



EXECUTIVE ORDER #37

**Relating to Postsecondary Educational Institution Compliance with the
U.S. Department of Education Program Integrity Rule**

WHEREAS, federal student financial aid provides a critical source of funding to help keep colleges affordable for Wisconsin students and working families;

WHEREAS, the Final Rule adopted by the United States Department of Education at 75 Fed. Reg. 66832-66975 (October 29, 2010), commonly known as the Program Integrity Rule, was instituted for the purpose of improving integrity in the programs authorized under Title IV of the Higher Education Act of 1965, as amended, (HEA), by amending the regulations for institutional eligibility under the HEA;

WHEREAS, HEA § 101(a)(2) defines an institution of higher education to be an educational institution in any state that is legally authorized within such state to provide a program of education beyond secondary education;

WHEREAS, the Program Integrity Rule requires that an institution of higher education that applies to participate in a federal program under the HEA must demonstrate that it has the legal authority to offer postsecondary education in accordance with 34 CFR § 600.9;

WHEREAS, the Program Integrity Rule further requires that an institution of higher education make the appropriate contact information available to enable a student or prospective-student to file complaints with an institution's accreditor, state approval or licensing entity, or other agency that would appropriately handle a student's complaint, and that the state should exercise the primary role and responsibility for student consumer protection against fraudulent or abusive practices by an institution of higher education;

WHEREAS, a state may fulfill its oversight role for student complaints against institutions of higher education through a state agency, the state attorney general, other appropriate state officials, or a combination of state agencies and state officials;

WHEREAS, according to United States Department of Education guidance issued in the Dear Colleague Letter dated March 17, 2011, a state may rely on a governing board or central office of a state-wide system of public institutions if the state has made the determination that the governing board or central office is sufficiently independent to provide successful oversight of complaints for the institutions in that system;

WHEREAS, pursuant to statutory authority, the University of Wisconsin System Board of Regents, the University of Wisconsin System Office of Administration, the Wisconsin Technical College System Board, and the

Wisconsin Technical College System Office are governing boards and central offices of their respective state-wide systems of public institutions; and

WHEREAS, the Wisconsin Association of Independent Colleges and Universities is the official organization of the Wisconsin private, nonprofit colleges and universities and is so recognized in state statute.

NOW THEREFORE, I, TONY EVERS, Governor of the State of Wisconsin, by virtue of the authority vested in me by the Constitution and laws of the State of Wisconsin, do hereby affirm:

1. The following institutions constitute institutions of higher education under HEA § 101 (a)(2) and are legally authorized in the State of Wisconsin by means of charter, statute, constitutional provision or other action issued by an appropriate state agency or state entity that identifies the institution by name and affirms or conveys to the institution the authority to operate educational programs beyond secondary education, including programs leading to a degree or certificate in accordance with 34 CFR § 600.9: Alverno College; Bellin College; Beloit College; Cardinal Stritch University; Carroll University; Carthage College; Columbia College of Nursing; Concordia University Wisconsin; Edgewood College; Herzing University; Lakeland University; Lawrence University; Maranatha Baptist University; Marian University; Marquette University; Medical College of Wisconsin; Milwaukee Institute of Art and Design; Milwaukee School of Engineering; Montessori Institute of Milwaukee; Mount Mary University; Nashotah House; Northland College; Ripon College; Sacred Heart Seminary and School of Theology; St. Norbert College; Shepherds College; Silver Lake College; Viterbo University; Wisconsin Lutheran College; Wisconsin School of Professional Psychology; University of Wisconsin-Eau Claire, University of Wisconsin-Green Bay, University of Wisconsin-La Crosse, University of Wisconsin-Madison, University of Wisconsin-Milwaukee, University of Wisconsin-Oshkosh, University of Wisconsin-Parkside, University of Wisconsin Platteville, University of Wisconsin-River Falls, University of Wisconsin-Stevens Point, University of Wisconsin-Stout, University of Wisconsin-Superior, University of Wisconsin-Whitewater; Blackhawk Technical College, Chippewa Valley Technical College, Fox Valley Technical College, Gateway Technical College, Lakeshore Technical College, Madison Area Technical College, Milwaukee Area Technical College, Mid-State Technical College, Moraine Park Technical College, Nicolet Area Technical College, Northcentral Technical College, Northeast Wisconsin Technical College, Southwest Wisconsin Technical College, Waukesha County Technical College, Western Technical College, and Wisconsin Indianhead Technical College.
2. The above-named Wisconsin institutions of higher education are exempt from additional state authorization requirements due to each institution's accreditation by one or more accrediting agencies recognized by the Secretary of the United States Department of Education, or as a result of the institutions being in operation for at least 20 years, pursuant to 34 CFR § 600.9.
3. Pursuant to statutory authority under Chapter 36 of the Wisconsin Statutes, the University of Wisconsin System Board of Regents and the University of Wisconsin System Office of Administration, as a governing board and central office, are both sufficiently independent from their institutions to receive, review, and resolve student or prospective-student complaints alleging violations of state consumer protection laws, including false advertising, violations of state laws or rules related to the licensure of postsecondary institutions, and complaints relating to the quality of education or other state or

accreditation requirements, in compliance with the Program Integrity Rule.

4. Pursuant to statutory authority under Chapter 38 of the Wisconsin Statutes, the Wisconsin Technical College System Board and the Wisconsin Technical College System Office, as a governing board and central office, are both sufficiently independent from their technical college districts to receive, review, and resolve student or prospective student complaints alleging violations of state consumer protection laws, including false advertising, violations of state laws or rules related to the licensure of postsecondary institutions, and complaints relating to the quality of education or other state or accreditation requirements, in compliance with the Program Integrity Rule.
5. The board of directors of the Wisconsin Association of Independent Colleges and Universities, as the official organization of Wisconsin private, nonprofit colleges and universities under Sections 15.185, 15.377, 15.675, 36.31, 39.285, 39.437, 106.57, 115.28, 115.297, 118.19, and 440.52 of the Wisconsin Statutes, is fully prepared to support and facilitate coordination with statutory and constitutional agencies to ensure successful oversight over student or prospective-student complaints alleging violations of state consumer protection laws, including false advertising, violations of state laws or rules related to the licensure of postsecondary institutions, and complaints relating to the quality of education or other state or accreditation requirements, in compliance with the Program Integrity Rule.
6. Pursuant to Section 440.52 of the Wisconsin Statutes, the Wisconsin Department of Safety and Professional Services has the authority to regulate certain postsecondary for-profit and out-of-state nonprofit institutions offering instruction and doing business within the state.
7. The Wisconsin Department of Safety and Professional Services, and the institutions that comprise the University of Wisconsin System, the Wisconsin Technical College System, and the Wisconsin Association of Independent Colleges and Universities, maintain and provide ongoing review of policies and procedures to adequately receive, investigate, and manage the majority of student complaints regarding institutional programs and activities in a timely, effective, and transparent manner.
8. In addition to the full array of institutional policies and procedures provided by the colleges, universities, systems, and agencies identified herein, the State of Wisconsin has the requisite and duly authorized statutory and constitutional state agencies to provide necessary oversight and review of complaints against postsecondary institutions through one or more of the following agencies: the Department of Public Instruction, Section 15.37 of the Wisconsin Statutes; the Department of Agriculture, Trade and Consumer Protection, Section 15.13 of the Wisconsin Statutes; the Department of Safety and Professional Services, Section 15.40 of the Wisconsin Statutes; the Department of Financial Institutions, Section 15.18 of the Wisconsin Statutes; and the Department of Justice, Section 15.25 of the Wisconsin Statutes. The above state agencies shall provide oversight and review of such complaints only upon request or referral of such complaints by the University of Wisconsin System Board of Regents, the University of Wisconsin System Office of Administration, the Wisconsin Technical College System Board, the Wisconsin Technical College System Office, or the Wisconsin Association of Independent Colleges and Universities, unless otherwise required by state law.

9. This Executive Order supersedes Executive Order # 270 signed on January 12, 2018, which superseded Executive Order #147 signed on December 30, 2014, which superseded Executive Order #97 signed on February 1, 2013, which superseded Executive Order #59 signed on February 15, 2012, which superseded Executive Order #37 signed on June 28, 2011.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison this thirtieth day of July in the year of two thousand nineteen.

A handwritten signature in black ink, appearing to read "Tony Evers", written over a horizontal line.

TONY EVERS
Governor

By the Governor:

A handwritten signature in blue ink, appearing to read "Doug La Follette", written over a horizontal line.

DOUGLAS LA FOLLETTE
Secretary of State