

REGULATIONS FOR
LICENSING NON-PUBLIC
EDUCATIONAL INSTITUTIONS
TO CONFER DEGREES

October 18, 1977
South Carolina Commission on
Higher Education

Introduction

The Commission on Higher Education is the coordinating agency for post-secondary education in South Carolina. It recognizes and endorses the need for diverse institutions with a variety of purposes: specialized trade schools, vocational and technical institutions, junior and community colleges, senior colleges, universities, graduate and professional schools, and advanced institutes of various sorts, under both private and public auspices. This full-range of institutions is designed to meet the differing needs and wants of individuals and of society as reflected in the marketplace.

Each institution defines its mission in the postsecondary educational spectrum by means of a statement of purpose. The Regulations of the Commission on Higher Education are designed to protect prospective student's from spurious or dubious degree-granting institutions, and to assure the State's citizens that non-public degree-granting educational institutions operating in the State are fulfilling their stated purposes by meeting minimum standards of quality in their operation. The Regulations also provide the many reputable institutions operating in the State with protection against the possible damaging effects of questionable educational enterprises.

Acknowledgement

Act 201 of 1977 and the Regulations for Licensing Non-Public Educational Institutions to Confer Degrees are to a significant extent based on "Model State Legislation" proposed by the Education Commission of the States in June, 1973. Related materials from a number of other states were also examined; the documents published by the University of North Carolina System and the Tennessee Higher Education Commission were most helpful.

I. Authorization

Act 201 of 1977 designates the South Carolina Commission on Higher Education as the sole authority in this State with the power and duty of licensing non-public educational institutions to confer degrees. Under the Act, the Commission is authorized to establish and prescribe rules and regulations for licensing, and to specify the minimum standards required for licensure. The Act in its entirety is reproduced below:

An Act To Provide For The Licensing And Regulation Of Certain Nonpublic Educational Institutions; To Provide Penalties For Violations And To Repeal Sections 21-671 Through 21-676, Code Of Laws Of South Carolina, 1962, Relating To Business Schools.

Be it enacted by the General Assembly of the State of South Carolina:

Definitions

SECTION 1. As used in this act:

(1) "Commission" means the State Commission on Higher Education.

(2) "Agency" means the State Commission on Higher Education.

(3) "Nonpublic educational institution" includes, but is not limited to, any educational entity that is wholly or partly located in or operating in this state and is not owned or operated in whole or in part by the State, that is maintained and operated as a school, institute, college, junior college, university or entity of whatever kind which furnishes or offers to furnish a degree as defined herein or which furnishes or offers to furnish instructions leading toward or prerequisite to a degree beyond the secondary level and which requires that in order to obtain a degree the recipient partially or satisfactorily completes appropriate courses or classes or laboratories or research studies in person or by correspondence. "Nonpublic educational institution" shall not include any degree granting school, institute, college, junior college, university or entity which was chartered by the Secretary of State before 1953, or colleges of chiropractic.

(4) "Degree" includes, but is not limited to, any academic credential or designation such as associate, bachelor, master, doctor or fellow, whether earned or honorary, which signifies, purports or is generally taken to signify partial or satisfactory completion of the requirements of an academic, occupational, business or other program of study beyond the secondary school level. "Degree" shall not include a certificate or diploma without any academic designation which may be used to signify partial or satisfactory completion of educational training oriented toward a specific occupation or skill taught in a program of study beyond the secondary school level.

(5) "Degree granting institution" includes, but is not limited to, any nonpublic educational institution awarding, selling, conferring, bestowing or giving or purporting to award, sell, confer, bestow or give a degree as defined in this act.

(6) "License" means an agency permit, approval or some similar form of written permission.

(7) "Person" means any individual, firm, partnership, association, organization, corporation, trust or other legal entity or combination thereof.

(8) "Entity" includes, but is not limited to, any person or group of persons.

Commission to be licensing authority

SECTION 2. The commission shall be the sole authority for licensing nonpublic educational institutions established in this State and for those established elsewhere to operate in or confer degrees in this State.

Rules and regulations

SECTION 3. The commission shall prescribe rules and regulations for licensing nonpublic educational institutions which shall, among other things, specify the minimum standards required for a license to confer degrees. The standards shall include, but are not limited to, course offerings, adequate faculty, maintenance of records, adequate personnel and facilities and financial stability.

Any institution established in this State which is accredited by any association or organization recognized by the Council on Post-secondary Accreditation for conducting institutional or specialized accreditation or which is approved for teacher certification by the State Board of Education shall be considered to have given satisfactory evidence that the standards have been met. The rules and regulations shall provide for provisional licensing for one or more periods not to exceed two years each and for renewal of regular licenses at intervals not to exceed five years. The commission shall enforce all rules and regulations for licensing nonpublic educational institutions and shall revoke or suspend the license of any institution failing to comply with the minimum requirements for licensure.

Licenses required

SECTION 4. No nonpublic educational institution established in this State shall have the authority to confer degrees upon any person in this State or elsewhere, unless a license is first secured from the commission and no nonpublic educational institution established elsewhere shall have the authority to operate in or confer degrees in this State unless a license is first secured from the commission.

Administrative procedures

SECTION 5. If the law requires the legal rights, duties or privileges of a person to be determined by an agency only after notice and an opportunity for an administrative hearing, the denial, revocation or suspension of a license to confer degrees shall be preceded by the following administrative procedure.

(1) Prior to a final agency proceeding to deny, revoke or suspend a license to confer degrees, the commission shall give to the person to be affected by its decision, notice by mail of facts and conduct which warrant its intended action and an opportunity to show compliance with the minimum requirements for licensure.

(2) In any final agency proceeding to deny a license to any person properly applying therefor, or to revoke or suspend the license of any licensee, the commission shall give the person to be affected by its intended action notice and an opportunity for a hearing as provided in Sections 17 through 21 of Act 671 of 1976 concerning contested cases.

Unless the commission complies with the procedure specified in this section, except as provided and applicable in Sections 23(b) and 23(c) of Act 671 of 1976, no denial, revocation or suspension of a license to confer degrees shall be valid.

Judicial review

SECTION 6. Any person aggrieved by the final decision of the commission in refusing to issue a license or revoking or suspending a license previously granted, is entitled to the same judicial review under this act, as provided in Sections 23 through 24 of Act 671 of 1976 concerning contested cases.

Enforcement of violations

SECTION 7. (1) Whenever it shall appear to the commission that any person is or has been violating any provisions of this act or any lawful rules or regulations promulgated hereunder, the commission shall request the Attorney General, the solicitor or any appropriate official officer having jurisdiction in the circuit or county in which the nonpublic educational institution or its agent is found, to bring a civil action to restrain such person from violating this act or any lawful rules or regulations promulgated hereunder, and for other appropriate relief. The action may be brought in the court of common pleas in the county in which the person resides, has his principal place of business, or conducts or transacts business. The courts may issue orders and injunctions to restrain and prevent violations of this act, and such orders and injunctions shall be issued without bond.

(2) If a court finds that any person is willfully violating or has willfully violated this act the commission, upon petition to the court, may recover a civil penalty of not exceeding five thousand dollars for each violation. Each degree granted by an institution without the required license is a separate violation for purposes of this section.

(3) The commission may bring a civil action against a person who violates the terms of an injunction issued under this section for a civil penalty of not more than fifteen thousand dollars. For purposes of this section, the court of common pleas issuing an injunction shall retain jurisdiction, and the cause shall be continued and in such cases the commission may petition for recovery of civil penalties.

(4) For purposes of this section, a willful violation occurs when the person committing the violation knew or should have known that his conduct was a violation of Section 4.

Exemptions

SECTION 7A. The provisions of this act shall not apply to primary schools, middle schools or high schools.

Further

SECTION 8. *Provided*, that provisions of this act shall not apply to Bible institutions or theological schools.

Repeal

SECTION 9. Sections 21-671 through 21-676, Code of Laws of South Carolina, 1962, are repealed.

Time effective

SECTION 10. This act shall take effect upon approval by the Governor.

In the Senate House the 9th day of June

In the Year of Our Lord One Thousand Nine Hundred and Seventy-seven.

W. BRANTLEY HARVEY, JR.,
President of the Senate.

REX L. CARTER,
Speaker of the House of Representatives.

Approved the 14th day of June, 1977.

JAMES B. EDWARDS,
Governor.

Printer's No. 171-S.

II. Definitions

As used in these regulations and standards, terms such as "Commission", "Agency", "Non-public educational institution", "Degree", "Degree-granting institution", "License", "Person", and "Entity" shall be defined in accordance with Section 1 of Act 201 of 1977.

III. Minimum Standards for Licensure

The Commission on Higher Education requires that a non-public degree-granting educational institution operating in or conferring degrees in South Carolina must be maintained and operated, or, in the case of a new

institution, must demonstrate that it can be maintained and operated, in compliance with the following minimum standards:

A. Purpose

The institution must submit a clear and specific statement of purpose. All activities conducted by the institution should be in harmony with the stated purpose as a postsecondary educational unit. The statement of purpose shall be published in the catalog of the institution.

B. Organization and Administration

The institution shall operate under a governing structure which clearly delineates responsibility for all legal aspects of operations, the formulation of policy, and the selection of the chief executive officer. When the institution is governed by a board or group of officers, the membership, manner of appointment, terms of office, and all matters related to the duties, responsibilities, and procedures of that body shall be clearly defined.

Administrative responsibilities and concomitant authority shall be clearly specified. The qualifications of administrative personnel shall be such as may reasonably insure that the purpose and policies of the institution are effectively maintained.

C. Educational Program

The educational program and the purpose of the institution must be related as demonstrated by the admissions policies, content of curricula, requirements for receipt of credentials, instructional methods and procedures, and quality of work required of the students.

The institution shall provide prospective students, students, and other interested persons with a catalog or brochure containing information describing the admissions policies, programs offered, program objectives, length of

programs, schedule of tuition, fees, and all other charges, cancellation and refund policies, and such other material facts concerning the institution and the program of instruction as are reasonably likely to affect the decision of the student to enroll therein. Neither the institution nor its agents shall engage in advertising, sales, collection, credit, or other practices of any type which are false, deceptive, misleading, or unfair.

The quality and content of each program shall be such as may reasonably and adequately achieve the stated objectives. Procedures for program evaluation shall be clearly stated and available in writing, and there shall be evidence of regular and extensive review of programs. Each program of instruction should include course work and other educational activities extending over a sufficient period of time and in sufficient intensity to fulfill the purpose of that program.

Each educational program leading to an associate degree normally consists of courses totaling a minimum of 60 semester credit hours or 90 quarter credit hours or the equivalent in courses or other measurement used by the institution. Each educational program leading to a baccalaureate degree normally consists of courses totaling a minimum of 120 semester credit hours or 180 quarter credit hours or the equivalent in courses or other measurement used by the institution.

Adequate records shall be maintained by the institution to show student attendance, progress, or grades, and to provide evidence that satisfactory standards are enforced relating to performance.

Upon satisfactory completion of training, the student shall be given appropriate educational credentials by said institution, indicating that said program of instruction or study has been satisfactorily completed by said student.

D. Financial Resources

The adequacy of the financial resources of an institution shall be judged in relation to the basic purpose of the institution, the scope of its program, and the number of students. These resources shall be characterized by a stability indicating that the institution is capable of maintaining continuity for an extended period of time.

The financial management practices of the institution shall conform to the following standards:

1. A sound plan for long-range financial development shall be maintained on a continuing basis.
2. The institution shall maintain adequate financial records audited annually by an independent certified public accountant knowledgeable in college accounting practices. Procedures appropriate to college accounting such as those recommended by the National Association of College and University Business Officers should be employed.
3. The business and financial management shall be centralized under a qualified and bonded business officer responsible to the chief executive officer, and charged with the supervision of the budget.
4. Adequate insurance shall be carried to protect the institution's financial interests. The amount of insurance shall be sufficient to maintain the solvency of the institution in case of loss by fire or other causes, to protect the institution in instances of personal and public liability, and to assure continuity of the operation of the institution.
5. To insure that an institution is financially sound and capable of refunding to students advance payments for tuition and other charges in the event the institution is unable to fulfill its commitments to students, the institution shall be bonded in a penal sum equal to the

amount of prepaid tuition held by the institution at any given time of the year, but in no instance shall the penal sum of the bond be less than \$10,000. The institution should provide a statement by an independent certified public accountant confirming that the amount of the bond equals a penal sum equal to or in excess of the largest amount of prepaid tuition held by the institution at any time.

E. Faculty

The institution must have an adequate number of faculty members, whose educational and/or professional qualifications are appropriate for the subject matter and the degree level of the program/s in which they teach. The proportion of full-time instructional staff and the student-teacher ratio shall be such as to assure the effectiveness of the educational program, including advising of students. Faculty responsibility and assignments shall be clearly specified in writing. The institution is encouraged to maintain an appropriate degree of stability with regard to personnel.

F. Library

The institution shall maintain or ensure that students have direct access to a library with a collection, staff, services, equipment, and facilities, all of which are adequate and appropriate for the purpose and enrollment of the institution. Copies of objectives, policies, and contractual agreements with other libraries shall be available in writing.

G. Student Services

Student services shall be clearly delineated and shall demonstrate concern for programs of orientation and for counselling throughout enrollment. Special student services, such as financial aid programs and employment placement programs, shall be evaluated periodically to determine overall effectiveness both in meeting the needs of students and in contributing to the educational purposes of the institution. Student housing owned, maintained, or approved by the institution shall be appropriate, safe, and adequate.

H. Facilities

The institution shall have adequate space, equipment, and instructional materials to support education of good quality. The facilities shall comply with all pertinent ordinances and laws relative to the safety and health of persons on campus. If the physical facilities are not owned by the institution, evidence through a lease or other means shall be presented that facilities are available for a sufficient duration to demonstrate the stability of the institution.

I. Special Activities

Special activities (such as: operationally separate units, external or special degree programs, off-campus classes and units, independent study programs including correspondence and home study, conferences and institutes including short courses and workshops, foreign travel and study, media instruction including radio and television, and on-campus programs including special summer sessions and special evening classes) shall be organized in a way to insure equal and consistent quality throughout the institution.

J. Graduate Program

Any institution awarding or proposing to award degrees or study beyond the baccalaureate level shall have appropriate curricula, faculty, and resources available for instruction at the graduate level.

A master's degree program normally requires satisfactory completion of full-time study for one or more academic years beyond the baccalaureate degree, or its equivalent. A doctor's degree program normally requires satisfactory completion of three or more academic years of full-time study beyond the baccalaureate degree, or its equivalent as well as evidence, usually in the form of a doctoral dissertation, of competence in independent research.

Graduate curricula and requirements leading to graduate credits, certification, and degrees shall be formulated and evaluated by qualified graduate faculty who are acquainted with acceptable graduate work elsewhere in the nation.

With rare exception each graduate faculty member shall hold the highest earned degree in his discipline. An adequate number of qualified faculty members shall be provided in the subject field and related disciplines for any graduate degree; students shall have sufficient access to these faculty members to provide meaningful interaction.

Institutions offering graduate work shall provide library resources which include basic reference and bibliographic works in each field where work is offered as well as the major journal and serial sets for maintaining currency in each discipline.

Non-traditional external or off-campus programs shall meet all applicable minimum requirements for campus based graduate programs, including comparability and quality of curricular content, faculty qualifications, and accessibility to appropriate library resources. In addition, guidelines concerning transfer of credit, credit by examination, and residency requirements such as periodic seminars and special sessions, if any, shall be established; and methods of evaluating a student's progress, including advising and counseling shall be explicit.

IV. Accreditation or Approval for Teacher Certification
as Evidence of Compliance with Minimum Standards

Any institution established in South Carolina which is accredited by any association or organization recognized by the Council on Postsecondary Accreditation for conducting institutional or specialized accreditation or which is approved for teacher certification by the State Board of Education shall be

considered to have given satisfactory evidence that the standards have been met. Such recognition or approval shall not be considered as evidence of compliance with minimum standards by any institution established outside of the State of South Carolina which has branch campuses, extension centers, programs, or courses within the State.

V. Regular License

To be issued a regular license, an institution must meet the minimum standards as required by the Commission on Higher Education. A regular license shall be issued for a period of five years, and shall specify the level of degrees which the institution is authorized to award. An institution that seeks to begin a program that awards a degree at a level for which the license has not been issued must file for amendment to its license.

VI. Provisional License

A provisional license may be granted for a period of two years or less if an institution can demonstrate satisfactorily that it can meet the minimum standards for regular licensure within a two-year period from the date of formal application for provisional licensure. A provisional license may, in unusual circumstances, be renewed for an additional period of two years or less.

VII. Procedure for Implementation

A. For Institutions Seeking an Original Regular License

1. Preliminary Conference. The president of the institution should contact the office of the Executive Director of the Commission on Higher Education and arrange for a preliminary conference to discuss

the standards required of the institution and the procedures for implementing licensure.

2. Statement of Intent. If, following the preliminary conference, the institution decides that it does not meet the standards required of a degree-granting institution but plans to achieve those standards, the president should write a letter to the Executive Director of the Commission on Higher Education stating the intention of the institution to apply for such licensure when it becomes eligible. Following receipt of this statement of intent, the Executive Director of the Commission on Higher Education will schedule a visit to the institution to evaluate its status of development and to review its plan for seeking licensure. The Commission on Higher Education will then provide a statement which the institution may publish in its catalog describing its status as a non-licensed institution and its plan for meeting the standards for licensure to award degrees.

3. Letter of Application. If, following the preliminary conference, the institution believes that it can meet the required standards and desires to apply for licensure, the president shall write a letter of formal application for licensure to the Executive Director of the Commission on Higher Education officially requesting the Commission on Higher Education's consideration of the institution's application.

4. Submission of Documentation. The institution's letter of formal application for licensure must be accompanied by appropriate documentation that the institution has achieved and will maintain the minimum standards.

If the institution intends to rely upon accreditation or approval for teacher certification as evidence of compliance with the minimum standards, the

letter must include the name of the accrediting or approving body and the date of the most recent accreditation or approval for teacher certification. Assuming that these materials are in proper order, and that the institution was established in South Carolina, a license will be issued.

If the institution is located outside the State of South Carolina and operates a branch campus, extension center, program or course within the State; or if the institution does not use accreditation or approval for teacher certification as evidence that the minimum standards have been met, the documentation should include information on the following:

- a. Purpose
- b. Organization and Administration
- c. Educational Program
- d. Financial Resources
- e. Faculty
- f. Library
- g. Student Services
- h. Facilities
- i. Special Activities
- j. Graduate Program

This information will be reviewed by the Executive Director of the Commission on Higher Education to determine if the institution is ready for an examination visit.

5. Examination Visit. If it is determined that the institution is ready for an examination visit, the Executive Director of the Commission on Higher Education will arrange with the president of the institution for a visit to the campus.

The purpose of the visit is to confirm the documentation furnished by the institution and to ascertain if the institution meets the standards specified by the Commission on Higher Education.

The examination will be accomplished by a team of examiners appointed by the Executive Director of the Commission on Higher Education composed of at least one member of the staff of the Commission on Higher Education; faculty members representative of the public or private sectors or both, with experience at appropriate levels in fields of education; and other qualified, appropriate persons. One member of the examining committee will be designated as chairman and will assume responsibility for leadership in conducting the examination and in preparing the examiners' report.

Costs connected with examination visits (e.g., travel subsistence) will be borne by the State.

6. Examiners' Report and Recommendations. Following the examination visit, the examining committee will prepare a report of its visit to the institution and a recommendation regarding the institution's application for licensure. The Committee will prepare and submit the report and recommendation to the Executive Director of the Commission on Higher Education within thirty days after completion of the examination. All recommendations will be advisory to the Commission on Higher Education. The Executive Director of the Commission will transmit a copy of the report and recommendation to the chief executive officer of the institution.

The recommendation accompanying the examiners' report should be one of the following: (1) that the institution be issued a regular license, subject to renewal every five years and annual reporting of information as requested by the Commission on Higher Education, (2) that the

institution be licensed provisionally for a two-year period, subject to the submission of six-month progress reports and a reexamination within each year of the provisional period, (3) that the institution not be licensed but pursue its program of improvement and reapply later, or (4) that the institution not be licensed and be advised either to disband or appropriately modify its published claims.

7. Institutional Conference. After the examiners' report and recommendation with regard to disposition of the application have been received by the institution, the chief executive officer will be invited to discuss the report and recommendations and present any further information pertinent to the application. The chairman of the examining committee and members of the staff of the Commission on Higher Education will normally attend the conference to present the committee's report and to respond to any questions concerning the examination visit.

8. Institution's Withdrawal of Request. If the recommendation of the examining committee and the staff of the Commission on Higher Education is that the institution not be licensed, the institution may choose to withdraw its formal request for licensing to the Commission on Higher Education.

9. Commission on Higher Education's Action. The Executive Director of the Commission on Higher Education will submit his recommendation for action to the Commission on Higher Education at a regular meeting. The chief executive officer of the institution requesting a license shall be invited to attend. After full consideration of the matter, the Commission will make a decision on the institution's request for licensing. In any final agency proceeding to deny a license to any person properly applying therefore, or to revoke or suspend the license of any licensee, the Commission shall give the person to be affected by its intended action notice and an opportunity for a hearing as provided in

Sections 17 through 21 of Act 671 of 1976 concerning contested cases.

10. Right to Judicial Review. Any person aggrieved by the final decision of the Commission in refusing to issue a license or revoking or suspending a license previously granted, is entitled to judicial review as provided in Section 23 through 24 of Act 671 concerning contested cases.

11. Certificate of Licensure. If the Commission on Higher Education makes the decision to license an institution, the section in the minutes of the meeting of the Commission reporting this action will be extracted and signed by the Chairman of the Commission and forwarded to the president of the institution. This extract will serve as the official certification of licensure authorizing the institution to grant degrees as specified.

12. Restriction. The license issued will authorize the institution to award degrees at the level(s) that are specified in the license.

13. Duration. Each regular license issued shall be effective for a maximum period of five years from the date of issuance and subject to renewal each five years thereafter.

14. Annual Reporting. The Commission on Higher Education may require from any licensed institution regular annual reporting of statistical data and other information pertaining to appropriate matters.

B. For Institutions Seeking a Provisional License

The procedure for seeking a provisional license is the same as that for seeking an original regular license except in regard to the submission of documentation, and the duration of the licensure.

1. Submission of Documentation. The institution's letter of formal application for provisional licensure should be accompanied by appropriate documentation showing that the institution can reasonably expect to achieve

the minimum standards within two years of the date of formal application. A statement from the appropriate accrediting agency to the effect that the institution can reasonably be expected to attain full accreditation within a period of two years may be taken as evidence that the minimum standards can reasonably be expected to be achieved during the period of provisional license. Supporting evidence shall include copies of documents furnished the accrediting agency by the institution, organizational plans of the institution for the process of self-evaluation, and preliminary recommendations of the accrediting agency in regard to the following:

- a. Purpose
- b. Organization and Administration
- c. Educational Program
- d. Financial Resources
- e. Faculty
- f. Library
- g. Student Services
- h. Facilities
- i. Special Activities
- j. Graduate Program

2. Duration. Each provisional license shall be effective for a period up to a maximum of two years from the date of issuance. A provisional license may, in unusual circumstances, be renewed for an additional period of two years or less.

C. For Institutions Seeking a Renewal of License

At least 90 days prior to the expiration of its license, each institution shall submit a formal application for renewal to the Executive Director of the Commission on Higher Education. In the event that the institution intends to rely upon accreditation or approval for teacher certification, as evidence of

compliance with the minimum standards, the letter must include the name of the accrediting or approving body and the date of the most recent accreditation or approval for teacher certification. Out-of-state and/or unaccredited or unapproved institutions must submit information similar to that required for original licensure. The Executive Director of the Commission on Higher Education shall review the application for renewal and accompanying documents and recommend that:

- (i) the institution's license to confer degrees be renewed without further examination, or
- (ii) the institution provide additional information before consideration is given for renewal of licensure, or
- (iii) the institution be reexamined and the same procedures be carried out as are required for initial licensing.

The Commission on Higher Education shall act upon the Executive Director's recommendation.

D. For Institutions Seeking Licensure for a New Degree Level

An institution which seeks to offer a degree at a level for which it is not currently licensed must file for amendment to its license giving full documentation which should include an outline of the curriculum to be offered for the new degree, the qualifications of the faculty to be involved in the program of study, the anticipated enrollment, the library resources, the financial support for the program, and the relation of this proposed program to the purpose of the institution. The Executive Director of the Commission on Higher Education may call for an interim examination visit before making a recommendation concerning the requested amendment.

E. For Revocation of Licensure

If any non-public educational institution licensed under the provisions of Act 201 of 1977 fails to maintain the required standards, the Commission on Higher Education shall revoke its license to confer degrees, subject to

a right of review of this decision in the manner as specified in these regulations and Act 201 of 1977.

VIII. Procedures for Handling Student Complaints

Any person who may have a complaint or grievance involving misrepresentation against an institution that is licensed by the Commission on Higher Education to award degrees should make a reasonable effort to obtain satisfaction from the institution directly. In the event that a mutually satisfactory solution cannot be reached, the person may file a written complaint with the Commission. The complaint should include any evidence bearing on the complaint as well as documentation that a reasonable effort was made to resolve the complaint directly with the institution.

The Executive Director of the Commission on Higher Education will review the facts as set forth in the complaint and may intervene, as appropriate, to bring the matter to a satisfactory conclusion. Such intervention shall be limited to facilitating settlement through negotiation, and shall not include legal action on behalf of any party. If, in the opinion of the Executive Director of the Commission on Higher Education, there is evidence that the institution may no longer be maintaining minimum standards, the Executive Director may call for an interim investigation, including an examination visit, to determine whether the institution's license should be revoked.

IX. Enforcement

Enforcement of these regulations will be in accordance with Section 7 of Act 201 of 1977.

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