

SECTION I

PART J DEGREE AUTHORIZATION ACT: STATUTES AND POLICIES PERTAINING TO AUTHORIZATION TO OPERATE AS A POSTSECONDARY EDUCATION INSTITUTION AND TO AWARD CREDITS AND DEGREES IN COLORADO

1.00 Introduction

The Colorado Commission on Higher Education (Commission) has statutory responsibility for administration of Title 23, Article 2 of the Colorado Revised Statutes, (Amended 2008), which authorizes certain types of institutions to offer degrees and/or degree credits. These are: (1) Colorado publicly-supported colleges and universities; (2) accredited private colleges and universities; (3) postsecondary seminaries and bible colleges; and, (4) private occupational schools authorized by the Private Occupational School Division to offer associate degrees. Persons or unauthorized organizations which violate the provisions of the statute are subject to legal penalties.

The Colorado Department of Higher Education (Department) shall administer the statute by seeking information from any entity offering degrees and/or degree credits to determine its authority under this statute. In order to determine the institutional type and to identify those institutions which are subject to the specific accreditation requirements of the statute, criteria have been established for each institutional type authorized to offer degrees or credits leading toward a degree.

No private college or university shall operate within the state until its accreditation is documented or its potential for accreditation is established by evaluation and is authorized by the Commission. Institutions authorized to operate pending full accreditation shall pursue accreditation continuously and shall make satisfactory progress toward accreditation in order to retain authorization.

In the following sections, the authorization procedures are described, the criteria for each institutional type are defined, the procedures for Department review of the accreditation status of institutions are stipulated, the policies on Department notification to institutions of their status in regard to this act are listed, and the requirement for the maintenance of records is defined.

2.00 Definitions

2.01 Institution Type

2.01.01 Seminaries or Bible Colleges

- A. Seminaries or bible colleges are defined as a bona fide religious postsecondary educational institution with physical presence in the State of Colorado and that are exempt from property taxation under the laws of the state.
- B. An authorized seminary or bible college, its educational programs, its degrees and diplomas, and its honorary degrees have no state approval or recognition status whatsoever. An institution operating under this authorization shall not state or imply by any means whatsoever that there exists any recognition by the state or by any agency or agent of the state, documents awarded by the institution, or the institution itself, other than the institution's authorization to operate.

2.01.02 Private Colleges and Universities

- A. Private colleges and universities are defined as institutions of higher education that are not occupational in nature with physical presence in the state of Colorado which offers courses of instruction or study wherein credits may be earned toward a bachelor's degree or higher in a field of endeavor; which is accredited on the basis of an on-site review in Colorado by one of the six nationally recognized regional accrediting associations or by an U.S. Department of Education recognized national accrediting agency, or an institution which is making satisfactory progress toward accreditation based on the accreditation agency's procedures and/or standards and as determined by or in accordance with standards determined by the Commission.
- B. Any accrediting association recognized by the United States Department of Education will be accepted by the Commission unless the Commission determines that such an association is not appropriate to the educational purposes and programs of the institution.

2.01.03 Private Occupational School

Private occupational schools are defined as institutions of higher education authorized by the private occupational school division under the provisions of article 59 of title 12, C.R.S.

2.02 Levels of Authorization

2.02.01 Full Authorization

An institution which is fully accredited by an appropriate accreditation association with an on-site review of its Colorado location.

2.02.02 Religious Authorization

A bona fide religious postsecondary educational institution which is exempt from property taxation under the laws of this state and which degrees/diplomas have no state recognition whatsoever.

2.02.03 Probationary Authorization

Institutions in this category have been evaluated by the Department and are authorized to enroll students, offer instruction, graduate students and award degrees under the pretense that the institution is continuously seeking accreditation and is making satisfactory progress toward full accreditation. Institutions given probationary authorization will not enroll students until the accreditation process has begun and demonstrated to Department staff.

2.02.06 Closed Institution/Defunct

Institutions that either have voluntarily closed or have been unauthorized by the state.

2.03 Physical Presence

2.03.01 Any institution that is seeking state authorization shall meet the criteria for physical presence.

A. An institution has physical presence if the main campus/headquarters, or a branch campus, or a place of business is located within the state of Colorado. The final determination of whether or not an institution has physical presence will be made by the Department of Higher Education.

2.03.02 An institution not authorized by the Commission offering courses, programs, and training designed specifically for a private company or group will not be required to seek authorization, but is requested to notify the Department of such plans.

2.03.03 An institution not authorized to do business in Colorado desiring to market its programs to Colorado students shall notify the Department of Higher Education prior to the marketing effort. Approval for such marketing efforts shall be made at the Department's discretion. Institutions participating in college job fairs or visiting high schools as part of traditional recruitment efforts are not required to gain approval.

3.00 Authorization

3.01 Seminaries and Bible Colleges

3.01.01 Criteria to Qualify as a Seminary or Bible College

A. The statute recognizes only a "bona fide religious postsecondary educational institution" which is "exempt from property taxation under

the laws of this state.” Institutions of this type also shall only offer programs appropriate to a religious institution.

- B. An institution must qualify both as a “bona fide religious institution” and as an “institution of private higher education.”
 - 1. To qualify as a postsecondary educational institution, as distinguished from an institution operating at the secondary level, it shall require for admission at least a high school diploma or its equivalent.
 - 2. To qualify as a “bona fide religious institution”, the seminary or bible college must meet each of the following criteria:
 - a. Be a non-profit institution owned, controlled, operated and maintained by a bona fide church or religious denomination, lawfully operating as a non-profit religious corporation pursuant to Title 7 of the Colorado Revised Statutes.
 - b. Limit the educational programs to the principals of the church or denomination with which it is affiliated, and the diploma or degree is limited to evidence of completion of that education. Institutions operating under this degree authorization shall not award degrees in any area of physical science or medicine.
 - c. Only grant degrees or diplomas in areas of study that contain on their face, in the written description of the title of the degree or diploma being conferred, a reference to the theological or religious aspect of the degree’s subject area.
 - i. An institution shall not be eligible for authorization as a seminary or bible college if it offers degrees appropriate only for academic institutions, such as, but not limited to, Bachelor of Arts or Bachelor of Science, Master of Arts or Master of Science, Doctor of Philosophy, or other degrees typically offered by academic institutions, regardless of curriculum or course content, unless the degree title includes the religious field of study (e.g., “Bachelor of Arts in Religious Studies”).
 - ii. Institutions authorized as seminaries and bible colleges also shall not offer degrees associated with specific professional fields or endeavors not clearly and

directly related to religious studies or occupations. Examples of such degree titles are Bachelor of Business Administration or Master of Business Administration; Bachelor of Education, Master of Education or Doctor of Education; and Doctor of Psychology.

- d. Not market, offer or grant degrees or diplomas which are represented as being linked to a church or denomination, but which, in reality, are degrees in secular areas of study.
 - e. Have obtained exemption from property taxation under state law and shall have submitted a copy of the certificate of this exemption to the Department.
 - i. To meet the criterion of exemption “from property taxation under the laws of this state” a seminary or bible college located in Colorado shall offer documentation of exemption for the school’s site and facilities verified by the Colorado Division of Property Taxation.
 - ii. The institution seeking authorization should submit a letter of determination, Form 905, signed by the Property Tax Administrator, Division of Property Taxation, Colorado Department of Local Affairs, clearly stating that the institution is exempt from real and personal property taxation under state law.
 - iii. The Department shall be notified by the department of local affairs if an institution’s exemption is rescinded.
3. Additional evidence that may be provided by an institution seeking to substantiate that the institution is a bona fide religious institution.
- a. Evidence that the school holds at least pre-accreditation status with one of the following nationally recognized accrediting associations:
 - i. The Accrediting Association of Bible Colleges; or
 - ii. The Association of Advanced Rabbinical and Talmudic Schools; or
 - iii. The Association of Theological Schools in the United States and Canada

- b. A statement of institutional mission clearly establishing the mission of the institution as solely religious, and curricula and degree, diploma, or certification programs that clearly support that mission singularly.
- c. Other appropriate, substantial, evidence of qualification for state authorization as a seminary or bible college.

3.01.02 Process to Establish Authorization

- A. An institution seeking authorization as a bona fide religious institution shall submit to the Department a completed a signed Declaration for Religious Authorization, as set forth in Appendix B and shall provide a revised Declaration at any time that information originally submitted no longer is accurate.
- B. As the first step in the process of obtaining state authorization, institutions seeking to operate in Colorado as a seminary or bible college shall consult in person with the designated administrator of the Degree Authorization Act at the Department prior to the submission of required documentation. Following the consultation and review of all documents submitted, the Department shall determine if the institution qualifies for authorization as a seminary or bible college.
- C. Institutions applying for authorization as a seminary or bible college under the Degree Authorization Act (23-2-101 et seq., C.R.S.) shall submit a completed and signed Declaration of Religious Authorization, as set forth in Appendix B and document compliance with all policies articulated herein.

3.02 Private Accredited Colleges and Universities Seeking Authorization

3.02.01 Criteria to Qualify as a Private College or University

- A. A private college or university, under the statute, is an institution which is “doing business or maintaining a place of business in the state of Colorado” and which offers courses of instruction or study wherein credits may be earned toward a degree in a field of endeavor. A publicly-supported college or university in another state (which would not qualify by statutory definition for the “state college or university exemption), but which has physical presence in the state of Colorado, will be treated as a “private college or university” and shall be authorized on the same basis as any other such institution.
- B. Already established colleges or universities require the following criteria to qualify as a private college or university for consideration of full authorization:

1. Accredited on the basis of an on-site review in Colorado by one of the six regional accrediting associations; or
2. Accredited by a U.S. Department of Education recognized national accreditation agency that is appropriate to the role of the institution; or
3. The institution applying for state authorization shall provide documentation of accreditation by one of the appropriate accreditation associations.
4. The institution shall provide documentation of the accreditation association's knowledge of the new site and the ability of the accreditation association's ability to accredit the new site.
5. The applicant institution shall demonstrate the ability to provide appropriate student services at the new site.
6. The applicant institution shall demonstrate its financial ability to ensure the ability to support all operations at the new site.
7. The applicant shall demonstrate its physical presence in Colorado with the appropriate documentation.

3.02.02 Process to Establish Authorization

- A. Institutions seeking state authorization to operate in Colorado as a private college or university shall consult in person with the designated administrator of the Degree Authorization Act at the Colorado Department of Higher Education prior to the submission of required documentation.
- B. The applicant shall submit all required materials to the department and department staff will determine if physical presence has been met. Authorization shall not be granted to institutions that do not have physical presence in Colorado.

To apply for Probationary State Authorization an organization must provide to the Department full documentation that demonstrates fulfillment of each of the following criteria:

1. Familiarity with Accreditation and State Authorization Policies and Procedures

The institution shall be, and shall so state, that it is familiar with and understands accreditation procedures and state authorization policies and procedures. It shall state the name of the accreditation association from whom accreditation will be sought.

2. Statement of Mission

A statement of mission shall have been developed, formally adopted by the institution's governing body and made public, which defines the basic character of the institution including a brief description of the

educational programs to be offered and their purposes, the students for which the programs are intended, the geographical area served by the institution (or the particular constituency it serves), and a description of how the institution will fit within the broader higher education community. The mission shall be appropriate to an institution of higher education and the institution must plan to award degrees.

3. Institutional Organization

A governing board that possesses and exercises necessary legal power to establish and review basic policies that govern the institution shall have been formally established. The board shall include among its members some who represent the public interest and are sufficiently autonomous from the administration and ownership to assure the integrity of the institution. The department shall be provided a list of the members of the board with a brief resume for each.

An executive officer shall be designated by the governing board to provide administrative leadership for the institution. This officer's name and title and the address of the administrative office, shall be provided.

If faculty members are employed at the time the application is filed with the department, the faculty, their academic credentials (degrees, previous experience, etc.) and teaching fields shall be identified. If no faculty have been employed, the institution shall describe the qualifications of the faculty that are to be recruited and the procedures that will be used to find and contract with faculty members.

Shareholder Information will be provided, if applicable.

Principal Administrators shall be named along with the physical location of their office from which they will conduct daily business.

4. Degrees and Academic Programs

A degree (as defined in the Degree Authorization Act, 23-1-101 et seq., C.R.S.) shall be awarded upon successful completion of an educational program. The institution shall provide a list of the degrees it proposes to award.

The planned educational programs shall be compatible with the proposed institutional mission. The relationship shall be described in documents provided to the department.

The academic program proposed for offering shall be appropriately named and be based on fields of study recognized as appropriate for a postsecondary institution. Evidence shall be provided to the department that the fields of study upon which the academic programs are to be based are, in fact, so recognized. Such recognition, for example, could be demonstrated by the existence of professional literature in the field; the offering of similar programs in already-accredited institutions, generally; and by the existence of professional organizations related to the field.

The content and length of the proposed academic program shall follow practices common to institutions of higher education. Typically, the proposed academic program shall include at least: (1) one undergraduate program planned for two or more years in length; or, (2) one graduate program of at least one academic year in length. Documentation shall be provided to the department that lists all requirements for a degree and the curricula offered leading to the degree, showing planned typical student programs by semester or term.

Any proposed undergraduate degree program shall include a coherent general education component that is consistent with the institution's mission and appropriate to its educational programs.

Student access to all necessary learning resources and support services shall be provided. Necessary resources and support services vary by type of program, but all require some use of library resources. Laboratories may be required for some programs. Support services such as academic advising, financial aid counseling, and support for special, targeted, constituencies may be needed. The institution shall describe the learning resources and support services that it will provide and state how they will be provided to students on a regular, dependable basis.

5. Admission Policies

Admission policies shall be consistent with the institution's mission and appropriate to the educational program. The department shall be provided with a copy of the institution's admission policies.

6. Financial Resources

The institution shall have financial resources adequate to support start-up activities and sources of funds sufficient to ensure that the institution can sustain itself once students have been admitted. The department shall be provided with a current financial statement, an

audit report of a financial audit completed within the previous twelve months by a certified public accountant, or other substantial evidence.

- C. Following the submittal of the required documents and based on the institution's selected accreditation body, the Department shall hire an evaluation team to review all submitted materials for recommendation of full authorization. The evaluation team will review the institutional materials to determine the institution's capability of on-site accreditation.
- D. Based on the recommendation of the evaluation team, the Department shall assign the institution to one of the following categories (as defined in **Section 2.02**):
 - Full Authorization
 - Not Recommended for Authorization
- E. An Evaluation Team will consist of several appropriate independent evaluators selected by Department staff, based on institution type and the accrediting body from which the applicant shall seek accreditation.

In addition to the required documents, additional materials may be requested by the evaluation team and/or department staff based on the criteria established by the accreditation association.

If the evaluation team does not recommend the applicant institution for state authorization, the applicant institution may not reapply for a period of one year from the date of notice and the application fee will be assessed upon reapplication. If the evaluation team recommends a conditional approval based on minor technical changes, the applicant institution will have six months to reapply and the Department will not assess another application fee.

3.03 Fee Schedule

3.03.01 A private college or university that submits an application for state authorization shall be subject to an application fee. The application fee reflects the direct and indirect costs of the evaluation process.

3.03.03 The fee will be \$3,000 for already accredited institutions.

3.04 New Private Colleges or Universities Desiring to Start Operating in Colorado

3.04.01 Criteria to Qualify as a New Private College or University

- A. The institution shall be neither a "private occupational school" nor a "seminary" nor "bible college" as described in the Degree Authorization Act.

- B. The applicant institution shall demonstrate its physical presence with the appropriate documentation.
- C. An institution which is currently operating but has not established accreditation will be regarded as a new institution and shall follow the process for such an institution.

3.04.02 Process to Establish Authorization

- A. Institutions seeking state authorization to operate in Colorado as a private college or university shall consult in person with the designated administrator of the Degree Authorization Act at the Colorado Department of Higher Education prior to the submission of required documentation.
- B. The applicant shall submit all required materials to the department, and department staff will determine if physical presence has been met. Authorization shall not be granted to institutions that do not have a physical presence in Colorado.

To apply for Probationary State Authorization an organization must provide to the Department full documentation that demonstrates fulfillment of each of the following criteria:

1. Familiarity with Accreditation and State Authorization Policies and Procedures

The institution shall be, and shall so state, that it is familiar with and understands accreditation procedures and state authorization policies and procedures. It shall state the name of the accreditation association from whom accreditation will be sought.

2. Statement of Mission

A statement of mission shall have been developed, formally adopted by the institution's governing body and made public, which defines the basic character of the institution including a brief description of the educational programs to be offered and their purposes, the students for which the programs are intended, the geographical area served by the institution (or the particular constituency it serves), and a description of how the institution will fit within the broader higher education community. The mission shall be appropriate to an institution of higher education and the institution must plan to award degrees.

3. Institutional Organization

A governing board that possesses and exercises necessary legal power to establish and review basic policies that govern the institution shall have been formally established. The board shall include among its

members some who represent the public interest and are sufficiently autonomous from the administration and ownership to assure the integrity of the institution. The department shall be provided a list of the members of the board with a brief resume for each.

An executive officer shall be designated by the governing board to provide administrative leadership for the institution. This officer's name and title and the address of the administrative office, shall be provided.

If faculty members are employed at the time the application is filed with the department, the faculty members themselves, their academic credentials (degrees, previous experience, etc.) and teaching fields shall be identified. If no faculty members have been employed, the institution shall describe the qualifications of the faculty that is to be recruited and the procedures that will be used to find and contract with faculty members.

Shareholder Information will be supplied, if applicable.

Principal Administrators shall be named along with the physical location of their office from which they will conduct daily business.

4. Degrees and Academic Programs

A degree (as defined in the Degree Authorization Act, 23-1-101 et seq., C.R.S.) shall be awarded upon successful completion of an educational program. The institution shall provide a list of the degrees it proposes to award.

The planned educational programs shall be compatible with the proposed institutional mission. The relationship shall be described in documents provided to the department.

The academic program proposed for offering shall be appropriately named and be based on fields of study recognized as appropriate for a postsecondary institution. Evidence shall be provided to the department that the fields of study upon which the academic programs are to be based are, in fact, so recognized. Such recognition, for example, could be demonstrated by the existence of professional literature in the field; the offering of similar programs in already-accredited institutions, generally; and by the existence of professional organizations related to the field.

The content and length of the proposed academic program shall follow practices common to institutions of higher education. Typically, the proposed academic program shall include at least: (1) one

undergraduate program planned for two or more years in length; or, (2) one graduate program of at least one academic year in length. Documentation shall be provided to the department that lists all requirements for a degree and the curricula offered leading to the degree, showing planned typical student programs by semester or term.

Any proposed undergraduate degree program shall include a coherent general education component that is consistent with the institution's mission and appropriate to its educational programs.

Student access to all necessary learning resources and support services shall be provided. Necessary resources and support services vary by type of program, but all require some use of library resources. Laboratories may be required for some programs. Support services such as academic advising, financial aid counseling, and support for special, targeted, constituencies may be needed. The institution shall describe the learning resources and support services that it will provide and state how they will be provided to students on a regular, dependable basis.

5. Admission Policies

Admission policies shall be consistent with the institution's mission and appropriate to the educational program. The department shall be provided with a copy of the institution's admission policies.

6. Financial Resources

The institution shall have financial resources adequate to support start-up activities and sources of funds sufficient to ensure that the institution can sustain itself once students have been admitted. The department shall be provided with a current financial statement, an audit report of a financial audit completed within the previous twelve months by a certified public accountant, or other substantial evidence.

C. Following the submittal of the required documents and based on the institution's selected accreditation body, the Department shall hire an evaluation team to review all submitted materials for recommendation of state authorization. Recommendation will be based on reasonable potential of the institution becoming accredited.

D. Based on the recommendation of the evaluation team, the Department shall assign the institution to one of the following categories (as defined in **Section 2.02**):

- Probationary Authorization

- Not Recommended for Authorization

- E. Institutions that have been recommended for probationary authorization shall not enroll students until Department staff have received documentation that the accreditation process has been initiated. Once the applicant institution demonstrates the initial accreditation process with the declared accreditation agency, it may begin enrolling students.
- F. An evaluation team will consist of several appropriate independent evaluators selected by Department staff based on institutional type and the accrediting body from which the applicant shall seek accreditation.

In addition to the required documents, the institution may be requested to submit additional materials for the evaluation team and/or department staff based on the criteria established by the accreditation association.

If the evaluation team does not recommend the applicant institution for state authorization, the applicant institution may not reapply for a period of one year from the date of notice. If the evaluation team recommends a conditional approval based on minor technical changes, the applicant institution will have six months to reapply.

3.05 Fee Schedule

- 3.05.01 A private college or university that submits an application for state authorization shall be subject to an application fee. The application fee reflects the direct and indirect costs of the evaluation process.
- 3.05.03 The fee will be \$6,000 for new institutions or operating unaccredited institutions.

4.00 Re-Evaluation of Authorized Institutions

4.01 Seminaries and Bible Colleges

- 4.01.01 If it is found that the institution does not meet one or more of the listed criteria the institution will be allowed to adjust its application and apply as a private college or university or adjust the declared role and mission statement to apply as a bona fide seminary or bible college.
- 4.01.02 If substantive changes are made by the institution after receipt of authorization in its mission or its program it shall reapply for authorization.
- 4.01.03 An institution authorized as a seminary or bible college that fails to continue to meet the criteria for a bona fide religious institution shall have its authorization terminated. The institution shall be so notified in writing. A phase-out period of not more than one additional academic term shall be permitted. An appeal to the Commission may be filed. In the absence of a timely appeal the termination shall be final.

4.02 Private Colleges or Universities

4.02.01 Private colleges or universities with full state authorization shall be notified of the termination of authorization by the Commission if at any point the accreditation agency withdraws the institution's accreditation. The institution shall be so notified in writing. A phase-out period of not more than one additional academic term shall be permitted. An appeal to the Commission may be filed within 30 days of notification. In the absence of a timely appeal the termination shall be final.

4.02.02 Probationary authorized private colleges or universities who fail to make satisfactory progress upon which their state authorization was based is terminated by the accrediting agency for any reason shall no longer be authorized, effective the date of termination of accreditation. A phase-out period of not more than one additional academic term shall be permitted if the institution had been granted authorization to enroll and instruct students.

4.03 Appeals to the Commission by private colleges or universities, or by seminaries or bible colleges.

4.03.01 Appeals to the Commission by institutions notified of the termination of their authorization shall be in writing and must be received within 30 days of the date of the mailing of the notice by the Commission to the institution of termination of the institution's state authorization.

4.03.02 Upon appeal, a hearing shall be held by the Commission at a regular monthly meeting. The Commission's decision shall be final.

5.00 Closure and Termination Notification Requirements

5.01 Notification to Cease Offering Degrees or Degree Credits

5.01.01 Institutions that are not authorized but offer degrees and/or degree credits in Colorado shall be notified by certified mail that they shall cease immediately to offer degrees and/or degree credits. The Commission shall initiate appropriate legal action if the institutions fail to comply.

5.02 Notification and Deposit of Records upon Discontinuance of a Program or Institution

5.02.01 If an authorized institution, branch campus or extension program of an authorized institution discontinues operation in this state, its chief executive officer shall notify the Colorado Department of Higher Education of the date of discontinuance and the name and address of the agency where records will be maintained.

5.02.02 Records shall be permanently maintained and copies may be obtained by authorized parties. Such records shall include but not be limited to information pertaining to the admission of each student and former student and the

educational record of each student and former student. Financial aid records of each student and former student shall be retained consistent with state and federal regulations.

6.00 Student Complaints

- 6.01.01 A student or former student of a private college or university, bible college or seminary may file a complaint with the Department concerning the institution in which the student is or was enrolled. The Department is authorized to investigate complaints based on a claim of a deceptive trade practice. The Department shall not have jurisdiction to consider complaints that infringe on the academic freedom, religious freedom, or question the curriculum content of a private college or university, bible college or seminary.
- 6.01.02 Upon receipt of a complaint, the Department shall verify that the complaint warrants investigation as a deceptive trade practice. A complaint will warrant investigation only when the student has exhausted all complaint and appeals processes available at the institution. A complaint will be dismissed if it does not warrant investigation under the guidelines set forth herein and is not a deceptive trade practice. If the complaint warrants investigation, the Department shall first forward the complaint to the institution for a written response. The institution shall have 30 days to forward its response to the Department, and a copy of the response shall be forwarded to the student. During the thirty-day period, the institution may attempt to resolve the complaint with the student, and the Department shall assist in the efforts to resolve the complaint. If the Department determines at any time that a complaint no longer warrants investigation, the Department shall dismiss the complaint.
- 6.01.03 If a complaint is not resolved during the thirty-day period, the Department may dismiss the complaint based on the institution's response, investigate the complaint further, or recommend that the Commission evaluate the merits of the complaint. If the Commission finds the complaint is meritorious, it may recommend that the private college or university, bible college or seminary take appropriate action to remedy the complaint.
- 6.01.04 If the private college or university, bible college, or seminary does not take action on the recommendation of the Commission, the Commission may forward the complaint and findings to the attorney general.
- A. The Commission, acting through the attorney general, may proceed by injunction against any violation of this article, but an injunction proceeding or an order issued therein or as a result thereof shall not bar the imposition of any other penalty imposed for violation.
- 6.01.05 It is a deceptive trade practice for:

- A. A school or agent to make or cause to be made any statement or representation, oral, written, or visual, in connection with the offering of educational services if such school or agent knows or reasonably should have known the statement or representation to be materially false, substantially inaccurate or materially misleading;
- B. A school or agent to represent falsely, directly or by implication, through the use of a trade or business name to deceptively conceal the fact that it is a school;
- C. A school or agent to adopt a name, trade name, or trademark that represents falsely, directly or by implication, the quality, scope, nature, size, or integrity of the school or its educational services;
- D. A school or agent to intentionally and materially represent falsely, directly or by implication, that students completing a course or program of instruction successfully may transfer credit therefore to any institution of higher education;
- E. A school or agent to intentionally and materially represent falsely, directly or by implication, in its advertising or promotional materials or in any other manner, the size, location, facilities, or equipment of the school, the number or educational experience qualifications of its faculty, the extent or nature of any accreditation received from any accrediting agency or association;
- F. A school or agent to provide prospective students with any testimonials, endorsements, or other information that has the tendency to materially mislead or deceive prospective students or the public regarding current practices of the school;
- G. An agent representing an out-of-state school to represent, directly or by implication, that said school is approved or accredited by the state of Colorado;
- H. A school or agent to designate titles to employees whose primary job duties are to recruit students, which titles have the tendency to mislead or deceive prospective students or the public regarding the authority or qualifications of such employees.