the jurisdiction that authorizes issuance of degrees.

(12) Valid degree means a degree issued by a standard school or by a nonstandard school if the disclaimer required by ORS 348.609(2) is used.

(13) "College level work" required for a degree means academic or technical work at a level demonstrably higher than that required in the final year of high school and demonstrably higher than work required for degrees at a lower level than the degree in question. From lowest to highest, degree levels are associate, bachelor's, master's and doctoral. Professional degree levels may vary. College level work is characterized by analysis, synthesis and application in which students demonstrate an integration of knowledge, skills and critical thinking. Award of credit for achieving appropriate scores on ODA-approved nationally normed college-level examinations such as those from College Level Examination Program, American Council on Education, Advanced Placement or New York Regents meets this standard.

(14) "Disclaimer" when appended to a published reference to a degree means the following statement from statute: "(Name of

school) does not have accreditation recognized by the United States Department of Education and has not been approved by the Office of Degree Authorization.”

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

Stat. Auth.: ORS 348.609

Stats. Implemented: ORS 348.603 & 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; ODA 3-2003, f. 10-29-03, cert. ef. 11-1-03; ODA 2-2005, f. & cert. ef. 3-3-05; ODA 3-2005, f. 9-27-05, cert. ef. 9-30-05; ODA 1-06, f. & cert. ef. 6-23-06; ODA 1-2008, f. & cert. ef. 2-7-08

583-050-0014**Unaccredited Degrees**

(1) Users of unaccredited degrees may use the degrees in the following ways.

(a) Unaccredited degrees that have achieved ODA approval under ORS 348.609(d) can be used without a disclaimer.

(b) Unaccredited degrees that have not achieved ODA approval under ORS 348.609(d) can only be used with a disclaimer.

(c) Degrees issued by degree mills are invalid for use, with or without a disclaimer.

(2) Process for approval under ORS 348.609(d). A claimant of an unaccredited U.S. degree may submit to the Office information indicating that the school conferring the degree has the legal authority to issue degrees in another state and could reasonably be considered for approval in Oregon under OAR 583-030.

(a) A reasonable possibility of approval can be demonstrated by submitting to ODA the appropriate review fee and 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.

(b) 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.

(c) 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.

(3) A claimant of a non-U.S. degree issued by a degree supplier not accredited by a U.S. accreditor may submit to the Office information proving that the supplier issuing the degree has the following characteristics.

(a) The supplier is operating legally as a degree-granting institution in its host country.

(b) The host country has a postsecondary approval system equivalent to U.S. accreditation in that it applies qualitative measures by a neutral external party recognized in that role by the government.

(c) The supplier has been approved through the demonstrable application of appropriate standards by the host country's accreditor equivalent.

(d) All degrees issued by the supplier are legally valid for use and professional licensure within the host country.

Stat. Auth.: ORS 348.609

Stats. Implemented: ORS 348.603, 348.609, 348.992 & SB 1039 (2005 OL, Ch. 546)

Hist.: ODA 2-1998, f. & cert. ef. 8-12-98; ODA 1-2001, f. & cert. ef. 6-27-01; ODA 3-2003, f. 10-29-03, cert. ef. 11-1-03; ODA 4-2004, f. & cert. ef. 5-14-04; ODA 3-2005, f. 9-27-05, cert. ef. 9-30-05; Renumbered from 583-050-0031, ODA 4-2005, f. & cert. ef. 10-18-05

583-050-0016**Validation of a Secular Degree**

(1) Any person claiming in Oregon 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 & 348.609

Hist.: ODA 2-1998, f. & cert. ef. 8-12-98; ODA 1-2001, f. & cert. ef. 6-27-01; ODA 3-2003, f. 10-29-03, cert. ef. 11-1-03

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 or nonstandard is given the benefit of the doubt as to intent, so as to reflect consideration for the possibility that the person was misled by the purported school or unaware of Oregon degree requirements.

(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 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;

(d) A civil penalty not to exceed \$1,000 per violation.

(6) Prior to the imposition of any penalty listed in (5) above, a person whose degree is found invalid, or the use of whose degree may be restricted, is entitled to a hearing in accordance with ORS 183. Hearings will be provided in the following way:

(a) ODA's initial communication with a degree user will be an inquiry letter that will give the user 30 days in which to address any issues regarding degree existence, validity and restriction. No hearing is provided at this stage;

(b) If a degree user contacted by ODA under (a) does not respond within 30 days, or provides information that is insufficient to allow unrestricted degree use while expressing intent to continue using the degree, ODA will issue a cease and desist letter to the user, setting forth the requirements of law and how the user's degree fails to meet those requirements. This letter will also be sent to the user's attorney, if any. The user will be given 30 days to respond, agreeing to either comply with the law or request a hearing to contest ODA's findings:

(i) If the user agrees to comply with the law within 30 days, ODA will provide the user with a standard form upon which such agreement can be stated and signed. No penalty will be imposed provided that the user carries out the agreement;

(ii) If the user does not respond within 30 days, ODA will proceed directly to the request of a penalty, if any, to be imposed by the Commission, without a hearing before a hearing officer;

(iii) If the user requests a hearing within 30 days, the hearing will be conducted by a state hearing officer in accord with standard hearing protocol.

(c) If a hearing is held, the hearing officer will recommend a resolution to the Commission, which will decide whether the degree use meets Oregon standards, and if it does not, whether to impose a penalty and what the penalty should be.

Stat. Auth.: ORS 348.609

Stats. Implemented: ORS 348.603, 348.609 & 348.992

Hist.: ODA 2-1998, f. & cert. ef. 8-12-98; ODA 1-2001, f. & cert. ef. 6-27-01; ODA 2-2002, f. & cert. ef. 10-10-02; ODA 3-2005, f. 9-27-05, cert. ef. 9-30-05; ODA 2-2006, f. & cert. ef. 11-1-06

583-050-0027

Disciplinary Action; Civil Penalty Considerations

(1) A violation of any provision of OAR 583, division 050 is cause for levy of a civil penalty by the Commission under ORS 348.609.

(2) In establishing the amount of the penalty for each violation, the Commission shall consider, but not be limited to the following factors:

(a) The gravity and magnitude of the violation;

(b) The person's previous record of compliance with the provisions of ORS 348.594 to 348.615 or with the rules adopted thereunder;

(c) The person's history in taking all feasible steps or in following all procedures necessary or appropriate to correct the violation; and

(d) Such other considerations as the Commission may consider appropriate.

(3) An "incident" for purposes of the penalty schedule means a single use of the invalid degree, or each use of an unaccredited degree without a disclaimer, in a specific venue in a specific time period.

(a) Examples of specific venues include but are not limited to publications, job applications, web sites, spoken presentations, mailings, e-mails, flyers, posters, advertisements and handouts.

(b) Examples of specific time periods include one-time uses and serial uses, e.g., monthly advertisements, annual publications such as college catalogs and the like. In the case of continued usage during a period of employment, each regular pay period (e.g. one month) in which the degree is used is considered a specific time period and therefore a separate incident.

(4) The Commission may impose a civil penalty, provided that it first gives the person an opportunity for a hearing as outlined in ORS Chapter 183.

Stat. Auth.: ORS 348.609

Stats. Implemented: ORS 348.609

Hist.: ODA 2-2002, f. & cert. ef. 10-10-02; ODA 3-2005, f. 9-27-05, cert. ef. 9-30-05

583-050-0028

Schedule of Civil Penalties for Violations of Laws and Rules

In assessing civil penalties, the Commission desires to be both consistent and equitable and to consider and evaluate each case on an individual basis. The actual civil penalty which the Commission imposes shall be based on the Commission's consideration of the factors in OAR 583-050-0027. The Commission shall impose a penalty per incident based on only one of the degree use activities listed below, i.e. a single incident cannot result in a penalty from more than one category. Civil penalties shall be imposed according to the following schedule for use after warning by ODA of a violation:

(1) When such use is related to a position in any employment sector, paid or unpaid, involving public health or safety for which a degree of the type found invalid is required for employment or licensure: \$1000 per incident.

(2) When such use is intended to induce or encourage payment of money by students, clients, customers or others for whom the degree may serve as an attractant or legitimizer related to a service provided in the business or not-for-profit sector: \$1000 per incident.

(3) When such use is in public employment not related to public health or safety for which a valid degree of the type claimed is required or is necessary based on the conditions of employment: \$500 per incident.

(4) By a teacher at any level, including K-12 and postsecondary education: \$500 per incident.

(5) When such use is likely to deceive the public as to the user's qualifications but no money is sought or received by the user as a consequence in whole or in part of the use: \$300 per incident.

(6) When in violation of any other provision of OAR 583, division 050: \$300 per incident.

(7) Repeated violations of any kind may result in a penalty of \$1,000 for each repetition occurring after a penalty is imposed by the Commission or an injunction against the usage is issued by a court.

Stat. Auth.: ORS 348.609

Stats. Implemented: ORS 348.609

Hist.: ODA 2-2002, f. & cert. ef. 10-10-02; ODA 3-2005, f. 9-27-05, cert. ef. 9-30-05

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 & 348.609

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

583-050-0040

Fees for Validation Services

(1) ODA charges a fee for some services provided under OAR 583-050. The fee schedule is as follows: [Table not included. See ED. NOTE.]

(a) Agencies or organizations that have contracted for basic degree validation services with ODA do not pay a per-request fee. Contract rates are as follows: [Table not included. See ED. NOTE.]

(b) Fees for all inquiries, including contracted rates, must be paid in advance by bank check, money order or interagency fund transfer to: State of Oregon — ODA Oregon Student Assistance Commission, 1500 Valley River Dr. Suite 100, Eugene OR 97401.

(2) ODA may require reimbursement of costs for other requests at the discretion of the agency, depending on the nature of the request and available staff resources. Such fees may not exceed the actual cost to the agency to provide the service, based on staff rates and related costs.

(3) ODA may waive validation and evaluation fees:

(a) If the request for information is for purposes of criminal investigation; or

(b) If the consumer protection benefits of ODA action warrant a waiver, provided that sufficient staff time is available.

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 348.609

Stats. Implemented: ORS 348.603 & 348.609

Hist.: ODA 3-2003, f. 10-29-03, cert. ef. 11-1-03

DIVISION 70

**OVERSIGHT OF POSTSECONDARY
ACCREDITING BODIES**

583-070-0002

Purpose and Scope

This rule implements SB 198 (2007) in establishing standards and procedures for the evaluation and approval of postsecondary accrediting bodies seeking to operate in or from Oregon.

Stat. Auth.: SB 198 (2007)

Stats. Implemented:

Hist.: ODA 2-2008, f. & cert. ef. 4-14-08

583-070-0011

Definitions of Terms

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

(2) "Accreditor" means an entity that purports to accredit postsecondary institutions or programs.

(3) "Federally recognized accreditor" means a U.S. accreditor formally recognized by the U.S. Department of Education.

(4) "Council for Higher Education Accreditation" (CHEA) means an institutional membership organization that coordinates institutional and programmatic accreditation and recognizes the quality of accrediting organizations in the United States, or its functional successor.

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

(6) "Academic standards" are those standards related to faculty qualifications, admissions, acceptance of transfer credits, quantity of student work and program length and quality established in OAR 583-030-0035.

(7) "Operate in Oregon" means to use an Oregon address, telephone number, fax number or other contact point or mechanism located in Oregon on any document available to the public, do business in Oregon related to the accreditation of post-secondary institutions, or to accredit schools located in or operating from Oregon.

Stat. Auth.: SB 198 (2007)

Stats. Implemented:

Hist.: ODA 2-2008, f. & cert. ef. 4-14-08

583-070-0015**Authorization of Accreditors**

(1) All federally recognized accreditors are authorized to operate in or from Oregon without Commission oversight.

(2) All accreditors that are not federally recognized but are recognized by CHEA are authorized to operate in or from Oregon with Commission oversight.

(a) The oversight requirement for a CHEA-recognized accreditor already operating in Oregon on the effective date of these rules goes into effect when an Oregon school or program accredited by that accreditor begins the process of renewing such accreditation.

(b) A CHEA recognized accreditor having no office or contact points in Oregon as defined in 583-070-0011(7) above, and which accredits programs at institutions that have separate institutional accreditation by a federally recognized accreditor, does not require Commission approval to accredit programs located at Oregon schools.

(3) Any other accreditor lacking federal recognition, except for religious accreditors exempt under ORS 348.603, requires approval from the Commission to operate in or from Oregon.

(4) No other accreditor except for accreditors of religious schools meeting the requirements of ORS 348.603(4) may operate in or from Oregon without approval in advance from the Commission.

Stat. Auth.: SB 198 (2007)

Stats. Implemented:

Hist.: ODA 2-2008, f. & cert. ef. 4-14-08

583-070-0020**Approval Process for Accreditors**

(1) Any accreditor applying for approval will be approved by the Commission if the Commission finds that the accreditor has adequate academic standards comparable to ODA standards. Standards used by an accreditor need not be identical to state standards but must be adequate to ensure academic quality at a level comparable to that required by the state.

(2) Any accreditor seeking Commission approval must submit to ODA a request for approval accompanied by the following:

(a) A copy of the accreditor's academic standards,

(b) A description of how it evaluates institutional effectiveness, demonstrating a commitment to rational standards,

(c) Its standards for faculty and administrative qualifications, showing that it requires accredited or demonstrably equivalent degrees, and information on how such standards are enforced,

(d) Its standards for adequate institutional finances, demonstrating that it ensures appropriate management of funds and disallows charging students on any basis other than a per-term basis, and

(e) Names and professional qualifications of all persons employed by the accreditor and any persons serving on its board of directors, demonstrating that such people have backgrounds and qualifications comparable to those serving in similar roles at a federally-recognized accreditor,

(d) Names and professional qualifications of all people who have served on evaluation teams in the previous year and those who are scheduled to serve in the next year, if known, in order to show that only people with appropriate accredited degrees and professional qualifications are chosen for such teams.

(3) ODA must evaluate the accreditor and make a recommendation to the Commission within 60 days of receiving the application.

(a) If ODA objects to approval of an accreditor on grounds that the accreditor has inadequate academic standards, the ODA Administrator shall bring to the Commission a written report setting forth the reasons for the objection. The Commission shall afford the affected accreditor a hearing within 60 days of the ODA objection. At the hearing, the ODA Administrator and the accreditor will be provided an opportunity to testify and submit any material in support of their views.

(b) The Commission shall determine whether an accreditor is permitted to operate in Oregon only after the accreditor has had, if necessary, an opportunity to exercise its rights under sections 1 and 2 above.

Stat. Auth.: SB 198 (2007)

Stats. Implemented:

Hist.: ODA 2-2008, f. & cert. ef. 4-14-08