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

12 In the Matter of the Statement of Issues
Against:

Case No. 1002473

13 **VIRIDIS GRADUATE INSTITUTE**

STATEMENT OF ISSUES

14 **Approval to Operate an Institution Non-**
15 **Accredited Applicant**

16 Respondent.

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18
19 Complainant alleges:

20 **PARTIES**

21 1. Dr. Michael Marion, Jr. (Complainant) brings this Statement of Issues solely in his
22 official capacity as the Chief of the Bureau for Private Postsecondary Education, Department of
23 Consumer Affairs.

24 2. On or about July 29, 2016, the Bureau for Private Postsecondary Education received
25 an application for Approval to Operate an Institution Non-Accredited from Viridis Graduate
26 Institute (Respondent). On or about July 14, 2016, Lori Pye, as president, certified under penalty
27 of perjury to the truthfulness of all statements, answers, and representations in the application.

28 The Bureau denied the application on February 21, 2017.

JURISDICTION

1
2 3. This Statement of Issues is brought before the Director of the Department of
3 Consumer Affairs (Director) for the Bureau for Private Postsecondary Education, under the
4 authority of the following laws. All section references are to the Education Code unless
5 otherwise indicated.

6 4. Education Code section 94812 states:

7 “Academic year” means a period, including a minimum of 30 weeks
8 of instructional time, in which a full-time student attending an institution that
9 measures educational program length in credit hours completes 24 semester or
trimester hours or 36 quarter hours, or an institution that measures educational
program length in clock hours completes at least 900 clock hours.

10 5. Education Code section 94846 states:

11 “Instruction” means an institution’s specific, formal arrangements in
12 which its faculty present a part of the curriculum.

13 6. Education Code section 94885¹ states:

14 (a) The bureau shall adopt by regulation minimum operating standards
15 for an institution that shall reasonably ensure that all of the following occur:

16 (1) The content of each educational program can achieve its stated
objective.

17

18 (5) The directors, administrators, and faculty are properly qualified.

19

20 7. Education Code Section 94886 states:

21 Except as exempted in Article 4 (commencing with section 94874) or in
22 compliance with the transition provisions in Article 2 (commencing with Section
23 94802), a person shall not open, conduct, or do business as a private postsecondary
educational institution in this state without obtaining an approval to operate under this
chapter.

24 8. Education Code Section 94887 states:

25 An approval to operate shall be granted only after an applicant has
26 presented sufficient evidence to the bureau, and the bureau has independently verified
27 the information provided by the applicant through site visits or other methods deemed
appropriate by the bureau, that the applicant has the capacity to satisfy the minimum

28 ¹ California Private Postsecondary Education Act of 2009, Ed. Code §§ 94800 et seq.

1 operating standards. The bureau shall deny an application for an approval to operate if
2 the application does not satisfy those standards.

3 **REGULATORY PROVISIONS**

4 9. Title 5, CCR, section 70000 states in pertinent part:

5
6 (w) "Quarter unit" means either of the following:

7 (1) At least ten (10) hours of college or university level instruction
8 during a quarter plus a reasonable period of time outside of instruction which an
9 institution requires a student to devote to preparation for planned learning
experiences, such as preparation for instruction, study of course material, or
completion of educational projects; or

10 (2) Planned learning experiences equivalent to the learning and
11 preparation described in paragraph (1) as determined by duly qualified faculty
responsible for evaluating learning outcomes for the award of unit credits.

12
13 10. Title 5, CCR, section 71700 states:

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

16 11. Title 5, CCR, section 71710 states:

17 In order to meet its mission and objectives, the educational program
18 defined in section 94837 of the Code shall be comprised of a curriculum that
includes:

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

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

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

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

25 (2) A statement of educational objectives;

26 (3) Length of the educational program;

27 (4) Sequence and frequency of lessons or class sessions;

28 (5) Complete citations of textbooks and other required written materials;

1 (6) Sequential and detailed outline of subject matter to be addressed or a
2 list of skills to be learned and how those skills are to be measured;

3 (7) Instructional mode or methods.

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

6 (e) Specific learning outcomes tied to the sequence of the presentation of
7 the material to measure the students' learning of the material; and

8 (f) Evaluation by duly qualified faculty of those learning outcomes.

9 12. Title 5, CCR, section 71715 states:

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

12 13. Title 5, CCR, section 71720 states in pertinent part:

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

14 ...

15 (4) The faculty shall have sufficient expertise to support the institution's
16 awarding of a degree identifying a specialty or major field of emphasis, demonstrated
17 by, at a minimum:

18 (A) That the person possesses one of the following:

19 1. a degree from: an institution approved by the Bureau or previously
20 approved by a predecessor agency of the Bureau; or an accredited institution in the
21 United States or Canada; or other state approved institution that documents that the
22 institution at which the faculty member earned his or her degree is equivalent to an
23 institution that is approved by the Bureau; or an institution outside the United States
24 or Canada and in addition provides a comprehensive evaluation of the degree
25 performed by a foreign credential evaluation service that is a member of the National
26 Association of Credential Evaluation Services (NACES).

27 2. a credential generally recognized in the field of instruction.

28 (B) The degree, professional license, or credential possessed by the
person shall be at least equivalent to the level of instruction being taught or evaluated;

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

(6) When contracting for educational services, the institution shall
maintain control of, and responsibility for, all academic matters; and shall assure that
the instruction and faculty satisfy the standards established by the Act and this

1 chapter;

2 (7) The institution shall not employ or continue to employ any faculty
3 who were adjudicated in a judicial or administrative proceeding as having violated
4 any provision of the Act or this chapter or as having committed any act that would
5 constitute grounds for the denial of a license under Section 480 of the Business and
6 Professions Code;

7 (8) Each institution shall have a written Academic Freedom Policy which
8 describes the latitude the institution allows faculty in the classroom so faculty will not
9 inadvertently violate the principles of academic freedom. These policies shall be
10 made available to any person upon request. The institution shall not take adverse
11 action based on a staff member's exercise of academic freedom consistent with the
12 institution's policy; and

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

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21 14. Title 5, CCR, section 71865 states in pertinent part:

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23
24 (b) A professional Doctoral degree may only be awarded to a student
25 who has completed a prescribed level of study normally requiring a minimum of three
26 academic years of full-time graduate study or the equivalent in part-time study; or, if
27 the program leads to a profession or occupation requiring state licensure, which
28 satisfies the requirements of the state agency. The degree shall include the name of
the field in which it is offered (e.g., Juris Doctor or Doctor of Music).

FIRST CAUSE FOR DENIAL OF APPLICATION

(Failure to Meet Minimum Operating Standards – Instruction)

21 15. Respondent's application is subject to denial under Education Code sections 94885
22 subdivision (a)(1), 94886 and 94887 and California Code of Regulations, title 5, division 7.5,
23 sections 70000 subdivision (w) and 71715 subdivision (b) in that the institution has not met
24 minimum operating standards where it has not sufficiently demonstrated that it offers the
25 minimum hours of instruction to award the stated course credits. The circumstances are as
26 follows:

27 16. The 60-unit Master of Arts degree program identifies fifteen (15) courses (3 quarter
28 units per course), but fails to account for the full thirty (30) hour minimum of faculty instruction

1 via a distance learning platform, plus a reasonable period of time outside of instruction for each of
2 the courses. The reasons include, but are not limited to non-functioning video hyperlinks,
3 YouTube Video(s) that require additional payment to view and/or there are insufficient hours of
4 instruction described in the syllabus. The applicable deficient courses include, but are not limited
5 to the following:

6 **MASTER of ARTS DEGREE · YEAR 1:**

- 7 • EEHUM 501: Ecopsychology I;
- 8 • EEHUM 502: Ecopsychology II;
- 9 • EEHUM 601: Climate Change & Society;

10 **MASTER of ARTS DEGREE · YEAR 2:**

- 11 • EEHUM 601: Climate Change & Society
- 12 • EEHUM 605: Thesis Project Formulation

13 **SECOND CAUSE FOR DENIAL OF APPLICATION**

14 (Failure to Meet Minimum Operating Standards - Educational Programs)

15 17. Respondent's application is subject to denial under Education Code sections 94885
16 subdivision (a)(1), 94812, 94886 and 94887 and California Code of Regulations, title 5, division
17 7.5, sections 71710 and 71865 subdivision (b) in that the institution has not met minimum
18 operating standards where the institution has not demonstrated that the contents of its educational
19 program(s) can achieve its stated objective as follows:

20 18. The courses on the OCEANS learning management platform are listed
21 in a confusing manner and are not selectable. For example, when searching for course EEHUM
22 706, on the OCEANS learning management platform, two different unrelated titles for the course
23 appear as: "The Practice of Ecopsychology, Facilitating Change" and "Mythology, Religion and
24 Philosophy"

25 19. The institution did not accurately document its ability to provide the minimum
26 amount of instruction required in a full academic quarter year in order to award a Doctor of Arts
27 degree. The Doctor of Arts degree requires a minimum of 108 quarter units, however the
28 program proposed by the institution has a total of 63 quarter units.

1 **THIRD CAUSE FOR DENIAL OF APPLICATION**

2 (Failure to Meet Minimum Operating Standards - Faculty)

3 20. Respondent's application is subject to denial under Education Code sections 94885
4 (a)(5), 94886 and 94887 and California Code of Regulations, title 5, division 7.5, section 71720
5 subdivision (a) in that the institution does not satisfy the legally required minimum operating
6 standards for faculty where the institution has not shown that its faculty members are qualified to
7 perform the duties to which the faculty members were assigned, including providing instruction
8 for its graduate degree programs, as set forth more specifically below:

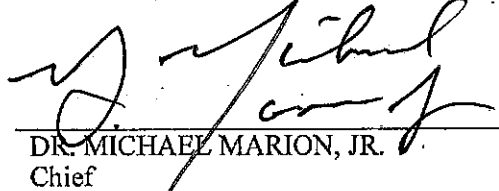
9 21. Faculty member AV is proposed to serve as the co-instructor for the Doctorate of Arts
10 course EEHUM 708 Business Ecologies. However, AV is not eligible to teach this Doctorate
11 program without having attained an approved Doctorate degree.

12 **PRAYER**

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

- 16 1. Denying the application of Viridis Graduate Institute for Approval to Operate an
17 Institution Non-Accredited;
18 2. Taking such other and further action as deemed necessary and proper.

19
20 DATED: 11/17/17



21 DR. MICHAEL MARION, JR.
22 Chief
23 Bureau for Private Postsecondary Education
24 Department of Consumer Affairs
25 State of California
26 Complainant

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