

Cheryl Dowd: We're on.

Dan Silverman: Good day listening public. Thank you for lending your ear. Your ears, I guess, probably plural for the October 2019 edition of the SAN podcast, the perhaps permanently untitled SAN podcast. We really are working on it. I am Dan Silverman joined as always by my cohost Cheryl Dowd. Cheryl, do you read me?

Cheryl Dowd: Hi everybody.

Dan Silverman: Great. Today, we have a very special guest, Alan Contreras. Alan was a veteran, and I am pretty sure, maybe we'll clarify this, still only semiretired state regulator of education in Missouri and Oregon, and was one of the framers of NC-SARA, as well as the man who wrote the book literally on state authorization. Alan, did you know that your blue book is probably the most gifted item at all SAN workshops?

Alan Contreras: That is very good news because I actually earn a royalty from that book. And I worked with several people to produce that, and I'm glad it's useful to folks.

Dan Silverman: Sure is. It sure is. And I think it's narrowly beating out Hershey's kisses as our most given away object.

Alan Contreras: Well if I'm ever there though, if you get Hershey's dark chocolate, that will take care of me.

Dan Silverman: Okay, we'll note that. We'll note that.

Cheryl Dowd: I'm writing that down. Thanks.

Alan Contreras: Thank you.

Dan Silverman: So let's get started. Let's go back to your... Actually this is a question that we ask pretty much all of our guests in one form or another right at the top. You have a lot of talents, a lot of interests. Why did you choose higher education regulation as a career?

Alan Contreras: You know, it was kind of an accident. When I got out of law school, I was in a joint degree program, a master's program in public administration. But not long after I finished law school, the University of Oregon hired me to work for one of its civil research institutes on local government law, which is where I had worked for two years as a law student.

So I was then a university, technically, a research faculty person for a couple of years. But I was learning a lot about the institution and how it worked also, just from having been there a long time, and having friends who were faculty and so on. So that was a soft money job, and when that soft money faded away, the

job that looked most interesting that I got interviewed for, and eventually hired for, was with the Missouri Coordinating Board for Higher Education.

So I went out to work in Jeff City for three years working with Michael McManus, and Robert Stein, and Leroy Wade. Leroy was there at the time also. It's been a lot of fun to stay connected with him over the years. So that's how I got into the world of higher ed oversight. From there I came back to Oregon to work six years with the Oregon Community College Association. Then back to the University of Oregon president's office briefly before I went onto 12 years as the state regulatory officer and academic fraud investigator for the state agency.

Dan Silverman: So what was it that grabbed you about that subject area after your initial two year research?

Alan Contreras: Well, higher education is a really varied and interesting world. There's always a lot of things going on. You get to work with very interesting knowledgeable people. And of course when you work in higher ed you're automatically working with the future because everything you do affects the young people who are coming in. And I have always enjoyed that aspect of it, of being able to do something that I think of as useful for future generations.

Dan Silverman: So in your work in let's say in Oregon and the degree authorization [inaudible 00:04:24], over the years you were there, what was one of the main changes in the type of issues that you faced. In other words, was there some things that you came across early that were then replaced?

Alan Contreras: I think the main thing that is different is that when I started in higher education work, there was no internet. And all of the things that we think of that are attached to it basically didn't exist. And so for that reason it wasn't so much that the issues are different, it's the speed at which we had to react to these new things was different. A lot of my work when I worked for the state agency had to do with figuring out how to suppress and kill off diploma mills of various kinds operating both in the US and from foreign countries offering to students here in Oregon. And the fact is if you killed them off in one place, if you kill them off in Singapore, they'd show up in Central Africa two days later. So it isn't so much that the issues are different, but I think the way the issues are dealt with has changed a lot.

Dan Silverman: Do you see diploma mills as still a threat?

Alan Contreras: In some ways less a threat because the other thing that has is it's become a lot easier to figure out what is a legitimate institution and what is not. In most countries, there are meaningful government lists that you can now go to. And the same internet that made it easier to sell fake degrees has made it easier to investigate their use and the people who are busy selling them. So there are trade offs there. And I think that that has been helpful. There are still

problematic situations where you don't know that, whether an institution, it may be real, but it may be producing a product that nobody wants. And it's a tough thing.

Dan Silverman: Let's turn briefly to the formation of NC-SARA. Can you talk a little bit about the process that went into... because if I remembering correctly, you were really one of the coauthors of the original SARA manual.

Alan Contreras: Well, when I was still working for the state, I was approached by Paul Shiffman who ought to be thought of as the godfather of SARA about coming to a meeting of potentially interested people trying to make something like this happen now. There had been earlier attempts. There was a thing called ALLTEL years ago, and there'd been at least a couple of others. Mike Goldstein I know was involved in one of those.

But what we had this time was we had backing from the Council of State Governments, and also fairly early on we had some significant grant support from multiple sources. And so what happened was we all got called in to this meeting, and we went and people kind of said, "I don't know if this can happen." But when the grants became available, I was one of about 15 people that was brought in to serve on... I was brought in as a consultant to the group of people who were going to try to draft the SARA operational norms basically from scratch.

But in effect we were all just one big group of folks, and that lasted a couple of years. That is what eventually produced the SARA concept. Partway through that process, it became clear that the sensible way to do this was to work through the four existing regional compact. And that is what ended up happening.

So when we got the grants to actually make this happen, I ended up a working for a while out of, I lived in the Boulder area for a little while when Marshall Hill was hired as the director, and I was Marshall's assistant as we started. That's kind of how I got into it, and that's how the mechanics of it happened. It was something that the institutions desired, that the states were willing to work with, and that the regional compacts were willing to support. And it has stayed that way. And I worked there for a while as an employee. I am now, as you said earlier, semiretired, but I still work for NC-SARA as a consultant.

Dan Silverman: When along the way, and Cheryl, feel free to jump in of course anytime, when along the way, because you've mentioned that this idea had been batted around, there had been other other attempts, when maybe at some point in that two year period, or when did you start to think that, hey, maybe this time is different, and why?

Alan Contreras: I think probably the most important thing is that we had grant support that allowed us to have staff. Previous attempts to do this had been almost entirely

operated by volunteers who were trying to peel off bits of time to work on it. There had not really been a situation in which there was dedicated staff based at all four of the regional compacts with some kind of central coordination function. So that made a huge difference.

And also there are unique circumstances. Marshall Hill and I were both sort of at the tail end of our normal professional work. We were both interested in this issue. We had actually never met. Well, we talked a bit, we'd never met in person until SARA started. And it turned out that we worked very well together and enjoyed the work. So there's a whole sequence of events there including support from the four regional compacts. It's a timing thing, it's a financial support thing, and it's having the right folks available at the right time.

Cheryl Dowd: Hey Alan, did the 2010 program integrity regs did, did that help influence and cause, I know amongst the institutions there was significant concern, so I was wondering if that helped to push your conversations along to make something that was more of a structure to do reciprocity.

Alan Contreras: It was one of the things that got talked about. I think our first meeting, I retired from the state in 2011, I think our first meeting to discuss SARA was either in 2009 or '10, so these things happened at about the same time. But what had also been happening then is a really big increase in the amount of distance ed activity and the complexity of that, and states trying to figure out just what it is they wanted to do about it.

The other thing that was going on was that some institutions at that point, it was about the time they started hiring third party vendors to do a lot of the work on some of their distance programs. One of the situations I ran into as a state regulator is an institution that had hired a, pardon me, a third party vendor, and they thought that person could actually do their licensure application to the state of Oregon. And I said, "No, you're not a degree granting institution. The institution has to do that itself." So institutions were starting to learn things about how other states operated that they'd never had to deal with before. So I think that overlap of factors was a big deal.

Cheryl Dowd: Yeah. It seemed to be a perfect storm. I know Patty Landis showed us a graph of the increase of online learning that was occurring, and there was a sharp jump right about the time that the program integrity regulations came out, and your conversations started to get more intense. So it was a great amount of events all at one period of time. That's very interesting how that all occurred.

Alan Contreras: Well, one of the things that happened then is that some states realized that they could not maintain appropriate oversight of this kind of activity without having a revenue stream to support it. That meant you started seeing fee structures come into place within the state. The state of Oregon didn't have a very large fee, but Virginia and Maryland did. And there were some other states that started to do that.

And that meant that the cost, by the time we started SARA, Oregon State University estimated that it was spending about a quarter million a year, not counting staff time, to deal with all of the interstate licensure and approval things that it had to do for its fairly large suite of interstate programs. So the volume drove a cost, and the cost made people pay attention because SARA offered a less expensive way to get this done.

Dan Silverman: What about the cost in terms of time devoted to reporting requirements? I know some States have them in varying degrees. SARA has its own standardized version. How did that come about?

Alan Contreras: Well, some states had just enormous sort of annual reports and piles of paper that you had to do. And at that time, almost all of this could only be done on paper. I mean, Oregon, when somebody wanted to renew their license, they had to send me a three ring binder that was probably a four pounder. And that's one of the reasons that the costs were so high is because these requirements, if you have a requirement like that in 20 or 30 states, then your staffing costs are going to go up significantly. But if you take the risk of going to that state without doing it, you could have really bad news.

I remember one institution offered courses in a program in Minnesota, and a student withdrew, and the institution tried to charge the student a fee for withdrawing. And the student went to the Minnesota state agency and said, "Why do I have to do this?" And the state agency said, "Oh, guess what? They're not allowed to operate in Minnesota at all. So not only do you not have to pay a fee, but the institution does." So things like that were learning experiences for a lot of folks.

Dan Silverman: Another thing you said just a minute ago was about the rise of third party vendors. Where do you see that going?

Alan Contreras: I think institutions are still trying to do far too much of that kind of thing. It's fine if you want a third party vendor to produce something for you as an institution, but it's important to remember that only the institution has the legal authority to grant degrees or credits. And that's something that the government of one place or another has given it. The government has not given that authority to some third party vendor. So the ultimate responsibility is always going to be with the licensed degree granting institution. And down the road, I think institutions are going to have to be very careful about that.

Dan Silverman: Do you have any plans to update the blue book?

Alan Contreras: Yes. The blue book that people have used that I'm glad has been useful, we're going to be revising this winter. There will be a couple of additional legal cases that we have information for that are in there. There's going to be an update on whatever the feds decide to do. One of the reasons we're waiting at this point is that the feds keep stalling out on what it is they're going to do.

So as soon as that information is available, we will begin that process. I hope that that will be available by February or March. It just depends on how things flow. And it's going to be something similar to what exists now. And I know you folks will be involved in that, and so will Russ and Cheryl Thompson, and some other people.

Cheryl Dowd: And we look forward to that, Alan. We appreciate being able to collaborate with you. We think that we will see them very shortly. We got notice that the OMB review finished on the 17th. So I know that's a major hurdle that the department has to go through. So fingers are crossed.

Alan Contreras: I'm not sure whether I want to see him. Or I don't want to see him. Everybody's kind of waiting to see what they do.

Cheryl Dowd: Well, I think we're going to see that the regs are going to look like the proposed regs I would assume since it came out of consensus. But I think the preamble is what's going to be interesting is what's the color that they provide. So I think that's what I'm anticipating is what are they going to say about it?

Alan Contreras: I totally agree. It's interesting to know what their theme is going to be, where they want to go from here.

Cheryl Dowd: Right. Right. Well, I just really appreciate, I know Alan has been somebody that I have been listening to very intently since I started doing this work. So just for me personally, Alan, I thank you for always being somebody who could be a straight shooter about what things mean. I know even as a compliance staff person at an institution, I responded just to a SAN listserv, and you responded to me, and got me connected with people. So you've been very influential in helping institutions and the staff members be able to put their arms around the subject area and to manage compliance. This was pre-SARA days, but I really appreciated that.

Alan Contreras: Well it's an area that where, unless you have worked in it for a while, the answers are not blindingly clear. And some things come up to which nobody's ever found an answer, and we have to sort these things out. So the kind of sharing and cross pollination that goes on within the SAN network and at the SARA events, I think has been good for a lot of folks.

Dan Silverman: So Alan, do you have any advice then for people who were newer to this field about how to learn more, and how to make an impact?

Alan Contreras: Well first of all, don't be afraid to ask questions about anything because the whole field is new enough that even when we think we have things figured out, new and surprising objects come out of the shrubbery, and they just have to be looked at and sorted out. The SARA staff gets together on a regular basis and talks about issues that we hadn't thought about, or the schools or states or

other entities are approaching differently than we thought they would. And these things just have to be worked through.

So if you have a question, certainly don't hesitate to ask it because there are probably 17 other people who have a similar question, and who haven't figured out how to ask it, or where to ask it. This is all kind of new, and that's okay. Among other things, it gives us the opportunity to try to do it right. And that gives school staff, institutional staff, the opportunity to have some input into that process.

Cheryl Dowd: That's good point. Thank you. Alan.

Dan Silverman: Last question because you did mention something there about the new things that come out of the shrubbery. This was a topic that came up at up SAN advanced topics workshop earlier this month in St. Louis. Have you been following, Alan, these centers where, I don't remember what they're calling them.

Cheryl Dowd: Micro campuses.

Dan Silverman: Micro campuses where it'll be a fully online program from an institution in another state. But students will gather either informally or formally in these, sometimes even in rented facilities by the institution. Other times just, hey everybody go to this Starbucks at 11:00 AM on Thursdays. Have you been following that?

Alan Contreras: Only lightly. And partly because we've had a couple of issues come up in SARA staff discussions because SARA has a special exception for some little short term programs. The problem is that what you're describing is not a little short term program. It's actually a designed longterm educational technique.

And the kind of thing you're describing is for the most part not going to be covered by SARA. There are situations that may be. But if you have an ongoing bunch of people gathering on the ground in a state to receive collective educational activity in a place, most of that kind of thing is going to be treated as a physical presence by most states, and in general, it's not going to be covered by SARA. So I think this kind of thing needs to be dealt with very, very carefully.

Cheryl Dowd: That makes a lot of sense.

Dan Silverman: It does.

Alan Contreras: The details matter in these things. This example you gave, something on this topic has come up at almost every SARA staff discussion for a year. And that's because institutions are trying new and creative things.

Dan Silverman: Well, and I think that's-

Alan Contreras: Trying new and creative things is good, but you have to pay attention to the details.

Dan Silverman: Well, and I think one of the details too is, is it organized? Who was organizing it? Are these glorified study groups, or are these encouraged more formally by the institution? And I think as communication starts to blur and starts to increase between the two, I think the facts become almost impossible to sort out.

Alan Contreras: We had a case in which a major religious entity was doing online instruction, and they had these groups of students that would gather at churches of their own denomination all over the United States in order to do these study group things. And we had to try to figure out is this... The problem was there was no way this could be just a casual gathering of students. This was an activity organized by the institution that had at least some, not a faculty presence, but there was a sort of docent person on site when this was happening to help the students sort through their academic stuff. And that's an example of just how complicated these issues could be because in some states that was considered a religious exempt activity. In a lot of states it was not. And so those are the kinds of questions that come up.

Dan Silverman: Well that's great, Alan. And great to end with a little maybe allusion to the Constitution. Can't ever go wrong.

Alan Contreras: I suspect we're going to be hearing a lot about the Constitution in the days ahead.

Cheryl Dowd: I think you're right.

Dan Silverman: Well, it's always fun. Well, thanks again Alan. We really appreciate it, and we are now going to turn to, actually Cheryl, I know we've been joking about this, but I have received some positive feedback specifically about Cheryl On Musicals.

Cheryl Dowd: Oh, that's hilarious. Really? Okay.

Dan Silverman: To protect the guilty, I will not say who it was. At least one or two.

Alan Contreras: I assure you to was not me. I don't [crosstalk 00:26:17].

Cheryl Dowd: It was not you. Okay. Okay. All right. Well I'm up for it.

Dan Silverman: You're up for it. We've got a couple of minutes. So that actually is kind of leading into my first question here, which is, because you've talked, Cheryl, in the past about going to certain venues, and how it changes particularly when these Broadway shows go to oftentimes bigger venues when they're traveling the country. What if I'm just not going to go to theater. I'm not going to do it. It



doesn't matter. Even if it was included in my Amazon Prime, I'm not going to go down to the local theater to watch a show. What are some of the factors that make a good film adaptation of a musical?

Cheryl Dowd: Oh, let's see. Certainly, well okay, so let's talk about a musical versus a play. So if it's a musical, talking about good voices. I think that an example of a decent movie adaptation that didn't choose the right actor would be the Les Mis recent film with Russell Crowe as Javert. There's a very important song that Javert sings, and Russell Crowe is a talented actor, but I don't think his voice was meant for this role. So I don't mean disrespect to him, but I don't think that was a good choice.

So I think you have to be true to the musical, if you're going to do a film adaptation. And good camera work, obviously I think Les Mis did a very good job with that. They tried to keep the emotion in. And what I understood they did in Les Mis was actually play the music. They had ear pieces in so that they were more in it as they were doing the film adaptation.

So it wasn't just, I don't know, and I'm sure this isn't high on your list of things to do Dan, but Broadway HD has some stage versions that have been filmed. And those are kind of fun for the somebody who's been to the show and seen it live. And then to see it again on Broadway HD, but filming something on stage is not as interesting to watch. So because the camera can't catch the things that are going on the side that actors stay in the moment when they're on a stage performing the show.

Dan Silverman: Well, exactly. And plus, if you're going to have a film, you should take advantage of the capabilities of film. Which if you're just filming a stage show, I think you're missing out on some of that.

Cheryl Dowd: I agree. I mean it was fun for me to see some things that I've seen before, but that doesn't take the place of seeing it live.

Dan Silverman: So can you think of an example of show that you actually think the film is, if not better, certainly a wonderful take on.

Cheryl Dowd: Yeah, sure. I have a great example of that. I think, and this is a fluff piece, but Mamma Mia was really well done as a movie. I've seen it on stage, and I enjoyed it on stage, but I think being able to use the islands and just the scenery that they're able to provide, and the extra actors that they were able to use in the background for Mamma Mia, they did a good job with that movie.

Dan Silverman: Well, while you're waiting for the next SAN podcast to appear, there is plenty to watch. We don't have a guest yet for next month, so reach out to us if you have suggestions. Otherwise, thanks again for listening. Thanks you Cheryl. Thank you Alan.

Cheryl Dowd: Thank you Dan. And thanks Alan very much for being on our call today.

Alan Contreras: Very happy to be here. Thank you.

Cheryl Dowd: Great. Have a great day everybody.