



**Bureau for Private Postsecondary Education**  
 2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833  
 P.O. Box 980818, West Sacramento, CA 95798-0818  
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**NOTICE TO COMPLY- CA43065710316 (Ed. Code § 94935, 5 CCR § 75010)**

Institution Name:	Silicon Valley University	Institution Telephone:	1-408-435-8989
Institution Code:	4306571	Administrator Name:	Jerry Shiao:
Street Address:	2010 Fortune Drive San Jose CA, 95131	Date of Inspection:	3/18/16

Nature and Facts of the Violation(s), Including a Reference to the Statute or Regulation Violated, and Manner in Which the Institution Must Correct the Violation to Achieve Compliance:

Education Code	Subsection, Description, and Required Correction
CEC 94913 (a) (1-5) (b)	<p><b>Institution Website</b></p> <p>(a) An institution that maintains an Internet Web site shall provide on that Internet Web site all of the following:</p> <ol style="list-style-type: none"> <li><b>(1) The school catalog.</b></li> <li><b>(2) A School Performance Fact Sheet for each educational program offered by the institution.</b></li> <li><b>(3) Student brochures offered by the institution.</b></li> <li><b>(4) A link to the bureau's Internet Web site.</b></li> <li><b>(5) The institution's most recent annual report submitted to the bureau.</b></li> </ol> <p>(b) An institution shall include information concerning where students may access the bureau's Internet Web site anywhere the institution identifies itself as being approved by the bureau</p> <p><b>To remedy this violation, Silicon Valley University will include on their website the following in a clear and conspicuous manner: current school catalog, current School Performance Fact Sheet for each educational program offered by the institution, Student brochures offered by the institution, a link to the bureau's Internet Web site and the institution's most recent annual report submitted to the bureau.</b></p> <p><b>A printout of or a link to the updated website shall be submitted with the institution's response to the NTC and the last page of this document within the specified time frame.</b></p>
CEC 94902(a)(b)(1)(3)	<p><b>General Enrollment Requirements</b></p> <p>(a) A student shall enroll solely by means of executing an enrollment agreement. The enrollment agreement shall be signed by the student and by an authorized employee of the institution.</p> <p>(b) An enrollment agreement is not enforceable unless all of the following requirements are met:</p>

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	<p>(1) The student has received the institution's catalog and School Performance Fact Sheet prior to signing the enrollment agreement.</p> <p>(3) Prior to the execution of the enrollment agreement, the student and the institution have signed and dated the information required to be disclosed in the Student Performance Fact Sheet pursuant to subdivisions (a) to (d), inclusive, of Section 94910. Each of these items in the Student Performance Fact Sheet shall include a line for the student to initial and shall be initialed and dated by the student.</p> <p><b>One student file reviewed did not have an enrollment agreement in the file. In all student files reviewed there were no signed copies of the student performance fact sheets (SPFS).</b></p> <p><b>To remedy this violation, going forward all student files must have a signed copy of the enrollment agreement as well as signed/initialed copies of the Student Performance Fact Sheets (SPFS). Copies of 10 newly enrolled students' enrollment agreements and their corresponding Student Performance Fact Sheets (SPFS) shall be submitted with the NTC response.</b></p>
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Code of Regulations	Subsection, Description, and Required Correction
<p><b>CCR §71750 (c) (3)</b></p>	<p><del>Website and Catalog</del> <b>Withdrawals and Refunds</b></p> <p>The enrollment agreement cancellation policy indicates that the refund will be issued less the \$325 general fees. Only the following items may be non-refundable and application/deposit fees cannot exceed \$250:</p> <p>(3) Except as provided herein, all amounts that the student has paid shall be subject to refund unless the enrollment agreement and the refund policy outlined in the catalog specify amounts paid for an application fee or deposit not more than \$250.00, books, supplies, or equipment, and specify whether and under what circumstances those amounts are non-refundable. Except when an institution provides a 100% refund pursuant to section 94919(d) or section 94920(b) of the Code, any assessment paid pursuant to section 94923 of the Code is non-refundable.</p> <p><b>To remedy this violation, Silicon Valley University will need to indicate on its website that the \$250 registration fee is non-refundable and submit proof of the change with the NTC response.</b></p>
<p><b>71750 (f)</b></p>	<p><b>Record Keeping - Withdrawals and Refunds</b></p> <p>(f) The institution shall maintain a cancellation and withdrawal log, kept current on a monthly basis, which shall include the names,</p>

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	<p>addresses, telephone numbers, and dates of cancellations or withdrawal of all students who have cancelled the enrollment agreement with, or withdrawn from, the institution during the calendar year.</p> <p><b>To remedy this violation, Silicon Valley University will need to clearly demonstrate in cancellation and withdrawal log that is kept current on a monthly basis with the names, addresses, telephone numbers, and dates of cancellations or withdrawal of all students who have cancelled the enrollment agreement with, or withdrawn from, the institution during the calendar year.</b></p>
CCR §71745 (5)	<p><b>Annual Report Minimum Requirement - Financial Resources</b> (5) Pay all operating expenses due within 30 days</p> <p><b>To remedy this violation, Silicon Valley University will need to clearly demonstrate in a new Financial Statements and Independent Audit Report (2015) that SVU has the financial resources to pay all operating expenses due within 30 days.</b></p>
CCR §74112(h)	<p><b>Uniform Data – Annual Report, Performance Fact Sheet</b> (h) Documentation supporting all data reported shall be maintained by the institution for at least five years from the time included in either an Annual Report or a Performance Fact Sheet, and shall include at a minimum: student name(s), address, phone number, <b>email address</b>, program completed, program start and completion dates, place of employment and position, salary, hours, and a description of all attempts to contact each student. Documentation shall also include the name, email address, phone number, and position or title of the institution's representative who is primarily responsible for obtaining the students' completion, placement, licensing, and salary and wage data, the date that the information was gathered, and copies of notes, letters or emails through which the information was requested and gathered.</p> <p><b>The institution failed to include all of the correct supporting data for all programs offered, specifically the Doctorate program was not included in back up data submitted. In addition all email addresses listed are SVU emails, not the students' contact email to reach them upon exit from SVU.</b></p> <p><b>To remedy this violation the institution must provide supporting data that includes at a minimum: student phone number, email address, program completed, program start and completion dates, <i>place of employment</i> and position, salary, <i>hours</i>, and a description of all attempts to contact each student. In addition, the supporting documentation should include the name, email address, <i>phone number</i>, and <i>position or title of the institution's representative who is primarily responsible for obtaining the information.</i></b></p>
CCR §71930	Maintenance of Records

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	<p>(d) The institution shall maintain a second set of all academic and financial records required by the Act and this chapter at a different location unless the original records, including records stored pursuant to subdivision (b) of this section, are maintained in a manner secure from damage or loss. An acceptable manner of storage under this subsection would include fire resistant cabinets.</p> <p><b>It was found at the inspection that the school in the construction process and the student files are not secure from damage or loss. It was noted that the school is working on being in compliance to the aforementioned violation listed above as they are building a storage room for the student files so that they are secure from damage or loss.</b></p> <p><b>To remedy this violation, the institution will need to provide evidence that the construction of the student file storage room has been completed and that the files are free from damage or loss. Photographic proof of the completion of this room with all student files secured from loss or damage shall be submitted with the NTC response.</b></p>
<p><b>CCR §76140 (a) (1-13) (b)</b></p>	<p><b>Record Keeping Requirements – Student Tuition Recovery Fund Back-Up Data</b></p> <p>(a) A qualifying institution shall collect and maintain records of student information to substantiate the data reported on the STRF Assessment Reporting Form and records of the students' eligibility under the Fund. Such records shall include the following for each student:</p> <ol style="list-style-type: none"> <li>(1) Student identification number,</li> <li>(2) First and last names,</li> <li><b>(3) Email address,</b></li> <li>(4) Local or mailing address,</li> <li>(5) Address at the time of enrollment,</li> <li>(6) Home address,</li> <li><b>(7) Date enrollment agreement signed,</b></li> <li>(8) Courses and course costs,</li> <li><b>(9) Amount of STRF assessment collected,</b></li> <li>(10) Quarter in which the STRF assessment was remitted to the Bureau,</li> <li><b>(11) Third-party payer identifying information,</b></li> <li>(12) Total institutional charges charged, and</li> <li>(13) Total institutional charges paid.</li> </ol> <p>(b) The qualifying institution shall maintain the data required under this section in an electronic format that is readily available and open to inspection by the Bureau upon request. The institution shall make the records immediately available to a Bureau representative conducting a site inspection or, upon written request, shall provide a copy within 14 calendar days of the request. All records shall be provided to the Bureau in an intelligible and orderly manner and in an electronic format.</p> <p><b>The institution failed to report accurate data for the quarter in</b></p>

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	<p>which STRF was collected. Several students list as providing STRF fees had an enrollment date listed in a year other than the quarter in which STRF was collected.</p> <p><b>To remedy this violation the institution must provide supporting data that includes at a minimum: Student identification number, First and last names, Email address, Local or mailing address, Address at the time of enrollment, Home address, Date enrollment agreement signed, Courses and course costs, Amount of STRF assessment collected, Quarter in which the STRF assessment was remitted to the Bureau, Third-party payer identifying information, Total institutional charges charged, and Total institutional charges paid. All records shall be provided to the Bureau in an intelligible and orderly manner and in an electronic format.</b></p>
<p><b>CCR §74140. Retention of Advertising</b></p>	<p>Every institution shall retain, for a minimum of five years, copies of all advertising, including</p> <ul style="list-style-type: none"> <li>(a) flyers, brochures, newspaper, and other print advertisements,</li> <li>(b) scripts for, and audio and video recordings of, broadcast advertisements, and</li> <li>(c) internet content, and</li> <li>(d) scripts for telephone solicitations.</li> </ul> <p>The institution shall make these records immediately available for inspection and copying during normal business hours to site visit teams and the Bureau.</p> <p>The institution did not maintain records of advertisements, including flyers, brochures, and other print advertisements; audio and video scripts for broadcast advertisements; internet advertisements or content; or telephone solicitation scripts.</p> <p><b>To remedy the violation, the institution shall retain and maintain for a minimum period of 5 years, copies of all advertising. The institution shall provide documentation of their current advertisements in any of the formats identified above.</b></p> <p><b>Documentation of the current advertising and the past 5 years shall be submitted with the institution's response to the NTC and the last page of this document within the specified time frame.</b></p>
<p><b>CCR §71760</b></p>	<p>Each institution shall develop and maintain adequate procedures used by the institution to assure that it is maintained and operated in compliance with the Act and this Division.</p> <p><b>To remedy this violation, procedures shall be developed by the institution that detail how the organization will adhere to the Act and what measures will be taken to continuous maintain compliance.</b></p>
<p><b>CCR §71920(b)(5)(E)</b></p>	<p><b>Student Records</b> (E) The name, addresses, <b>website address</b>, and telephone number</p>

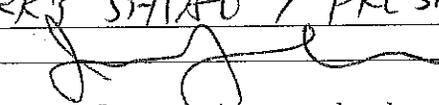
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	<p>of the institution.</p> <p><b>In the graduated student files reviewed the transcripts failed to have the institutions email address listed on the document.</b></p> <p><b>To remedy this violation, all student transcripts need to have all listed information above.</b></p>
CCR §71920 (b)(4)	<p><b>Student Records</b></p> <p>(b)(4) Records of the dates of enrollment and, if applicable, withdrawal from the institution, leaves of absence, and graduation.</p> <p><b>In all files reviewed a record of enrollment and if applicable, withdrawal from the institution, leaves of absence were absent from the student files.</b></p> <p><b>To remedy this violation, going forward all student files must have a record in the student file showing dates of enrollment and, if applicable, withdrawal from the institution leaves of absence, and graduation. Copies of 10 students' file records showing dates of enrollment and, if applicable, withdrawal from the institution, leaves of absence, and graduation shall be submitted with the NTC response.</b></p>

**Only minor violations are listed on this Notice to Comply.**

Additional material violations have been found?  Y /  N (Circle one)

If yes, material violations will be forwarded to Enforcement for further review. A Bureau representative will contact the institution with additional guidance.

Inspector's Name	Wesley Roberson
Inspector's Signature	
Institution Administrator Name/Title:	JERRY SHIAO / PRESIDENT
Institution Administrator's Signature:	

Education Code can be located at: [http://www.bppe.ca.gov/lawsregs/pppe\\_act.shtml](http://www.bppe.ca.gov/lawsregs/pppe_act.shtml)

Code of Regulations can be located at: <http://www.bppe.ca.gov/lawsregs/regs.shtml>

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RETURN THIS FORM WITHIN THE SPECIFIED TIME FRAME WITH EITHER: 1) VERIFICATION OF COMPLIANCE OR 2) A NOTICE OF DISAGREEMENT

IMPORTANT COMPLIANCE NOTICE

California Education Code §94935 and California Code of Regulations §75010 provide that the Bureau for Private Postsecondary Education (Bureau) shall issue a Notice to Comply for minor violations detected during a compliance inspection by the Bureau.

By no later than 30 days from the date of the inspection, you must either: 1) Remedy the noncompliance item(s), sign the below declaration and submit this form to the Bureau, along with documentation describing how compliance was achieved; or 2) File with the Bureau a written notice of disagreement, specifying the minor violation(s) described in the Notice to Comply with which you disagree, and appealing it by requesting an informal office conference. If a written notice of disagreement is not timely filed with the Bureau, the right to appeal is deemed to have been waived.

Failure to timely remedy the noncompliance item(s) or file a written request for an informal office conference may result in the Bureau taking administrative enforcement action.

DECLARATION

Attached to this document is a list describing how compliance was achieved for each violation and supporting documentation. I declare under penalty of perjury that all violations identified in this Notice to Comply are corrected as described in the attachment.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name and Title

THIS DECLARATION OR A NOTICE OF DISAGREEMENT MUST BE SUBMITTED TO THE BUREAU BY **MONTH DD, YYYY**

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