



Bureau for Private Postsecondary Education
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NOTICE TO COMPLY - CA 3800061 0714 (Ed. Code § 94935, 5 CCR § 75010)

Institution Name:	The Institute for the Advanced Study of Human Sexuality	Institution Telephone:	415-928-1133
Institution Code:	3800061	Administrator Name:	Robert T McIlvenna
Street Address:	1523 Franklin Street San Francisco, CA 94109	Date of Inspection:	25 JULY 2014

Nature and Facts of the Violation(s):

Education Code	Subsection and Description
94911: Minimum Requirements for Enrollment Agreement	<p>An enrollment agreement shall include, at a minimum, all of the following: (b) A schedule of total charges, including a list of any charges that are nonrefundable and the student's obligations to the Student Tuition Recovery Fund, clearly identified as nonrefundable charges.</p> <p>The required language is not present.</p>
94911: Minimum Requirements for Enrollment Agreement	<p>An enrollment agreement shall include, at a minimum, all of the following: (c) In underlined capital letters on the same page of the enrollment agreement in which the student's signature is required, the total charges for the current period of attendance, <u>the estimated total charges for the entire educational program</u>, and the total charges the student is obligated to pay upon enrollment.</p> <p>The required verbiage, underlined in the section above, is not present.</p>
94911: Minimum Requirements for Enrollment Agreement	<p>An enrollment agreement shall include, at a minimum, all of the following: (e) (1) A disclosure with a clear and conspicuous caption, "STUDENT'S RIGHT TO CANCEL," under which it is explained that the student has the right to cancel the enrollment agreement and obtain a refund of charges paid through attendance at the first class session, or the seventh day after enrollment, whichever is later. (2) The disclosure shall contain the institution's refund policy and a statement that, if the student has received federal student financial aid funds, the student is entitled to a refund of moneys not paid from federal student financial aid program funds.</p> <p>This required language is not present.</p>

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Inspector's Initial: BJB

Administrator's Initial: TM

<p>94911: Minimum Requirements for Enrollment Agreement</p>	<p>An enrollment agreement shall include, at a minimum, all of the following: (f) A statement specifying that, if the student obtains a loan to pay for an educational program, the student will have the responsibility to repay the full amount of the loan plus interest, less the amount of any refund.</p> <p>The required language is not present.</p>
<p>94911: Minimum Requirements for Enrollment Agreement</p>	<p>An enrollment agreement shall include, at a minimum, all of the following: (g) A statement specifying that, if the student is eligible for a loan guaranteed by the federal or state government and the student defaults on the loan, both of the following may occur: (1) The federal or state government or a loan guarantee agency may take action against the student, including applying any income tax refund to which the person is entitled to reduce the balance owed on the loan. (2) The student may not be eligible for any other federal student financial aid at another institution or other government assistance until the loan is repaid.</p> <p>The required language is not present.</p>
<p>94911: Minimum Requirements for Enrollment Agreement</p>	<p>An enrollment agreement shall include, at a minimum, all of the following: (h) The transferability disclosure that is required to be included in the school catalog, as specified in paragraph (15) of subdivision (a) of Section 94909.</p> <p>The required language is not present.</p>
<p>94911: Minimum Requirements for Enrollment Agreement</p>	<p>An enrollment agreement shall include, at a minimum, all of the following: (i) (1) The following statement: "Prior to signing this enrollment agreement, you must be given a catalog or brochure and a School Performance Fact Sheet, which you are encouraged to review prior to signing this agreement. These documents contain important policies and performance data for this institution. This institution is required to have you sign and date the information included in the School Performance Fact Sheet relating to completion rates, placement rates, license examination passage rates, salaries or wages, and the most recent three-year cohort default rate, if applicable, prior to signing this agreement." (2) Immediately following the statement required by paragraph (1), a line for the student to initial, including the following statement: "I certify that I have received the catalog, School Performance Fact Sheet, and information regarding completion rates, placement rates, license examination passage rates, salary or wage information, and the most recent three-year cohort default rate, if applicable, included in the School Performance Fact sheet, and have signed, initialed, and dated the information provided in the School Performance Fact Sheet."</p> <p>The required language is not present.</p>

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<p>94911: Minimum Requirements for Enrollment Agreement</p>	<p>An enrollment agreement shall include, at a minimum, all of the following: (j) The following statements: (1) "Any questions a student may have regarding this enrollment agreement that have not been satisfactorily answered by the institution may be directed to the Bureau for Private Postsecondary Education at (address), Sacramento, CA (ZIP Code), (Internet Web site address), (telephone and fax numbers)." (2) "A student or any member of the public may file a complaint about this institution with the Bureau for Private Postsecondary Education by calling (toll-free telephone number) or by completing a complaint form, which can be obtained on the bureau's Internet Web site (Internet Web site address)."</p> <p>The required language is not present.</p>
<p>94911: Minimum Requirements for Enrollment Agreement</p>	<p>An enrollment agreement shall include, at a minimum, all of the following: (k) The following statement above the space for the student's signature: "I understand that this is a legally binding contract. My signature below certifies that I have read, understood, and agreed to my rights and responsibilities, and that the institution's cancellation and refund policies have been clearly explained to me."</p> <p>The required language is not present.</p>
<p>94943.5: Agent for Service of Process</p>	<p>An institution shall designate and maintain an agent for service of process within this state, and provide the name, address, and telephone number of the agent to the bureau. The bureau shall furnish the agent's name, address, and telephone number to a person upon request.</p> <p>As currently listed, the Agent for Service of Process is at the same address as the institution.</p>
<p>94909: Minimum Requirements for School Catalog</p>	<p>(a)(2) Except as specified in Article 2 (commencing with Section 94802), a statement that the institution is a private institution and that it is approved to operate by the bureau.</p> <p>The language indicating "Approval means the institution has met minimum compliance standards set forth by the State of California." must be included in the Bureau approval statement.</p>
<p>94909: Minimum Requirements for School Catalog</p>	<p>(a)(3) The following statements: (A) "Any questions a student may have regarding this catalog that have not been satisfactorily answered by the institution may be directed to the Bureau for Private Postsecondary Education at (address), Sacramento, CA (ZIP Code), (Internet Web site address), (telephone and fax numbers)."</p> <p>This information must appear in the catalog.</p>

<p>94909: Minimum Requirements for School Catalog</p>	<p>(a)(3) The following statements: (B) "As a prospective student, you are encouraged to review this catalog prior to signing an enrollment agreement. You are also encouraged to review the School Performance Fact Sheet, which must be provided to you prior to signing an enrollment agreement."</p> <p>This information must appear in the catalog.</p>
<p>94909: Minimum Requirements for School Catalog</p>	<p>(a)(3) The following statements: (C) "A student or any member of the public may file a complaint about this institution with the Bureau for Private Postsecondary Education by calling (toll-free telephone number) or by completing a complaint form, which can be obtained on the bureau's Internet Web site (Internet Web site address)."</p> <p>This information must appear in the catalog.</p>
<p>94909: Minimum Requirements for School Catalog</p>	<p>(a)(4) The address or addresses where class sessions will be held.</p> <p>There is no address clearly and explicitly identified as the location where courses are held.</p>
<p>94909: Minimum Requirements for School Catalog</p>	<p>(a)(6) If the educational program is designed to lead to positions in a profession, occupation, trade, or career field requiring licensure in this state, a notice to that effect and a list of the requirements for eligibility for licensure.</p> <p>Verbiage must appear indicating IASHS' instruction does not lead to licensure, etc. However, if the educational program(s) is/are designed to lead to employment in the field, verbiage must appear indicating such, even if there is no licensure for such at this time.</p>
<p>94909: Minimum Requirements for School Catalog</p>	<p>(a)(7) Information regarding the faculty and their qualifications.</p> <p>The requirements of 71720: Faculty, must be met when completing this section. Faculty degrees, credentials and minimum 3 years' experience are mandatory.</p>
<p>94909: Minimum Requirements for School Catalog</p>	<p>(a)(8) A detailed description of institutional policies in the following areas: (D) Attendance policies.</p> <p>This information must appear in the catalog.</p>
<p>94909: Minimum Requirements for School Catalog</p>	<p>(a)(10) A statement reporting whether the institution participates in federal and state financial aid programs, and if so, all consumer information that is required to be disclosed to the student pursuant to the applicable federal and state financial aid programs.</p> <p>This information must appear in the catalog. If an institution does not accept such financial aid, a statement indicating such must be included.</p>

<p>94909: Minimum Requirements for School Catalog</p>	<p>(a)(11) A statement specifying that, if a student obtains a loan to pay for an educational program, the student will have the responsibility to repay the full amount of the loan plus interest, less the amount of any refund, and that, if the student has received federal student financial aid funds, the student is entitled to a refund of the moneys not paid from federal student financial aid program funds.</p> <p>This information must appear in the catalog.</p>
<p>94909: Minimum Requirements for School Catalog</p>	<p>(a)(12) A statement specifying whether the institution has a pending petition in bankruptcy, is operating as a debtor in possession, has filed a petition within the preceding five years, or has had a petition in bankruptcy filed against it within the preceding five years that resulted in reorganization under Chapter 11 of the United States Bankruptcy Code (11 U.S.C. Sec. 1101 et seq.).</p> <p>This information must appear in the catalog. A positive or negative statement, as applicable by each institution, must appear in the catalog.</p>
<p>94909: Minimum Requirements for School Catalog</p>	<p>(a)(13) If the institution provides placement services, a description of the nature and extent of the placement services.</p> <p>This information must appear in the catalog. A positive or negative statement, as applicable by each institution, must appear in the catalog.</p>
<p>94909: Minimum Requirements for School Catalog</p>	<p>(a)(14) A description of the student's rights and responsibilities with respect to the Student Tuition Recovery Fund. This statement shall specify that it is a state requirement that a student who pays his or her tuition is required to pay a state-imposed assessment for the Student Tuition Recovery Fund. This statement shall also describe the purpose and operation of the Student Tuition Recovery Fund and the requirements for filing a claim against the Student Tuition Recovery Fund.</p> <p>This information must appear in the catalog. The language must be the current, verbatim language as directed as follows, per CCR 76215 et.seq.:</p> <p>(a) A qualifying institution shall include the following statement on both its enrollment agreement for an educational program and its current schedule of student charges:</p> <p>"You must pay the state-imposed assessment for the Student Tuition Recovery Fund (STRF) if all of the following applies to you:</p> <ol style="list-style-type: none"> 1. You are a student in an educational program, who is a California resident, or are enrolled in a residency program, and prepay all or part of your tuition either by cash, guaranteed student loans, or personal loans, and 2. Your total charges are not paid by any third-party payer such as an employer, government program or other payer

unless you have a separate agreement to repay the third party. You are not eligible for protection from the STRF and you are not required to pay the STRF assessment, if either of the following applies:

1. You are not a California resident, or are not enrolled in a residency program, or
2. Your total charges are paid by a third party, such as an employer, government program or other payer, and you have no separate agreement to repay the third party."

(b) In addition to the statement described under subdivision (a) of this section, a qualifying institution shall include the following statement on its current schedule of student charges: "The State of California created the Student Tuition Recovery Fund (STRF) to relieve or mitigate economic losses suffered by students in educational programs who are California residents, or are enrolled in a residency programs attending certain schools regulated by the Bureau for Private Postsecondary and Vocational Education.

You may be eligible for STRF if you are a California resident or are enrolled in a residency program, prepaid tuition, paid the STRF assessment, and suffered an economic loss as a result of any of the following:

1. The school closed before the course of instruction was completed.
2. The school's failure to pay refunds or charges on behalf of a student to a third party for license fees or any other purpose, or to provide equipment or materials for which a charge was collected within 180 days before the closure of the school.
3. The school's failure to pay or reimburse loan proceeds under a federally guaranteed student loan program as required by law or to pay or reimburse proceeds received by the school prior to closure in excess of tuition and other costs.
4. There was a material failure to comply with the Act or this Division within 30 days before the school closed or, if the material failure began earlier than 30 days prior to closure, the period determined by the Bureau.
5. An inability after diligent efforts to prosecute, prove, and collect on a judgment against the institution for a violation of the Act."

However, no claim can be paid to any student without a social security number or a taxpayer identification number.

Note: Authority cited: Sections 94803, 94877 and 94923, Education Code. Reference: Section 94923, Education Code.

94909: Minimum Requirements for School Catalog

(a)(15) The following statement:

"NOTICE CONCERNING TRANSFERABILITY OF CREDITS AND CREDENTIALS EARNED AT OUR INSTITUTION

The transferability of credits you earn at (name of institution) is at the complete discretion of an institution to which you may seek to transfer. Acceptance of the (degree, diploma, or certificate) you earn in (name of educational program) is also at the complete discretion of the institution to which you may seek to transfer. If the

	<p>(credits or degree, diploma, or certificate) that you earn at this institution are not accepted at the institution to which you seek to transfer, you may be required to repeat some or all of your coursework at that institution. For this reason you should make certain that your attendance at this institution will meet your educational goals. This may include contacting an institution to which you may seek to transfer after attending (name of institution) to determine if your (credits or degree, diploma or certificate) will transfer."</p> <p>This information must appear in the catalog. A positive or negative statement, as applicable by each institution, must appear in the catalog.</p>
<p>94909: Minimum Requirements for School Catalog</p>	<p>(a)(16) A statement specifying whether the institution, or any of its degree programs, are accredited by an accrediting agency recognized by the United States Department of Education. If the institution is unaccredited and offers an associate, baccalaureate, master's, or doctoral degree, or is accredited and offers an unaccredited program for an associate, baccalaureate, master's, or doctoral degree, the statement shall disclose the known limitations of the degree program, including, but not limited to, all of the following:</p> <p>(A) Whether a graduate of the degree program will be eligible to sit for the applicable licensure exam in California and other states.</p> <p>(B) A degree program that is unaccredited or a degree from an unaccredited institution is not recognized for some employment positions, including, but not limited to, positions with the State of California.</p> <p>(C) That a student enrolled in an unaccredited institution is not eligible for federal financial aid programs.</p> <p>(b) If the institution has a general student brochure, the institution shall provide that brochure to the prospective student prior to enrollment. In addition, if the institution has a program-specific student brochure for the program in which the prospective student seeks to enroll, the institution shall provide the program-specific student brochure to the prospective student prior to enrollment.</p> <p>(c) An institution shall provide the school catalog to any person upon request. In addition, if the institution has student brochures, the institution shall disclose the requested brochures to any interested person upon request.</p> <p>This information must appear in the catalog. A positive or negative statement, as applicable by each institution, must appear in the catalog.</p>
<p>94913: Website</p>	<p>(a) An institution that maintains an Internet Web site shall provide on that Internet Web site all of the following:</p> <p>(1) The school catalog.</p> <p>The institution's catalog was not found on the institution's web site. The catalog must appear on the website.</p>

	<p>transfer credits only from the institutions of higher learning described in subsection (1)(A).</p> <p>(3) No more than 30 graduate semester credits or its equivalent awarded by another institution may be credited toward a doctoral degree. This subdivision does not apply to graduate programs that lead to a profession or an occupation requiring state licensure where the licensing agency has a regulation permitting a different standard.</p> <p>(c) If credit for prior experiential learning is to be granted, the policy for granting such credit shall be included in the institution's catalog.</p> <p>(1) An institution may grant credit to a student for prior experiential learning only if:</p> <p>(A) The prior learning is equivalent to a college or university level of learning;</p> <p>(B) The learning experience demonstrates a balance between theory and practice and;</p> <p>(C) The credit awarded for the prior learning experience directly relates to the student's degree program and is applied in satisfaction of some of the degree requirements.</p> <p>(2) Each college or university level learning experience for which credit is sought shall be documented by the student in writing.</p> <p>(3) Each college or university level learning experience shall be evaluated by faculty qualified in that specific subject area who shall ascertain (1) to what college or university level learning the student's prior experience is equivalent and (2) how many credits toward a degree may be granted for that experience.</p> <p>This information must appear in the catalog. If the institution does not accept transfer credits, this must be disclosed in the catalog.</p>
<p>71800: Enrollment Agreement</p>	<p>In addition to the requirements of section 94911 of the Code, an institution shall provide to each student an enrollment agreement that contains at the least the following information:</p> <p>(b) Period covered by the enrollment agreement.</p> <p>This information must appear in the catalog.</p> <p><u>(d) Date by which the student must exercise his or her right to cancel or withdraw, and the refund policy, including any alternative method of calculation if approved by the Bureau pursuant to section 94921 of the Code.</u></p> <p>This underlined information above must appear in the catalog.</p> <p>(e) Itemization of all institutional charges and fees including, as applicable:</p> <p>(11) Student Tuition Recovery Fund fee (non-refundable);</p> <p>This information must appear in the catalog.</p>

71810: Catalog

(b) The catalog shall contain the information prescribed by Section 94909 of the Code and all of the following:

(4) Language proficiency information, including:

- (A) the level of English language proficiency required of students and the kind of documentation of proficiency, such as the Test of English as a Foreign Language (TOEFL), that will be accepted; and
- (B) whether English language services, including instruction such as ESL, are provided and, if so, the nature of the service and its cost;

This information must appear in the catalog.

(5) Whether any instruction will occur in a language other than English and, if so, the level of proficiency required and the kind of documentation of proficiency, such as the United States Foreign Service Language Rating System, that will be accepted;

This information must appear in the catalog.

(6) The institution's policies and practices regarding any form of financial aid, including all consumer information which the institution is required to disclose to the student under any state or federal financial aid program;

This information must appear in the catalog.

(7) The institution's policies and procedures for the award of credit for prior experiential learning, including assessment policies and procedures, provisions for appeal, and all charges that a student may be required to pay;

This information must appear in the catalog.

(12) A description of all student services;

This information must appear in the catalog. Student services includes Counseling, Placement services, Housing, Morale/Welfare, Tutoring, etc.

(14) Policies on student rights, including the procedure for addressing student grievances; and

This information must appear in the catalog. The policy cannot require a student to abide by an internal complaint or grievance process prior to contacting the Bureau or the institution's accrediting body. Students are free to first and immediately contact either, or both, the Bureau or the institution's accrediting body.

	<p>(15) Policies on the retention of student records. Note: Authority cited: Sections 94803, 94877 and 94885, Education Code. Reference: Sections 94885 and 94909, Education Code.</p> <p>This information must appear in the catalog. It must indicate student records are kept, at minimum, for 5 years; and transcripts are kept indefinitely.</p>
<p>74140: Retention of Advertising</p>	<p>Every institution shall retain, for a minimum of five years, copies of all advertising, including (c) internet content,</p> <p>An internet search of the institution found active accounts on at least the following web sites: Facebook YouTube Twitter</p> <p>These must be disclosed, and the content recorded and retained for a minimum of 5 years.</p>
<p>74190: Agents for Service of Process</p>	<p>The agent shall be at an address other than the address of the institution or any branch.</p> <p>There is no Agent for Service of Process indicated on the General Information worksheet which the institution submitted to the Bureau for this inspection.</p>
<p>76215: Student Tuition Recovery Fund Disclosures</p>	<p>76215. Student Tuition Recovery Fund Disclosures. (a) A qualifying institution shall include the following statement on both its enrollment agreement for an educational program and its current schedule of student charges: "You must pay the state-imposed assessment for the Student Tuition Recovery Fund (STRF) if all of the following applies to you: 1. You are a student in an educational program, who is a California resident, or are enrolled in a residency program, and prepay all or part of your tuition either by cash, guaranteed student loans, or personal loans, and 2. Your total charges are not paid by any third-party payer such as an employer, government program or other payer unless you have a separate agreement to repay the third party. You are not eligible for protection from the STRF and you are not required to pay the STRF assessment, if either of the following applies: 1. You are not a California resident, or are not enrolled in a residency program, or 2. Your total charges are paid by a third party, such as an employer, government program or other payer, and you have no separate agreement to repay the third party."</p> <p>This information must appear in the catalog AND enrollment agreement. The current language which appears in the submitted materials is incorrect and outdated.</p>

76215: Student Tuition Recovery Fund Disclosures

(b) In addition to the statement described under subdivision (a) of this section, a qualifying institution shall include the following statement on its current schedule of student charges:

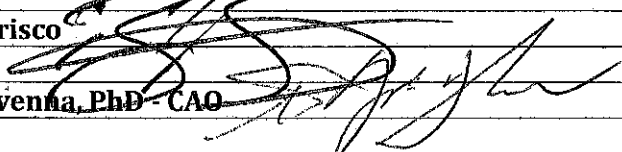
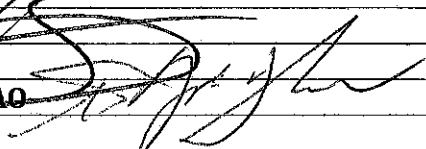
"The State of California created the Student Tuition Recovery Fund (STRF) to relieve or mitigate economic losses suffered by students in educational programs who are California residents, or are enrolled in a residency programs attending certain schools regulated by the Bureau for Private Postsecondary and Vocational Education.

You may be eligible for STRF if you are a California resident or are enrolled in a residency program, prepaid tuition, paid the STRF assessment, and suffered an economic loss as a result of any of the following:

1. The school closed before the course of instruction was completed.
2. The school's failure to pay refunds or charges on behalf of a student to a third party for license fees or any other purpose, or to provide equipment or materials for which a charge was collected within 180 days before the closure of the school.
3. The school's failure to pay or reimburse loan proceeds under a federally guaranteed student loan program as required by law or to pay or reimburse proceeds received by the school prior to closure in excess of tuition and other costs.
4. There was a material failure to comply with the Act or this Division within 30 days before the school closed or, if the material failure began earlier than 30 days prior to closure, the period determined by the Bureau.
5. An inability after diligent efforts to prosecute, prove, and collect on a judgment against the institution for a violation of the Act."

However, no claim can be paid to any student without a social security number or a taxpayer identification number.
 Note: Authority cited: Sections 94803, 94877 and 94923, Education Code. Reference: Section 94923, Education Code.

This information must appear in the catalog AND enrollment agreement. The current language which appears in the submitted materials is incorrect and outdated.

Inspector's Name	Brian J Brisco
Inspector's Signature	
Institution Administrator Name/Title:	Ted McIlvenna, PhD - CAO
Institution Administrator's Signature:	

Education Code can be located at: http://www.bppe.ca.gov/lawsregs/ppe_act.shtml
 Code of Regulations can be located at: <http://www.bppe.ca.gov/lawsregs/regs.shtml>

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RETURN THIS FORM WITHIN THE SPECIFIED TIME FRAME WITH EITHER: 1) VERIFICATION OF COMPLIANCE OR 2) A NOTICE OF DISAGREEMENT

IMPORTANT COMPLIANCE NOTICE

California Education Code §94935 and California Code of Regulations §75010 provide that the Bureau for Private Postsecondary Education (Bureau) shall issue a Notice to Comply for minor violations detected during a compliance inspection by the Bureau.

By no later than 30 days from the date of the inspection, you must either: 1) Remedy the noncompliance item(s), sign the below declaration and submit this form to the Bureau, along with documentation describing how compliance was achieved; or 2) File with the Bureau a written notice of disagreement, specifying the minor violation(s) described in the Notice to Comply with which you disagree, and appealing it by requesting an informal office conference. If a written notice of disagreement is not timely filed with the Bureau, the right to appeal is deemed to have been waived.

Failure to timely remedy the noncompliance item(s) or file a written request for an informal office conference may result in the Bureau taking administrative enforcement action.

DECLARATION

Attached to this document is a list describing how compliance was achieved for each violation and supporting documentation. I declare under penalty of perjury that all violations identified in this Notice to Comply are corrected as described in the attachment.

Signature

Date

Print Name and Title

THIS DECLARATION OR A NOTICE OF DISAGREEMENT MUST BE SUBMITTED TO THE BUREAU BY 25 AUGUST 2014

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