



Bureau for Private Postsecondary Education  
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**CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT**

To: Exodus Trust, Owner  
Robert McIlvenna, Trustee  
Winne McIlvenna, Trustee  
Institute for the Advanced Study of Human Sexuality  
1523 Franklin Street  
San Francisco CA, 94109

**INSTITUTION CODE: 3800061**  
**CITATION NUMBER: 1516058**  
**CITATION ISSUANCE/SERVICE DATE: January 11, 2016**  
**DUE DATE: February 10, 2016**  
**FINE AMOUNT: \$ 2,201.00**

**ORDER OF ABATEMENT INCLUDED: YES**

Elainea Shotwell issues this Citation: Assessment of Fine and Order of Abatement (Citation) in her official capacity as Enforcement Manager of the Bureau for Private Postsecondary Education (Bureau) of the California Department of Consumer Affairs.

CITATION

A Citation is hereby issued to Exodus Trust, Owner of Institute for the Advanced Study of Human Sexuality located at 1523 Franklin Street, San Francisco CA, 94109 pursuant to Business and Professions Code section 125.9; California Education Code (CEC) section 94936; and Title 5 of the California Code of Regulations (5 CCR) section 75020 for the violations described below.

VIOLATION

#	The California Education Code (CEC) and the California Code of Regulations (CCR). Below you will find the code section(s) of law you are charged with violating.
1.	<p><b>Violation:</b>  <b>CEC 94909(a)(11) - Minimum Requirements for School Catalog</b>  <i>"(a) Except as provided in subdivision (d), prior to 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:</i>  <i>(11) A statement specifying that, if a student obtains a loan to pay for an educational program, the student will have the responsibility to repay the full amount of the loan plus interest, less the amount of any refund, and that, if the student has received federal student financial aid funds, the student is entitled to a refund of the moneys not paid from federal student financial aid program funds."</i></p>

Bureau staff conducted an announced compliance inspection on July 25, 2014. The institution's 2014-2015 catalog provided at the time of the inspection did not include the required student loan disclosure. The institution's response to the NTC was received on August 20, 2014 and included a copy of revised catalog verbiage under the heading "Student Loan." However, the revised verbiage remains in violation of CEC 94909(a)(11), as it is missing the following statement: *"If the student has received federal student financial aid funds, the student is entitled to a refund of the moneys not paid from federal student financial aid program funds."*

**Order of Abatement:**

The Bureau orders the institution to provide to the Bureau evidence of compliance with the violation by providing a copy of the institution's current published catalog containing the following statement, "If the student has received federal student financial aid funds, the student is entitled to a refund of the moneys not paid from federal student financial aid program funds." This statement is required per CEC 94909(a)(11).

**Assessment of Fine**

The fine for this violation is \$50.00

2. **Violation:**

**CEC 94911(c) - Minimum Requirements for Enrollment Agreements**

*"An enrollment agreement shall include, at a minimum, all of the following:*

*(c) In underlined capital letters on the same page of the enrollment agreement in which the student's signature is required, the total charges for the current period of attendance, the estimated total charges for the entire educational program, and the total charges the student is obligated to pay upon enrollment."*

Bureau staff conducted an announced compliance inspection on July 25, 2014. The institution's enrollment agreement provided at the time of the inspection included only the total amount for all fees, charges and services the student is obligated to pay for the course or educational service, as a single amount, rather than three separate amounts, as required by CEC 94911(c). The institution's response to the NTC was received on August 20, 2014, and included a revision of the enrollment agreement. However, the revised language is still missing an entry for the total charges for the current period of attendance, and a line for the total charges the student is obligated to pay upon enrollment per CEC 94911(c).

**Order of Abatement:**

The Bureau orders the institution to provide the Bureau evidence of compliance with the violation by providing a copy of the institution's revised enrollment agreement that includes separate entries for (1) the total charges for the current period of attendance, (2) the estimated total charges for the entire educational program, and (3) the total charges the student is obligated to pay upon enrollment, as required by CEC 94911(c).

**Assessment of Fine**

The fine for this violation is \$1,000.00

3. **Violation:**

**CEC 94911(e)(2) - Minimum Requirements for Enrollment Agreements**

*"An enrollment agreement shall include, at a minimum, all of the following:*

*(e) (1) A disclosure with a clear and conspicuous caption, "STUDENT'S RIGHT TO CANCEL," under which it is explained that the student has the right to cancel the enrollment agreement and obtain a*

refund of charges paid through attendance at the first class session, or the seventh day after enrollment, whichever is later.

(2) The disclosure shall contain the institution's refund policy and a statement that, if the student has received federal student financial aid funds, the student is entitled to a refund of moneys not paid from federal student financial aid program funds."

Bureau staff conducted an announced compliance inspection on July 25, 2014. The institution's enrollment agreement provided at the time of the inspection did not include the disclosure indicated above in its entirety. The institution's response to the NTC was received on August 20, 2014, and included a revision to its enrollment agreement. However, the revised language of the student's right to cancel and refund policy still do not include a statement that, if the student has received federal student financial aid funds, the student is entitled to a refund of moneys not paid from federal student financial aid program funds, as required by CEC 94911(e)(2).

**Order of Abatement:**

The Bureau orders the institution to provide the Bureau evidence of compliance with the violation indicated by providing a copy of the institution's revised enrollment agreement that includes the following required statement as required by CEC 94911(e)(2): "If the student has received federal student financial aid funds, the student is entitled to a refund to a refund of moneys not paid from federal student financial aid programs."

**Assessment of Fine**

The fine for this violation is \$50.00

4. **Violations:**

**CEC 94913(a)(1) - Institutional Web Site Requirements**

(a) An institution that maintains an Internet Web site shall provide on that Internet Web site all of the following:

(1) The school catalog.

**5, CCR 71810 Catalog**

"Each institution shall provide a catalog pursuant to section 94909 of the Code, which shall be updated annually."

Bureau staff conducted an announced compliance inspection on July 25, 2014. The institution's website did not include the institution's catalog. The institution's response to the NTC was received on August 20, 2014 and included a statement that the catalog, school performance fact sheet, and annual report have been added to the website. On 11/25/2015, a review of the institution's website at <http://www.humansexualityeducation.com/iashs-home.html> revealed a link to an outdated (2011-2013) IASHS catalog, with the following statement: "2015 Catalog coming soon. Revision almost complete."

**Order of Abatement:**

The Bureau orders that the institution provide, on its Web site, an updated catalog covering the current year, as required by CEC 94913(a)(1) and 5, CCR 71810. The institution is reminded that all documents required by CEC 94913(a) to be posted on the institution's Web site must be the most current versions.

**Assessment of Fine**

The fine for this violation is \$0.00

<p>5.</p>	<p><b><u>Violation:</u></b>  <b>5, CCR 71800(b) - Enrollment Agreement.</b>  <i>"In addition to the requirements of section 94911 of the Code, an institution shall provide to each student an enrollment agreement that contains at the least the following information:  (b) Period covered by the enrollment agreement."</i></p> <p>Bureau staff conducted an announced compliance inspection on July 25, 2014. The institution's enrollment agreement did not indicate the period covered by the enrollment agreement. The institution's response to the NTC was received on August 20, 2014, which included a revised enrollment agreement. However, the revised enrollment agreement still does not specify the period covered by the enrollment agreement as required by 5, CCR 71800(b).</p> <p><b><u>Order of Abatement:</u></b>  The Bureau orders the institution to provide the Bureau evidence of compliance with the violation by providing a copy of the institution's revised enrollment agreement that clearly indicates the period covered by the enrollment agreement, as required by 5, CCR 71800(b).</p> <p><b><u>Assessment of Fine</u></b>  The fine for this violation is \$501.00</p>
<p>6.</p>	<p><b><u>Violation:</u></b>  <b>5, CCR 71810(b)(4)(A) &amp; (B) and (5) - Catalog.</b>  <i>"(b) The catalog shall contain the information prescribed by Section 94909 of the Code and all of the following:  (4) Language proficiency information, including:  (A) the level of English language proficiency required of students and the kind of documentation of proficiency, such as the Test of English as a Foreign Language (TOEFL), that will be accepted; and  (B) whether English language services, including instruction such as ESL, are provided and, if so, the nature of the service and its cost;"</i>  <i>(5) Whether any instruction will occur in a language other than English and, if so, the level of proficiency required and the kind of documentation of proficiency, such as the United States Foreign Service Language Rating System, that will be accepted;"</i></p> <p>Bureau staff conducted an announced compliance inspection on July 25, 2014. The institution's catalog failed to contain the language proficiency or instruction information pursuant to this section. The institution's response to the NTC was received on August 20, 2014, which included a section of the catalog identified as the "Application Procedure," under which the following statement appears: "Basic requirements for admission into any of the Institute's programs include a baccalaureate degree or equivalent and good skills in speaking, writing, and understanding the English language." However, the institution's revised catalog does not indicate whether English language services are provided or whether any instruction will occur in a language other than English. If the institution does not provide English language services or instruction in a language other than English, the catalog shall state this.</p> <p><b><u>Order of Abatement:</u></b>  The Bureau orders the institution to provide the Bureau evidence of compliance with the violation by providing a copy of the institution's revised catalog that states whether or not the institution provides English language services and whether or not any instruction will occur in a language other than English, as required by 5, CCR 71810(b)(4) &amp;(5).</p>

**Assessment of Fine**

The fine for this violation is \$100.00

7. **Violation:**

**5, CCR 76215 - Student Tuition Recovery Fund Disclosures.**

*"(a) A qualifying institution shall include the following statement on both its enrollment agreement for an educational program and its current schedule of student charges:*

*"You must pay the state-imposed assessment for the Student Tuition Recovery Fund (STRF) if all of the following applies to you:*

*1. You are a student in an educational program, who is a California resident, or are enrolled in a residency program, and prepay all or part of your tuition either by cash, guaranteed student loans, or personal loans, and*

*2. Your total charges are not paid by any third-party payer such as an employer, government program or other payer unless you have a separate agreement to repay the third party.*

*You are not eligible for protection from the STRF and you are not required to pay the STRF assessment, if either of the following applies:*

*1. You are not a California resident, or are not enrolled in a residency program, or*

*2. Your total charges are paid by a third party, such as an employer, government program or other payer, and you have no separate agreement to repay the third party."*

*(b) In addition to the statement described under subdivision (a) of this section, a qualifying institution shall include the following statement on its current schedule of student charges:*

*"The State of California created the Student Tuition Recovery Fund (STRF) to relieve or mitigate economic losses suffered by students in educational programs who are California residents, or are enrolled in a residency programs attending certain schools regulated by the Bureau for Private Postsecondary and Vocational Education.*

*You may be eligible for STRF if you are a California resident or are enrolled in a residency program, prepaid tuition, paid the STRF assessment, and suffered an economic loss as a result of any of the following:*

*1. The school closed before the course of instruction was completed.*

*2. The school's failure to pay refunds or charges on behalf of a student to a third party for license fees or any other purpose, or to provide equipment or materials for which a charge was collected within 180 days before the closure of the school.*

*3. The school's failure to pay or reimburse loan proceeds under a federally guaranteed student loan program as required by law or to pay or reimburse proceeds received by the school prior to closure in excess of tuition and other costs.*

*4. There was a material failure to comply with the Act or this Division within 30 days before the school closed or, if the material failure began earlier than 30 days prior to closure, the period determined by the Bureau.*

*5. An inability after diligent efforts to prosecute, prove, and collect on a judgment against the institution for a violation of the Act."*

*However, no claim can be paid to any student without a social security number or a taxpayer identification number. "*

**Bureau staff conducted an announced compliance inspection on July 25, 2014. The institution's enrollment agreement failed to contain the STRF disclosures required by 5, CCR 76215. The institution's response to the NTC was received on August 20, 2014, which included a revised enrollment agreement. However, the STRF disclosures required by 5, CCR 76215 still do not appear in their entirety on the revised version. The only statement referencing STRF included on the revised enrollment agreement is the following: "(a) If a student is the recipient of third-party payer tuition and course costs, the student is not eligible for protection under the STRF, and (b) the student is**

	<p><i>responsible for paying the state assessment amount for the Student Tuition Recovery Fund."</i></p> <p><b><u>Order of Abatement:</u></b> The Bureau orders the institution to provide to the Bureau evidence of compliance with the violation by submitting an enrollment agreement that includes the STRF disclosures required in their entirety, by 5, CCR 76215.</p> <p><b><u>Assessment of Fine</u></b> The fine for this violation is <u>\$500.00</u></p>
	<b>TOTAL ADMINISTRATIVE FINE DUE: \$2,201.00</b>

ASSESSMENT OF A FINE

In accordance with CEC section 94936; and 5 CCR Sections 75020 and 75030, the Bureau hereby orders this assessment of fine in the amount of **\$2,201.00** for the violations described above. **Payment must be made, to the Bureau, within 30 days from the date of service of the Citation.**

ORDER OF ABATEMENT

In accordance with the provisions of CEC Section 94936 and 5 CCR Section 75020 the Bureau hereby issues the order(s) of abatement described above. **Evidence of compliance with the order(s) of abatement must be submitted, to the Bureau, within 30 days from the date of service of the Citation.**

BACKGROUND

Institute for the Advanced Study of Human Sexuality (Institution), Institution Code 3800061, was issued a Notice to Comply #CA 3800061 0714 (NTC) on July 25, 2014, as a result of minor violations detected during the desk review and on-site compliance inspection. The institution was given 30 days from the date of the inspection to either remedy the violations or submit a written notice of disagreement. The Bureau received responses and documents from the Institution to remedy some of the violations. However, the institution's responses were not sufficient to clear all violations, as 11 outstanding violations remain.

APPEAL OF CITATION

You have the right to contest this Citation through an informal conference with the Bureau; and/or through an administrative hearing in accordance with Chapter 5 (Commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

If you wish to contest this Citation, you must submit the 'Notice of Appeal of Citation – Request for Informal Conference and/or Administrative Hearing' form (enclosed) within 30 days from the date of service of the Citation. *If you do not request an informal conference and/or an administrative hearing within 30 days from the service of the Citation, you will not be able to request one at a later time.*

Unless a written request for an informal conference and/or an administrative hearing is signed by you and delivered to the Bureau by February 10, 2016, you will be deemed to have waived or forfeited your right to appeal this matter.

EFFECTIVE DATE OF CITATION

If you do not request an informal conference and/or an administrative hearing, this Citation shall become effective on January 11, 2016. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **February 10, 2016**. Your payment of the administrative fine shall not constitute an admission of the violation(s) charged.

If a hearing is requested, you will not be required to comply with this Citation until 30 days after a final order is entered against you.

**Payment of the administrative fine and/or written request for appeal must be mailed to:**

Jody Wright, Discipline Citation Program  
Bureau for Private Postsecondary Education  
2535 Capitol Oaks Drive, Suite 400  
Sacramento, CA 95833

Failure for an applicant or institution to abate the violation(s) listed above or to pay the administrative fine within the time allowed may result in denial of an application for an approval or renewal to operate; disciplinary action, and/or collection action. The Bureau will promptly take all appropriate action to enforce this 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 Citation, or desire further information, please contact Jody Wright, Enforcement Analyst, at 916-431-6940 or Jody.Wright@dca.ca.gov.

  
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**Elainea Shotwell**  
Enforcement Manager

January 11, 2016

**Date**

Enclosures

- Applicable Laws Violated
- Statement of Rights: Appeal Process Information Sheet
- Notice of Appeal of Citation: Request for Informal Conference and/or Administrative Hearing
- Payment of Fine – Waiver of Appeal
- Declaration of Service by Certified and First Class Mail