



CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT

To: Olivet University, Owner
 Olivet University
 36401 Tripp Flats Road
 Anza, CA 92539

INSTITUTION CODE: 88680286
CITATION NUMBER: 1920070
CITATION ISSUANCE/SERVICE DATE: October 24, 2019
DUE DATE: November 23, 2019
FINE AMOUNT: \$5,000.00
ORDER OF ABATEMENT INCLUDED: Yes

Christina Villanueva issues this Citation: Assessment of Fine and Order of Abatement (Citation) in her official capacity as Discipline Manager of the Bureau for Private Postsecondary Education (Bureau) of the California Department of Consumer Affairs.

CITATION

A Citation is hereby issued to Olivet University, Board of Directors, Owner of Olivet University (Institution) located at 36401 Tripp Flats Road, Anza, CA 92539, pursuant to Business and Professions Code section 125.9; California Education Code (CEC) sections 94936 and 94932; and Title 5 of the California Code of Regulations (5, CCR) section 75020 for the violations described below.

BACKGROUND

On February 27-28, 2019, the Bureau conducted an unannounced Compliance inspection at the Institution. During the inspection, several violations were identified in the Institution’s 2015/2016 School Performance Fact Sheet (SPFS). During the inspection, the Institution was given an opportunity to make the necessary corrections to the 2015/2016 SPFS; however, the violations remained outstanding at the end of the inspection.

VIOLATION

#	Below you will find the California Education Code (CEC) and/or Title 5 of the California Code of Regulations (5, CCR code) section(s) of law you are charged with violating.
1.	<p>Violation: 5, CCR Section 74112(a)(b)(f)(g)(2)(i)(4)(m)(1-9) - Uniform Data - Annual Report, Performance Fact Sheet</p> <p><i>“(a) Format. The format for the Performance Fact Sheet shall be in at least 12 pt. type, in an easily readable font, with 1.15 line spacing and all titles and column headings shall be in bold 14 pt. type, which shall also identify the program for which the Performance Fact Sheet pertains. The Performance Fact Sheet shall contain all and only the information required or specifically permitted by sections 94910 and 94929.5 of the Code or this chapter. A separate Performance Fact Sheet shall be prepared</i></p>

for each program.

(b) An institution offering educational programs that are too new to provide the required two years of data shall include the date the program began as well as the statement required by section 94910(e) of the Code. The Performance Fact Sheet shall also disclose the estimated date of availability for two full years of data for those programs.

(f) Total Charges.

The institution's Annual Report and Performance Fact Sheet shall include the total charges for a student to complete the program within 100% of the program length. The institution must include the disclosure that there may be additional charges if the program is not completed on-time.

(g) Student Loan/Debt Information.

(2) Institutions that do not participate in federal financial aid programs shall include one of two statements in the Performance Fact Sheet in a format substantially similar to the following: Students at (name of institution) are not eligible for federal student loans. The U.S. Department of Education has determined that this institution does not meet the criteria that would allow its students to participate in federal student aid programs.

or

(Name of Institution) is eligible but chooses not to participate in federal student aid programs. So students here do not have federal student loans.

Student's Initials: _____ Date: _____

Initial only after you have had sufficient time to read and understand the information.

(i) Job Placement Rates.

(4) Placement rate shall be calculated as follows: the number of graduates employed in the field as defined in section 94928(e)(1) of the Code in conjunction with section 74112(d)(3) divided by the number of graduates available for employment as defined in section 94928(d) of the Code. Job Placement rates and related disclosures shall be included in the Performance Fact Sheet in a format substantially similar to the charts below, (dates, numbers, and other data shown are for example only):

Gainful Employment Categories (includes data for the two calendar years prior to reporting)

Name of Educational Program (Program Length)

Part Time vs. Full Time Employment

	Graduates Employed in the field 20 to 29 hours per week	Graduates Employed in the field at least 30 hours per week	Total Graduates Employed in the Field
20XX	15	40	55
20XY	5	15	20

(m) Documentation supporting all data reported shall be maintained electronically by the institution for at least five years from the last time the data was included in either an Annual Report or a Performance Fact Sheet, and shall be provided to the Bureau upon request; and the data for each program shall include at a minimum:

(1) the list of job classifications determined to be considered gainful employment for the educational program;

- (2) student name(s), address, phone number, email address, program completed, program start date, scheduled completion date, and actual completion dates;
- (3) graduate's place of employment and position, date employment began, date employment ended, if applicable, actual salary, hours per week, and the date employment was verified;
- (4) for each employer from which employment or salary information was obtained, the employer name(s) address and general phone number, the contact person at the employer and the contact's phone number and email address, and all written communication with employer verifying student's employment or salary;
- (5) for students who become self-employed, all documentation necessary to demonstrate self-employment;
- (6) a description of all attempts to contact each student. or employer;
- (7) any and all documentation used to provide data regarding license examinations and examination results;
- (8) for each student determined to be unavailable for graduation or unavailable for employment, the identity of the student, the type of unavailability, the dates of unavailability, and the documentation of the unavailability; and
- (9) the name, email address, phone number, and position or title of the institution's representative who was primarily responsible for obtaining the students' completion, placement, licensing, and salary and wage data, the date that the information was gathered, and copies of notes, letters or emails through which the information was requested and gathered."

5, CCR Section 71930(a) -Maintenance of Records

"(a) An institution shall maintain all records required by the Act and this chapter. The records shall be maintained in this state.

Violation: 5, CCR Section 74112(a): The 2015/2016 SPFS was not in the correct format. The column headings were not in bold 14 pt. type.

The SPFS contained the following statement: "I have read and understand this School Performance Fact Sheet. The School Performance Fact Sheet was reviewed and discussed with a school official prior to signing an enrollment agreement." This is not a required statement.

The Institution failed to provide and maintain 2015/2016 SPFS for the Certificate Language Program.

Violation: 5, CCR Section 74112(f): The 2015/2016 SPFS contain the total charges for completion on time in 2021. The 2015/2016 SPFS failed to include the total charges for completion of each program in 2016.

Violation: 5, CCR Section 74112(i)(1): The 2015/2016 SPFS for the Bachelor of Arts in Information Technology program failed to report placement rates for the number of students who began the program in 2015. The 2015 data reported for on-time completion is inconsistent with the 2015 placement rate data reported.

Violation: 5, CCR Section 74112(i)(4): The 2015/2016 SPFS failed to include the 'Part Time vs. Full Time Employment' category in a format, substantially similar to the tables referenced in the Regulations. The Institution inaccurately reported part-time as an average of less than 32 hours per

week and full-time as an average of 32 hours per week or greater. In addition, the Institution combined two Gainfully Employed Categories into one table.

Violation: 5, CCR Sections 74112(m) (1-9) and 71930(a): The Institution failed to provide supporting documentation to substantiate the data reported in the 2015/2016 SPFS.

Order of Abatement:

The Bureau orders the Institution to provide a written policy of how future compliance will be maintained per 5, CCR sections 74112 and 71930.

Assessment of Fine

The fine for this violation is \$5,000.00

TOTAL ADMINISTRATIVE FINE DUE: \$5,000.00

ASSESSMENT OF A FINE

In accordance with CEC section 94936; and 5, CCR sections 75020 and 75030, the Bureau hereby orders this assessment of fine in the amount of **\$5,000.00** for the violations described above. **Payment must be made, to the Bureau, within 30 days from the date of service of the Citation.**

COMPLIANCE WITH ORDER OF ABATEMENT

In accordance with the provisions of CEC section 94936 and 5, CCR section 75020 the Bureau hereby issues the order(s) of abatement described above. **Evidence of compliance with the order(s) of abatement must be submitted, to the Bureau, within 30 days from the date of service of the Citation.**

APPEAL OF CITATION

You have the right to contest this Citation through an informal conference with the Bureau; and/or through an administrative hearing in accordance with Chapter 5 (Commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

If you wish to contest this Citation, you must submit the 'Notice of Appeal of Citation – Request for Informal Conference and/or Administrative Hearing' form (enclosed) within 30 days from the date of service of the Citation. *If you do not request an informal conference and/or an administrative hearing within 30 days from the service of the Citation, you will not be able to request one at a later time.*

Unless a written request for an informal conference and/or an administrative hearing is signed by you and delivered to the Bureau by **November 23, 2019**, you will be deemed to have waived or forfeited your right to appeal this matter.

EFFECTIVE DATE OF CITATION

If you do not request an informal conference and/or an administrative hearing, this Citation shall become effective on **October 24, 2019**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **November 23, 2019**. Your payment of the administrative fine shall not constitute an admission of the violation(s) charged.

If a hearing is requested, you will not be required to comply with this Citation until 30 days after a final order is entered against you.

Payment of the administrative fine and/or written request for appeal must be mailed to:

Cheryl Lardizabal, Discipline Citation Program
Bureau for Private Postsecondary Education
2535 Capitol Oaks Drive, Suite 400
Sacramento, CA 95833

Failure for an applicant or institution to abate the violation(s) listed above or to pay the administrative fine within the time allowed may result in denial of an application for an approval or renewal to operate; disciplinary action, and/or collection action. The Bureau will promptly take all appropriate action to enforce this Citation and recover the civil penalties prescribed therein or found to be due after a hearing.

CONTACT INFORMATION

If you have any questions regarding this Citation, or desire further information, please contact Cheryl Lardizabal, Citation Analyst, at 916-621-2591 or Cheryl.Lardizabal@dca.ca.gov.

Christina Villanueva
Discipline Manager

Date

Enclosures

- Applicable Laws Violated
- Statement of Rights: Appeal Process Information Sheet
- Notice of Appeal of Citation: Request for Informal Conference and/or Administrative Hearing
- Payment of Fine – Waiver of Appeal
- Declaration of Service by Certified and First- Class Mail