

BOARD OF REGENTS  
BRIEFING PAPER  
**State Authorization Reciprocity Agreement (SARA)**

**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 courses and programs. SARA is intended to make it easier for participating institutions to offer online courses 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 for the western states. Currently, all seven of NSHE's teaching institutions are approved to participate in SARA, and 28 states, including Nevada, are members of SARA with more states expected to join in next two years.

In March 2014, the Board of Regents approved a student complaint and appeal process required for participating states and institutions under SARA (*Title 4, Chapter 14, Section 27*). Since that time, the System office (Nevada's designated SARA portal agency) has responded to questions from institutions in Nevada and around the country regarding their operation under SARA. In particular, institutions inquired about their authority to administratively withdraw students if necessary to remain compliant with SARA's limitation to no more than ten students placed simultaneously at one clinical or practicum site for supervised field experiences. Based on these and other questions, System staff recommends revising Board policy to clarify certain provisions and ensure institutions have the authority necessary to operate consistently with the SARA Policies and Standards maintained by NC-SARA.

**SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:**

Amend *Title 4, Chapter 14, Section 27* of the *Handbook* as follows:

- Specify that NSHE institutions that elect to participate in SARA must agree to abide by the standards and requirements of the SARA Policies and Standards maintained NC-SARA, available electronically at [nc-sara.org](http://nc-sara.org).
- Require that NSHE institutions administratively withdraw non-resident students living in non-SARA states and taking distance education courses unless the institution seeks separate authorization to operate in the other state outside SARA. If the institution administratively withdraws the student, the institution must notify the student and provide a 100 percent refund.
- Require NSHE institutions to administratively withdraw non-resident students living in SARA states if participation of the student exceeds the maximum number of students authorized under SARA to participate in a supervised field experience. Institutions must notify students of the administrative withdrawal and provide a 100 percent refund.
- Clarify that the definition of "physical presence" under the NSHE policy refers to "physical presence" as defined by the SARA Policies and Standards maintained by NC-SARA.

(See the attached policy proposal.)

**IMPETUS (WHY NOW?):**

This policy proposal is in response to questions raised by NSHE institutions and helps ensure compliance with and provide clarity under SARA.

**BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:**

- These proposed policy revisions clarify Board policy for institutions and students and help ensure NSHE institutions are operating within the scope of the SARA Policies and Standards maintained by NC-SARA.
- Specifying that institutions must administratively withdraw students in the circumstances set forth under the proposed policy revisions ensures institutions are operating consistently across the system.

**POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:**

None have been raised.

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

None have been raised.

**COMPLIANCE WITH BOARD POLICY:**

- Consistent With Current Board Policy: Title # \_\_\_\_\_ Chapter # \_\_\_\_\_ Section # \_\_\_\_\_
- X Amends Current Board Policy: Title 4, Chapter 14, Section 27
- Amends Current Procedures & Guidelines Manual: Chapter # \_\_\_\_\_ Section # \_\_\_\_\_
- Other: \_\_\_\_\_
- Fiscal Impact: Yes \_\_\_\_\_ No X \_\_\_\_\_
- Explain: \_\_\_\_\_

\*

**POLICY PROPOSAL**  
**TITLE 4, CHAPTER 14, SECTION 27**  
State Authorization Reciprocity Agreement (SARA) –  
Institutional Withdrawal of Students

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

Section 27. State Authorization Reciprocity Agreement – Student Complaints and Appeals

1. For the purpose of establishing eligibility for Nevada to participate in the State Authorization Reciprocity Agreement (SARA), the following procedures governing student complaints and appeals are adopted in addition to any other such processes or procedures adopted by an institution. These procedures:
  - a. Are written to provide consumer protection for students enrolled in distance education courses or programs; and
  - b. Apply to NSHE institutions that elect to participate in SARA and to resident and non-resident students who are enrolled in distance education courses at those participating institutions.
2. NSHE institutions that elect to participate in SARA must meet the following requirements:
  - a. *Agree to abide by the standards and requirements of the SARA Policies and Standards maintained by the National Council for State Authorization Reciprocity Agreements (NC-SARA), available electronically at nc-sara.org.*
  - [a].b If the institution offers a distance education course in a professional or technical course in a field that customarily leads to professional licensure, the institution must inform all enrolled students whether the course meets the standards required for licensure in Nevada and other states where the institution has a physical presence, as defined by subsection 5 of this Section. If a student enrolled in the course does not live in Nevada or a state in which the institution has a physical presence, the institution must advise the student that he or she must consult the applicable licensure entity in the state where the student lives to determine whether the course meets the required standards.
  - [b].c Each distance education course or program offered by the institution must provide the opportunity for timely interaction between the student and the instructor, or a member of the instructional team responsible for the course, and reasonable ways for a student to contact the instructor and institution regarding the student's progress, questions or concerns.
  - [e].d Refunds of tuition or fees for distance education courses must be administered in accordance with institutional refund policies, *except as provided in subsections 3 and 4 of this Section.*

### 3. *Administrative Withdrawal of Non-Resident Students Living in Non-SARA States*

*If a non-resident student living in a state that is not participating in SARA enrolls in a distance education course offered by an NSHE institution, the institution must administratively withdraw the student from the course or seek authorization from the appropriate entity in the other state to offer distance education courses if such authorization is required by that state. If the institution administratively withdraws the student, the institution must notify the student of the withdrawal as soon as possible but no later than 5 business days after the start of the term and provide a 100 percent refund.*

### 4. *Administrative Withdrawal of Non-Resident Students Living in SARA States*

- a. If the activities of an institution in a state participating in SARA exceed the limitations set forth under SARA, including exceeding the maximum number of students who may participate in a supervised field experience, the institution must seek authorization from the appropriate entity in the other state to operate in that state, if required by that state, or administratively withdraw students enrolled in the affected distance education courses.*
- b. If an institution elects to administratively withdraw students to ensure compliance under SARA, students must be withdrawn based on their seniority within a program such that students with the least amount of time in the program are withdrawn first. Institutions must notify students of the administrative withdrawal and provide a 100 percent refund.*

### [3]5. Institutional Procedures for Student Distance Education Complaints and Appeals

- a. In consultation with institution 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 26 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 provided on the institution's website and through direct written communication, which may be provided electronically, when a student enrolls in a distance education course or program.

### [4]6. Appeal For Student Distance Education Complaints

The vice chancellor for academic and student affairs may investigate a student complaint concerning the delivery of a distance education course or program at an NSHE institution that is participating in SARA based on a claim of a deceptive trade practice or other acts of fraud as defined in Section 26 of this Chapter or failure to comply with Subsection 2 of this Section. A complaint will warrant investigation only after the student exhausts all complaint and appeals processes available at the institution.

- a. Upon receipt of a complaint, the vice chancellor or his or her designee shall verify within fourteen days that the complaint warrants investigation under this subsection. The vice chancellor shall not take action on a complaint if it does not meet the requirements

for an appeal under this Section and if it the process for reviewing complaints at the institutional level has not been exhausted.

- b. If the complaint warrants investigation, the vice chancellor shall first forward the complaint to the institution for a written response. The institution shall have thirty days to respond in writing to the vice chancellor and to forward a copy of the response to the student. During the thirty-day period, the institution may attempt to resolve the complaint with the student, and the vice chancellor may assist in the efforts to resolve the complaint. If the vice chancellor determines at any time that a complaint no longer warrants investigation, the vice chancellor shall notify the institution and the student that the matter is closed.
- c. If a complaint is not resolved during the thirty-day period, the vice chancellor may decide not to take further action on the complaint based on the institution's response, investigate the complaint further, or recommend that the Committee created pursuant to this subsection review the merits of the complaint.
- d. After investigation, the vice chancellor may forward a complaint to a standing Appeals Committee appointed by the chair of the Board of Regents. The Committee shall consist of one of Nevada's appointed WICHE commissioners, one representative of the Board of Regents, one representative from each of the universities, one representative from the state college and one representative from each of the community colleges. If the Committee finds the complaint is meritorious, it shall direct the institution to take specific action to remedy the complaint.

[5]7. Definitions. The following definitions apply for purposes of this Section:

- a. Physical Presence. *The definition of "physical presence" under Section 5 of the SARA Policies and Standards maintained by the National Council for State Authorization Reciprocity Agreements (NC-SARA), available electronically at nc-sara.org applies for purposes of this Section.* [~~An institution has a physical presence in a state in which it has an actual physical location for instructional purposes or the maintenance of an administrative office to facilitate instruction in the state. NSHE institutions delivering courses or programs on-line and conducting no other activities in another state are deemed not to be physically present. Activities including, but not limited to, the following do not constitute a physical presence in a state other than Nevada: advertising, recruiting, faculty residing in the other state, and proctored exams held in the other state.~~]
- b. Distance Education. The term "distance education" means a formal educational process in which the majority of the instruction occurs when the student and instructor are separated by geographic distance or time. Instruction may be synchronous or asynchronous. Distance education may employ correspondence study, audio, video, or other electronically mediated technologies.