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9
10 **BEFORE THE**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **FOR THE BUREAU FOR PRIVATE POSTSECONDARY EDUCATION**
13 **STATE OF CALIFORNIA**

14 In the Matter of the Accusation Against:

Case No. BPPE 22-592

15 **OLIVET UNIVERSITY (MAIN)**
16 **36401 TRIPP FLATS ROAD**
ANZA, CA 92539

ACCUSATION

17 **OLIVET UNIVERSITY (BRANCH)**
18 **1329 S. HOPE STREET**
LOS ANGELES, CA 90015

19 **OLIVET UNIVERSITY (SAN**
20 **FRANCISCO CAMPUS)**
201 SEMINARY DRIVE, MILL VALLEY,
21 **CA 94941**

22 **Approval to Operate Institution Code**
Number 88680286

23
24 Respondent.
25
26
27
28

1 **PARTIES**

2 1. Deborah Cochrane (Complainant) brings this Accusation solely in her official
3 capacity as the Chief of the Bureau for Private Postsecondary Education (Bureau), Department of
4 Consumer Affairs.

5 2. On or about December 13, 2004, the Bureau issued a Temporary Approval to Operate
6 Institution Code Number 88680286. On November 9, 2006, the Bureau issued Approval to
7 Operate Institution Code Number 88680286 to Olivet University, owned by Olivet University,
8 Board of Directors (Respondent). The Approval to Operate expired on November 1, 2014 and
9 has not been renewed. On or about December 1, 2011, the Bureau granted Approval to Operate
10 by means of accreditation to Respondent. The Accredited Approval to Operate was in full force
11 and effect at all relevant times herein and will expire February 29, 2024 unless renewed.

12 3. Respondent is approved to operate programs in Chinese, English, Korean, and
13 Spanish for the conferral of Bachelor, Master, and Doctorate programs.

14 **JURISDICTION**

15 4. This Accusation is brought before the Director of the Department of Consumer
16 Affairs (Director) for the Bureau for Private Postsecondary Education, under the authority of the
17 following laws. All section references are to the Education Code (Code) unless otherwise
18 indicated.

19 5. Business and Professions Code, section 118, subdivision (b), provides that the
20 suspension, expiration, surrender or cancellation of a license shall not deprive the Bureau of
21 jurisdiction to proceed with a disciplinary action during the period within which the license may
22 be renewed, restored, reissued or reinstated.

23 6. Section 94875 provides that the Bureau shall regulate private postsecondary
24 educational institutions.

25 7. Section 94877 provides, in relevant part, that:

26 (a) The bureau shall adopt and shall enforce regulations to implement this
27 chapter pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with
28 Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

.....

1 8. Section 477 of the Business and Professions Code states:

2 As used in this division:

3 (a) "Board" includes "bureau," "commission," "committee," "department,"
4 "division," "examining committee," "program," and "agency."

5 (b) "License" includes certificate, registration or other means to engage in a
6 business or profession regulated by this code.

7 **STATUTORY PROVISIONS**

8 9. Section 94898 of the Code states:

9 (a) An institution shall not merge classes unless all of the students have
10 received the same amount of instruction. This subdivision does not prevent the
11 placement of students, who are enrolled in different educational programs, in the
12 same class if that class is part of each of the educational programs and the placement
13 in a merged class will not impair the students' learning of the subject matter of the
14 class.

15 ...

16 10. Section 94900.5 of the Code states:

17 An institution shall maintain, for a period of not less than five years, at its
18 principal place of business in this state, complete and accurate records of all of the
19 following information:

20 (a) The educational programs offered by the institution and the curriculum for
21 each.

22 (b) The names and addresses of the members of the institution's faculty and
23 records of the educational qualifications of each member of the faculty.

24 (c) Any other records required to be maintained by this chapter, including, but
25 not limited to, records maintained pursuant to Article 16 (commencing with Section
26 94928).

27 11. Section 94909 of the Code states:

28 (a) Except as provided in subdivision (d), before enrollment, an institution shall
provide a prospective student, either in writing or electronically, with a school catalog
containing, at a minimum, all of the following:

...
(7) Information regarding the faculty and their qualifications.
...

1 12. Section 94929.5 of the Code states:

2 An institution shall annually report to the bureau, as part of the annual report,
3 and shall publish in its School Performance Fact Sheet, all of the following:

4 (a) The job placement rate, calculated by dividing the number of graduates
5 employed in the field by the number of graduates available for employment for each
6 program that is either (1) designed, or advertised, to lead to a particular career, or (2)
7 advertised or promoted with any claim regarding job placement.

8 (b) The license examination passage rates for the immediately preceding two
9 years for programs leading to employment for which passage of a state licensing
10 examination is required, calculated by dividing the number of graduates who pass the
11 examination by the number of graduates who take the licensing examination the first
12 time that the examination is available after completion of the educational program.
13 The institution shall use state agency licensing data to calculate license examination
14 passage rates. If those data are unavailable, the institution shall calculate the license
15 examination passage rate in a manner consistent with regulations adopted by the
16 bureau.

17 (c) Salary and wage information, consisting of the total number of graduates
18 employed in the field and the annual wages or salaries of those graduates stated in
19 increments of five thousand dollars (\$5,000)

20 13. Section 94937 of the Code states:

21 (a) As a consequence of an investigation, which may incorporate any materials
22 obtained or produced in connection with a compliance inspection, and upon a finding
23 that an institution has committed a violation, the bureau may place an institution on
24 probation or may suspend or revoke an institution's approval to operate for:

25 ...

26 (2) A material violation or repeated violations of this chapter or regulations
27 adopted pursuant to this chapter that have resulted, or may result, in harm to students.
28 For purposes of this paragraph, "material violation" includes, but is not limited to,
misrepresentation, fraud in the inducement of a contract, and false or misleading
claims or advertising, upon which a student reasonably relied in executing an
enrollment agreement and that resulted, or may result, in harm to the student.

(b) The bureau shall adopt regulations, within one year of the enactment of this
chapter, governing probation and suspension of an approval to operate.

(c) The bureau may seek reimbursement pursuant to Section 125.3 of the
Business and Professions Code.

...

REGULATORY PROVISIONS

14. California Code of Regulations, title 5, section 71700 (Regulation 71700) states:

The Bureau may request that an institution document compliance with the
standards set forth in the Act and this Division to obtain and maintain an approval to
operate.

1 15. California Code of Regulations, title 5, section 71710 (Regulation 71710) states:

2 (a) In order to meet its mission and objectives, the educational program defined
3 in Section 94837 of the Code shall be comprised of a curriculum that includes:

4 (1) Those subject areas that are necessary for a student to achieve the
5 educational objectives of the educational program in which the student is enrolled;

6 (2) Subject areas and courses or modules that are presented in a logically
7 organized manner or sequence to students;

8 (3) Course or module materials that are designed or organized by duly qualified
9 faculty. For each course or module, each student shall be provided with a syllabus or
10 course outline that contains:

11 (A) A short, descriptive title of the educational program;

12 (B) A statement of educational objectives;

13 (C) Length of the educational program;

14 (D) Sequence and frequency of lessons or class sessions;

15 (E) Complete citations of textbooks and other required written materials;

16 (F) Sequential and detailed outline of subject matter to be addressed or a list of
17 skills to be learned and how those skills are to be measured;

18 (G) Instructional mode or methods.

19 (4) If degree granting, require research of an appropriate degree that utilizes a
20 library and other learning resources;

21 (5) Specific learning outcomes tied to the sequence of the presentation of the
22 material to measure the students' learning of the material; and

23 (6) Evaluation by duly qualified faculty of those learning outcomes.

24 (b) An educational program of 32 hours or less as described in Section 94837 of
25 the Code shall be presumed to be “designed to lead to employment” if any of the
26 following apply:

27 (1) It is on the Eligible Training Provider List the Employment Development
28 Department published on its website at www.edd.ca.gov pursuant to the Workforce
Innovation and Opportunity Act (Public Law 113-128) section 122 (29 U.S. Code
section 3152) and Code of Federal Regulations, Title 20, section 680.500;

(2) The institution represents that the course or module, either separately or as
part of a set of related courses or modules, leads to employment or a career, either as
stated by the institution to the Bureau on any application submitted to the Bureau for
approval of any institution or educational program, including sections 71100, 71105,
71210, 71220, and 71390, or in any other written correspondence provided to the
Bureau, or in any advertising or publication used to solicit or recruit prospective
students. “Advertising” shall have the meaning set forth in section 74140;

1 (3) The institution represents in its course or module materials, syllabus, or
2 course outline that the educational objectives of the course or module includes
3 preparing or fitting students with the skills and knowledge necessary to satisfy the
4 qualifications for licensure in a specified career, occupation, vocation, job, or job
5 title.

6 16. California Code of Regulations, title 5, section 71715 (Regulation 71715), states:

7 (a) Instruction shall be the central focus of the resources and services of the
8 institution.

9 (b) The institution shall document that the instruction offered leads to the
10 achievement of the learning objectives of each course.

11 (c) Direct instruction requires the physical presence of one or more students and
12 one or more faculty members at the same location. Direct instruction includes
13 instruction presented in a classroom, seminar, workshop, lecture, colloquium,
14 laboratory, tutorial, or other physical learning settings consistent with the mission,
15 purposes, and objectives of the institution.

16 (d) Distance education as defined in section 94834 of the Code, does not
17 require the physical presence of students and faculty at the same location but provides
18 for interaction between students and faculty by such means as telecommunication,
19 correspondence, electronic and computer augmented educational services, postal
20 service, and facsimile transmission. In addition to the other requirements of this
21 chapter and the Act, an institution offering distance education shall:

22 (1) ensure that the educational program offered through distance education is
23 appropriate for delivery through distance education methods;

24 (2) assess each student, prior to admission, in order to determine whether each
25 student has the skills and competencies to succeed in a distance education
26 environment;

27 (3) ensure that the materials and programs are current, well organized, designed
28 by faculty competent in distance education techniques and delivered using readily
available, reliable technology;

(4) provide for meaningful interaction with faculty who are qualified to teach
using distance education methods;

(5) maintain clear standards for satisfactory academic progress;

(6) timely complete student evaluations of learning outcomes by duly qualified
faculty, which are appropriate for use with the distance education methods used, and
evaluated by duly qualified faculty.

(7) employ a sufficient number of faculty to assure that (A) the institution's
response to, or evaluation of, each student lesson is returned to the student within 10
days after the lesson is received by the institution; and (B) the institution's response
to, or evaluation of, each student project or dissertation is returned to the student
within the time disclosed in the catalog; and

(8) shall maintain a record of the dates on which lessons, projects, and
dissertations were received and responses were returned to each student.

1 17. California Code of Regulations, title 5, section 71720 (Regulation 71720) states:

2 (a) An Educational Program Leading to a Degree.

3 (1) An institution offering an educational program that leads to a degree shall
4 employ duly qualified faculty sufficient in number to provide the instruction, student
5 advisement, and learning outcomes evaluation necessary for the institution to
6 document its achievement of its stated mission and objectives, and for students to
7 achieve the specific learning objectives of each course offered;

8 ...

9 (5) The institution's faculty as a whole shall possess a diverse educational
10 background which shall be demonstrated in part by earned degrees from a variety of
11 colleges and universities or by credentials generally recognized in the field of
12 instruction;

13 ...

14 (9) The institution shall maintain records documenting that each faculty
15 member is duly qualified and was qualified to perform the duties to which the faculty
16 member was assigned, including providing instruction, evaluating learning outcomes,
17 evaluating graduate dissertations, theses, and student projects, and participating on
18 doctoral committees.

19 ...

20 18. California Code of Regulations, title 5, section 71730 (Regulation 71730), states:

21 ...

22 (d) The administrative staffing at each branch location shall reflect the
23 purposes, size, and educational operations at that location and at any satellite location
24 for which the branch has administrative responsibilities.

25 ...

26 19. California Code of Regulations, title 5, section 71745 (Regulation 71745), states:

27 (a) The institution shall document that it has at all times sufficient assets and
28 financial resources to do all of the following:

(1) Provide all of the educational programs that the institution represented it
would provide.

(2) Ensure that all students admitted to its educational programs have a
reasonable opportunity to complete the programs and obtain their degrees or
diplomas.

...

(6) Maintain a ratio of current assets to current liabilities of 1.25 to 1.00 or
greater at the end of the most recent fiscal year when using generally accepted
accounting principles, or for an institution participating in Title IV of the federal

1 Higher Education Act of 1965, meet the composite score requirements of the U.S.
2 Department of Education. For the purposes of this section, current assets does not
3 include: intangible assets, including goodwill, going concern value, organization
4 expense, startup costs, long-term prepayment of deferred charges, and non-returnable
5 deposits, or state or federal grant or loan funds that are not the property of the
6 institution but are held for future disbursement for the benefit of students. Unearned
7 tuition shall be accounted for in accordance with general accepted accounting
8 principles.

9 ...

10 20. California Code of Regulations, title 5, section 71760 (Regulation 71760), states:

11 Each institution shall develop and maintain adequate procedures used by the
12 institution to assure that it is maintained and operated in compliance with the Act and
13 this Division.

14 21. California Code of Regulations, title 5, section 71810 (Regulation 71810), states:

15 ...

16 (b) The catalog shall contain the information prescribed by Section 94909 of
17 the Code and all of the following:

18 ...

19 (6) The institution's policies and practices regarding any form of financial aid,
20 including all consumer information which the institution is required to disclose to the
21 student under any state or federal financial aid program;

22 ...

23 22. California Code of Regulations, title 5, section 71850 (Regulation 71850), states:

24 Graduation requirements for an undergraduate degree program shall meet
25 minimum credit requirements and shall include provisions for general education
26 appropriate to the level and type of degree. The institution shall specify the
27 distribution of general education credit requirements by subject area for each
28 undergraduate degree program.

(a) A Bachelor's degree may be awarded to a student whom the institution can
document has achieved sequential learning equivalent in general education and
equivalent in depth of achievement in a designated major field to that acquired in four
years of study beyond high school, as measured by a minimum of 120 semester
credits or its equivalent. At least 25 percent of the credit requirements for a Bachelor's
degree shall be in general education.

(b) An Associate degree may be awarded only to a student whom the institution
can document has achieved sequential learning equivalent to that acquired in two
years of study beyond high school, as measured by a minimum of 60 semester credits
or its equivalent. Except as provided in subdivision (c) of this section, at least 25
percent of the credit requirements for an Associate degree shall be in general
education.

(c) The Specialized Associate degree (Occupational) or the Associate of

1 Applied Science degree may be awarded only to a student who completes at least the
2 learning outcomes equivalent to a minimum of 60 semester credits or the equivalent.
3 A minimum of seventy-five percent of the credits shall be in the occupational area for
4 which training is offered. The general education offered as part of a Specialized
5 Associate degree (Occupational) or an Associate of Applied Science degree program
6 shall be such as is necessary for a student to achieve the educational objectives of the
7 program in which the student is enrolled. General education shall be at the same level
8 of quality as that taught in approved Bachelor's or Associate degree programs.

9 23. California Code of Regulations, title 5, section 71865 (Regulation 71865), states:

10 (a) A Master's degree may only be awarded to a student who demonstrates at
11 least the achievement of learning in a designated major field that is equivalent in
12 depth to that normally acquired in a minimum of 30 semester credits or its equivalent
13 or one year of study beyond the Bachelor's degree.

14 . . .

15 (c)(1) A Doctor of Philosophy degree (Ph.D.) is a research-oriented degree
16 requiring a minimum of three years of full-time graduate education or the equivalent
17 in part-time study. Such a doctoral program shall include substantial instruction in
18 both theory and research at an advanced level in a designated field and specialty, and
19 may only be awarded to a student who has completed a program of study that
20 includes research methodology and demonstrated learning achievement through
21 original research directly attributable to the student. Each educational program
22 leading to a Doctor of Philosophy degree shall involve preparation for scholarship
23 and systematic inquiry.

24 (2)(A) Each Doctor of Philosophy program shall include a minimum of two
25 formal evaluations of the student by a doctoral committee. The doctoral committee
26 shall be composed of at least three members of the institution's own faculty who meet
27 the qualifications in subdivision (c)(3).

28 (B) The first evaluation shall consider the student's qualifications, including the
student's knowledge, skills, and conceptual framework, for undertaking rigorous
inquiry into the student's designated field.

(C) The second evaluation shall consider the design procedures and products of
a formal original inquiry proposed and completed by the student.

(3) The faculty members who serve on each student's doctoral examining
committee shall meet the following qualifications:

(A) Each member shall have earned a Doctoral degree from: an institution that
is approved by the Bureau or previously approved by a predecessor agency of the
Bureau; or an accredited institution in the United States or Canada; or other state
approved institution that documents that the institution at which the faculty member
earned his or her degree is equivalent to an institution that is approved by the Bureau;
or an institution outside the United States or Canada and in addition provides a
comprehensive evaluation of the degree performed by a foreign credential evaluation
service that is a member of the National Association of Credential Evaluation
Services (NACES).

(B) The chair and the majority of the committee shall have earned degrees
related to the student's field of investigation.

1 (C) A minimum of 50% of the faculty on the committee shall have degrees
2 conferred by an institution accredited by an accrediting association recognized by the
United States Department of Education or the American Bar Association, unless the
accreditation does not exist.

3 (D) All of the faculty shall have three or more years of field or research
4 experience related to their degrees obtained after they obtained their degrees.

5 (E) All of the faculty shall have been active in their field of scholarship or
6 profession during the five year period preceding their participation on the committee.

7 (4) The formal evaluation procedures shall provide the committee as a whole
8 with the opportunity to jointly examine the candidate.

9 (5) If the candidate is not physically present and the evaluation must take place
10 by telephone or other means of electronic communication, one of the following shall
11 apply:

12 (A) One faculty member on the student's doctoral committee from the main
13 location (i.e., the state in which the program is licensed or otherwise officially
14 approved) must be present at the location where the doctoral student is examined.

15 (B) A proctor, selected and approved by the doctoral committee, shall sit as an
16 observer with the student at the distant location and verify, under penalty of perjury
17 under the laws of the State of California, the identity of the student and the facts that
18 the student received no prompting by anyone and did not have access to unallowed
19 materials during the evaluation process.

20 (6) If a project includes more than one student, the individual student's role and
21 contributions shall be clearly identified and documented.

22 (7) The institution shall maintain a written record of the evaluations. This
23 record shall include the names and signatures of all committee members who
24 participated in the evaluations.

25 ...

26 24. California Code of Regulations, title 5, section 71920 (Regulation 71920), states:

27 ...

28 (b) In addition to the requirements of section 94900, the file shall contain all of
the following pertinent student records:

...

(3) Copies of all documents signed by the student, including contracts,
instruments of indebtedness, and documents relating to financial aid;

(4) Records of the dates of enrollment and, if applicable, withdrawal from the
institution, leaves of absence, and graduation; and

...

1 25. California Code of Regulations, title 5, section 74112, states:

2 (a) Format. The format for the Performance Fact Sheet shall be in at least 12 pt.
3 type, in an easily readable font, with 1.15 line spacing and all titles and column
4 headings shall be in bold 14 pt. type, which shall also identify the program for which
5 the Performance Fact Sheet pertains. The Performance Fact Sheet shall contain all
6 and only the information required or specifically permitted by sections 94910 and
7 94929.5 of the Code or this chapter. A separate Performance Fact Sheet shall be
8 prepared for each program.

9 (b) An institution offering educational programs that are too new to provide the
10 required two years of data shall include the date the program began as well as the
11 statement required by section 94910(e) of the Code. The Performance Fact Sheet
12 shall also disclose the estimated date of availability for two full years of data for those
13 programs.

14 (c) Institutions approved under section 94874.8 of the Code, which do not
15 include all required information per section 94874.8(a)(4), shall include on the
16 Performance Fact Sheet the date of approval to operate and when the required data
17 will be available.

18 (d) In addition to the definitions contained in section 94928 of the Code:

19 (1) "Number of Students Who Began the Program" means the number of
20 students who began a program who were scheduled to complete the program within
21 100% of the published program length within the reporting calendar year, and
22 excludes all students who cancelled during the cancellation period.

23 (2) "Number of On-time Graduates" means the number of students who
24 completed the program within 100% of the published program length within the
25 reporting calendar year.

26 (3) "Gainfully Employed" means:

27 (A)(i) The graduate is employed in a job classification under the United States
28 Department of Labor's Standard Occupational Classification codes, using the Detailed
Occupation (six-digit) level, for which the institution has identified in its catalog and
in its employment positions list required by section 94910(f)(2) of the Code that the
program prepares its graduates; and

(ii) The graduate is employed in a single position or concurrent aggregated
positions totaling at least 30 hours per week for 5 weeks (35 calendar days), or
totaling at least 20 hours per week for 5 weeks (35 calendar days) with a statement
signed by the graduate stating that he or she chose to seek part-time employment
rather than fulltime employment after graduation; or

(B) The graduate is employed by the same employer that employed the
graduate before enrollment, and any of the following conditions are met:

(i) the graduate is employed in an occupation with a different Detailed
Occupation (six-digit) level Standard Occupational Classification code than applies to
the position in which the graduate was employed before enrollment; or

(ii) the employer or the graduate provides a statement to the effect that the
employment after graduation was the result of a promotion with increased pay, due at

1 least in part to graduation from the program; or

2 (iii) the employer or the graduate provides a statement to the effect that the
3 degree or the completed program was required as a condition of continued
4 employment; or

5 (C) The graduate is self-employed or working freelance as reasonably
6 evidenced by, but not limited to, a business license, fictitious business name
7 statement, advertising (other than business cards), website, or business receipts or
8 other evidence of income from business; or an attestation signed by the graduate of
9 self-employment or freelance work and dated after graduation.

10 (e) Reporting periods:

11 (1) An Annual Report shall include data for all educational programs as defined
12 in section 94837 of the Code for the previous one calendar year.

13 (2) A Performance Fact Sheet shall be current and available not later than
14 December 1st, and shall report data for the previous two calendar years based upon
15 the "number of students who began the program," as defined in subdivision (d)(1) of
16 this section and were scheduled to graduate in the reported year(s).

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

21 Total charges shall be disclosed in the Performance Fact Sheet in a format
22 substantially similar to the format listed below (dates and numbers are for example
23 only):

24 **Cost of Educational Program:**

25 Total Charges for the program for students completing on-time in 20XX: \$50,000.

26 Total Charges may be higher for students that do not complete on-time.

27 Student's Initials: _____ Date: _____

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

(g) Student Loan/Debt Information.

(1) If the institution participates in federal financial aid programs, the institution
shall include loan information in the institution's Annual Report and on the
Performance Fact Sheet. The loan information shall include:

(A) The most recent three year cohort default rate, as reported by the United
States Department of Education;

(B) The percentage of enrolled students receiving federal student loans;

(C) The average amount of federal student loan debt of those graduates who
have federal student loan debt in the reporting year; and

(D) The percentage of graduates with federal student loans, as calculated by the

institution.

1
2 Loan information shall be included in the Performance Fact Sheet in a format
3 substantially similar to the format listed below (dates and numbers are for example
4 only):

5 Federal Student Loan Debt at (Name of Institution)

6 Percentage of students who defaulted on their federal student loans
7 at this school: 28%¹

8 Percentage of students enrolled in 20XX who took out federal
9 student loans to pay for this program: 43%

10 Percentage of graduates in 20XX who took out federal student
11 loans to pay for this program: 65%

12 Average federal student loan debt of 20XX graduates who took out
13 federal student loans at this institution: \$26,000

14 1 The percentage of students who defaulted on their federal student loans is
15 called the Cohort Default Rate (CDR). It shows the percentage of this
16 school's students who were more than 270 days (about 9 months) behind on
17 their federal student loans within three years of when the first payment was
18 due. This is the most recent CDR reported by the U.S. Department of
19 Education.

20 Student's Initials: _____ Date: _____

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

23 (2) Institutions that do not participate in federal financial aid programs shall
24 include one of two statements in the Performance Fact Sheet in a format substantially
25 similar to the following:

26 Students at (name of institution) are not eligible for federal student loans. The
27 U.S. Department of Education has determined that this institution does not meet the
28 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.**

(h) Completion Rates. Reporting of completion rates for an institution's Annual Report and Performance Fact Sheet shall include, for each educational program, the number of students who began the program as defined in subdivision (d)(1) of this section, the number of students available for graduation, number of on-time graduates, and completion rate(s). An optional table may be added to include completion rate data for students completing within 150% of the published program length. For an institution reporting completion data pursuant to section 94929(b) of the Code, completion data shall be separately reported for each program and the Performance Fact Sheet shall disclose, if true, that the completion data is being reported for students completing within 150% of the published program length, and that data is not being separately reported for students completing the program within 100% of the published program length. Programs that are more than one year in length which are reporting 150% Completion Rate will provide four calendar years of data.

Completion rates shall be included in the Performance Fact Sheet in a format substantially similar to the chart below (dates, numbers, and other data shown are for example only):

On-time Completion Rates (Graduation Rates) (includes data for the two calendar years prior to reporting)

Name of Educational Program (Program Length)				
Calendar Year	Number of Students Who Began the Program	Students Available for Graduation	Number of On-time Graduates	On-time Completion Rate
20XX	100	98	70	71%
20XY	80	80	55	69%

Students Completing Within 150% of the Published Program Length

Name of Educational Program (Program Length)				
Calendar Year	Number of Students Who Began the Program	Students Available for Graduation	150% Graduates	150% Completion Rate
20XX	100	98	95	97%
20XY	80	80	78	98%
*20XZ	90	90	87	97%
*20YA	87	85	74	87%

*Included only if program is more than one year in length

Student's Initials: _____ Date: _____

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

(i) Job Placement Rates.

(1) Any placement data required by sections 94910(b) and 94929.5(a) of the Code shall be reported for the number of students who began the program as defined in subdivision (d)(1) of this section for each reported calendar year.

(2) Placement is measured six months from the graduation date of each student. For programs that require passage of a licensing examination, placement shall be measured six months after the announcement of the examination results for the first examination available after a student completes an applicable educational program. Reporting of placement rates shall include for each educational program: the number of students who began the program, the number of graduates as defined in section 94842 of the Code, the graduates available for employment, graduates employed in the field and job placement rate(s).

(3) If the institution makes any claim related to preparing students for a job or regarding job placement, the list required by section 94910(f)(2) of the Code shall identify the employment positions by using the Detailed Occupation or six-digit level of the Standard Occupational Classification codes.

(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):

Job Placement Rates (includes data for the two calendar years prior to reporting)

Name of Educational Program (Program Length)

Calendar Year	<i>Number of Students Who Began the Program</i>	<i>Number of Graduates</i>	<i>Graduates Available for Employment</i>	<i>Graduates Employed in the Field</i>	<i>Placement Rate % Employed in the Field</i>
20XX	100	70	70	55	79%
20XY	80	55	55	20	36%

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

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

1 **Single Position vs. Concurrent Aggregated Positions**

2

	<i>Graduates Employed in</i>	<i>Graduates Employed in</i>	<i>Total</i>
	<i>the field in a single position</i>	<i>the field in concurrent</i>	<i>Graduates</i>
		<i>aggregated positions</i>	<i>Employed in the</i>
			<i>Field</i>
6	20XX 52	3	55
7	20XY 19	1	20

8 **Self-Employed/Freelance Positions**

9

	<i>Graduates Employed who are self-employed or</i>	<i>Total Graduates</i>
	<i>working freelance</i>	<i>Employed in the Field</i>
12	20XX 3	55
13	20XY 5	20

14 **Institutional Employment**

15

	<i>Graduates Employed in the field who are employed</i>	<i>Total Graduates Employed in</i>
	<i>by the institution, an employer owned by the</i>	<i>the Field</i>
	<i>institution, or an employer who shares ownership</i>	
	<i>with the institution</i>	
17	20XX 15	55
18	20XY 5	20

19 Student's Initials: _____ Date: _____

20

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

22 (5) The following self-employment/freelance worker disclosure shall be

23 initialed by students entering any programs in which the majority of graduates who

24 obtain jobs obtain in this type of work:

25 This program may result in freelance or self-employment.

26 • The work available to graduates of this program is usually for freelance or

27 self-employment.

28 • This type of work may not be consistent.

• The period of employment can range from one day to weeks to several months.

1 • Hours worked in a day or week may be more or less than the traditional 8 hour
work day or 40 hour work week.

2 • You can expect to spend unpaid time expanding your networks, advertising,
3 promoting your services, or honing your skills.

4 • Once graduates begin to work freelance or are self-employed, they will be
asked to provide documentation that they are employed as such so that they may be
5 counted as placed for our job placement records.

6 • Students initialing this disclosure understand that either a majority or all of
this school's graduates are employed in this manner and understand what comprises
7 this work style.

8 Student's Initials: _____ Date: _____

9 **Only initial after you have had sufficient time to read and understand the
information.**

10 (j) License Examination Passage Rates. If license examination passage rates are
11 not available from the appropriate state agency, an institution shall collect the
information directly from its graduates. If an institution demonstrates that, after
12 reasonable efforts, it is unable to obtain the examination passage information from its
graduates, the institution shall report the number of students it could not contact and
13 note in a font the same size as the majority of the data on the Performance Fact Sheet,
“License examination passage data is not available from the state agency
14 administering the examination. We were unable to collect data from [enter the
number] graduates.”

15 Reporting of license examination passage rates for the Annual Report and the
16 Performance Fact Sheet shall include, for each educational program: the number of
graduates in the reported year, the number of documented graduates who passed the
17 first available examination, number of documented graduates who failed the first
available examination, the number of graduates for whom data is not available. An
18 optional column may be added to separately report licensing examination data for
graduates who take and pass the exam after failing initially. The Annual Report shall
19 also include a description of the processes for attempting to contact those students.

20 For licensing examinations that are not continuously administered, license
21 examination passage rates shall be included in the Performance Fact Sheet in a format
substantially similar to the chart below, (dates, numbers, and other data shown are for
22 example only):

23 **License Examination Passage Rates** (includes data for the two calendar years
prior to reporting)

24 **Name of Educational Program (Program Length)**

25 First Available Exam Date	26 Date Exam Results Announced	27 Number of Graduates in Calendar Year	28 Number of Graduates Taking Exam	Number Who Passed Exam	Number Who Failed Exam	Passage Rate
21/20XX	3/15/20XX	277	80	40	40	50%

1	6/1/20XX	7/15/20XX	277	100	75	25	75%
2	10/1/20XX	11/15/20XX	277	82	68	14	76%
3	2/1/20XY	3/20/20XX	304	80	40	40	50%
4	6/1/20XY	7/19/20XX	304	100	70	30	70%
5	10/1/20XY	11/19/20XX	304	92	62	30	67%

6
7 *License examination passage data is not available from the state agency administering the*
8 *examination. We were unable to collect data from 32 graduates.*

9 Student's Initials: _____ Date: _____

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

12 For licensing examinations that are continuously administered, license
13 examination passage rates shall be included in the Performance Fact Sheet in a format
14 substantially similar to the chart below (dates, numbers, and other data shown are for
15 example only):

16 **License Examination Passage Rates** (includes data for the two calendar years
17 prior to reporting)

18 **Name of Educational Program (Program Length)**

Calendar Year	Number of Graduates in Calendar Year	Number of Graduates Taking Exam	Number Who Passed First Available Exam	Number Who Failed First Available Exam	Passage Rate
20XX	95	80	40	40	50%
20XY	109	100	75	25	75%

20 *License examination passage data is not available from the state agency administering the*
21 *examination. We were unable to collect data from 10 graduates.*

22 Student's Initials: _____ Date: _____

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

24 (k) Salary and Wage Information.

25 All Salary and Wage Information shall be reported to the Bureau pursuant to
26 sections 94910(d) and 94929.5(a)(3) of the Code and shall be included in the
27 Performance Fact Sheet, for each educational program, in a format substantially
28 similar to the chart below (dates, numbers, salaries, and other data shown are for
example only).

Salary and Wage Information (includes data for the two calendar years prior to reporting)

Name of Educational Program (Program Length)

Annual Salary and Wages Reported for Graduates Employed in the Field

Calendar Year	Graduates Available for Employment	Graduates Employed in the Field	\$15,000-\$20,000	\$20,001-\$25,000	\$25,001-\$30,000	\$30,001-\$35,000	No Salary Information Reported
20XX	100	70	5	40	6	3	16
20XY	80	55	5	7	3	5	35

A list of sources used to substantiate salary disclosures is available from the school. (Insert how student can obtain this information.)

Student's Initials: _____ Date: _____

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

(I) Definitions. Definitions for all terms contained on the Performance Fact Sheet shall be included as part of the Performance Fact Sheet, in the same format as required in subdivision (a).

The following are the definitions for the Performance Fact Sheet:

“Number of Students Who Began the Program” means the number of students who began a program who were scheduled to complete the program within 100% of the published program length within the reporting calendar year and excludes all students who cancelled during the cancellation period.

“Students Available for Graduation” is the number of students who began the program minus the number of students who have died, been incarcerated, or been called to active military duty.

“Number of On-time Graduates” is the number of students who completed the program within 100% of the published program length within the reporting calendar year.

“On-time Completion Rate” is the number of on-time graduates divided by the number of students available for graduation.

“150% Graduates” is the number of students who completed the program within 150% of the program length (includes on-time graduates).

“150% Completion Rate” is the number of students who completed the program in the reported calendar year within 150% of the published program length, including on-time graduates, divided by the number of students available for graduation.

“Graduates Available for Employment” means the number of graduates minus the number of graduates unavailable for employment.

“Graduates Unavailable for Employment” means the graduates who, after graduation, die, become incarcerated, are called to active military duty, are international students that leave the United States or do not have a visa allowing employment in the United States, or are continuing their education in an accredited or bureau-approved postsecondary institution.

1 “Graduates Employed in the Field” means graduates who beginning within six
2 months after a student completes the applicable educational program are gainfully
employed, whose employment has been reported, and for whom the institution has
documented verification of employment.

3 For occupations for which the state requires passing an examination, the six
4 month period begins after the announcement of the examination results for the first
examination available after a student completes an applicable educational program.

5 “Placement Rate Employed in the Field” is calculated by dividing the number
6 of graduates gainfully employed in the field by the number of graduates available for
employment.

7 “Number of Graduates Taking Exam” is the number of graduates who took the
8 first available exam in the reported calendar year.

9 “First Available Exam Date” is the date for the first available exam after a
student completed a program.

10 “Passage Rate” is calculated by dividing the number of graduates who passed
11 the exam by the number of graduates who took the reported licensing exam.

12 “Number Who Passed First Available Exam” is the number of graduates who
took and passed the first available licensing exam after completing the program.

13 “Salary” is as reported by graduate or graduate's employer.

14 “No Salary Information Reported” is the number of graduates for whom, after
15 making reasonable attempts, the school was not able to obtain salary information.

16 (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
17 included in either an Annual Report or a Performance Fact Sheet and shall be
provided to the Bureau upon request; the data for each program shall include at a
18 minimum:

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

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

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

24 (4) for each employer from which employment or salary information was
obtained, the employer name(s) address and general phone number, the contact
25 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;

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

28 (6) a description of all attempts to contact each student or employer;

1 (7) any and all documentation used to provide data regarding license
examinations and examination results;

2 (8) for each student determined to be unavailable for graduation or unavailable
3 for employment, the identity of the student, the type of unavailability, the dates of
unavailability, and the documentation of the unavailability; and

4 (9) the name, email address, phone number, and position or title of the
5 institution's representative who was primarily responsible for obtaining the students'
6 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.

7 (n) The institution shall provide on a separate document along with the
8 Performance Fact Sheet the same cancellation disclosure as that which is required to
be included with the enrollment agreement by Section 94911(e)(1) of the Code. The
9 separate document shall be substantially the same size as the Performance Fact Sheet
and shall be captioned "STUDENT'S RIGHT TO CANCEL" using bold 14 pt. type.

10 26. California Code of Regulations, title 5, section 75100 states:

11 (a) The Bureau may suspend, revoke or place on probation with terms and
12 conditions an approval to operate.

13 (b) "Material violation" as used in section 94937 of the Code includes
14 committing any act that would be grounds for denial under section 480 of the
Business and Professions Code.

15 (c) The proceedings under this section shall be conducted in accordance with
16 Article 10 (commencing with Section 11445.10) of Chapter 4.5 or Chapter 5
(commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the
Government Code, as requested by the institution.

17 **COST RECOVERY**

18 27. Section 125.3 of the Business and Profession Code provides, in pertinent part, that the
19 Board may request the administrative law judge to direct a licensee found to have committed a
20 violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the
21 investigation and enforcement of the case, with failure of the licensee to comply subjecting the
22 license to not being renewed or reinstated. If a case settles, recovery of investigation and
23 enforcement costs may be included in a stipulated settlement.

24 **FACTUAL ALLEGATIONS**

25 28. On or around November 15, 2022, Bureau Senior Education Specialist DS, Senior
26 Education Specialist JM, Enforcement Analyst DC, and Special Investigator RD arrived at
27 Respondent's main campus located in Anza, California to conduct an unannounced site visit.
28 That same day, Special Investigator AC and Enforcement Analyst BE conducted an unannounced

1 onsite visit at the San Francisco Campus location, and Special Investigator AP conducted an
2 onsite visit at the Branch location in Los Angeles, California.

3 **Anza Visit Conducted November 15, 2022**

4 29. Upon arrival, Bureau staff could not enter the campus location as the campus was
5 secured by a security gate. Bureau staff attempted to contact the number for the campus via the
6 security guard office. The call was not answered. RD called four telephone numbers provided by
7 Respondent to the Bureau. RD was ultimately able to contact an answering service. The
8 answering service transferred the call to Respondent's direct contact telephone number.
9 Respondent did not answer the telephone call. Bureau staff were able to gain access to the
10 campus by following a car who accessed the gate. No staff was present in the Administration
11 office. Bureau staff were eventually met by University President MG. JM requested copies of
12 current student files but MG indicated the files were contained in a "File Dump" and requested
13 extra time to restore and organize student files. MG provided the student files on November 15,
14 2022. JM requested a copy of the syllabus for "Bible 520" but did not receive it during the course
15 and review of the Anza campus visit.

16 30. As part of the visit, RD and AC observed the Microeconomics class instruction
17 identified as "ECON 310" in the course catalogue and the Microeconomic Analysis class
18 identified as "ECON 610" in the course catalogue. Students were present in the classroom but the
19 instructor conducted the course from a live stream platform.

20 **Mill Valley Visit Conducted January 31, 2023**

21 31. On January 31, 2023, RB, DS, JM, and FR conducted an unannounced site visit.
22 They met with Institution Professor KT, Campus Director/Professor of Theology, Dr. JL, and
23 Director, Doctor of Ministry Program, Dr. TC. JM requested copies of the Faculty List, Campus
24 Map, Course Offerings Winter 2023, Current Mill Valley Enrolled Student List, Course Offerings
25 January 31, 2023, and the Faculty Handbook. After reviewing the Course Offerings Winter 2023,
26 JM and FR elected to observe the "Old Testament 1" and "Statistical Computing with R" courses.
27 RD requested Dr. JL provide the 2020 and 2021 SPFS Backup Data. Dr. JL consulted with
28 administrative staff and advised the information was stored at the Anza location. Dr. JL

1 contacted MG by telephone and informed RD that MG would forward the information by
2 February 3, 2023.

3 32. On February 8, 2023, RD again requested Respondent's back-up data for its 2020 and
4 2021 Student Performance Fact Sheets (SPFS) by email. Respondent did not provide the data
5 until February 9, 2023.

6 **Deficiencies Identified in Documents Produced by Respondent**

7 33. The Bureau received Respondent's Annual Report for the 2020-2021 school year.
8 The Annual Report also included SPFS and Graduate Data. Bureau Lead Annual Report Analyst
9 JJ reviewed the document and determined that the data reported was inconsistent with graduate
10 data and employment data reported in the SPFS. The Graduate Identification data failed to report
11 the Occupation Description for each graduate.

12 34. The Financial Statement for the 2020-2021 school year also revealed that Respondent
13 had not maintained a ratio of current assets to current liabilities of 1.25 to 1.00, or greater, by the
14 end of the 2021 fiscal year. Respondent's ratio of current assets to current liabilities was 1.16 to
15 1.00.

16 35. A review of the SPFS Backup data for the 2020-2021 school year found the following
17 missing information and violations:

18

Student Name	Missing Requirements			
	(m)(3)	m(6)	m(8)	m(9)
XP	Actual Salary, Hour per Week	Description of attempt to contact student		Institution Representative Information
YC	Actual Salary, Hour per Week	Description of attempt to contact student		Institution Representative Information
LM	Actual Salary, Verification Date	Description of attempt to contact student		Institution Representative Information

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ST	Place of Employment (Does not support Institutional Employment Chart) Job Position (Does not match Standard Occupational Code)			Institution Representative Information
CZ		Description of attempt to contact student	Date and documentation of Unavailability for Employment	Institution Representative Information
PG	Job Position (Does not match Standard Occupational Code) Hours per Week			Institution Representative Information
JH	Hours per Week			Institution Representative Information
YZ			Date and documentation of Unavailability for Employment	Institution Representative Information

36. DS and JM reviewed the following documents obtained during the November 15, 2022 onsite visit of the Anza and San Francisco campus: Olivet Undergraduate Academic Catalog (2022-23), Olivet Graduate Academic Catalog (2022-23), Olivet Zinzendorf School of Doctoral Studies Academic Catalog (2022-23), current student enrolled rosters (campus-based students), sample active students files, Fall 2022 Anza Campus Class schedule, syllabi, Mill Valley Campus Map, Bachelor’s in Information Technology and Master’s in Information Technology program outlines, current quarter course schedule, Undergraduate catalog excerpts, class schedule for the Week of October 14-19, 2022, class schedule for the week of November 14-19, 2022, revised schedule for the week of November 14-19, Tuesday class schedule, Tuesday class roster, faculty course assignment schedule, Faculty list with contact information, September 1 through November 15, 2022 Calendar Schedule, and Student Rosters 2021-2022.

37. DS and JM reviewed the following documents obtained during the January 31, 2022 San Francisco campus onsite visit: Faculty list, Campus map, Course Offerings Winter 2023,

1 current Mill Valley enrolled student list, course offerings January 31, 2023, and Faculty
2 Handbook.

3 38. DS determined the following institutional operating standards violations:

4 a.) A review of faculty member files indicate that Respondent did not have NACES
5 evaluations for foreign degrees obtained by faculty members for three faculty members.

6 b.) Approximately twelve faculty members obtained their degree or terminal degree from
7 Respondent with a majority having a degree in the Doctor of Ministry.

8 c.) Faculty records provided contained expired contracts or did not document which
9 course(s) the faculty member was to instruct.

10 d.) The institution does not have sufficient faculty members to support the number of
11 programs offered by the institution.

12 e.) Respondent does not have sufficient faculty members contracted to offer the general
13 education courses to satisfy the requirement for the awarding of an undergraduate degree
14 program. The Faculty Handbook states, "Each fulltime and part-time faculty member teaching
15 credit courses leading toward the baccalaureate degree must have completed at least 18 graduate
16 hours in the teaching discipline." The provided faculty transcripts do not demonstrate compliance
17 with this requirement. Respondent also fails to demonstrate it has sufficient faculty members to
18 offer graduate degrees. The Faculty Handbook states, "Each full-time and part-time teaching
19 courses at the graduate degree-level must hold a terminal degree, usually the earned doctorate, in
20 the teaching discipline or related discipline." The provided faculty transcripts do not demonstrate
21 compliance with this requirement.

22 f.) Respondent provided a list of faculty, however the list did not match the faculty
23 identified in the Institution's catalog.

24 39. DS determined the following administrative violations:

25 a.) During the unannounced onsite visits, Respondent did not have adequate staff to
26 produce documents requested in a timely fashion.

27 b.) Respondent's staffing is inconsistent at both campus locations when compared to
28 positions identified in the organizational chart.

1 c.) Respondent failed to provide documentation of student withdrawal requests or proof
2 of a refund of tuition and fees for students listed on the withdrawn student list.

3 40. DS determined that Respondent failed to meet self-monitoring procedures in that a
4 review of faculty personnel files indicated that approximately sixteen of the faculty members'
5 personnel records had expired contracts, approximately four faculty members did not have
6 contract dates, approximately thirteen faculty members did not have faculty course assignments
7 as a part of their contract, and faculty files did not contain the faculty member's academic
8 transcripts.

9 41. DS determined the following record violations:

10 a.) Bureau staff were not given access to all of the requested records in a timely fashion.
11 b.) The institution offers its educational program through three different methods of
12 delivery: direct instruction, distance education, and "hybrid." The curriculum did not clearly and
13 consistently differentiate the method of delivery in the syllabi.

14 c.) Respondent's faculty member list did not match that in the catalog.

15 d.) Student files did not include Enrollment Agreements.

16 42. JM determined the following minimum operating violations:

17 a.) Respondent did not offer adequate courses to support the students who have
18 enrolled in Chinese or Korean language programs on site.

19 b.) Respondent did not offer adequate courses to support the enrolled student
20 population on site. Specifically, the following programs are found to be offering no more than a
21 single 4-unit class on campus in the Winter 2023 quarter: Information Technology and Music
22 for the Bachelor of Arts programs and Music, Graphic Arts and Information Technology in the
23 Master of Arts program.

24 c.) The schedule of classes provided by the institution for the Anza and San Francisco
25 campus Fall 2022 quarter included inappropriately merged classes. Courses for students
26 enrolled in Bachelor of Arts programs were combined with Master of Arts programs. Courses
27 using introductory text books were combined with intermediate level courses suppressing the
28

1 level of merged courses in a way that will impair student learning of the appropriate subject
2 matter.

3 d.) During the Anza onsite visit, JM observed that two of the three class sessions
4 consisted of livestreamed professors accessing the Zoom platform from another location to
5 students in a classroom unattended by faculty. Respondent's catalogs describe "hybrid" classes
6 as "sure to have a regular onsite component where attendance is tracked and face-to-face
7 instruction/discussion is provided." With the faculty of record livestreaming from a remote
8 location, no duly qualified faculty are providing the necessary "face-to-face
9 instruction/discussion."

10 e.) During the Mill Valley visit, Campus Director Dr. JL informed JM that teaching or
11 faculty assistants are at times stationed in the classrooms *in lieu* of duly qualified faculty.

12 f.) The syllabi did not accurately present the curriculum in a logical or organized
13 manner and had ambiguities regarding the assessment of learning outcomes by duly qualified
14 faculty. Syllabi were not provided as requested for some courses.

15 g.) The term "scholarship" referenced in Respondent's catalogs is not clearly defined
16 and the requirements for scholarships are not set forth in the catalog or Respondent's policies
17 and procedures.

18 **FIRST CAUSE FOR DISCIPLINE**

19 **(Insufficient Course Offerings)**

20 43. Respondent has subjected its approval to operate to disciplinary action under
21 Regulations 71710, subdivision (a), 71715, subdivision (b) and 71745, subdivision (a)(1)(2), for
22 failing to provide all the educational courses represented in its Approval to Operate, and failing to
23 ensure that students admitted to the educational programs will complete the programs and obtain
24 degrees and diplomas as more fully set forth in paragraph 42 above and incorporated herein by
25 reference.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Merging of Classes)**

3 44. Respondent has subjected its approval to operate to disciplinary action under Code
4 section 94898, subdivision (a), by merging courses in a manner that could result in learning
5 impairment as more fully set forth in paragraph 42 above and incorporated herein by reference.

6 **THIRD CAUSE FOR DISCIPLINE**

7 **(Misrepresentation of Method of Instruction)**

8 45. Respondent has subjected its approval to operate to disciplinary action under
9 Regulations 71710, subdivision (b), and 71715, and 71715, subdivision (d) by failing to include a
10 component of face-to-face instruction by duly qualified faculty and by failing to present courses
11 in a logically organized manner as more fully set forth in paragraphs 30 and 42 above and
12 incorporated herein by reference.

13 **FOURTH CAUSE FOR DISCIPLINE**

14 **(Curriculum)**

15 46. Respondent has subjected its approval to operate to disciplinary action under
16 Regulations 71700, 71710, subdivisions (b), (e), and (f), and 71715, subdivision (d)(3)(5) by
17 failing to present curriculum in a logical manner and for failing to address the assessment of
18 learning outcome by duly qualified faculty in course syllabi as more fully set forth in paragraph
19 42 above and incorporated herein by reference.

20 **FIFTH CAUSE FOR DISCIPLINE**

21 **(Scholarship and Instrument of Indebtedness)**

22 47. Respondent has subjected its approval to operate to disciplinary action under
23 Regulations 71810, subdivision (b)(6), by failing to address the financial arrangements or
24 eligibility requirements for scholarships in the Institution's policies and procedures as more fully
25 set forth in paragraph 43 above and incorporated herein by reference.

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1 **SIXTH CAUSE FOR DISCIPLINE**

2 **(Faculty: Minimum Educational Requirements)**

3 48. Respondent has subjected its approval to operate to disciplinary action under
4 Regulations 71720, subdivision (a) (1), (5), and (9), and 71850 by failing to have required
5 NACES evaluations for faculty, failing to employ faculty that have degrees or terminal degrees in
6 the fields of study offered by Respondent, and by failing to maintain faculty personnel files as
7 more fully set forth in paragraphs 38 and 41 above and incorporated herein by reference.

8 **SEVENTH CAUSE FOR DISCIPLINE**

9 **(Failure to Demonstrate Possession of Sufficient Financial Resources)**

10 49. Respondent has subjected its approval to operate to disciplinary action under
11 Regulation 71745, subdivision (a)(6), for failing to demonstrate that its Institution meets the
12 requirements for financial resources as required by Regulation 71745, subdivision (a)(6) as set
13 forth in paragraph 34 above and incorporated herein by reference.

14 **EIGHTH CAUSE FOR DISCIPLINE**

15 **(Minimum Operating Standards: Administration)**

16 50. Respondent has subjected its approval to operate to disciplinary action under
17 Regulation 71730, subdivision (d), in that staff listed in the Institution’s organizational chart are
18 inconsistent with staff that identified at the Main location and San Francisco campus and there
19 was inadequate staffing present to provide assistance required by the Bureau at the onsite visits as
20 more fully set forth in paragraphs 38, 39, and 41 above and incorporated herein by reference.

21 **NINTH CAUSE FOR DISCIPLINE**

22 **(Self-Monitoring Procedures)**

23 51. Respondent has subjected its approval to operate to disciplinary action under
24 Regulation 71760 by failing to audit the faculty personnel files and ensure the files contained
25 current information as more fully set forth in paragraph 40 above and incorporated herein by
26 reference.

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1 **TENTH CAUSE FOR DISCIPLINE**

2 **(Identification of Faculty in Course Catalog)**

3 52. Respondent has subjected its approval to operate to disciplinary action under Code
4 section 94909, subdivision (a)(7) by failing to identify all faculty in the Institution’s catalog and
5 faculty member list provided to the Bureau as more fully set forth in paragraph 38 and 41 above
6 and incorporated herein by reference.

7 **ELEVENTH CAUSE FOR DISCIPLINE**

8 **(Student Records)**

9 53. Respondent has subjected its approval to operate to disciplinary action under
10 Regulation 71920 by failing to have Enrollment Agreements in student records as more fully set
11 forth in paragraph 41 above and incorporated herein by reference.

12 **TWELFTH CAUSE FOR DISCIPLINE**

13 **(Maintenance of Records)**

14 54. Respondent has subjected its approval to operate to disciplinary action under Code
15 section 94900.5 and Regulation 71930, subdivision (a), by failing to give Bureau staff immediate
16 access to Institution records during the onsite visits, failing to properly maintain faculty records,
17 and failing to clearly differentiate the method of course deliver in the syllabi as more fully set
18 forth in paragraphs 30 through 31, and paragraphs 29, 38 and 41 above and incorporated herein
19 by reference.

20 **THIRTEENTH CAUSE FOR DISCIPLINE**

21 **(Minimum Requirements for SPFS)**

22 55. Respondent has subjected its approval to operate to disciplinary action under Code
23 section 94929.5 and Regulation 74112 by failing to maintain SPFS data in its entirety as more
24 fully set forth in paragraph 35 above and incorporated herein by reference.

25 **FOURTEENTH CAUSE FOR DISCIPLINE**

26 **(Withdraws and Refunds)**

27 56. Respondent has subjected its approval to operate to disciplinary action under
28 Regulation 71920, subdivision (b)(3)(4) by failing to provide documentation of student

1 withdrawal requests or proof of a refund of tuition and fees for students listed on the withdrawn
2 student list.

3 **DISCIPLINE CONSIDERATIONS**

4 57. To determine the degree of discipline, if any, to be imposed on Respondent,
5 Complainant alleges that on or about January 28, 2020, in a prior action, the Bureau for Private
6 Postsecondary Education issued Citation Number 1920070 and ordered Respondent to provide a
7 written policy of how future compliance will be maintained pursuant to California Code of
8 Regulations, Title 5, sections 74112 and 71930 and assessed a \$5,000.00 administrative fine.
9 That Citation is now final.

10 **PRAYER**

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
12 and that following the hearing, the Director of the Department of Consumer Affairs issue a
13 decision:

- 14 1. Revoking or suspending Approval to Operate Number 88680286 to Olivet University,
15 owned by Olivet University, Board of Directors
- 16 2. Ordering Olivet University to pay the Bureau for Private Postsecondary Education the
17 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
18 Professions Code section 125.3; and,
- 19 3. Taking such other and further action as deemed necessary and proper.
- 20

21 DATED: 3/17/2023

22 “Original Signature on File”
23 DEBORAH COCHRANE
24 Chief
25 Bureau for Private Postsecondary
26 Education
27 Department of Consumer Affairs
28 State of California
Complainant

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