

**13-34-108 Information required to be available -- Documents to be fair and accurate -- Fair and ethical practices.**

- (1) It is a violation of this chapter for any institution or proprietary school, which is required to file a registration statement under this chapter, to offer postsecondary education in this state unless:
  - (a) the institution or proprietary school makes available:
    - (i) in writing;
    - (ii) to all applicants;
    - (iii) prior to:
      - (A) enrollment of the applicant; or
      - (B) the receipt of any tuition by the institution or proprietary school; and
    - (iv) information that includes the following:
      - (A) the proprietary school name, which shall be representative of the programs offered at the proprietary school;
      - (B) the address of the proprietary school;
      - (C) the location of the proprietary school;
      - (D) the facilities, faculty, training equipment, and instructional programs of the proprietary school;
      - (E) enrollment qualifications;
      - (F) accurate information regarding the relationship of the program of the institution or proprietary school to state licensure requirements for practicing a related occupation and profession in Utah;
      - (G) tuition, fees, and other charges and expenses;
      - (H) financial assistance, cancellation, and tuition refund policies, including the posting of:
        - (I) a surety bond;
        - (II) a certificate of credit; or
        - (III) an irrevocable letter of credit;
      - (I) length of programs;
      - (J) graduation requirements;
      - (K) subject to Subsection (2), for each of the immediately preceding three years:
        - (I) graduation rates; and
        - (II) employment rates; and
      - (L) awarding of appropriate educational credentials to indicate satisfactory course completions;
  - (b) all recruiting documents, advertising, solicitations, publicity releases, and other public statements regarding the proprietary school are fair and accurate;
  - (c) all agents or sales representatives of the proprietary school are required by the proprietary school to comply with ethical practices prescribed by the division; and
  - (d) the institution or proprietary school makes available to the division for inspection during normal business hours, whether or not the inspection is scheduled or announced, all records relevant to:
    - (i) the operation of the institution or proprietary school; and
    - (ii) the efforts of the institution or proprietary school to comply with this chapter.
- (2)
  - (a) Beginning on May 2, 2005, an institution or proprietary school shall collect and maintain the information necessary to comply with Subsection (1)(a)(iv)(K).
  - (b) Prior to May 2, 2008, if an institution or proprietary school has the information described in Subsection (1)(a)(iv)(K) for a time period of three years or less, the institution or proprietary

school shall provide the information for the time period the institution or proprietary school has the information.

Amended by Chapter 221, 2011 General Session