

**OKLAHOMA STATE REGENTS FOR HIGHER EDUCATION
SARA STATE APPEAL POLICY EXCERPT**

3.17.9 State Authorization Reciprocity Agreement (SARA)

An Oklahoma public or private institution wishing to participate in the SARA, which meets the eligibility criteria below, shall seek approval from the State Regents. Pursuant to 70 O.S. §3206, the State Regents have the authority to initiate, and preside over, Oklahoma’s membership in the SARA. As the state portal agency, the State Regents shall administer the initial approval and ongoing oversight of SARA activities which are performed by Oklahoma public and private institutions. Nevertheless, the State Regents will honor the approval and oversight of SARA state portal agencies permitting out-of-state institutional SARA members to offer distance education and conduct limited activity, which are acceptable under the SARA policies and standards, in Oklahoma. This section outlines the institutional eligibility criteria and compliance standards associated with participation in this voluntary agreement. More detailed information regarding the SARA application and approval process can be found in the *Academic Affairs Procedures Handbook*.

A. Eligibility

To be eligible for SARA participation, a public or private institution shall have its principal campus or central administrative unit domiciled in Oklahoma and be a degree-granting institution that is accredited by an agency recognized by the USDE. Additionally, a private institution shall have the minimum requisite USDE issued financial responsibility index score, on the most recent year’s review, to participate in the SARA. Private institutions which do not attain the required requisite financial responsibility score on the most recent year’s financial review, but receive a score within the range which NC-SARA permits states to grant provisional acceptance, may seek conditional approval. Consistent with the USDE, the State Regents deems public institutions financially responsible, for the purposes of the SARA, based on their status as state or municipal institutions.

B. Compliance

To participate in the SARA, a public or private institution shall adhere to the principles and practices prescribed in the SARA policies and standards document. Additional information relating to the SARA policies and standards can also be found in the *Academic Affairs Procedures Handbook*.

C. SARA Violations

Alleged SARA policy and standard violations shall be reviewed by State Regents staff. Prior to a conducting a formal investigation, the Chancellor will notify the public or private institution president of the alleged violation(s) and address the nature of the review. Upon request, a public or private institution under investigation shall provide all information relating to the alleged violation, which may include issuing temporary access to specific distance courses. At the conclusion of the review, the Chancellor will submit a SARA compliance report to the institution’s president detailing the findings of the investigation as well as a recommendation regarding the institution’s SARA membership status.

Recommendations

The recommendations must be consistent with this policy and will be one of the following:

Revocation

The institution has committed an egregious SARA policy and/or standard violation. In instances when violations of this magnitude occur, it is recommended that the institution's SARA membership be revoked.

Probationary Status

The institution has committed a non-egregious SARA policy and/or standard violation. It is recommended that the institution continue participating in the SARA on a probationary basis provided that the institution modifies practices and makes adjustments which are necessary to comply with the SARA policy and/or standard. Corrective measures and timelines for improvements will be detailed in the compliance report. The date of a follow-up evaluation to review the institution's compliance with the SARA policy and/or standard that was violated will also be noted in the compliance report. A probationary period shall not exceed 12 consecutive months. Failure to meet the terms and conditions of the probationary status or committing an egregious violation during the probationary period shall result in a recommendation to revoke an institution's SARA membership.

Continued SARA Participation

There is no sufficient evidence to substantiate that the institution violated the SARA policy and/or standard that was investigated. Therefore, it is recommended that the institution continue participating in the SARA.

Correspondence

An institution receiving a compliance report with a recommendation to have its SARA membership revoked will have 30 days from the date of the compliance report to inform the Chancellor of any objections it may have thereto. If objections are not received within the 30 day time period, the SARA compliance report will be forwarded to the State Regents for their consideration and action.

Institutional Appeal and State Regents Action

The Chancellor will submit the SARA compliance report and any applicable documentation relating to the appeal to the State Regents for their consideration. Throughout the appeals process, the institution shall maintain the SARA status it held prior to the compliance investigation.

In response to an objection, the Chancellor will convene a neutral three-member panel of educators to review the objections. The appeals process will be directed by the Procedures for Denial, Revocation, or Nonrenewal in Accreditation, of the State Regents' *Institutional Accreditation* policy (excerpt below). Upon completion of a hearing, the review panel will submit a report to the State Regents addressing the institution's objections as well as all records that were provided during the proceeding. At the next possible regularly scheduled State Regents meeting, the State Regents will review and discuss the SARA compliance report, the panel review report, and the official documentation pertaining to the objection. The State Regents meeting will also serve as an opportunity for the institution to state remarks to support their objection; however, no new evidentiary materials will be received at this meeting. The State Regents consideration of the matters and action taken thereon will constitute a final State Regents review of the institution's objections to the compliance report. Further information regarding the appeal process can be found in the *Academic Affairs Procedures Handbook*.

D. Post SARA Activity

A public or private institution which has its membership in the SARA revoked, is not reauthorized to continue participation in the SARA, or voluntarily withdraws from SARA participation shall seek approval and gain authorization, from the appropriate state agencies, in each state in which the institution is conducting limited activity and/or in each state in which a current distance education student resides. Upon approval from the appropriate entities, the public or private institution shall comply with all requirements within those jurisdictions.

3.1.4.F Procedures for Denial, Revocation, or Nonrenewal of Authorization

The authorization to operate as a degree granting institution may be denied, revoked, or non-renewed when a private institution or out-of-state public institution fails to meet or comply with any portion of policy section 3.1.4. When State Regents' staff recommends for an institution's authorization to be denied, revoked, or non-renewed, its due process rights will be governed and limited by 75 O.S., §314 (2001), and any pertinent amendments. Those provisions of the Oklahoma Administrative Procedures Act (APA) pertaining to individual proceedings, 75 O.S. §309 (2001), et seq., are not applicable to State Regents' state authorization decisions. The following procedures will apply specifically to denial, revocation, or nonrenewal.

1. Objections by Institutions

The institution will have fifteen (15) days from the receipt of the final State Regents' staff report to inform the Chancellor, in writing, of any objections it may have thereto. If the institution does not object, the staff report and recommendations will be forwarded to the State Regents for their consideration and action.

2. Forming a Review Panel

If the institution objects to the staff report, the Chancellor will convene a neutral three-member panel of educators to consider the institution's objections. The Chancellor will also designate a lawyer to serve as a non-voting legal advisor to the panel. The

institution will have a reasonable opportunity to object, for good cause shown, to the Chancellor's appointees to the panel.

3. Review Panel Hearing

The review panel will schedule a hearing in a timely fashion at which the institution's objections to the State Regents' staff report will be fully considered. The institution may call its own witnesses and may question any witness called by the State Regents.

The institution may be represented at this hearing by persons of its own choosing, including legal counsel. Notwithstanding the participation of legal counsel, it should be recognized that the State Regents do not have the authority in such hearings to issue subpoenas or to compel sworn testimony.

The State Regents will arrange to have an audio recording made of the hearing, a copy of which shall be furnished to the institution. Either the State Regents or the institution may, at its own expense, arrange for a transcription of the hearing.

4. Review Panel's Proposed Findings

Within 15 days of the hearing, the panel will issue proposed findings addressing the objections raised by the institution. The findings will be supported by, and based solely upon, testimonial and documentary submissions at the hearing and on matters officially noted at the hearing. The panel's proposed findings will be submitted, together with any other records from the hearing, to the State Regents at their next regular meeting.

5. State Regents' Action

The State Regents, after considering the panel's findings, the State Regents' staff report, and the rest of the official record pertaining to the state authorization application, will take appropriate action on the institution's application. No new evidentiary materials will be received at the State Regents' meeting. The institution will, however, be given the opportunity to present to the State Regents remarks in support of fitness for authorization. The State Regents' consideration of these matters and action taken thereon will constitute a final State Regents' review of the institution's authorization to operate as a degree granting institution.