

BOARD OF REGENTS BRIEFING PAPER

Handbook Revision, State Authorization Reciprocity Agreement

BACKGROUND & POLICY CONTEXT OF ISSUE:

In 2014, Nevada joined the State Authorization Reciprocity Agreement (SARA), an agreement among member states, districts and territories that establishes comparable national standards for interstate offering of postsecondary distance education. SARA is intended to make it easier for participating institutions to offer online courses to students in other states without having to seek state authorization in every state, which can be administratively and financially burdensome. SARA is overseen by the National Council for State Authorization Reciprocity Agreements (NC-SARA) and administered by the four regional education compacts, including WICHE. Currently all seven of NSHE's teaching institutions are approved to participate in SARA.

In March 2014, the Board of Regents approved a student complaint and appeal process (*Title 4, Chapter 14, Section 25*) as required of participating states and institutions under SARA. Each institution operating under SARA policies shall provide their and SARA's complaint resolution policies to all students taking courses under SARA policies. Current language in this section requires institutions to have written communication with a student only upon enrollment to notify the student of the complaint policies. A recent review of other SARA states' policies for complaint and appeals notification to their students found best practices included student publications, including, but not limited to the course catalog, student handbook, and institutional websites. This practice of communication is more widely visible and easy to locate through publications beyond just initial enrollment contact. The proposed change in NSHE policy language reflects this wider form of notification. This change has been reviewed and approved by both WICHE and NC-SARA as well as vetted through both the NSHE Registrar's group and the NSHE Academic Affairs Council.

Recent revisions to NC-SARA *Manual, 20.1* published in January 2020, requires member states' Portal Entity (NSHE System Office is Nevada's designated portal agency) to develop and implement a means to hear and internally resolve appeals from institutions for which they deny initial participation or renewal of participation in SARA. The proposed language reflects best practices and has been reviewed and approved by both W-SARA and NC-SARA. It has been vetted through the NSHE Academic Affairs Council for institutional input.

System staff recommends revising Board policy to reflect best practices in the requirement of notifying students of institutional complaint and appeals processes. System staff also recommends bringing Board policy into compliance with new SARA requirements of providing a means for the Portal Entity to hear and internally resolve appeals from institutions for which they deny application or renewal of participation in SARA.

SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:

Revise *Title 4, Chapter 14, Section 25* language to require institutions to have information for students regarding their consumer protection for distance education readily available through the institution's website.

To bring Nevada's membership of SARA into compliance with NC-SARA *Manual 20.1, Section 2.5.e* in that a member state to remain in compliance must develop and implement a means to hear and internally resolve appeals from institutions for which they deny initial participation or renewal of participation in SARA.

IMPETUS (WHY NOW?):

The requirements of NC-SARA January 2020 *Manual 20.1, Section 2.4* outlines that a member state may be removed from SARA membership if the State has been determined to have ceased to abide by the requirements of SARA.

CHECK THE NSHE STRATEGIC PLAN GOAL THAT IS SUPPORTED BY THIS REQUEST:

- Access (Increase participation in post-secondary education)
- Success (Increase student success)
- Close the Achievement Gap (Close the achievement gap among underserved student populations)
- Workforce (Collaboratively address the challenges of the workforce and industry education needs of Nevada)
- Research (Co-develop solutions to the critical issues facing 21st century Nevada and raise the overall research profile)
- Not Applicable to NSHE Strategic Plan Goals

INDICATE HOW THE PROPOSAL SUPPORTS THE SPECIFIC STRATEGIC PLAN GOAL

- The SARA provides greater access to students who reside outside of the state of Nevada by offering distance education with consumer protections in place.
- The requirements of a state participating in SARA include consumer rights and protection for students ultimately safeguarding and supporting the success of students in distance education.
- Several of the online programs being offered in Nevada are for high demand occupations in education, nursing, counseling, and social work.

BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:

- Requiring that the student complaint and appeals process for distance education to be published in institutional catalogs and websites supports a wider and increased visibility for students in search of such information at any time during and after their association in distance education.
- Creating an institution appeals process for initial and renewal applications is now a requirement of states seeking approval and renewal with NC-SARA.

POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:

- None have been presented.

ALTERNATIVE(S) TO WHAT IS BEING REQUESTED/RECOMMENDED:

Leaving the student complaint and appeal process notification as it is fails to better disseminate information to students of their rights and protections and follow best practices approved by WICHE and NC-SARA. Not amending the NSHE Handbook to include a SARA institutional appeals process would be in violation of SARA membership requirements and could result in Nevada’s removal from SARA as a member state.

RECOMMENDATION FROM THE CHANCELLOR’S OFFICE:

The Chancellor’s Office supports these recommendations.

COMPLIANCE WITH BOARD POLICY:

- Consistent With Current Board Policy: Title # _____ Chapter # _____ Section # _____
- Amends Current Board Policy: ***Title 4, Chapter 14, Sections 25 and NEW Section 26***
- Amends Current Procedures & Guidelines Manual: Chapter # _____ Section # _____
- Other: _____
- Fiscal Impact: Yes _____ No X _____

Explain:

POLICY PROPOSAL
TITLE 4, CHAPTER 14, SECTION 25 and NEW SECTION 26
State Authorization Reciprocity Agreement

Additions appear in *boldface italics*; deletions are [~~stricken~~ and bracketed]

Section 25. State Authorization Reciprocity Agreement -- Student Complaints and Appeals

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5. Institutional Procedures for Student Distance Education Complaints and Appeals

- a. In consultation with institutional legal counsel and in addition to any other process or procedure adopted by an institution governing student complaints and appeals, each institution that elects to participate in SARA shall specify procedures by which a student or former student may file a complaint concerning deceptive trade practices or other acts of fraud as defined under Section 24 of this Chapter or failure to comply with Subsection 2 of this Section relating to a distance education course or program in which the student is or was enrolled. If a former student files a complaint, he or she must do so within one year after discontinuing enrollment at the institution.
- b. The student complaint procedures adopted by the institution pursuant to this Subsection must be *readily available to all students by publication* [~~provided~~] on the institution's website and *in its catalog* [~~through direct written communication, which may be provided electronically, when a student enrolls in a distant education course or program~~].

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Section 26. State Authorization Reciprocity Agreement – Institutional Appeals and Process

As a designated Portal Entity for the State Authorization Reciprocity Agreement (SARA) NSHE is charged with accepting, reviewing, and approving or denying applications from Nevada post-secondary institutions wishing to participate in SARA.

1. Institutional Appeals

- a. *In the event an institution is notified by the State Portal Entity Contact of its intent to remove the institution from participation in SARA, or if the institution is denied initial participation in SARA, the institution may appeal the denial of participation to the State Portal Entity for further review by the NSHE Vice Chancellor for Academic and Student Affairs.*
- b. *Institutions who choose to appeal must do so on the following grounds:*
 - i. *The State Portal Entity Contact did not follow procedures as outlined in the SARA Manual. The institution must submit supporting documentation.*
 - ii. *The State Portal Entity Contact made a mistake in determining that the institution does not meet the eligibility criteria to participate in SARA, as outlined in the SARA Manual. The institution must submit supporting*

documentation to prove that the institution meets the eligibility criteria for SARA.

2. Appeals Process

- a. Institutions wishing to appeal their removal or denial of participation from SARA must submit their official appeal to the State Portal Entity Contact, consisting of a letter stating their reason for appealing, along with the required supporting documentation, within thirty (30) days of their removal or denial notification.*
- b. Upon receiving the official appeal and supporting documentation, the NSHE Vice Chancellor for Academic and Student Affairs will make a determination on the appeal within fourteen (14) days of the receipt of the official appeal.*
- c. Institutions whose appeals are accepted will remain as a SARA participating institution or will be granted initial participation in SARA if not already a participating institution.*
 - i. The institution must pay all fees associated with SARA participation before participation will be granted or before institutional participation can be renewed.*
 - ii. Institutions whose appeals are denied will be notified of the decision of the Vice Chancellor for Student Affairs. For institutions currently participating in SARA, the State Portal Entity Contact will take immediate action to have them removed as a SARA participating institution following the notification of the decision.*
- d. If an institution's SARA participation expires during the appeals process, they will remain a participating institution until such time as the appeals process can be resolved.*

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RENUMBER SECTIONS 26 THROUGH 27 AS 27 THROUGH 28.