



STATE HIGHER EDUCATION EXECUTIVE OFFICERS ASSOCIATION

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North Dakota University System

Vertical Tabs

1. Agency and Contact Information

1A1. Agency Name:

North Dakota University System

1A2. Agency Description - Please review the description below and revise as appropriate (e.g., state executive agency, agency with appointed board, department or division within agency, etc.):

The North Dakota University System is a unified system of higher education governed by the State Board of Higher Education. Organized in 1990, the system includes two research universities, four regional universities and five community colleges. The State Board for Higher Education is the governing body for the North Dakota University System.

NOTICE: Change in State Authorization Governance

On August 1, 2013, the State Board of Higher Education assumed governance of North Dakota State Authorization of degree-granting, post-secondary institutions. Beginning August 1, 2013, all degree-granting post-secondary institutions offering on-site or distance education courses in North Dakota must seek authorization or exemption under HB1103 guidelines.

Exemptions: Institutions that wish to apply for exemption status under HB 1103 15-18.1-02 definitions must register, apply, and receive confirmation of exemption status. Application will begin Aug. 31, 2013 and must be completed via electronic, web-based software. The application can be found at <http://ndus.edvera.com> ^[1]

Authorization: Institutions that wish to apply for North Dakota State Authorization under definitions in HB 1103 15-19.1-01 or 15-18.1-03 must register, apply, and receive confirmation of authorization status. Application will begin August 31, 2013 and must be completed via electronic, web-based software. The application for North Dakota State Authorization can be found at <http://ndus.edvera.com> ^[1]

The Notice above can also be found on the web at
<http://ndus.edu/system/state-authorization/Default.asp?printable=1> [2]

Questions regarding this process can be directed to Tanya Spilovoy (see contact information below).

1A3. Agency Contact - Please review and correct as necessary the contact information below:

Tanya Spilovoy
Director, Distance Education and State Authorization
North Dakota University System
State Authorization
1815 Schafer Street, Ste. 202 Bismarck, ND 58505-0230
tanya.spilovoy@ndus.edu [3]

1A4. Who should institutions contact if they have questions about your agency's authority, policies, or application process:

Same as above.

1B. Links - Please provide web links to your agency home page, the regulations pertaining to authorization, and any other links important for understanding your agency's responsibility for authorization:

[Home Agency](#) [4]
[Regulations Pertaining to Authorization](#) [5]

1C1. Other Agencies - According to our records, the following agencies also have responsibility for authorization in the state. Please correct, add to, or clarify this list of authorizing authorities as necessary. These agencies will also be requested to complete this survey:

Additional Responsibility: North Dakota Career and Technical Education has responsibility for authorization of private career schools in North Dakota.

1C2. If the division of responsibility among these agencies is not clear, please explain:

The State Board for Higher Education has oversight for institutions conferring the associate in arts or science degree and above. The State Board for Career and Technical Education retains responsibility for private career schools granting the OAS degree, diplomas and certificates.

2. Types of Educational Providers Authorized

2A1. Institution Types Authorized - Indicate the types of institutions that your agency authorizes. Feel free to provide a short explanation of any ambiguity:

Public, out-of-state degree granting institutions
Private, in-state, not-for-profit degree granting institutions
Private, out-of-state, not-for-profit degree granting institutions
Private, in-state, for-profit degree granting institutions
Private, out-of-state, for-profit degree granting institutions
Public, in-state, non-degree granting institutions
Public, out-of-state, non-degree granting institutions

Non-degree, not-for-profit institutions
Non-degree, for-profit institutions
Religious Institutions

2A2. Clarifying comments:

Private, in-state, not-for-profit degree granting institutions

Note: There are 3 institutional exemptions – each institution must retain recognized accreditation, however, to avoid oversight

2B1. Multiple Agencies - Is an institution required to obtain approval from more than one agency to be authorized in your state (excluding purely programmatic approvals):

No

2C1. Accreditation - Is accreditation required for an institution to be authorized in your state:

Yes

2C2. If yes, please explain:

Institutions and schools are required to hold accreditation from an accrediting agency recognized by the US Secretary of Education. Provisional authorization may be offered to schools in pre-accreditation status.

2C3. If yes, what type of accreditation is required? Please check all that apply:

Regional

National

Programmatic/specialized, if applicable

2C4. Clarifying comments:

Programmatic accreditation may be required by a state licensing board.

2D1. Does your agency authorize specific academic programs offered by institutions, only institutions themselves, or both:

Both Institutions and Programs

2E1a. Education:

Yes

2E1b. Name and Contact information, Education:

Education Standards And Practices Board

www.state.nd.us/esp [6]

2E2a. Nursing:

Yes

2E2b. Name and Contact Information:

State Board of Nursing

www.ndbon.org [7]

2E3a. Social Work:

Yes

2E3b. Name and Contact Information:

North Board of Social Work Examiners
www.ndbswe.org [8]

2E4a. Counseling Psychology:

Yes

2E4b. Name and Contact Information:

State Board of Psychological Examiners
www.ndsbpe.org [9]

2E6a. Others (please list):

Yes

2E6b. Name and Contact Information:

For all others: <http://governor.nd.gov/boards/> [10]

3. Exemptions

3A1. General Exemptions - Are certain institutions or programs exempt by law or policy from your state authorization requirements:

Yes

3A2. If yes, to which institutions or programs does the exemption apply? How does it work (please describe)? If available, please provide any pertinent web links:

<http://www.legis.nd.gov/cencode/t15c18-1.pdf?20130717121033> [11]

<http://www.nd.gov/cte/private-post-inst/> [12]

3A3. If yes, how does the institution or program claim an exemption? For example, is the exemption automatic as long as it meets specified criteria, does the institution or program notify the agency and the exemption is granted, is there an application process, etc.:

Institutions that wish to apply for exemption status under HB 1103 15-18.1-02 definitions must register, apply, and receive confirmation of exemption status. Application will begin Aug. 31, 2013 and must be completed via electronic, web-based software. The application can be found at <http://ndus.edvera.com> [1]. You may also contact the North Dakota University System at ndus.office@ndus.edu [13].

3B. Other Requirements - If an institution or program is exempt from state authorization, are there any other state requirements that an institution would need to fulfill in order to operate in your state (e.g., providing contact information, list of programs, etc.):

Yes - see link above. You may also contact the North Dakota University System at ndus.office@ndus.edu [13].

3C1. Religious Institutions - Does your state constitution or do your state laws provide any exemptions for religious institutions:

No

4. Authorization of Distance Education

4A1. Does your agency require purely (100%) distance education programs, including

online or correspondence study programs that enroll residents of your state, to be authorized without regard to physical presence:

No

5. Physical Presence Policy – Common “Triggers”

INSTRUCTIONAL ACTIVITIES

5B1a. Hosting short term, face-to-face, seminars or conferences in the state where students meet in person:

Yes

5B2a. Permitting a student to complete an internship, externship, field experience, or clinical practicum organized by the institution:

No

5B2c. Does this apply only to distance education students or more generally:

Distance Education Only

5B3a. Permitting a student to complete an internship, externship, field experience, or clinical practicum found by the student acting independently:

No

5B3c. Does this apply only to distance education students or more generally:

Distance Education Only

PROPERTY IN THE STATE

5B4a. Maintaining a location (physical building) in the state that is used for instructional activity:

Yes

5B5a. Maintaining a location (physical building) in the state that is used ONLY for non-instructional activity (administration, recruitment, etc.):

Yes

5B6a. Housing ONLY computer servers or other equipment at a physical location in the state:

Yes

5B7a. Maintaining an in-state address or phone number, regardless of use:

Yes

RECRUITING ACTIVITIES

5B8a. Organized, consistent, on - the - ground recruiting of students in the state by employees or agents of the institution:

No

5B8c. What if the agent is only recruiting students in the state on an occasional basis (i.e. at job fairs):

No

THIRD PARTY AGREEMENTS/CONTRACTS

5B9a. Having a contract/agreement between the institution and in-state institutions or in-state entities to provide services for students (i.e. library, gym, computer centers, etc.):

Yes

5B10a. Requiring a student to take a proctored exam at a location or with an entity in the state prescribed by the institution:

No

5B11a. Requiring a student to take a proctored exam with an entity in the state chosen by the student but approved by the institution:

No

ADVERTISING

5B12a. Advertising in local media sources that are largely viewed by residents of the state

:

No

5B13a. Advertising in national media sources that can be accessed by residents of the state:

No

EMPLOYMENT IN THE STATE

5B14a. Employing full-time faculty in the state to provide instruction via distance education programs to students in the state:

No

5B14c. What about adjunct faculty:

No

5B15a. Employing full-time faculty in the state to provide instruction via distance education programs solely to students outside of the state:

No

5B15c. What about adjunct faculty:

No

5B16a. Employing mentors, tutors, or preceptors in the state to aid students, who are residents of the state, on an individual basis:

No

OTHER

5C1. Combinations - Of the activities or conditions listed above that alone would not constitute a physical presence, are there any that, if combined, would create a physical presence:

No

6. Application Process

6A. Description - Please provide a short description of the application process to obtain state authorization. If available, please provide web links to the specific references to all applicable state laws, regulations, manuals, forms, or other pertinent documents:

Institutions that wish to apply for North Dakota State Authorization under definitions in HB 1103 15-19.1-01 or 15-18.1-03 must register, apply, and receive confirmation of authorization status. Application will begin August 31, 2013 and must be completed via electronic, web-based software. The application for North Dakota State Authorization can be found at <http://ndus.edvera.com> [1]. You may also contact the North Dakota University System at ndus.office@ndus.edu [13].

6B. Processing Time - Generally, how long does it take to approve applications (assuming that the agency has received all required information from the institution)? Please provide a typical range if appropriate:

2-4 weeks.

6C. Duration - What is the authorization duration:

One year or until June 30 of the following year

6D. Maintenance - What does an institution need to do to maintain authorization:

Application to renew an authorization to operate must be submitted to the board at least ninety days prior to the expiration date. Authorizations expire on the thirtieth day of June.

6E. Reporting - What kinds of information or data must an institution report to your agency as a condition for continued authorization? How frequently is this reported or updated? Is this information published or shared publicly:

See application form

6F. Loss of Status - Can an institution lose its authorized status? If so, how?:

Yes.

6Ga. Multi-Institutional Systems - Can a multi-institutional system or college corporation apply to your agency for authorization on behalf of all of its component institutions? If so, please describe the process:

Multi-institutional systems could apply for authorization on behalf of all of its component institutions. Essentially, the process is similar to the single institution application.

6Gb. Would multi-institution public systems be treated the same as multi-location for-profit institutions:

No.

6H. Distinctive Features - What distinctive features in your authorization process would be useful for applicants to know (e.g., certain times during the year that you process applications for authorization, sharing of applications or information about proposed programs with institutions or other stakeholders in your state for comment):

It is advantageous to turn in applications in time to be heard at the June board meeting.

6I1. Amendments - Is your agency currently planning to amend its application process by the end of 2013:

No

7. Fees Associated with Authorization

7A. Application Fee - Is there an application fee to initiate the authorization process? If so, what is the fee or fee schedule? Please provide a web link if available:

NORTH DAKOTA UNIVERSITY SYSTEM

Fee Schedule

Given the availability of legitimate

courses and programs leading to academic degrees and offered by responsible out-of-state public, private not-for-profit, and for-profit institutions of postsecondary education, the North Dakota University System (NDUS) shall have responsibility for collecting reasonable registration fees that are sufficient to recover, but not intended to exceed its costs of administering the registration of the above type institutions seeking to offer courses and programs in North Dakota.

The NDUS shall charge the fees listed below:

- 1. All new schools offering no more than one degree at each level during its first year must pay registration fees for each applicable level in the following amounts:**
 - a. Associates degree \$2,000**
 - b. Baccalaureate degree \$2,500**
 - c. Master’s degree \$3,000**
 - d. Doctorate degree \$3,500**

- 2. A new school that will offer more than one degree per level during its first year must pay registration fees in an amount equal to the fee for the first degree at each level noted above, plus fees for each additional non-degree program or degree as follows:**
 - a. Non-degree program \$250**
 - b. Additional associate degree \$250**
 - c. Additional baccalaureate degree \$500**

- d.**
Additional master's degree **\$750**

- e.**
Additional doctorate degree **\$1000**

3.
**The office processing fees for adding
a degree or non-degree program are as follows:**

a.
**Non-degree program that is part of an
existing degree** **-0-**

b.
**Non-degree program that is not part
of an existing degree** **\$250**
each

c.
**Majors, specializations, emphasis
areas, concentrations, etc.**
\$250 each

d.
Associate degrees
\$500 each

e.
Baccalaureate degrees
\$500 each

f.
Master's degrees
\$750 each

g.
Doctorate degrees
\$2,000
each

4.
**If the NDUS determines that a
fact-finding visit or outside consultant is necessary to review or evaluate any**

new or revised degree or non-degree program, the office shall be reimbursed for the expenses incurred related to the review:

- a.
Desk review
\$750**

- b.
On-site individual visit
plus expenses** **\$750 per day,**

- c.
On-site team visit
expenses** **\$750 per day/per individual/plus**

**5.
The annual renewal registration
fee \$1,200**

**6.
The NDUS may assess fines for
violations not to exceed \$500/day per violation**

**7.
Upon application for the attorney
general, the district courts shall have jurisdiction to enjoin any violations.**

7B. Other Costs - Are there any other costs associated with the state authorization process (e.g. site visits, hiring a reviewer, surety bond, tuition recovery fund, agent licensing, etc.):

yes-Surety Bond

7C. Renewal Costs - What are the costs, if any, to renew authorization:

**The annual renewal registration
fee: \$1,200**

7D. Exemption Costs - What costs are associated with receiving a waiver or exemption to

authorization:

\$50 Application Fee for Exemptions

8. Interstate Reciprocity

8A. Do your state regulations explicitly allow or prohibit interstate reciprocal agreements about authorization? If so, please describe:

North Dakota has been accepted as part of the [State Authorization Reciprocity Agreement \(SARA\)](#) [14] through the [Midwestern Higher Education Compact \(MHEC\)](#). [15]

North Dakota state law explicitly allows interstate reciprocal agreements among states.

8B. What is the process, if any, to obtain a reciprocal agreement with your state:

In writing to the North Dakota University System.

You may contact the North Dakota University System at ndus.office@ndus.edu [13].

8C. Are there any reciprocal agreements currently in place or under consideration? If so, please list those agreements:

North Dakota has been accepted as part of the [State Authorization Reciprocity Agreement \(SARA\)](#) [14] through the [Midwestern Higher Education Compact \(MHEC\)](#). [15]

9. Consumer Protection and Student Complaints

9A1. Does your agency have a process for handling complaints about postsecondary institutions or programs::

Yes

9A2. If yes, please describe the process or provide a web link to the material that describes the complaint process:

Complaints to the North Dakota University System office regarding North Dakota degree-granting post-secondary institutions participating in the National State Authorization Reciprocity Agreement (SARA)



The North Dakota State Board of Higher Education has delegated to North Dakota University System (NDUS) college and university officials authority and responsibility to resolve student and other complaints. Absent applicable law or policy establishing another remedy, the first step in resolving student or other complaints or grievances is to attempt to resolve the matter directly with the administration of the involved institution under established institution complaint or grievance procedures. Every North Dakota institution (private,

for-profit, and public) is required to establish, publish, and enforce policies related to redress of complaints and grievances. With limited exceptions, a student or other person who contacts the NDUS office regarding complaints regarding North Dakota institutions participating in the National State Authorization Agreement (SARA) will be referred to college or university officials responsible for resolving those matters. In the event that institutional processes do not result in a successful resolution of a SARA complaint, NDUS is responsible for final resolution of any such complaints originating at any SARA participant institution, public or private. Conversely, if you are a North Dakota resident attending a distance education program at a SARA (State Authorization Reciprocity Agreement) institution in another state, you will need to begin the complaint process at the institution you attend. In the event that institutional processes do not result in a successful resolution of your complaint, the SARA Portal Agency of that state is responsible for final resolution of the complaint.

With the exception of reporting fraud, waste or abuse as noted below, the NDUS does not review anonymous complaints or matters that are or have been in litigation. Further, matters concerning an individual's grades or examination results are the prerogative of the college/university faculty.

The NDUS does not conduct a judicial investigation or evidentiary hearing. The NDUS may conduct a paper review, discuss the matter with the parties and take other steps as may be appropriate in an attempt to resolve the complaint.

Absent specific statutory authority for not allowing access or disclosure, all documents relating to public business in possession of NDUS employees, including complaints or grievances, responses to complaints or grievances and related documents are open to the public upon request. However, according to the Family Educational Rights and Privacy Act (FERPA), student information and records that contain personally identifiable information regarding students, including student complaints or grievances and related documents, are confidential, subject to limited exceptions.

The following contact information has been provided to assist you with directing your complaint to the appropriate agency/office.

Tanya Spilovoy, D. Ed.

Director of Distance Education and State Authorization
1815 Schafer St., Ste. 202
Bismarck, ND 58501-1217

tanya.spilovoy@ndus.edu [3]

9A3a. If yes, does this complaint process extend to institutions not authorized by the agency that may enroll residents of the state (such as explicitly distance education programs with no physical presence or exempt institutions):

Yes

9B. Who is the contact person for receiving complaints? Please include name, title, address, phone, and email if available:

Tanya Spilovoy, D. Ed.

Director of Distance Education and State Authorization

1815 Schafer St., Ste. 202

Bismarck, ND 58501-1217

tanya.spilovoy@ndus.edu [3]

9C. If your agency has no formal process for handling complaints related to postsecondary institutions, what state agency would handle a complaint:

Complaints related to authorized institutions are handled by NDUS staff, or CTE staff if the complaint involves a private career school.

Complaints can also be filed with the AG's Office.

Parrell D. Grossman, Director

Office of Attorney General

Consumer Protection and Antitrust Division

Gateway Professional Center

1050 East Interstate Avenue, Ste. 200

Bismarck, ND 58503

701-328-5570

pgrossman@nd.gov [16]

10. Enforcement

10B. Can an institution or program appeal a warning or enforcement action? If yes, please describe the process or provide web links to the regulations/policies:

Yes, in writing to the State Board

11. Legislative or Regulatory Changes

11A1. Amendments - Is your agency or state legislature currently planning to amend its regulations or alter its physical presence policy:

No

11C1. Other Changes - Is your agency or state legislature making any other changes in your state regulations or statutes with regard to state authorization:

No

12A. Is there anything else about the authorization process in your state that we and others ought to know about:

In North Dakota there have been changes in governance for institutions seeking authorization/exemption effective August 1, 2013. See change in governance notice:

<http://www.nd.gov/cte/private-post-inst/> [12]

Change in regulatory agency: Degree-granting institutions seeking authorization to operate or exempt status now come under new jurisdiction, the North Dakota State Board of Higher Education (formerly under the Department of Career and Technical Education). <http://www.ndus.edu/board/> [17]

Exemptions: Institutions (including distance education providers) claiming to be exempt under the ND Century Code ch 15-20.4-02 must seek the exemption in writing.

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Questions regarding this process can be directed to:

Tanya Spilovoy
Director, Distance Education and State Authorization
North Dakota University System
State Authorization
10th Floor, State Capitol
600 East Boulevard Avenue, Dept. 215
Bismarck, ND 58505-0230
701-224-2498
tanya.spilovoy@ndus.edu [3]

Source URL: http://sheeo.org/sheeo_surveys/user/28

Links

- [1] <http://ndus.edvera.com>
- [2] <http://ndus.edu/system/state-authorization/Default.asp?printable=1>
- [3] <mailto:tanya.spilovoy@ndus.edu>
- [4] <http://www.ndus.edu/system/state-authorization/>
- [5] <http://www.nd.gov/sos/lr/scannedbills/1103.pdf>
- [6] <http://www.state.nd.us/esp>
- [7] <http://www.ndbon.org>
- [8] <http://www.ndbswe.org>
- [9] <http://www.ndsbpe.org>
- [10] <http://governor.nd.gov/boards/>
- [11] <http://www.legis.nd.gov/cencode/t15c18-1.pdf?20130717121033>
- [12] <http://www.nd.gov/cte/private-post-inst/>
- [13] <mailto:ndus.office@ndus.edu>
- [14] <http://nc-sara.org/>
- [15] <http://www.mhec.org/>
- [16] <mailto:pgrossman@nd.gov>
- [17] <http://www.ndus.edu/board/>