



1101 17th Street NW, Suite 808
Washington, DC 20036
202.234.5100 | deac.org

November 4, 2021

Dr. Brian Walker
President
California Miramar University
3550 Camino Del Rio North, Suite 208
San Diego, CA 92108

Dear Dr. Walker:

The Distance Education Accrediting Commission (DEAC or the Commission) met on October 12, 2021 and considered the July 30, 2021 and September 2, 2021 submissions that California Miramar University (CMU) provided in response to the Commission's July 16, 2021 Show Cause directive. Upon review of this information, the Commission voted to continue the Show Cause directive to June 2022.

Serious concerns remain regarding the ethical considerations surrounding CMU's submission to DEAC of a plagiarized Self-Evaluation Report (SER), ongoing questions related to CMU's eligibility for DEAC accreditation, and compliance concerns regarding the administration of CMU's co-curricular sports program. The Commission's decision to continue the Show Cause directive and permit CMU to undergo another comprehensive evaluation should not be understood to mean that the Commission has reached any final determination with respect to any of the outstanding compliance issues, each one of which would independently support an action to withdraw CMU's accreditation.

The Commission is requiring CMU to proceed with a total re-evaluation of the institution's compliance with all DEAC accreditation standards. Accordingly, CMU must submit a new Application for Accreditation, submit curriculum for review by DEAC subject specialists, and prepare a new Self-Evaluation Report for an on-site evaluation to take place in spring 2022. Nan Ridgeway, Director of Accreditation, will assign CMU the dates for the submission of the curricular material and the SER and will schedule the on-site evaluation. The Commission will consider the entirety of the accreditation record at its meeting in June 2022, including the May 6, 2021 Chair's Report, Title IV Federal Student Aid Report, all applications and reports from CMU, and all relevant correspondence between CMU and DEAC since CMU initiated the renewal of accreditation process on September 22, 2020. CMU must also thoroughly respond to the Commission's concerns regarding its sports program as described in this letter in time for the Commission's further consideration of the Show Cause directive at the January 2022 Commission meeting.

Part I. Co-Curricular Sports Program

Standard VII.A. Advertising and Promotion, Standard VII.C Student Recruitment, Standard VIII. Admission Practices and Enrollment Agreements, Standard IX, Financial Disclosures, Cancellations and Refund Policies

The Commission remains concerned regarding the manner in which CMU portrays its sports programs to prospective students and the public in advertising and promotional materials. As an example, the 2021-2022 [California Miramar University Catalog](#) indicates that the institution participates in several *intercollegiate* athletic programs (p.23). The term “intercollegiate athletics” is commonly referred to as a sport played at the collegiate level for which the eligibility requirements for participation by a student athlete are established by a national association for the promotion of regulation of college athletics.¹ The Commission reviewed CMU’s response to the July 16, 2021 Show Cause directive and its explanation of the representations that it made with respect to the athletic programs and organizations listed on its website. The Commission noted CMU’s statement that the University had “removed all mention of athletic associations from our Athletics website.” (July 30, 2021, CMU response, p. 2) The Commission also verified that these changes were implemented on CMU’s website.² The Commission, however, is requesting additional clarification as to the nature and scope of athletic activities CMU provides and representations by CMU that such activities are *intercollegiate*. Please therefore submit a narrative response that provides a rationale for advertising, promoting, and representing that all programs referred to as *intercollegiate*, including CMU basketball, baseball, softball, and soccer programs are in fact intercollegiate sports.³

In addition, CMU has not explained how its sports programs are suited to the institution’s mission as a distance education institution or how they relate and contribute to the educational experience of CMU’s students.⁴ CMU has not provided complete information regarding how the sports programs are managed. Specifically, CMU did not provide details regarding the qualifications or experience of the University’s recruiters to properly engage in the recruitment of prospective student athletes internationally or how, and by whom, it is determined that student athletes are prepared academically to succeed in the University’s programs.⁵ The Commission continues to be concerned about how students

¹ [Definition: intercollegiate sport from 15 USC § 7801\(6\) | LII / Legal Information Institute \(cornell.edu\)](#)

² The Commission expects CMU’s continued attention to ensuring the accuracy of all recruitment and promotional materials and the University’s website content.

³ DEAC *Accreditation Handbook*, Part Three: Accreditation Standards, Standard VII. Advertising and Promotion and Recruitment Personnel, Core Components A. 1, 2 and 4, July 2021, p. 101.

⁴ DEAC *Accreditation Handbook*, Part Three: Accreditation Standards, Standard I. Institutional Mission, Introduction and Core Components A and C, July 2021, p. 84.

⁵ DEAC *Accreditation Handbook*, Part Three: Accreditation Standards, Standard VII. C. Student Recruitment and Standard VIII Admissions Practices and Enrollment Agreements, Introduction and Core Components, A, D E, and G, July 2021, pp. 102-104.

qualify for “athletic scholarships” and how CMU’s scholarship program is explained to prospective student athletes and administered once they have enrolled.⁶

The Commission is also requesting information in this matter as follows:

1. A current student roster which indicates the enrollment date and whether the student received a tuition discount for participating in the athletic activity.
2. A detailed explanation regarding how CMU ensures that its co-curricular sports program aligns with the University’s mission as an “online and hybrid student centered interactive learning environment accomplished by employing a technology driven delivery modality” (CMU SER Response to Standard I.A).
3. A detailed explanation regarding how CMU ensures that its co-curricular sports program supports the students’ academic experience at the University.
4. A complete explanation regarding the administration of the sports programs including recruitment, admission, student finances and scholarships, and team management.
5. A game schedule for each of the sporting activities that indicates the collegiate-level teams that CMU teams play, any recognized organization/association that establishes standards and regulations for such athletic events, and evidence that CMU is a member of such organization/association and/or that the relevant sports program at CMU complies with the policies and rules of such organization/association, including any applicable policies regarding recruitment that clearly establish that the sports programs meet the definition of intercollegiate athletic programs.
6. All advertising materials, letters, promotional content, or other information that is presented to prospective students regarding the athletics programs at CMU.
7. All policies regarding the training, preparation, conduct, and oversight of CMU’s recruiters, particularly those engaged in recruiting students who express an interest in CMU’s sports programs, and evidence that CMU complies in all respects with Standard VIII.D.
8. A description regarding the process of lead generation for international students, how leads are qualified, particularly for prospective students who express interest in CMU’s sports programs, and copies of any materials provided by lead generators to prospective students regarding CMU’s sports programs, as well as any general information provided regarding the University’s admission requirements.
9. A description of how CMU determines that students have adequate academic preparation to successfully complete its programs and evidence that recruiters have the proper qualifications and credentials to carry out any role they play in assessing the qualifications of prospective students during the recruitment and admissions process.

CMU’s response to the above listed concerns is due no later than **Monday, December 6, 2021** and will be considered by the Commission at its January 2022 meeting.

⁶ DEAC *Accreditation Handbook*, Part Three: Accreditation Standards, Standard IX. Financial Disclosures, Cancellations and Refund Policies, Introduction and Core Component D, July 2021 p. 111.

Part II. Total Re-evaluation

The Commission is requiring CMU to undergo a total reevaluation of its compliance with accreditation standards to renew accreditation. CMU must submit a new Application for Accreditation that is due on **Monday, November 15, 2021** (the application fee is waived). CMU must also prepare a new Self-Evaluation Report (SER) for review and verification by an on-site evaluation team. In preparing the new SER, CMU must demonstrate its compliance with all accreditation standards while giving particular attention to the following areas.

1. Part Two: Process and Procedures, Section III.A.5.

A distance education institution or provider is defined by DEAC as an educational institution or organization whose primary purpose is providing education or training that: each program offered by the institution is predominantly distance education or correspondence education (51 percent or more).

The Commission continues to have questions regarding CMU's eligibility for DEAC accreditation due to the extensive residential components of its programs and the involvement of its students in athletic programs.

2. Standard X.B. - Reputation of Institution, Owners, Governing Board Members, Officials, and Administrators

The institution and its owners, governing board members, officials, and administrators possess sound reputations, a record of integrity, and ethical conduct in their professional activities, business operations, and relations.

CMU's response to the Show Cause directive noted the development of a "Regulatory Submission Policy," which provides for several multi-level review procedures designed to strengthen oversight of regulatory submissions by the University. Together with other evidence of its compliance with this standard and steps taken to ensure the integrity and accuracy of regulatory and accreditation submissions, the narrative and exhibits submitted with the SER should demonstrate the implementation of the *Regulatory Submission Policy*.

3. Standard IX. Discounts

Discounted costs are permitted for well-defined groups for specific and bona fide purposes. Discounted costs must indicate the actual reduction in the costs that would otherwise be charged by the institution. Institutions that offer discounts must demonstrate that students are enrolled in non-discounted courses or programs for a reasonably substantial period of time during each calendar year. An institution offering discounts must calculate refunds based on discounted costs. An institution that offers

discounts must demonstrate that:

- *All discounts or special offers identify the specific costs for a course or program.*
- *The presentation of discounts and special offers complies with DEAC's advertising and promotion standards.*
- *All discounts (excluding those offered to well-defined groups) or special offers designate a specific expiration date and do not extend beyond the expiration date.*

According to CMU, a new process has been implemented whereby if an athlete accepts a position on one of CMU's athletic teams, the student qualifies for an athletic scholarship. CMU's revised policy designates a specific scholarship amount for all eligible student athletes, regardless of skill level or financial need. CMU no longer considers the student's financial need or the "need" of a particular sports team. Together with the institution's narrative and evidence of compliance with this standard, CMU must document in the SER that this new policy has been implemented and must include the process used to notify students that they have received a scholarship award and evidence that the award is properly accounted for in the financial records of student athletes who enroll in CMU.

4. Standard XI.A. Financial Practices

The institution shows that it is financially responsible by providing complete, comparative financial statements covering its two most recent fiscal years and by demonstrating that it has sufficient resources to meet its financial obligations to provide quality instruction and service to its students. Financial statements are audited or reviewed and prepared in conformity with generally accepted accounting principles in the United States of America or International Financial Reporting Standards. The institution's budgeting processes demonstrate that current and future budgeted operating results are sufficient to allow the institution to accomplish its mission and goals.

and

Standard XI.C. Financial Stability and Sustainability

The institution maintains adequate administrative staff and other resources to operate effectively as a going concern and is not exposed to undue or insurmountable risk. Any risk that exists is adequately monitored, manageable, and insured. In the event the financial operations of the institution are supported by a parent company or a third party, audited or reviewed financial statements are provided by the supporting entity to demonstrate that the supporting entity possesses sufficient financial resources to

provide the institution continued financial sustainability, as well as the commitment to do so. If the institution's financial performance is included within the parent corporation's statements, a supplemental schedule for the individual institution is appended to the parent statement.

CMU has indicated that it requested that the U.S. Department of Education remove the institution from Heightened Cash Monitoring (HCM 1) due to its passing composite score for FY 2020. Together with the narrative and documentation submitted with the SER, CMU should include an update with respect to its Heightened Cash Monitoring status with the Department.

5. Standard III.I. Student Integrity and Academic Honesty:

The institution publishes clear, specific, policies related to student integrity and academic honesty. The institution affirms that the student who takes an assessment is the same person who enrolled in the program and that the examination results will reflect the student's own knowledge and competence in accordance with stated learning outcomes.

2. Degree Programs

Degree-granting institutions meet this requirement by administering proctored assessments at appropriate intervals throughout the program of study and provide a clear rationale for placement of the proctored assessments within the program. Proctors use valid government-issued photo identification or other means to confirm student identity.

Further evidence is required regarding CMU's redesigned comprehensive examination program and proctoring process described in its response to the Show Cause directive. The Commission found that, as described, the examination program and proctoring process appear to be non-substantive and minimally supported by the doctoral program faculty and leadership team. While some student records were included to document initial implementation, more evidence is required to demonstrate the effectiveness of the program and that it has been systematically implemented.

6. Standard III. J. Institutional Review Board

For any final research project, master's thesis, or dissertation that involves human research, the institution must require prior formal review and approval for all such research involving human subjects through an institutional review board (IRB), which has been designated to approve, monitor, and review all research involving human subjects. The IRB should ensure that the subjects are not placed at undue risk, that they have voluntarily agreed to participate, and that they have given appropriate informed consent. The IRB must meet all federal regulations, and the institution must be able to

demonstrate that it is in compliance, including providing evidence that all IRB members have had appropriate training. (Title 45 Code of Federal Regulations Part 46).

Together with information provided in the SER to document compliance with this standard, CMU must submit evidence of the systematic implementation of the *Doctoral Research Policy* referenced in the response to the Show Cause directive, including documentation that all current doctoral students have received training on the current policy and procedures promulgated in August 2021 and evidence, in the form of completed IRB applications reviewed and approved through the new process as applicable.

7. Standard VI.C. Instructors, Faculty, and Staff

Faculty/instructors are qualified and appropriately credentialed to teach the subject at the assigned level. The institution employs a sufficient number of qualified faculty/instructors to provide individualized instructional service to each student. The institution maintains faculty/instructor résumés, official transcripts, and copies of applicable licenses or credentials on file. Faculty/instructors are carefully screened for appointment and are properly and continuously trained on institution policies, learner needs, instructional approaches and techniques, and the use of instructional technology. The institution regularly evaluates faculty and administrator performance using clear, consistent procedures. The institution assures that faculty are appropriately involved and engaged in the curricular and instructional aspects of the educational offerings. Faculty are assigned responsibilities based on their degree qualifications and/or area(s) of expertise.

1. Undergraduate Degrees Faculty teaching undergraduate degree program courses possess, at a minimum, a degree at least one level above that of the program they are teaching and demonstrate expertise in the subject field of the discipline. Faculty teaching general education courses at the undergraduate level, including occupational/technical associate degrees, must possess a master's degree in the assigned general education subject field or have a master's degree and 18 semester credit hours in the general education subject field.

2. Graduate Degrees Faculty teaching graduate-level courses in a master's degree program must possess, at a minimum, a doctoral/terminal degree earned at an appropriately accredited institution in the subject field of the discipline and demonstrate familiarity with practical applications of the field.

and

Professional Doctoral Degrees All teaching faculty possess terminal degrees (e.g., professional doctoral degree or Ph.D.) earned at an appropriately

accredited institution in a related subject field. Prior to enrolling students, the institution has in place a dedicated dean, director, or other academic officer with credentials appropriate to the degree(s) being offered.

The institution's equivalency process is driven by a generic formula of prior teaching and/or other experience. There were no position descriptions provided for the positions that were held by faculty appointed by exception. Therefore, the process does not enable the ability to review how the chief academic officer (CAO) considered past experiences as equivalent to those required for the job. It is not evident what prior experience faculty members have that is equivalent to a faculty leader of a business doctoral program. The review process (specifically the equivalency worksheet) is lacking a professional review of the outside qualifications and how those experiences are viewed as equivalent to those required for each position held.

Together with evidence of compliance with this standard in the SER, CMU must provide further details that demonstrate that the equivalency review process results in faculty (and other academic leaders) qualified as equivalent to those expected for the position (beyond the weighted units attributed to professional work, teaching, or publishing as disclosed on the equivalency worksheet). To accomplish this, it would be required that the process begin with the position description and qualification statement for each faculty position before a review of equivalency could result. For example, with respect to the Chair of the DBA program, the process would begin with a detailed analysis of the expected qualifications for the position of Chair, DBA Program, and then proceed to demonstrate how past experiences are equivalent to each element. For example, it was not apparent that the candidate had prior experience in designing, developing, and leading graduate business programs and research leading to a doctoral degree in business.

Together with evidence of compliance with this standard in the SER, CMU must document how equivalency calculations address specifically equivalent experience to that desired for a qualified candidate. The listing of years of teaching experience or publishing papers is not sufficient to address the unique experiential qualifications expected for each faculty position (guided by program and course content expertise).

8. Standard II.B. Strategic Planning

The institution has a systematic process of planning for the achievement of goals that support its mission. The institution's planning process involves all areas of the institution's operations (e.g., admissions, academics, technology, etc.) in identifying strategic initiatives and goals by evaluating external and internal trends as they affect the future. At a minimum, the strategic plan addresses finances, academics, technology, admissions, marketing, personnel, and institutional sustainability. The strategic plan is reviewed and updated annually using established metrics designed to measure

achievement of strategic planning goals and objectives. The plan helps institutions set priorities, manage resources, and set goals for future performance.

CMU provided some explanation for the concerning enrollment patterns noted in the Commission's Show Cause directive. The response provides an update (to 2021) and outline of what the next iteration of the strategic plan will cover; however, this long-range planning process remains currently in development. Together with documentation of compliance with this standard in the SER, CMU must provide evidence of its continuing progress toward development of a comprehensive strategic plan. The comprehensive plan must move beyond a listing of activities and include all expected elements, including measurable goals, clear and obtainable strategies to address each goal, anticipated benchmarks/targets/timelines, assigned responsibility, corresponding resources needed, and other details related to each key strategy.

9. Standard III.D. - Comprehensive Curricula and Instructional Materials

Curricula and instructional materials are sufficiently comprehensive for students to achieve the stated program outcomes. Their organization and content are supported by reliable research and practice. The organization and presentation of the curricula and instructional materials reflect sound principles of learning and are grounded in distance education instructional design principles. The curricula and instructional materials reflect current knowledge and practice. Curricula and instructional materials are kept up-to-date, and reviews are conducted and documented on a periodic basis. Instructions and suggestions on how to study and how to use the instructional materials are made available to assist students to learn effectively and efficiently.

The institution maintains an Advisory Council for each major group of programs or major subject matter discipline it offers. The Advisory Council includes members not otherwise employed or contracted at the institution, consisting of practitioners and employers in the field for which the program prepares students. Advisory Councils:

- a. meet at least annually;*
- b. provide advice on the current level of skills, knowledge, and abilities individuals need for entry into the occupation; and*
- c. provide the institution with recommendations on the adequacy of educational program outcomes, curricula, and course materials.*

Given the limited information CMU has provided about the curriculum review process, it remains unclear what the process is, how comprehensive the process is, what stakeholders are involved in the review and approval process, and what data are used as the basis for course/curriculum improvement decisions.

The fact that many curriculum components are identified as "needing future updates scheduled for 2022" indicates that the curriculum review/revision process in place has

not yet currently impacted the overall curriculum. The process remains unclear as to who is responsible for what components of the curriculum review process (i.e., faculty, Chair, Dean, CAO, etc.), nor is it clear on what data any decisions are based.

A document was presented in the response titled "Textbook Updates" indicating some progress in updating textbook content, but many of the courses remain "identified for update in 2022." The response indicated that CMU's process ensures that, when a course is next offered, it is scheduled to be updated/revised by the University's quality assurance director, appropriate subject matter expert (SME), and instructional designer. No evidence was provided to document the roles and input of these individuals, nor was there any reference to data used to determine the extent to which updates in textbook or other materials are necessary.

The response content was limited to the process of course review; it did not address the more comprehensive expected relationship with the overall program review process.

Together with evidence of compliance with this standard, CMU must provide further documentation to demonstrate the extent to which the curriculum review/revision process related to course review is appropriate across all approved programs offered.

10. Standard III.E. Curricula Development and Delivery

- 1. Qualified persons competent in distance education instructional design practices work with experts in subjects or fields to develop the content of all curricula and prepare instructional materials.*
- 2. The institution describes its model for distance education delivery such as: correspondence, online, or hybrid.*
- 3. Any contracting with a third party for educational delivery is conducted in accordance with DEAC Processes and Procedures, Part Two, Section XIX F.4. and F.5., Changes in Educational Offerings*

CMU attests to implementing a curriculum review process; however, this is not supported with evidence of implementation. CMU's response to the Show Cause directive described some efforts at course review and revision, but evidence is needed to demonstrate that qualified individuals were engaged in the review process. Together with the documentation of compliance with this standard in the SER, CMU must provide further information on the extent to which the curriculum review/revision process related to course review is appropriate across all approved programs offered and further information to demonstrate that the individuals participating in this process are qualified in accordance with Standard III.E.1.

DEAC Notification Procedure. In accordance with its procedure for Notification and Information Sharing, DEAC Accreditation Handbook, Part Two, Processes and Procedures Section XV.E. and F.) and 34 Code of Federal Regulations §602.26(b)(1), the Commission provides written notice to the U.S. Secretary of Education, the appropriate state licensing or authorizing agencies, and the appropriate accrediting organizations at the same time it notifies the institution of the decision, but no later than 30 days after the Commission makes a decision to place an institution on Show Cause. The Commission publishes on its website, including on its directory of institutions page, notice of the decision within one business day of its notice to the institution.

Disclosures to Students and Prospective Students. The Commission requires the institution that is subject to the Show Cause directive to disclose the action to all current and prospective students within seven business days of receipt of the written notice of the Show Cause order. Such notice must, at minimum, meet the requirements of Section XVI.A.2., Processes and Procedures. CMU must ensure that such disclosures regarding the accreditation status of the institution remain current.

Should you have any questions, please do not hesitate to contact DEAC staff.

Sincerely,

A handwritten signature in black ink, appearing to read "Leah K. Matthews", with a long, sweeping flourish extending to the right.

Leah K. Matthews
Executive Director

cc: Dr. Cheryl Hayek, Chair of the Accrediting Commission