



Bureau for Private Postsecondary Education
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APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION AFFIRMED

January 28, 2020

Olivet University, Owner
Olivet University
36401 Tripp Flats Road
Anza, CA 92539

Date of Issuance	Citation Number	Institution Code
January 28, 2020	1920070	88680286

On December 20, 2019, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1920070 (Citation) against Olivet University, Owner of Olivet University (Institution). In attendance were Leeza Rifredi, Deputy Bureau Chief, Matthias Gebhardt, Vice President for Academic Affairs, and Dr. Ginturn Tran, Vice President for Campus Development.

Pursuant to Business and Professions Code, section 125.9; California Education Code, section 94936; and Title 5 of the California Code of Regulations, section 75020 and section 75040, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of the Citation No. 1920070.

It is the decision of the Deputy Bureau Chief that on January 15, 2020, Citation No. 1920070 is affirmed for the following reason(s):

- No new substantive facts were presented at the conference.

VIOLATION CODE SECTIONS

#	Below you will find the California Education Code (CEC) and/or Title 5 of the California Code of Regulations (5, CCR code) section(s) of law you are charged with violating.
1.	<p><u>Violation:</u> 5, CCR Section 74112(a)(b)(f)(g)(2)(i)(4)(m)(1-9) – Uniform Data – Annual Report, Performance Fact Sheet</p> <p><i>“(a) Format. The format for the Performance Fact Sheet shall be in at least 12 pt. type, in an easily readable font, with 1.15 line spacing and all titles and column headings shall be in bold 14 pt. type, which shall also identify the program for which the Performance Fact Sheet pertains. The Performance Fact Sheet shall contain all and only the information required or specifically permitted by sections 94910 and 94929.5 of the Code or this chapter. A separate Performance Fact Sheet shall be prepared for each program.</i></p> <p><i>(b) An institution offering educational programs that are too new to provide the required two years of data shall include the date the program began as well as the statement required by section 94910(e) of the Code. The Performance Fact Sheet shall also disclose the estimated date of availability for two full years of data for those programs.</i></p> <p><i>(f) Total Charges.</i></p>

The institution's Annual Report and Performance Fact Sheet shall include the total charges for a student to complete the program within 100% of the program length. The institution must include the disclosure that there may be additional charges if the program is not completed on-time.

(g) Student Loan/Debt Information.

(2) Institutions that do not participate in federal financial aid programs shall include one of two statements in the Performance Fact Sheet in a format substantially similar to the following: Students at (name of institution) are not eligible for federal student loans. The U.S. Department of Education has determined that this institution does not meet the criteria that would allow its students to participate in federal student aid programs.

or

(Name of Institution) is eligible but chooses not to participate in federal student aid programs. So students here do not have federal student loans.

Student's Initials: _____ Date: _____

Initial only after you have had sufficient time to read and understand the information.

(i) Job Placement Rates.

(4) Placement rate shall be calculated as follows: the number of graduates employed in the field as defined in section 94928(e)(1) of the Code in conjunction with section 74112(d)(3) divided by the number of graduates available for employment as defined in section 94928(d) of the Code. Job Placement rates and related disclosures shall be included in the Performance Fact Sheet in a format substantially similar to the charts below, (dates, numbers, and other data shown are for example only): **Gainful Employment Categories** (includes data for the two calendar years prior to reporting)

Name of Educational Program (Program Length)

Part Time vs. Full Time Employment

	Graduates Employed in the field 20 to 29 hours per week	Graduates Employed in the field at least 30 hours per week	Total Graduates Employed in the Field
20XX	15	40	55
20XY	5	15	20

(m) Documentation supporting all data reported shall be maintained electronically by the institution for at least five years from the last time the data was included in either an Annual Report or a Performance Fact Sheet, and shall be provided to the Bureau upon request; and the data for each program shall include at a minimum:

(1) the list of job classifications determined to be considered gainful employment for the educational program;

(2) student name(s), address, phone number, email address, program completed, program start date, scheduled completion date, and actual completion dates;

(3) graduate's place of employment and position, date employment began, date employment ended, if applicable, actual salary, hours per week, and the date employment was verified;

(4) for each employer from which employment or salary information was obtained, the employer name(s) address and general phone number, the contact person at the employer and the contact's phone number and email address, and all written communication with employer verifying student's employment or salary;

(5) for students who become self-employed, all documentation necessary to demonstrate self-

employment;
(6) a description of all attempts to contact each student or employer;
(7) any and all documentation used to provide data regarding license examinations and examination results; (8) for each student determined to be unavailable for graduation or unavailable for employment, the identity of the student, the type of unavailability, the dates of unavailability, and the documentation of the unavailability; and
(9) the name, email address, phone number, and position or title of the institution's representative who was primarily responsible for obtaining the students' completion, placement, licensing, and salary and wage data, the date that the information was gathered, and copies of notes, letters or emails through which the information was requested and gathered."

5, CCR Section 71930(a) -Maintenance of Records

"(a) An institution shall maintain all records required by the Act and this chapter. The records shall be maintained in this state.

Violation: 5, CCR Section 74112(a): The 2015/2016 SPFS was not in the correct format. The column headings were not in bold 14 pt. type.

The SPFS contained the following statement: "I have read and understand this School Performance Fact Sheet. The School Performance Fact Sheet was reviewed and discussed with a school official prior to signing an enrollment agreement." This is not a required statement.

The Institution failed to provide and maintain 2015/2016 SPFS for the Certificate Language Program.

Violation: 5, CCR Section 74112(f): The 2015/2016 SPFS contain the total charges for completion on time in 2021. The 2015/2016 SPFS failed to include the total charges for completion of each program in 2016.

Violation: 5, CCR Section 74112(i)(1): The 2015/2016 SPFS for the Bachelor of Arts in Information Technology program failed to report placement rates for the number of students who began the program in 2015. The 2015 data reported for on-time completion is inconsistent with the 2015 placement rate data reported.

Violation: 5, CCR Section 74112(i)(4): The 2015/2016 SPFS failed to include the 'Part Time vs. Full Time Employment' category in a format, substantially similar to the tables referenced in the Regulations. The Institution inaccurately reported part-time as an average of less than 32 hours per week and full-time as an average of 32 hours per week or greater. In addition, the Institution combined two Gainfully Employed Categories into one table.

Violation: 5, CCR Sections 74112(m) (1-9) and 71930(a): The Institution failed to provide supporting documentation to substantiate the data reported in the 2015/2016 SPFS.

Order of Abatement:

The Bureau orders the Institution to provide a written policy of how future compliance will be maintained per 5, CCR sections 74112 and 71930.

	Assessment of Fine The fine for this violation is <u>\$5,000.00</u>
TOTAL MODIFIED ADMINISTRATIVE FINE DUE: <u>\$5,000.00</u>	

ORDER OF ABATEMENT

The Bureau orders that you comply with the orders described in the ‘Violation Code Sections’ of this document and submit evidence of compliance within 30 days from the date of this decision.

PENALTY – ASSESSMENT OF A FINE

Payment of the administrative fine is due within 30 days from the date of this decision. Please complete the Payment of Fine form. Payment must be made to the Bureau by check, or money order. Please include the citation number on the payment of the fine assessment. Payment of the administrative fine shall not constitute an admission of the violation(s) charged and shall be represented as satisfactory resolution of the matter for purposes of public disclosure. Payments may be mailed to:

Cheryl Lardizabal, Discipline Citation Program
Bureau for Private Postsecondary Education
1747 N. Market Blvd., Suite 225
Sacramento, CA 95834

APPEAL OF CITATION

You *do not* have the right to request another Informal Conference to appeal this affirmed Citation. If you did not initially request an Administrative Hearing within 30 days from when the original citation was issued, you can no longer request one.

EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

This affirmed Citation is effective on **January 28, 2020**. The order of abatement and payment are due by **February 27, 2020**.

Failure to abate the violation or to pay the administrative fine within the time allowed is grounds for denial of an application for an approval to operate or discipline. The Bureau will promptly take all appropriate action to enforce the Affirmed Citation and recover the civil penalties prescribed therein or found to be due after a hearing.

CONTACT INFORMATION

If you have any questions regarding this decision or desire further information, please contact Cheryl Lardizabal, Citation Analyst, at (916) 574-8968 or at Cheryl.Lardizabal@dca.ca.gov.

"Original signature on file"
Christina Villanueva
Discipline Manager

"1/28/2020"
Date

Enclosures

- Payment of Fine – Waiver of Appeal Rights
- Declaration of Service by Certified and First-Class Mail