

**AUGUST 2, 2018  
BOARD APPROVED  
REVOCATION OF OPERATING  
AND DEGREE GRANTING  
AUTHORITY**

Item #II-5  
August 2, 2018

**HEARING OFFICER'S FINDINGS AND RECOMMENDATIONS RE:  
POSSIBLE REOVICATION OF OPERATING AND  
DEGREE GRANTING AUTHORITY –  
NORTHWEST SUBURBAN COLLEGE OF  
BASIC AND ALLIED HEALTH SCIENCES**

**Submitted for:**

Action.

**Summary:**

Item II-5 presents the hearing officer's findings and recommendations regarding the Possible Revocation of Operating and Degree Granting Authority for Northwest Suburban College of Basic and Allied Health Sciences.

**Action Requested:**

That the Illinois Board of Higher Education move to revoke the Operating and Degree Granting Authority for Northwest Suburban College of Basic and Allied Health Sciences as presented in Item II-5.



STATE OF ILLINOIS  
BOARD OF HIGHER EDUCATION

**HEARING OFFICER'S FINDINGS AND RECOMMENDATIONS RE:  
POSSIBLE REOVICATION OF OPERATING AND  
DEGREE GRANTING AUTHORITY –  
NORTHWEST SUBURBAN COLLEGE OF  
BASIC AND ALLIED HEALTH SCIENCES**

*The following documents are attached:*

*Executive Summary*

*Hearing Transcript*

*IBHE's Exhibit A*

*IBHE's Exhibit B*

*IBHE's Exhibit C*

*Defendant's Exhibit 1*

*Defendant's Exhibit 2*

*Defendant's Exhibit 3*

*Defendant's Exhibit 3A*

*Defendant's Exhibit 4*

*Defendant's Exhibit 5*

*IBHE's Closing Summary*

*NWSC's Closing Summary*

*IBHE's Reply to NWSC's Closing Summary*

*Hearing Officer's Findings and Recommendation*

*IBHE's Motion to Reconsider*

*NWSC's Motion to Reconsider*

*IBHE's Reply to NWSC's Motion to Reconsider*

*NWSC's Reply to IBHE's Motion to Reconsider*

*Hearing Officer's Denial of Motions to Reconsider*

*Agenda Item from 12.12.17 Board Meeting Appointing Hearing Officer*



To: Board Members  
Illinois Board of Higher Education (“IBHE”)

From: BURKE BURNS & PINELLI, LTD. (“BBP”)

Date: July 20, 2018

Re: Executive Summary

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- 1) On December 12, 2017, IBHE Staff determined that Northwest Suburban College of Basic and Allied Health Sciences (“NWSC”) and its degree programs do not meet the criteria in Section 1030 of the Illinois Administrative Code and recommended that the Board appoint a hearing officer for the possible revocation of its operating and degree granting authorities.
- 2) On December 12, 2017, the Board appointed hearing officer Joseph Cavanaugh.
- 3) A hearing was held on March 6, 2018 that lasted approximately four and a half hours. The IBHE and NWSC were both represented by counsel. Evidence and testimony were presented.
- 4) On or around April 13, 2018, the Hearing Officer made a written decision making findings of fact and a recommendation. In summary, the Hearing Officers’ recommendation was as follows:
  - a) The IBHE’s revocation power is discretionary.
  - b) IBHE has permissible grounds to revoke NWSC’s baccalaureate programs and Physical Therapist Assistant Degree.
  - c) IBHE should not revoke NWSC’s associate degree program or its operational authority.
- 5) IBHE filed a Motion to Reconsider on or about May 9, 2018 alleging the following:
  - a) The Hearing Officer committed two errors of law:
    - i) First, the Hearing Officer committed a reversible error when he found, pursuant to Section 1030 of the Illinois Administrative Code, IBHE’s authority to revoke NWSC operating and degree granting authority is not mandatory but rather the IBHE has the discretion to allow NWSC to continue to operate without accreditation.
    - ii) Second, the Hearing Officer erred by relying on information that was never admitted into evidence to make his findings and recommendation.
- 6) NWSC filed a Motion to Reconsider on or about May 9, 2018 alleging the following:

- a) That NWSC has new evidence that it could achieve accreditation for its Bachelor of Science in Biology program within a reasonable time frame and therefore, the Hearing Officer should reconsider its recommendation to revoke NWSC's Bachelor of Science in Biology program.
- 7) On or around June 13, 2018, the Hearing Officer denied the Motions for Reconsideration.
  - 8) The matter now before the Board for final determination as to whether the findings of fact and recommendation from the Hearing Officer should be:
    - a) Approved
    - b) Reversed
    - c) Remanded
  - 9) It should be highlighted that the current IBHE Administrative Code provides that "The Hearing Officer shall make a written report of findings and recommendation to the Board, which shall make a final determination and shall notify the institution of its decision." Section 1030.80(b)(5)(B)(iv).

ILLINOIS BOARD OF HIGHER )  
 EDUCATION, )  
 )  
 Plaintiff, )  
 )  
 -vs- )  
 )  
 NORTHWEST SUBURBAN )  
 COLLEGE, )  
 )  
 Defendant. )

Record of proceedings before JOSEPH J. CAVANAUGH, Administrative Hearing Judge, commencing at 1:45 o'clock p.m. on the 6th day of March, A.D. 2018 upon the above entitled caption.

A P P E A R A N C E S :  
 BURKE BURNS & PINELLI  
 MR. MARK JAMIL  
 MS. SUSAN D. STEFFY  
 70 West Madison Street  
 Suite 4300  
 Chicago, Illinois 60602  
 312-541-8600

on behalf of the Illinois Board of Higher Education;

HUSCH BLACKWELL  
 MS. LISA J. PARKER  
 120 South Riverside Plaza  
 Suite 2200  
 Chicago, Illinois 60606  
 312-526-1539  
 on behalf of the Northwest Suburban College.

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1 HEARING OFFICER: Good afternoon to everybody.  
 2 My name is Joseph Cavanaugh, spelled  
 3 C-a-v-a-n-a-u-g-h, and I'll be presiding as a  
 4 hearing officer today in this matter.  
 5 This matter is the Illinois Board of Higher  
 6 Education, and it involves Northwest Suburban  
 7 College of Basic and Allied Health Services, and  
 8 this hearing is being conducted to determine the  
 9 possible revocation of the Northwest Suburban  
 10 College operating and degree authority, due to three  
 11 issues that have been set forth in the notice of  
 12 February 1st. And everyone has a copy of that  
 13 notice, I take it, or would you like me to indicate  
 14 for the record what it is?  
 15 MS. STEFFY: We have a copy.  
 16 HEARING OFFICER: Okay. Have you a copy of  
 17 that, and I imagine it might be introduced into  
 18 evidence as the notice from the Board.  
 19 So, what we're going to do is we're going  
 20 to proceed just like any other hearing or trial.  
 21 We'll have brief opening statements, regarding your  
 22 positions, and then the Board will go first with  
 23 evidence, and cross, and then we'll proceed with the  
 24 College's position on this case, and proceed along

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1 the same way. And we'll have closing arguments at  
 2 the end of this case, okay?  
 3 That being said, is there any other issues  
 4 we should address? Is there -- fine with everyone  
 5 being in the same room? I don't know if you have  
 6 witnesses or whatever?  
 7 Okay. Let's first do this, okay, because  
 8 I'm asking questions and everyone is looking at me,  
 9 so, I'm sorry, let's identify ourselves for the  
 10 record, okay. We'll start with the Board, please,  
 11 and introduce yourselves.  
 12 MS. STEFFY: Susan Steffy, S-t-e-f-f-y, as  
 13 Counsel for the Illinois Board of Higher Education.  
 14 DR. BERNOTEIT: Stephanie Bernoteit,  
 15 B-e-r-n-o-t-e-i-t, Deputy Director for Academic  
 16 Affairs, Illinois Board of Higher Education.  
 17 MR. JAMIL: Mark Jamil, J-a-m-i-l, outside  
 18 Counsel.  
 19 HEARING OFFICER: I'm sorry?  
 20 MR. JAMIL: Outside Counsel for the IBHE.  
 21 HEARING OFFICER: Okay. So would the College  
 22 introduce themselves, please.  
 23 MS. PARKER: Lisa Parker, outside Counsel,  
 24 representing Northwest Suburban College.

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1 HEARING OFFICER: Okay.  
 2 MR. IRFAN: Kareem Irfan, Executive  
 3 Vice-President Northwest Suburban College.  
 4 HEARING OFFICER: Thank you.  
 5 DR. ALINIAZEE: Im Dr. AliNiazee, Im President  
 6 of Northwest Suburban College.  
 7 DR. ZIMMERMAN: Im Dr. Larry Zimmerman. I am  
 8 Chairman of the Advisory Board of Northwest Suburban  
 9 College.  
 10 MS. KANCENGWA: Im Genette Kancengwa,  
 11 K-a-n-c-e-g-w-a, Im a student at Northwest Suburban  
 12 College.  
 13 HEARING OFFICER: You're a student?  
 14 MS. KANCENGWA: Yes.  
 15 HEARING OFFICER: Okay. So, that being said,  
 16 any other preliminary matters we need to address?  
 17 MS. PARKER: Just, as a preliminary matter, we  
 18 just wanted to note for the record that we have  
 19 requested to know the identify of the hearing  
 20 officer, prior to the hearing, so we're glad to  
 21 finally meet you, but we did not receive that  
 22 information. So I just wanted to note that.  
 23 HEARING OFFICER: Okay. I have no affiliation  
 24 with the Board. I'm independent, so. Okay. Just,

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1 any other questions regarding that issue?  
 2 Okay. So, opening statement for the Board?  
 3 MS. STEFFY: Yes. This matter is before the  
 4 Illinois Board of Higher Education. It's pursuant  
 5 to the Private College Act and the Academic Degree  
 6 Act. Pursuant to that Act, the Illinois Board of  
 7 Higher Education has, the Board has determined to  
 8 revoke Northwest Suburban College's authorization to  
 9 operate and award degrees, based on certain sections  
 10 of the statute, which was pursuant to 1030.80.  
 11 One of the matters is for loss of  
 12 accreditation. Loss of accreditation status within  
 13 an accrediting body, with which the institution is  
 14 or was affiliated.  
 15 And also for failure to maintain the  
 16 conditions under which the institution and/or its  
 17 certificates and/or its degrees were authorized, and  
 18 also failure to offer degrees or instruction for one  
 19 12-month period.  
 20 As we'll present today to you evidence that  
 21 the accrediting body, which we'll refer to as ACICS,  
 22 has issued on November 16th, 2017, issued a letter  
 23 to Northwest Suburban College that they had lost  
 24 their accreditation due to suspension.

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1 I believe Northwest Suburban College had  
 2 filed an appeal, however, that appeal was denied.  
 3 And as of November 16th, ACICS withdrew their  
 4 accreditation. And at this time Northwest Suburban  
 5 College is no longer, is without accreditation.  
 6 And pursuant to the rules and the statute,  
 7 a private college cannot operate without having an  
 8 accreditation authority.  
 9 Additionally, there is, we'll present  
 10 evidence today there will be, there is certain  
 11 programs and Associate degree programs and Bachelor  
 12 of Science degree programs, which while they were  
 13 approved by the Illinois Board of Higher Education,  
 14 they never received the proper accreditation under,  
 15 through ACICS, and for over a 12-month continuous  
 16 period, and, therefore, those programs also have to  
 17 be withdrawn under, pursuant to the statute, so.  
 18 HEARING OFFICER: I'm sorry, I didn't hear you.  
 19 MS. STEFFY: No, I'm sorry.  
 20 HEARING OFFICER: That's okay. Take your time.  
 21 MS. STEFFY: So, yes, under that, so pursuant to  
 22 the rules and the statute, the Illinois Board of  
 23 Higher Education determined to revoke Northwest  
 24 Suburban College's authorization to operate and



1 award degrees, and this is why we're now here for  
2 the hearing, pursuant to the statute, Northwest  
3 Suburban College is entitled to a hearing, and  
4 that's why we're here today.

5 HEARING OFFICER: Okay. Thank you. College?

6 MS. PARKER: Good afternoon. We are here, of  
7 course, Northwest Suburban College, and as we will  
8 have the testimony of our founder and president, you  
9 will learn a little bit about the College, as well  
10 as our advisory board and student, as to the passion  
11 behind the College, the mission of the College, and  
12 its purpose.

13 On behalf of the IBHE, as they have set  
14 forth, they set forth three grounds on which they  
15 believe are for the possible revocation of the  
16 College's operating authority and degree granting  
17 authority.

18 Just to clarify, one of the things that  
19 Miss Steffy said was that the Board had determined  
20 that these should be revoked. It's our  
21 understanding that we're at this hearing today so  
22 that you can look into the possible determination,  
23 it's not quite been determined yet, but we're here  
24 to explain why we think the grounds set forth are

1 conditions are, and all that they have come back  
2 with is that there was a loss of accreditation.

3 And then the third ground on which they  
4 have sought to revoke the operating and degree  
5 granting authority is based on the idea that, as  
6 they have set forth in a letter to us, that the  
7 rules do not permit any gap in accreditation. And  
8 we disagree with that understanding of the rules,  
9 which we will explain.

10 We think that there is discretion that IBHE  
11 has with respect to whether or not they will allow a  
12 school to proceed without accreditation.

13 So, on those three grounds, we will be  
14 responding.

15 HEARING OFFICER: Okay. Thank you very much.  
16 Okay. Board, would you like to present your first  
17 witness?

18 MS. STEFFY: Yes, we'll be calling  
19 Dr. Bernoteit.

20 HEARING OFFICER: Okay. And I think that's fine  
21 to sit there, if that's okay with you.

22 Swear in the witness.  
23 (Witness sworn.)  
24

1 not accurate. And so we'll go through each one of  
2 those three grounds as part of our presentation  
3 today.

4 The first, as she mentioned, was that one  
5 of the grounds is you can revoke operating authority  
6 if there's not been continuous instruction or  
7 degrees for a 12-month period.

8 As we will explain, that is not the case  
9 here. The College is operational. It is  
10 continually instructing students, and it has not  
11 ceased operating its degree programs for a  
12 continuous 12-month period. So it's factually  
13 incorrect.

14 There was also a statement just made that,  
15 that was related to the degree programs and whether  
16 or not they have operated for a 12-month continuous  
17 period. And, as we'll explain, we have been  
18 offering degrees, and it's, they have not ceased for  
19 12 months.

20 The second point on which IBHE, the staff  
21 has recommended the potential revocation is the idea  
22 that the conditions under which IBHE had granted the  
23 authority have somehow changed.

24 We have asked IBHE to clarify what those

1 DIRECT EXAMINATION

2 by Ms. Steffy:

3 MS. STEFFY: Q Okay. Again, please state your  
4 name for the record?

5 A Stephanie Bernoteit.

6 Q And, Miss Bernoteit, what is your title?

7 A I serve as Deputy Director for Academic  
8 Affairs with the Illinois Board of Higher Education.

9 HEARING OFFICER: Okay. So if you can speak up  
10 a little louder than that.

11 MS. STEFFY: Should we put her over here?

12 HEARING OFFICER: Yeah, that's great. That's a  
13 perfect idea, so everybody in the whole room can  
14 hear. Thanks.

15 MS. STEFFY: Q And how long have you been in  
16 your position as the Deputy Director?

17 A I have been in my position as Deputy  
18 Director, on an interim basis, beginning November of  
19 2017, and on a permanent basis beginning January  
20 2018.

21 HEARING OFFICER: Speak that way so everyone can  
22 hear you.

23 MS. STEFFY: Q And can you please provide a  
24 brief description of your job responsibilities?

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1 A Yes. In my position, as Deputy Director for  
 2 Academic Affairs, my responsibilities with the Board  
 3 of Higher Education are to oversee the agency's  
 4 statutory responsibilities to regulate post  
 5 secondary education in Illinois.

6 I have responsibility for two broad  
 7 categories of post secondary education, that  
 8 includes regulation of private business and  
 9 vocational schools that offer vocational training,  
 10 and, also, degree granting institutions, both  
 11 private, for-profit, and private, not-for-profit, as  
 12 well as our State's public universities.

13 I have, also, responsibility for enacting  
 14 the agency's priorities to promote post secondary  
 15 student success in Illinois.

16 (Whereupon Mr. Jamil left the room.)

17 Q And can you explain to us what type of  
 18 institutions, or what institutions have to do to get  
 19 approval from the IBHE to operate a private college  
 20 and award degrees?

21 A Yes. Our statute and administrative rules,  
 22 through the Board of Higher Education, lay out a  
 23 series of steps that, in this case, private  
 24 independent institutions must complete in order to

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1 have authority to operate in Illinois.

2 And authority to operate means having a  
 3 physical presence and offering credit bearing course  
 4 work, as well as authority to confer degrees, as a  
 5 result of offering credit bearing course work.

6 Those steps involve, first, attending  
 7 orientation with the Board of Higher Education.  
 8 Secondly, filing application materials, beginning  
 9 with a notice of intent. And then subsequent  
 10 application materials that lay out the institution's  
 11 compliance with our requirements.

12 Those requirements include provisions for  
 13 the financial sustainability of the institution,  
 14 appropriate government structures, having qualified  
 15 faculty for the types of programs and levels of  
 16 programs the institution intends to offer, as well  
 17 as for brand new institutions plans to seek and  
 18 maintain accreditation within a five-year period of  
 19 time.

20 Upon completion of the submission of those  
 21 application materials, there is staff review and a  
 22 recommendation for Board decision.

23 At the time that our Board affirms  
 24 authorities to operate and grant degrees, those

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1 authorities become effective immediately for the  
 2 institution or institutions involved.

3 Q And about how long does that application  
 4 process take?

5 A The average timeline is six to nine months  
 6 for the application process. There are mitigating  
 7 factors which can make that process more abbreviated  
 8 and also extended.

9 Q Okay. And, obviously, Northwest College  
 10 went through this application process.

11 Can you tell us what, approximately when  
 12 and what type of authorizations Northwestern  
 13 Suburban College received from the IBHE?

14 A Yes. Northwest Suburban College and Basic  
 15 and Allied Health Sciences holds two broad  
 16 categories of authorizations through the Illinois  
 17 Board of Higher Education.

18 They hold authorization for their  
 19 vocational programs as a private business and  
 20 vocational school. They also hold operating and  
 21 degree granting authority for their two- and  
 22 four-year degree programs.

23 The focus of my discussion today is around  
 24 the operating and degree granting authority aspect

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1 of the College's work only.

2 The College was first granted operating  
 3 authority through the Illinois Board of Higher  
 4 Education, and the process I described, in 2010,  
 5 October, I believe. And, subsequently, was awarded  
 6 degree granting authority for two Associate level  
 7 programs. An associate in biology and an associate  
 8 in physical therapist assistant in the Fall of 2011.

9 And, subsequently, awarded degree granting  
 10 authority for two baccalaureate level programs. A  
 11 baccalaureate of science in biology, and  
 12 baccalaureate of science in chemistry in the fall of  
 13 2013.

14 Q Now, can you explain to us what, when these  
 15 institutions, the IBHE authorizes this, but do the  
 16 institutions have to go through an accreditation  
 17 process?

18 A Yes. The Illinois Board of Higher Education  
 19 is part of a regulatory triad for post secondary  
 20 education. IBHE serves the State authorizer  
 21 function. The other two entities in the regulatory  
 22 triad are the U.S. Department of Education, at the  
 23 federal level, and then institutional and/or  
 24 programmatic accrediting bodies that have

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1 responsibility for accreditation.  
 2 Subsequent to achieving State authorization  
 3 to operate and grant degrees, our administrative  
 4 rules require that institutions conferring degrees  
 5 achieve institutional accreditation in a period of  
 6 time of five years upon the date of authorization.  
 7 Our application for operating authority  
 8 requires the institutions submit plans, if they are  
 9 brand new entities, for achieving that accreditation  
 10 within the five year timeline as described in our  
 11 rules.  
 12 HEARING OFFICER: Excuse me, is that from degree  
 13 granting authority or for operational authority, was  
 14 the five year plan?  
 15 THE WITNESS: It is both.  
 16 HEARING OFFICER: It is both.  
 17 THE WITNESS: Yes.  
 18 HEARING OFFICER: So, but you operate, you don't  
 19 have degree granting authority yet, right?  
 20 THE WITNESS: That is correct. And to clarify,  
 21 may I clarify?  
 22 HEARING OFFICER: Please do.  
 23 THE WITNESS: Thank you so much. I should  
 24 clarify and correct my statement. Most accrediting

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1 bodies will not entertain an institutional candidate  
 2 for accreditation until they have achieved, first of  
 3 all, State authorization, as a prerequisite  
 4 requirement.  
 5 And then, secondly, in addition to their  
 6 own accreditation application processes,  
 7 institutions must have produced at least one class  
 8 of graduating students. So degree granting  
 9 authority is the operating feature here.  
 10 HEARING OFFICER: Benchmark.  
 11 THE WITNESS: Yes.  
 12 HEARING OFFICER: So five years from the date  
 13 you grant it, not from the date of the first person  
 14 who graduates?  
 15 THE WITNESS: Yes.  
 16 HEARING OFFICER: Okay. That's specifically  
 17 spelled out in your rules and regulations or do you  
 18 know?  
 19 THE WITNESS: The rules, to my knowledge, do not  
 20 go to that level of specificity, but they do give a  
 21 five year time frame to achieve accreditation.  
 22 HEARING OFFICER: Okay. Thank you.  
 23 MS. STEFFY: Q To clarify further, when  
 24 institutions, and specifically Northwest Suburban

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1 College, is going through the process and the  
 2 accreditation, does the IBHE stay involved, did they  
 3 stay involved with that process and explain in  
 4 further detail, as you just explained to the  
 5 Administrative Judge?  
 6 A We require as a condition of the application  
 7 process, for both operating and degree granting  
 8 authority, that the institution describe, if it is a  
 9 brand new entity, not already accredited, that it  
 10 describe its timelines and plans for achieving  
 11 accreditation, as well as the entity with which they  
 12 intend to pursue accreditation.  
 13 We, as an agency, monitor and follow-up on  
 14 institutional progress toward achieving those  
 15 projected deliverables around accreditation. And  
 16 accrediting bodies routinely communicate with our  
 17 agency about their actions, about institutions,  
 18 actions to confer accreditation, actions to place  
 19 accredited institutions on regulatory or  
 20 probationary kinds of status. Actions to remove or  
 21 suspend accreditation.  
 22 So accrediting bodies routinely stay in  
 23 communication with us and we stay in communication  
 24 with institutions as well about their progress.

Page 20

1 Q Okay. So jumping to the matter at hand.  
 2 What prompted the investigation that led the IBHE to  
 3 revoke and, essentially, start this hearing process  
 4 for Northwest Suburban College, their authorization  
 5 to operate?  
 6 A Our gathering here today is predicated on  
 7 activity that began in June of 2016. At that time,  
 8 my staff member, an analyst in the Academic Affairs  
 9 Unit, was reviewing the profile or list of  
 10 institutions in Illinois that held accreditation  
 11 through ACICS, the national accrediting body that is  
 12 also referred to as the Accrediting Council of  
 13 Independent Colleges and Schools.  
 14 We had received, as an agency, notice from  
 15 the U.S. Department of Education that the federal  
 16 body, the Department of Education, was considering  
 17 removing ACICS from its list of approved  
 18 accreditors.  
 19 IBHE staff reached out to all Illinois  
 20 schools that held ACICS accreditation to ensure that  
 21 these schools were aware of this potential U.S.  
 22 Department of Education action, and to encourage  
 23 schools to consider their options as the work of the  
 24 Department of Education unfolded.

1 In doing that review, the analyst assigned  
2 to the task noted that in the case of Northwest  
3 Suburban College of Basic and Allied Health  
4 Sciences, that we had, as I previously noted,  
5 approved the College to offer four degree programs.  
6 Two Associate level and two Baccalaureate level  
7 programs.

8 The ACICS website listed Northwest Suburban  
9 College as an accredited institution, but approved  
10 only to offer the Associate in Biology program.

11 HEARING OFFICER: Excuse me, do you mean  
12 approved by accredited?

13 THE WITNESS: Yes.

14 HEARING OFFICER: Okay. So they're accredited  
15 to offer Associate of Arts degrees, but not approved  
16 at that time for any Baccalaureate or higher degree  
17 programs.

18 THE WITNESS: Correct. The analyst reached out  
19 to the College to ask for information about this  
20 discrepancy, and also reached out to the accreditor  
21 to ask for information.

22 So that June 2016 activity is the beginning  
23 point for where we are today.

24 HEARING OFFICER: I have a question about that,

1 because I looked through the materials. Just  
2 because you are accredited, one, is there a  
3 requirement that you be accredited at the other one,  
4 at that time, or don't you have the five-year period  
5 or?

6 THE WITNESS: An institution must seek approval  
7 from an accrediting body to expand their academic  
8 offerings.

9 HEARING OFFICER: But you indicated that, first  
10 that you had approved them for these programs, the  
11 Board did, right?

12 THE WITNESS: Yes.

13 HEARING OFFICER: Okay. So they got  
14 accreditation on the Associates, and so was there  
15 some time frame within which they're supposed to get  
16 accredited for the higher degrees, that's what I am  
17 confused about?

18 THE WITNESS: Because of the high stakes nature  
19 of both State authorization and accreditation, it is  
20 expected that institutions will be in communication  
21 simultaneously with their accrediting body about  
22 developing plans.

23 So, the institution, in expanding the level  
24 of education that it was offering from Associate

1 level and receiving approval in 2011 to do that, to  
2 Baccalaureate level in 2013, should have secured a  
3 approval from their accreditor to expand the, the  
4 scope and the level of their academic offerings.

5 It is our understanding, from the  
6 accreditor, that Northwest Suburban College had not  
7 notified them of that, and sought permission to  
8 continue to expand their scope and level of academic  
9 offerings.

10 HEARING OFFICER: But when they went for  
11 accreditation, wouldn't they have provided  
12 information? Did they not provide the information  
13 to the accrediting body that they offered those  
14 programs?

15 MS. STEFFY: Q Can I, just so they were  
16 approved by the IBHE for four programs; is that  
17 correct?

18 A Yes.

19 Q And when IBHE looked at ACICS's website,  
20 ACICS only listed one program being accredited by  
21 ACICS; is that correct?

22 A That is correct.

23 Q And what program is that?

24 A The Associate in Biology degree.

1 Q And there was a physical therapy assistant  
2 Associate's degree and then --

3 MS. PARKER: Can we just object to the form.

4 MS. STEFFY: Okay. I'm sorry, I was trying to  
5 help.

6 MS. PARKER: I know you're trying to help.

7 HEARING OFFICER: Right, right. Do your best  
8 to.

9 She's asking to reask you the question. So  
10 I'm going to let you ask the questions, and I'll  
11 continue on.

12 MS. STEFFY: Q Okay. Of the four degrees that  
13 IBHE offered, which degree was authorized by ACICS?

14 A ACICS showed on their website that they  
15 recognized Northwest Suburban College and had  
16 approved the College to offer the Associate in  
17 Biology degree only.

18 Q And did the IBHE reach out to ACICS and ask  
19 them why Northwest Suburban College was not  
20 accredited for the other three programs?

21 A Yes.

22 Q And what was the result of that?

23 A The result of that inquiry has multiple  
24 parts. Staff were informed that Northwest Suburban

1 College did not know they needed to seek approval or  
2 communicate with their accreditor about the other  
3 degree programs.

4 Staff also checked with ACICS to -- let me  
5 back up. Staff were informed also by the College  
6 that they were in the process of filing applications  
7 to ACICS for those programs, and that they  
8 anticipated, in December of 2016, that ACICS would  
9 have completed review, and certainly one would  
10 imagine with a favorable outcome.

11 In light of the discrepancy, and the  
12 College's communication to staff at the agency, that  
13 work was underway on this front, we extended a  
14 courtesy period to see if this discrepancy could be  
15 removed by the accreditor.

16 HEARING OFFICER: Let me interrupt you, to make  
17 sure I understand this and the record is clear.

18 So is there some document that you provide  
19 to the College saying that everything we approved,  
20 that you must apply for accreditation within a  
21 period of time?

22 I know you have to complete it, you say,  
23 within the five years from the date that you begin  
24 to operate, that's what you said before, correct,

1 accreditation for specific programs in specific  
2 fields.

3 I add that for information sake, but the  
4 notion of specialized accreditation for specific  
5 programs is not at issue here. We are speaking to  
6 institutional accreditation only, for the  
7 institution's scope of work.

8 HEARING OFFICER: Okay. Just one follow-up  
9 question and then I'll let you continue.

10 With respect to the advertising for the  
11 College, did it specify that there is only  
12 accreditation for the Associate's or was it just say  
13 we're accredited, do you have any information on  
14 that?

15 THE WITNESS: Our administrative rules require  
16 that institutions disclose on their website, their,  
17 I'll call it their accreditation statute.

18 We do not require institutions to, because,  
19 again, this is about institutional accreditation, we  
20 do not require them to speak to on their website  
21 specific programmatic accreditation, unless that's  
22 pertinent to the kind of information a student would  
23 need to seek to make a decision about entering the  
24 program.

1 that's correct?

2 THE WITNESS: Uh-huh.

3 HEARING OFFICER: So what about, it appears that  
4 there was accreditation for the Associate degree,  
5 but not, is there some document or rule or  
6 regulation or code that says when you have to start  
7 applying for that accreditation?

8 THE WITNESS: To clarify, at this point in time,  
9 we are talking about institutional accreditation.  
10 So Northwest Suburban College holds institutional  
11 accreditation through ACICS, and for a given scope  
12 of work, which, in June 2016, included offering one  
13 Associate level program only.

14 HEARING OFFICER: Okay. I understand now.  
15 Okay. So there is no time frame. I mean you're  
16 saying it's institutional, so you can't pick your,  
17 whatever you're approved for, you can't just pick  
18 and say you're accredited unless accredited for all  
19 this, whatever is being offered by the College, is  
20 that?

21 THE WITNESS: In this particular case, yes. And  
22 the rule that I am speaking about refers to  
23 institutional accreditation. It is not pertinent to  
24 this matter, but there are also forms of specialized

1 So, our rules speak to transparency for  
2 students on a variety of matters. Students need to  
3 be assured that if they are beginning work at a  
4 brand new school, that is not accredited, we require  
5 institutions to note that students are beginning  
6 academic work at an institution that is authorized  
7 by the State, but not accredited at this time. And  
8 that implies there is a certain amount of risk.

9 We give institutions up to five years to  
10 achieve institutional accreditation. And once that  
11 is achieved, which Northwest Suburban College did,  
12 they are to note on their institutional website that  
13 they hold accreditation.

14 It is the responsibility of the accrediting  
15 body to report the details of the accreditation and  
16 the standing or status of any individual institution  
17 in detail on that site.

18 You know, all the places that the school  
19 has, and this is not relevant to this particular  
20 institution, but, but institutional accreditation  
21 can cover multiple campuses, for example. Multiple  
22 levels of educational offering, et cetera.

23 In this case, Northwest Suburban College  
24 disclosed on their website that they held

1 accreditation by ACICS as we required.

2 HEARING OFFICER: Okay. That was my question.  
3 So there was no differentiation, even though they  
4 did not hold accreditation for the Baccalaureate  
5 program, they just indicated that they were  
6 accredited in June of 2016?

7 THE WITNESS: Yes.

8 HEARING OFFICER: Okay. And yet they weren't,  
9 correct?

10 Accredited for the, those two programs that  
11 were not on ACICS's information that you received,  
12 because they haven't been accredited by ACICS,  
13 correct?

14 THE WITNESS: The institution held  
15 accreditation, but through ACICS, however, it is my  
16 understanding, in communicating both with the  
17 institution and with ACICS, that the institution had  
18 not conveyed or sought approval under that  
19 institutional accreditation to expand its  
20 educational offerings beyond the Associate in  
21 Biology that they had communicated with ACICS about.

22 Consequently, ACICS showed only the  
23 Associate in Biology as part of the institutional  
24 accreditation. The two Baccalaureate degrees and

1 education.

2 As a result, we requested that the College  
3 remove listing from its website the Baccalaureate  
4 level degrees in biology and chemistry. We didn't  
5 want new, for potential students to think those  
6 program were available, were available as  
7 accredited, part of the accredited institutions  
8 offerings.

9 We also, at the same time, learned that the  
10 Associate of Physical Therapist Assistant degree had  
11 not been implemented. This is in June and fall of  
12 2016. That program had been approved in the fall of  
13 2011. We communicated with the College that we were  
14 going to remove the Associate in Physical Therapist  
15 Assistant degree from the program inventory for the  
16 College, because it had not been implemented within  
17 a period of one year from the date of authorization,  
18 as required in our rules. We had those  
19 communications.

20 MS. STEFFY: Can we go off the record for a  
21 second?

22 HEARING OFFICER: Oh, sure.

23 (Whereupon a break was taken at 2:23.)

24 (Back on the record at 2:29.)

1 the Associate in Physical Therapist Assistant were  
2 not reported on their website.

3 HEARING OFFICER: On ACICS's website?

4 THE WITNESS: (Indicating.)

5 HEARING OFFICER: Okay. But on the school's  
6 College website it also said just accredited, it did  
7 differentiate that they had not actually received  
8 accreditation for the Baccalaureate programs,  
9 correct?

10 THE WITNESS: Correct.

11 HEARING OFFICER: You can ask questions. Thank  
12 you.

13 MS. STEFFY: Q So when IBHE, going back to the  
14 website, noticed that ACICS had not issued approval  
15 for the three other programs, what actions did IBHE  
16 take regarding those issues?

17 A We inquired with Northwest Suburban College  
18 about the discrepancy. Staff were told that the  
19 College was in the process of completing the  
20 documentation or application paperwork involved in  
21 securing ACICS approval for those degrees.

22 And we, consequently, and that the College  
23 anticipated a December 2016 decision on the part of  
24 ACICS to recognize that expanded Baccalaureate level

1 HEARING OFFICER: Okay.

2 MS. STEFFY: Q So, I'm sorry if I stopped you.  
3 Was there anything else you would like to add?

4 A Yes. Yes. In follow-up to noticing this  
5 discrepancy, we conducted a site visit, three IBHE  
6 staff members visited the school in October 2016 to  
7 discuss the discrepancies. And, also, to address  
8 the matter of the U.S. Department of Education's  
9 potential actions around the accreditor, ACICS.

10 During the October 2016 site visit, the  
11 College indicated that they were potentially  
12 exploring accreditation through the Higher Learning  
13 Commission.

14 HEARING OFFICER: Are you referring to 2016, you  
15 just said October, you're talking about what year?

16 THE WITNESS: October 2016.

17 HEARING OFFICER: Okay. So I just wanted to  
18 make sure.

19 THE WITNESS: And affirmed that work was  
20 underway with ACICS around, I'll call it potential  
21 approval of their Baccalaureate programs.

22 MS. STEFFY: Q Did you, I'm sorry, did you say  
23 IBHE, was IBHE notified that the U.S. Department of  
24 Education was planning on revoking ACICS's

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1 recognition as an accreditor?  
2 A Yes. That decision was affirmed in December  
3 of 2016. And institutions who were affected as  
4 holding ACICS accreditation, were given an 18-month  
5 period to pursue alternate plans.  
6 Q Is there another accreditation body, though,  
7 besides the U.S. Department of Education, that also  
8 accredited ACICS or is it just the Department of  
9 Education?  
10 A There are two bodies in the United States  
11 that have the authority to recognize accrediting  
12 bodies as providing legitimate review of  
13 institutions and their programs.  
14 The first is the U.S. Department of  
15 Education. The second is the Council for Higher  
16 Education Accreditation, or C-H-E-A, CHEA.  
17 During this period of time, ACICS held  
18 recognition through CHEA as well, and continues to  
19 hold, despite the actions of the Department of  
20 Education, recognition through CHEA.  
21 Q Okay. After the October 20th, 2016 site  
22 visit, what other steps did the IBHE take to assist,  
23 I'm going to refer to Northwest Suburban College as  
24 NWSC, if that's okay, to assist with the

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1 accreditation issues?  
2 A Following the December 2016 letter from,  
3 from the U.S. Department of Education, pertaining to  
4 its decision about ACICS, its communications to the  
5 field, I'll say, in January, let me pause a moment,  
6 I need to think, just a moment.  
7 In January of 2017, the then Deputy  
8 Director for Academic Affairs conducted a site visit  
9 at the institution to discuss accreditation plans.  
10 We had concerns, because of the October 2016 site  
11 visit, that the school administration, in conveying  
12 interest in pursuing accreditation through the  
13 Higher Learning Commission, as an alternative, was  
14 not fully aware of the complexities and the amount  
15 of time that it would likely take to secure  
16 candidacy through the Higher Learning Commission and  
17 complete the entire accreditation review process.  
18 Staff advised in October 2016 that the  
19 College administration consider an accreditor with a  
20 shorter timeline, ACCSC, the Accrediting Commission  
21 of Career Schools and Colleges.  
22 The January 2017 site visit was to check in  
23 on the status of the same. We also --  
24 HEARING OFFICER: Can you elaborate on what you

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1 mean by the time frame for accrediting for HLC  
2 versus the other one that you maybe suggested to  
3 them, because I'm not sure that's kind of  
4 understandable of what the time frames were with  
5 respect to the accreditation process?  
6 THE WITNESS: There are two broad categories of  
7 entities that offer institutional accreditation.  
8 And both categories of accreditors can be recognized  
9 by the Department of Education and also CHEA.  
10 One is called National Institutional  
11 Accreditation, ACICS, and ACCSC are national  
12 accreditors of institutions.  
13 The second broad category is regional  
14 accreditation. The Higher Learning Commission is  
15 the regional accreditor for institutions.  
16 As the name implies, the Higher Learning  
17 Commission is one of several regional accrediting  
18 bodies in the United States, and it is a generally  
19 accepted tenant in the field of post secondary  
20 education, that regional accreditation is the most  
21 rigorous of the two types of institutional  
22 accreditations.  
23 Candidacy through the Higher Learning  
24 Commission is not assured based on interest only.

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1 The Higher Learning Commission has a process to vet  
2 interested institutions and their viability to even  
3 be a candidate for regional accreditation through  
4 the Higher Learning Commission.  
5 There is time involved in that process. In  
6 addition, both national and institutional  
7 accreditors will require substantial evidence from  
8 the applicant institution. Likely at least one site  
9 visit by an accreditation team. Time for staff with  
10 the accrediting body, regional or national, to  
11 review the findings of the team and the application  
12 materials.  
13 And then also a formal decision on the part  
14 of the accrediting body's board to affirm or deny  
15 the application for accreditation.  
16 Those processes, with the Higher Learning  
17 Commission, can take anywhere from three to five  
18 years. With national accreditors, depending on the  
19 type of institution and its mission and scope, you  
20 know, 18 months to three years, maybe.  
21 These are variable timelines, but staff in  
22 October of 2016 were concerned that the College did  
23 not seem to have an awareness of the complexity of  
24 pursuing regional accreditation, nor of the kinds of

1 standards for operations that would be expected.

2 That prompted a January 2017 follow-up  
3 visit by the then Deputy Director for Academic  
4 Affairs.

5 We also conducted additional site visits,  
6 related to actions that unfolded in 2017. The  
7 Deputy Director at that time for the Board of Higher  
8 Education did another site visit with the College in  
9 May of 2017, and, again, expressed the importance of  
10 continuously maintaining accreditation.

11 Specifically addressed in that site visit  
12 and in a follow-up letter to the school in June of  
13 2017, that a lapse in accreditation is not  
14 permissible in our rules. And that would be a  
15 violation of the conditions under which they were,  
16 as a College, granted operating and degree granting  
17 authority.

18 We also followed up with a fourth site  
19 visit in September of 2017. I participated in that  
20 September 2017 site visit with the then Deputy  
21 Director of Academic Affairs.

22 Q Okay. I'm going to direct. Was there, in  
23 2017, was there any communication between you and,  
24 I'm sorry, the IBHE and ACICS regarding Northwest

1 ACICS then conducted, in June of 2017, what  
2 they called a limited quality assurance site visit.  
3 Knowing that they had an accredited institution with  
4 some compliance issues and an institution that would  
5 be allowing its accreditation through ACICS to end  
6 at the end of its cycle, they conducted a limited  
7 quality assurance site visit and reported to us the  
8 finding of that visit in August 2017, which included  
9 15 very substantial areas of lack of compliance with  
10 ACICS accreditation requirements.

11 ACICS also notified the Board of Higher  
12 Education, in August of 2017, that they were  
13 withdrawing accreditation for Northwest Suburban  
14 College of Basic and Allied Health Sciences by  
15 suspension.

16 Through their accreditation processes, the  
17 College had and did seek an appeal of that decision,  
18 which was denied on November 16th of 2017. Those  
19 things were communicated to IBHE by ACICS.

20 Q What actions did the IBHE take, or, I'm  
21 sorry, you said, what did you receive from ACICS  
22 that notified you that the accreditation had been  
23 withdrawn by ACICS?

24 A We received a letter.

1 Suburban College?

2 A Yes. ACICS, as is the case for all  
3 accrediting bodies, be they regional, national,  
4 institutional, or specialized, routinely communicate  
5 to our State authorizing agency, as well as any  
6 state authorizing agency, about their work and the  
7 decisions of their Boards.

8 In January of 2017, ACICS informed us that  
9 they had deferred Northwest Suburban College's  
10 request for approval of Baccalaureate programs. And  
11 in February 2017, ACICS communicated with us that  
12 they were placing Northwest Suburban College on show  
13 cause status for operating programs without the  
14 accrediting body's approval.

15 The accreditor, as a matter of routine,  
16 also informed us, subsequent to that February  
17 decision, that in -- one moment, please.

18 That in April 2017, they had  
19 communicated with the College to suspend  
20 Baccalaureate program work, and that the College had  
21 communicated with ACICS, the College's intention to  
22 relinquish its accreditation at the end of its  
23 current accreditation cycle period, which at that  
24 time would have concluded December 31st, of 2017.

1 Q A letter.

2 A This information was also posted on the  
3 ACICS website.

4 Q Okay. I'm going to mark this as Plaintiff's  
5 Exhibit A.

6 HEARING OFFICER: So you're tendering a copy to  
7 Counsel?

8 MS. STEFFY: I'm tendering a copy to Counsel.

9 HEARING OFFICER: Is that a copy for Counsel or  
10 a copy for the record?

11 MS. STEFFY: I do have a copy for Counsel.

12 HEARING OFFICER: So, you're tendering  
13 Plaintiff's Exhibit Number A. So you wanted to show  
14 your client that, I take it?

15 MS. STEFFY: Q Okay. Can you tell me what --  
16 or do you recognize this document?

17 A Yes.

18 Q And can you tell me what this document is?

19 A This document is a letter from the  
20 Accrediting Council for Independent Colleges and  
21 Schools, dated August 9th, 2017, informing Northwest  
22 Suburban College, President Dr. Mohammed AliNiazee,  
23 of the withdrawal of accreditation by suspension  
24 action by ACICS, and the conditions under which that



1 decision was made.

2 Q And this was actually sent to the IBHE?

3 A Yes. This letter was copied to the then  
4 Deputy Director for Academic Affairs of the Illinois  
5 Board of Higher Education, Dr. Daniel Cullen.

6 Q Okay.

7 HEARING OFFICER: Are you asking for admission  
8 of that?

9 MS. STEFFY: Yes, Your Honor, I would like to  
10 admit this into evidence.

11 HEARING OFFICER: Counsel, any objection?

12 MS. PARKER: No objection, aside from the fact  
13 that it's not related to the grounds, but we'll  
14 continue to go forward, we'll address that.

15 MS. STEFFY: Q Well, did the IBHE use this  
16 letter as a basis for any actions that they took  
17 pursuant to Northwest Suburban College?

18 A Yes. IBHE used the findings of ACICS to  
19 request that in December of 2017 the Board of Higher  
20 Education appoint a hearing officer to pursue  
21 potential revocation of the College's operating and  
22 degree granting authorities.

23 HEARING OFFICER: Okay. No objection,  
24 Plaintiff's Exhibit A will be part of the record.

1 And this was a matter of existential  
2 importance for the College's degree granting  
3 operations.

4 We discussed the College's intentions to  
5 look at potential accreditation through ACCSC as  
6 well, but affirmed, again, that there was no likely  
7 timeline with potential acceptance of accreditation  
8 by ACCSC, where there would not be a lapse of  
9 accreditation, and that our rules do not allow for a  
10 lapse of accreditation.

11 Q And how many times through, since June of  
12 2016, did, do you feel you had communications with  
13 NWSC regarding the lapse of accreditation?

14 A We conducted four in-person site visits with  
15 the College, at which accreditation issues and the  
16 importance of maintaining or achieving accreditation  
17 without a lapse were discussed. There were  
18 intermediate follow-up communications by phone and  
19 letter as well.

20 Q At any time did the IBHE discuss with NWSC  
21 any alternative actions that they could take in  
22 regards to the lapse in accreditation?

23 A Yes. In conversation with President  
24 AliNiazee, and Executive Vice-President Irfan, we

1 Do you have an extra copy for me? And then  
2 you can use this for cross, if you need to,  
3 Ms. Parker.

4 MS. STEFFY: Q So after -- so this was issued  
5 in August of 2017. You said the IBHE, I believe you  
6 had stated that the IBHE did another site visit in  
7 September of 2017.

8 Did the IBHE address the concerns with  
9 ACICS at the time?

10 A Yes. Then Deputy Director for Academic  
11 Affairs, Dr. Daniel Cullen, and I conducted a site  
12 visit with senior leadership of Northwest Suburban  
13 College, including President AliNiazee, and  
14 Executive Vice-President, Kareem Irfan, on  
15 September 6th of 2017.

16 We specifically addressed the College's  
17 situation that, and were informed, verbally, during  
18 that meeting, that the College was appealing the  
19 decision of the ACICS.

20 We discussed that regardless of the finding  
21 of the appeals process, because the College had  
22 relinquished its accreditation through ACICS,  
23 effective 12-31-17, the College would be without  
24 accreditation beginning January 1, 2018.

1 discussed the possibility that the College could  
2 look to relinquish, voluntarily, its operating and  
3 degree granting authorities through the Illinois  
4 Board of Higher Education. Maintain its  
5 authorizations to offer its vocational programs  
6 through PBVS authorizations, and seek accreditation  
7 through ACCSC for its PBVS enterprise.

8 I advised the leadership, as did  
9 Dr. Cullen, that this would be a good opportunity  
10 for the College to really learn more about the kind  
11 of expertise they needed on their staff, especially  
12 their senior staff, to effectively administer a post  
13 secondary institution and effectively ensure  
14 compliance and communication with and across the  
15 various regulatory bodies.

16 That they could, as a College, build that  
17 expertise, build their administrative  
18 infrastructure, if you will, to ensure healthier  
19 compliance. So that, for example, enrollment in  
20 degree programs, et cetera, is properly  
21 administered.

22 And then, subsequently, come back to the  
23 Board of Higher Education and seek operating and  
24 degree granting authority at a later date, and

1 potentially expand their mission at a later date.

2 HEARING OFFICER: I'm sorry, you used the term  
3 PVS, can you explain, for the record, what that is,  
4 because I don't know.

5 THE WITNESS: The term PBVS stands for private  
6 business and vocational schools. It is a category  
7 of post secondary education that the Board of Higher  
8 Education regulates for vocational training leading  
9 to a certificate or a diploma, but not a degree.

10 HEARING OFFICER: Okay. So that program wasn't,  
11 was something that you were offering for the  
12 programs that they had in existence, or was it  
13 something that would be helpful in the future?

14 THE WITNESS: At this time, Northwest Suburban  
15 College has authorization, through the Illinois  
16 Board of Higher Education, as a private business and  
17 vocational school, it offers a series of what I will  
18 call med tech kind of shorter term training  
19 programs. Those are not the subject of the hearing  
20 today.

21 They also hold degree granting authority  
22 and operating authority as a degree granting  
23 institution.

24 My recommendation, in the fall of 2017, to

1 Q And how did you find out that information?

2 A That information was shared with us via a  
3 letter from ACICS, and via communications on the  
4 ACICS website.

5 Q Okay. I'm going to show you what's been  
6 marked as Plaintiff's Exhibit B. I am tendering a  
7 copy to Counsel and to the Judge. And then this is  
8 just a copy.

9 Can you look at document?

10 A Yes.

11 Q Are you familiar with this document?

12 A Yes.

13 Q Can you tell me what this document is?

14 A This document is a letter from the  
15 Accrediting Council for Independent Colleges and  
16 Schools, dated November 16th, 2017, addressed to  
17 President Mohammed AliNiasee, of Northwest Suburban  
18 College, indicating that the ACICS Review Board of  
19 Appeals considered the College's appeal of the  
20 August 9th, 2017 decision by the Council to withdraw  
21 the institution's accreditation by suspension. And  
22 to affirm the previous decision of the Council.

23 Q And based on this information that you  
24 received from ACICS, what actions did the IBHE take?

1 the College is that they voluntarily relinquish that  
2 operating and degree granting authority. Focus  
3 their efforts on improving the administration of  
4 their PBVS programs, seek accreditation for their  
5 PBVS programs.

6 Under PBVS rules, accreditation,  
7 institutional accreditation is optional or not  
8 required, but that would be a healthy exercise for  
9 the school, in my professional opinion. And then  
10 return at a later date to seek a fresh operating and  
11 degree granting authorities.

12 HEARING OFFICER: Thank you.

13 MS. STEFFY: Q In August, so, in August of,  
14 August 9th, 2017, you received the letter in ACICS  
15 indicating that they withdrew. Was there any action  
16 taken by the IBHE after this letter was issued, or,  
17 I'm sorry, strike that.

18 Were you -- did NWSC appeal ACICS's  
19 withdrawal of suspension, to your knowledge?

20 A Yes.

21 Q And do you know the results of that appeal?

22 A I do know the result. ACICS denied the  
23 appeal, and affirmed withdrawal of or suspension of  
24 accreditation, effective November 16th, 2017.

1 A Based on the November 16th, 2017 decision,  
2 the IBHE communicated with the school and proceeded  
3 to prepare a request for our Board in their  
4 December 2017 meeting, to request the appointment of  
5 a hearing officer for the purposes of potential  
6 revocation of the College's operating and degree  
7 granting authorities.

8 Q And, again, and why, why is this, withdrawal  
9 of accreditation -- or strike that.

10 Move to admit Plaintiff's Exhibit B into  
11 evidence.

12 HEARING OFFICER: Any objection to B?

13 MS. PARKER: No. We're willing to stipulate,  
14 for the record, that the accreditation was lost. We  
15 do not dispute that whatsoever.

16 HEARING OFFICER: All right. So Plaintiff's  
17 Exhibit Number B will be admitted without objection.

18 MS. STEFFY: Okay. I think that's it for me.  
19 That's all, I'm done.

20 HEARING OFFICER: Okay. Cross-examination,  
21 Miss Parker.

22 MS. PARKER: Okay.  
23  
24

## CROSS EXAMINATION

by Ms. Parker:

MS. PARKER: Q Thank you, Dr. Bernoteit. You gave a lot of really detailed testimony, and for purposes of Hearing Officer Cavanaugh, I might ask you to retread some ground, just because, as we know, the world of higher education accreditation State authorization can be complicated.

So, to start off, isn't it true that IBHE granted the College, I'm talking about Northwest Suburban College, when I refer to the College, granted the College degree granting authority for its Associate's degree program, before it had the ACICS accreditation?

A Yes.

Q Is it also true that Northwest Suburban College, I don't mean Northwest, I mean IBHE, is it also true that IBHE granted the College degree granting authority for its Bachelor's program before it had ACICS accreditation?

A Could you remind me of the date of the initial accreditation? May I ask that question?

DR. ALINIAZEE: Fall of 2014.

HEARING OFFICER: What was the date?

MR. IRFAN: Fall of 2017.

HEARING OFFICER: I still can't hear you.

DR. ALINIAZEE: Accreditation date of fall of 2017.

HEARING OFFICER: Fall of 2017?

DR. ALINIAZEE: I'm sorry, fall of 2014.

THE WITNESS: Thank you. Yes.

DR. ALINIAZEE: Fall of 2014 we got accreditation. And we got the authority from them in the fall of 2013.

THE WITNESS: Thank you. Yes.

MS. PARKER: Q And is it customary for IBHE to grant authority, degree granting authority, prior to an institution receiving it's accreditation?

A Yes.

Q And at one point, when you were talking, I believe that you said that during your discussions with the College, you learned that they were going to, potentially, be impacted by ACICS losing their accreditation or their recognition from the Department of Education?

A Yes.

Q So, to back up, you discussed at length how IBHE reached out to ACICS accredited schools

regarding the Department of Education's potential withdrawal of ICS's recognition by the Department?

A Uh-huh.

Q And I want to clarify for the record, isn't it true that you reached out to all the ACICS schools, not just the College?

A Yes.

Q And the fact that, is it also true that ACICS losing, potentially losing, and ultimately losing, their recognition, was unrelated to any of the conduct of the College?

A Yes.

Q In other words, would it be fair to say that the Department of Education withdraw the recognition of ACICS because of its decisions related to ACICS, not because of anything pertaining to the College?

A Correct.

Q Just for the record, I just didn't want there be to any confusion around because there can be.

HEARING OFFICER: There wasn't, but thank you.

MS. PARKER: Okay. Good.

Q Another topic that came up was the idea of the College listing on their website whether or not

they were ACICS accredited.

And one of the other topics that came up was the idea that various programs, whether or not they needed to also list that they were ACICS accredited.

In your professional experience, is it customary for a college or an institution to list not only that they have institutional accreditation, but to also say that their various programs have ACICS accreditation or accreditation from another agency?

A It depends.

Q And does IBHE require that if a college, let's say, for example, is ACICS accredited, that they list on their website that each one of their programs is approved by ACICS?

A No.

Q So, in your opinion, was it unusual that the College had not listed on their website that whether or not their specific programs were ACICS accredited?

A No.

Q You talked about, you mentioned ACCSC a few times. Just, again, to clarify the record, is it

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1 true that ACCSC is another national accrediting  
 2 agency?  
 3 A Yes.  
 4 Q And you mentioned that, is it correct that  
 5 you said that you recommended that the College  
 6 potentially consider pursuing accreditation with  
 7 ACCSC?  
 8 A Yes.  
 9 Q And what, in what context did you ask them  
 10 to consider pursuing accreditation with ACCSC?  
 11 A That occurred on at least two separate  
 12 occasions. In October of 2016, my staff, who  
 13 conducted a site visit, recommended that the College  
 14 consider ACCSC or a similar alternate body with a  
 15 potentially shorter accreditation time length than  
 16 the Higher Learning Commission.  
 17 I, personally, recommended consideration of  
 18 ACCSC, based on the fall 2017 conversations with  
 19 senior leadership, their interest and work already  
 20 with ACCSC, and the possibilities that it would  
 21 afford them, in addition to their degree granting,  
 22 the possibilities that would afford them with their  
 23 PBVS work.  
 24 Q One of the things that I believe that you

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1 said a few times in your testimony was that the  
 2 lapse of accreditation was not permissible under the  
 3 rules.  
 4 What rules are you referring to,  
 5 specifically?  
 6 A I am referring to the administrative rules  
 7 for the -- I'm sorry, one moment.  
 8 The administrative rules for Illinois  
 9 Independent Colleges and Universities.  
 10 Q Do you know if there is a specific rule that  
 11 states that a lapse in accreditation will not be  
 12 permitted?  
 13 A The rules do not verbally express that  
 14 precise statement.  
 15 Q So, on what are you basing the conclusion  
 16 that there cannot be a lapse in accreditation for a  
 17 college?  
 18 A The administrative rules give new  
 19 institutions up to five years to achieve  
 20 accreditation. Accreditation is an accepted and  
 21 necessary standard for operating post secondary  
 22 institutions, in that it serves purposes.  
 23 First of all, an institution of higher  
 24 education cannot participate in Title 4 federal

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1 financial aid through the U.S. Department of  
 2 Education, unless it is accredited.  
 3 So there is jeopardy for students enrolled  
 4 in institutions in being able to -- there is  
 5 potential jeopardy for students enrolled in  
 6 institutions that have a lapse or loss of  
 7 accreditation, that is highly consequential to  
 8 students.  
 9 In addition, there is a widely held  
 10 expectation that students who present their degrees  
 11 for the purposes of employment or licensure, for  
 12 example, have received those degrees from a State  
 13 authorized and accredited institution.  
 14 There is potential jeopardy for, for  
 15 students who graduate from an institution that is  
 16 not accredited.  
 17 Lastly, it is an accepted standard among  
 18 post secondary education that students who wish to  
 19 transfer credits they have earned or degrees they  
 20 have completed from one institution for the purposes  
 21 of continuing in their education to degree  
 22 completion or to obtain a higher next level degree,  
 23 that the transcript they present to this next  
 24 institution comes from an accredited institution.

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1 There is jeopardy for students who cannot  
 2 do that, in not having their prior educational work  
 3 accepted for the purposes of future degree  
 4 completion or additional higher level degree  
 5 completion.  
 6 For those various reasons, there are  
 7 serious issues with loss of accreditation.  
 8 Q And so for IBHE, it sounds, based on your  
 9 testimony, that you're saying that the accreditation  
 10 is necessary for federal financial aid. It has  
 11 impact with respect to employment, licensure,  
 12 transfer of credits, but isn't it true that IBHE,  
 13 though, will permit colleges, institutions to  
 14 operate and grant degrees, even though they do not  
 15 yet have that accreditation?  
 16 A Under certain conditions, and those  
 17 conditions are when the institution is brand new and  
 18 seeking accreditation for the very first time,  
 19 that's that five year period to operate and grant  
 20 degrees.  
 21 Q Dr. Bernoteit, you talked about your regular  
 22 communications with the College, about their  
 23 accreditation, I believe you called it their  
 24 accreditation planning. And you talked about, at

1 some point, that you, I think the words you used  
2 that you extended a courtesy to them?

3 A Yes.

4 Q By giving them time, and you, I believe,  
5 were talking about the fact that while IBHE had  
6 approved their Bachelor's program, ACICS had not  
7 approved their Bachelor's program, this came to  
8 light, I believe you said you gave them an extended  
9 courtesy of allowing them that time to get that  
10 accreditation; is that accurate?

11 A It is accurate to say that we allowed them  
12 time to resolve the discrepancy, because we  
13 understood from the College that they were in  
14 process of applying.

15 Q Okay. So by, just to clarify, so by resolve  
16 the discrepancy, you mean that you gave them time to  
17 apply for that accredit -- that approval from ACICS  
18 related to their Bachelor's program?

19 A Yes, yes.

20 Q Finally, one of the things that you had  
21 mentioned was that you learned through, and I think  
22 these were part of the exhibits, that you learned of  
23 the College's loss of accreditation, ACICS  
24 accreditation from ACICS.

1 In order for an institution, when they're  
2 first starting out, to get accredited, get  
3 accredited, they have to have State approval first;  
4 is that correct?

5 A That is correct.

6 Q Okay. So once the State approves, which in  
7 this case, IBHE approves it, they then have to go  
8 through an accreditation process, correct?

9 A That is correct.

10 Q And the State allows five years for that?

11 A Yes.

12 MS. STEFFY: Okay. I think that's it.

13 HEARING OFFICER: Any cross on that?

14 MS. PARKER: No.

15 HEARING OFFICER: Okay. Anything else, Counsel,  
16 are you calling anybody else?

17 MS. STEFFY: No, we rest.

18 HEARING OFFICER: You rest.

19 Okay. Miss Parker, you may proceed.

20 (Whereupon a break was taken at 3:13.)

21 (Back on the record at 3:16.)

22 HEARING OFFICER: You may proceed.

23 MS. PARKER: We call Dr. AliNiazee.

24 HEARING OFFICER: So if you can swear in the

1 Did you also learn of the loss of  
2 accreditation from the College?

3 A I don't recall.

4 MS. PARKER: Okay. That's it for us.

5 HEARING OFFICER: Okay. Any redirect?

6 MS. STEFFY: Yes.

7 HEARING OFFICER: Okay.

8 RE-DIRECT EXAMINATION

9 by Ms. Steffy:

10 MS. STEFFY: Q Stephanie, to your knowledge, do  
11 the rules specifically state that grounds for  
12 revocation of the operating and degree granting  
13 authority is one, is loss of accreditation status  
14 within an accrediting body?

15 A Yes, that is correct.

16 Q And that is to, just to clarify, that is  
17 what happened, they, Northwest Suburban College lost  
18 their accreditation with ACICS?

19 A That is correct.

20 Q Okay. And then to go back to, I just wanted  
21 to, when an institution is starting out the process  
22 to start their institution, that is the only time  
23 that they are allowed to be -- well, sorry, strike  
24 that.

1 witness.

2 (Witness sworn.)

3 DIRECT EXAMINATION

4 by Ms. Parker:

5 MS. PARKER: Q Dr. AliNiazee, would you start  
6 by, would you start by explaining what your position  
7 title is at the College?

8 A President of North Suburban College.

9 Q And would you, briefly, tell us a little bit  
10 about your background?

11 A I'm an academician. I spent over 50 years  
12 in academic life. I worked at University of  
13 California at Riverside, and at Davis and Berkeley  
14 on a combined arrangement. And then from there I  
15 went to Oregon State University. I was a there over  
16 30 years. So my entire life has been in academic  
17 areas. And so I'm an academician.

18 Q And Dr. AliNiazee, when did your College  
19 first receive its approval to operate and have  
20 degree granting authority from IBHE, do you  
21 remember?

22 A In 2011.

23 HEARING OFFICER: So, isn't that two different  
24 things? Isn't the operating come first, or as in

1 this case it's the same, because I'm confused about  
2 that. I thought you have to get operated and then  
3 degree granting authority?

4 THE WITNESS: Operating authority came in 2010.  
5 And Associate of Science authority came in 2011.  
6 And Bachelor of Science authority came in 2013.

7 HEARING OFFICER: What came in 2013?

8 THE WITNESS: Bachelor of Science.

9 HEARING OFFICER: Now I understand. Thank you.

10 THE WITNESS: So we had three steps, operating  
11 authority, Science authority, and Bachelor of  
12 Science granting authority in 2013.

13 MS. PARKER: Q And could you tell us a little  
14 bit about the history of your ACICS accreditation?

15 When did you first receive your ACICS  
16 accreditation?

17 A I am very cognizant of accreditation. So as  
18 soon as we got our approvals from IBHE in 2011,  
19 2013, we immediately looked for different agencies  
20 to apply for accreditation.

21 And we are very, very cautious about it.  
22 We never neglected accreditation. So we immediately  
23 applied to different agencies. We spoke with them,  
24 some initial information, and then we decide to

1 MR. IRFAN: That's the only thing I'm going to  
2 do.

3 HEARING OFFICER: Okay. If --

4 THE WITNESS: And I'll slow down a little bit  
5 too.

6 HEARING OFFICER: Okay. If need be, you can ask  
7 for translation. Otherwise, if you just slow down a  
8 little bit, so we can understand the words, that  
9 will be helpful.

10 THE WITNESS: So, in the summer of 2014, when  
11 the ACICS team came in, we had a long discussion  
12 with them about all the programs that we have, our  
13 facilities, infrastructure, faculty, administration,  
14 they were very pleased with that. They even  
15 commented, before leaving.

16 And then at the time I asked them that I do  
17 have approval for Bachelor's program, you want to do  
18 it now. They said no. It's one class that has to  
19 graduate from your students, then we'll be able to  
20 review it. However, you can apply for higher  
21 degrees any time.

22 MS. PARKER: Q Okay.

23 A And he said that I'll do it in 30 days. I  
24 just want to make the comment, I'll do it within 30

1 apply to ACICS, and we applied towards the end of  
2 2013.

3 Do you want me to go through the whole  
4 process?

5 Q Briefly.

6 A They visit in the summer of 2014. So within  
7 three years of our authority to operate and grant,  
8 we were accredited institution back in the fall of  
9 2014.

10 Q Okay.

11 A So we let no time pass. We were really  
12 focus on getting it done.

13 Q Okay. So in the fall of 2014, when you got  
14 your ACICS accreditation for the College, what  
15 programs were included?

16 A We were given accreditation for medical  
17 assistant, dental assistant, that is under PBVS  
18 program, an Associate of Science and Biology. At  
19 that time, when they visited us, in the summer of  
20 2014.

21 MR. IRFAN: If I may, may I just help out with  
22 the trans, with the pronunciation when you need it.  
23 Maybe it will go faster.

24 HEARING OFFICER: Okay. And maybe --

1 days.

2 Q So let's just backtrack for a minute, to  
3 clarify. So, you received your ACICS accreditation  
4 and included in that accreditation were your  
5 certificate programs, that you described, as well as  
6 your associate degree?

7 A That's right, in biology.

8 Q Is it also your testimony that at the time  
9 of your on-site ACICS accreditation visit, that you  
10 met with the then director of accreditation at  
11 ACICS, at that time, did you tell him that you had  
12 received approval from IBHE for a Bachelor's  
13 program?

14 A Yes, we did.

15 Q And what was his response?

16 A Their response was that you just got the  
17 approval.

18 MS. STEFFY: I'm -- I'm sorry, strike that.

19 HEARING OFFICER: I'm sorry, I couldn't hear.

20 MS. STEFFY: Strike that.

21 HEARING OFFICER: Okay.

22 MS. PARKER: Q What was his response?

23 A His response was that you had just received  
24 the approvals, and then you could run the class, and

1 that one class, and prove that you can do it right,  
2 that you can do the program. And then at that  
3 particular time, he said that they're going to apply  
4 for the higher degree authority, apply for higher  
5 degree authority, like the Bachelor's authority.

6 Q Okay. So, did, so did the director of ACICS  
7 suggest that you move forward with ACICS approval at  
8 that time?

9 A Approval.

10 Q For the Bachelor's program?

11 A Immediately, no. He said we want to see at  
12 least a class, you get through.

13 Q So, is it your testimony that ACICS said  
14 that you needed, that they needed to see you have  
15 run a class before you could seek that approval?

16 A That's right.

17 Q Okay.

18 A They wanted to know that you can do it.

19 Q And when did you seek approval of the  
20 Bachelor's degree program from ACICS?

21 A I spoke with Dr. Gurubatham, in July of  
22 2015, personally, in a meeting, and asked him that  
23 our Bachelor's program, what do you want us to do.

24 He said just go ahead and apply for the

1 A 2015.

2 Q 2015, okay. And then what occurred with  
3 your ACICS accreditation after that date?

4 A So we went on with this, and then they asked  
5 us, in 2016, I think it was April of 2016, they  
6 said, listen, you guys are in these programs, and  
7 you have not gotten your approvals.

8 We said we submit the approval request to  
9 you immediately. So in June of 2016, and we told  
10 them that we're waiting for a class to graduate. So  
11 now we have a class that graduated and submit you  
12 the documentation, which we did, in June of 2016 for  
13 both Bachelor of Science and Biology and Chemistry  
14 for their approvals.

15 Q Did you inform IBHE at that time that you  
16 were seeking those approvals?

17 A Yes, we did. We were very transparent to  
18 IBHE, we informed them what was going on.

19 HEARING OFFICER: And who did you inform?

20 THE WITNESS: We informed the director,  
21 Dr. Cullen.

22 HEARING OFFICER: Who?

23 THE WITNESS: Dr. Cullen was the Deputy Director  
24 for Academic Affairs.

1 higher degree authority, and then we'll be able to  
2 take care of this in 30 days.

3 So when he came back after that, we worked  
4 on it, and submitted for the higher degree authority  
5 approval at the end of June of 2016.

6 Q And for purposes of the record, who is  
7 Dr. Gurubatham?

8 A Dr. Gurubatham was then the director of the  
9 entire program of the ACICS.

10 Q And when did you have this conversation with  
11 him?

12 A Summer of 2015, when I had the conversation  
13 with Dr. Gurubatham in the meeting.

14 So he was aware. And, also, in the  
15 submittal that we submitted to ACICS, back in 2014,  
16 mentions that we have approval for Bachelor of  
17 Science programs.

18 Q Okay.

19 A Which is documented.

20 Q And what did Dr. Gurubatham tell you would  
21 be the timeline for you to receive approval,  
22 potential approval of your Bachelor's program?

23 A He said 30 days.

24 Q 30 days, and this was summer of?

1 HEARING OFFICER: That works for the Board.

2 THE WITNESS: At IBHE.

3 HEARING OFFICER: Can you spell that, whoever  
4 knows how to spell the name?

5 DR. BERNOTEIT: Dr. Cullen, the spelling is  
6 C-u-l-l-e-n.

7 HEARING OFFICER: Was this in writing or?

8 THE WITNESS: Yes, yes.

9 HEARING OFFICER: Do you have documentation.

10 THE WITNESS: I did not bring the letter with  
11 me, but we submitted all those letters. We'd be  
12 able to submit that letter.

13 MS. PARKER: Q Did you --

14 A Sorry, let me see what I have.

15 Go ahead, but we have, I'm sorry, go ahead.

16 Q Did you, when you submitted the information  
17 to ACICS, related to ACICS, your communications with  
18 them related to the show cause, and then the  
19 subsequent appeal of that decision, did you include  
20 correspondence with IBHE in that, in those  
21 materials?

22 A Yes, we did. We were very, very transparent  
23 with IBHE, every information or letter that we get  
24 from accrediting body, we let them know that that's

1 what is happening.

2 Q And so what happened with your ACICS  
3 approvals for the Bachelor's program, did you ever  
4 receive approval for the Bachelor's program?

5 A We never did. it went back and forth.  
6 There was a time when ACICS was in trouble, and in  
7 December of 2016, the Department of Education had  
8 removed them from the certification that they had to  
9 get. So they were decertified.

10 Q So you're referring to the same situation  
11 that Dr. Bernoteit testified to, as the ACICS, being  
12 in potential loss of their recognition for the  
13 Department of Education?

14 A Correct.

15 Q And was that process going on at the same  
16 time that your application was pending at ACICS for  
17 approval of your Bachelor's program?

18 A That's true.

19 Q And you, and so you had applied for your  
20 Bachelor's program approval in the summer of 2016;  
21 is that what you said?

22 A That's right.

23 Q And did you ever hear from ACICS about that  
24 approval?

1 final decision, November 16th, some of those  
2 communications were their notice of their intent to  
3 withdraw the accreditation?

4 A The IBHE, no, yeah, we got the notice in  
5 August. We immediately appealed, and the appeal  
6 process went through and, finally, in November, we  
7 got the notice that your appeal was not approved.

8 Q Did you inform IBHE of your loss of  
9 accreditation?

10 A Yes, we did, immediately.

11 Q And how did you do that?

12 A Through an e-mail.

13 Q Okay. And --

14 A I want to emphasize this, we are very, very  
15 open with IBHE. Every single communication we get,  
16 we let them know what is happening.

17 Q Okay. And how did IBHE respond when you  
18 informed them of the loss of accreditation?

19 A Well, they said, potentially, if you lose  
20 your accreditation, then you would lose, you can  
21 lose your operating and granting authority.

22 This was communicated to me, it was  
23 communicated to me earlier as well, and then I told  
24 them at the time that we are pursuing an alternate

1 A No. We got correspondence, additional  
2 information, we sent it to them, they came back  
3 again. They said we cannot put it now, so they  
4 essentially going back and forth on it.

5 Q Did you regularly follow up with ACICS in an  
6 effort to get, to find out the status of your  
7 program approval?

8 A Very regularly.

9 Q How often?

10 A Called them at least every other week.

11 Q And were you receiving responses?

12 A So-so. Sometimes we get, we wait for a week  
13 before we get the call back. We drop some e-mails,  
14 so they say we're working on it.

15 Q Dr. AliNiazee, when did the College lose its  
16 ACICS accreditation?

17 HEARING OFFICER: Can you speak up, please.

18 MS. PARKER: Q When did the College lose its  
19 ACICS accreditation?

20 A We lost accreditation in August of 2017.  
21 And we appealed immediately. And the, finally, we  
22 lost the appeal. So, November 16th was the date  
23 that we finally lost it of 2017.

24 Q Okay. From that August period until the

1 accreditor.

2 This is back in early 2016. In all the  
3 communications, we are very open, what we are doing,  
4 and we spent nearly eight months working, developing  
5 the paperwork needed to go to an alternate  
6 accreditor, that's ACCSC.

7 Q So, tell us about your efforts to get  
8 accreditation from ACCSC, what did you do?

9 A Once we found out that ACICS was losing  
10 their accreditation or their ability to accredit an  
11 institution, back in December of 2016, we  
12 immediately started our internal assessment and  
13 process of trying to get another accreditor.

14 In April of that year, we told them, they  
15 ask us, are you coming with us for the renewal,  
16 because our renewal was expiring, our accrediting  
17 was expiring in December 2017.

18 So in early 2017, they call us a number of  
19 times, saying are you with us, are you coming with  
20 us. I couldn't understand the reason why, because  
21 they are losing colleges left and right, dropping  
22 like dead flies. So they say, are you coming with  
23 us.

24 Q Who says are you coming with us, just to



1 clarify?

2 A ACICS.

3 Q ACICS is saying are you coming with us?

4 A Right.

5 Q Okay.

6 A So we told them that we are not, because you  
7 are losing your authority as an accrediting  
8 institution, at the end of the year, so we are not  
9 coming with you.

10 So we let our accreditation expire. That's  
11 what we told them. And then soon after that,  
12 obviously, they didn't like the decision, and our  
13 troubles started to accentuate with ACICS.

14 Q And so what efforts did you make to apply  
15 for accreditation with ACCSC?

16 A So, we immediately, in January, asked ACCSC,  
17 the alternate accreditor, to consider us. We  
18 submitted application.

19 HEARING OFFICER: Sir, when you say January,  
20 tell us what year you're talking about?

21 THE WITNESS: 2017. So once we did that, they  
22 invited us to come to their workshop, we paid them  
23 the fee, we went to the workshop in March of 2017.

24 So we did not neglect that, this is on the

1 there.

2 Q And you submitted that to ACCSC?

3 A Yes, we did.

4 Q And what is the status of that application?

5 A All right. So after we submitted this, then  
6 they were wondering about our dropping off from  
7 ACICS. Oh, these guys let you go, and we are very  
8 tight, and we have a lot of applications, we don't  
9 have that many people, that we are working on it.

10 So for nearly two months was working on the  
11 situation. And finally they said that we will not  
12 visit, and we are not going to read those 2600  
13 pages, even though we submitted, even though we  
14 promised you that we visit before. They promised  
15 us.

16 There are two reasons. One, that ACICS and  
17 then IBHE is thinking about revoking your authority.  
18 So we were squeezed from both sides. IBHE is going  
19 to revoke your authority, potentially, and that's  
20 happening, so, therefore, we would not visit.

21 Q Okay.

22 A So, after a year of work to get out of  
23 aggravation, here we are. They're not accepting us.

24 HEARING OFFICER: I have a question for you.

1 top of our head, that's the important thing. So in  
2 March of 2016, 2017 we went for workshop. We came  
3 back, and we hired an outside consultant to prepare  
4 the documentation to submit to ACCSC for  
5 accreditation.

6 It took us nearly seven, eight months to  
7 get all the documentation done. And they're right  
8 over here, and nearly 2600 pages of documentation  
9 that we had to prepare. We did that.

10 And in October 2017, we submitted this  
11 entire documentation and application to ACCSC for  
12 accreditation with the hope, as we were requested by  
13 the Department of Education, to get a site visit by  
14 end of February this year. The documentation was  
15 submitted.

16 Q And are you referring to this manual here?

17 A I am referring to this manual that was  
18 submitted to ACCSC. We spent eight months to  
19 prepare this for accreditation through ACCSC.

20 Q Would you describe it? How thick is this  
21 manual?

22 A It's 2600 pages, and it covers every single  
23 policy and structure, it covers all of our education  
24 programs and our degree programs, all that is in

1 MS. PARKER: Okay.

2 HEARING OFFICER: Did you forward your  
3 applications to the Board?

4 THE WITNESS: Yes, we did, right.

5 HEARING OFFICER: As soon as you did that, in  
6 January of 2017, is that what you said you first  
7 applied, did you let them know?

8 THE WITNESS: We let them know right then, we  
9 have this --

10 HEARING OFFICER: Do you have a letter showing  
11 what you --

12 THE WITNESS: -- agency that we are exploring  
13 with.

14 HEARING OFFICER: Did you -- that you were  
15 exploring with. Did you ever put down that you, do  
16 you have a letter showing that you applied back in  
17 January or March --

18 THE WITNESS: No, this is the application that  
19 had to be done in, complete SER has to submitted,  
20 but initial application was submitted, yes, we told  
21 them.

22 HEARING OFFICER: That wasn't my question. My  
23 question is, the Board --

24 THE WITNESS: Yes.

1 HEARING OFFICER: -- okay, did you keep in touch  
2 with them regarding what you were doing, in writing,  
3 like in January of 2017, and March of 2017, did you  
4 provide steps via e-mail or letter or meet with to  
5 talk to them?

6 THE WITNESS: I talked to them. We sent the  
7 e-mails.

8 HEARING OFFICER: Do you have the e-mails  
9 that --

10 THE WITNESS: I do not have it with me, but we  
11 did sent them e-mails. We talked to them, as they  
12 said, themselves --

13 HEARING OFFICER: Okay. I just wanted to  
14 know --

15 THE WITNESS: Yes, yes.

16 HEARING OFFICER: -- in January, when you said  
17 you applied to this other institution, if you had  
18 communicated in writing, and you don't have any of  
19 that writing here today?

20 THE WITNESS: I do not have it with me --

21 HEARING OFFICER: Nope, that's all, okay.

22 MS. PARKER: Q Dr. AliNiazee, did you  
23 communicate with IBHE about your efforts to apply  
24 with ACCSC?

1 says he has some, I don't know if you have that with  
2 you or not, and that documentation specifically,  
3 documentation regarding the efforts in writing to  
4 apprise the Board about what was going on.

5 MS. PARKER: Sure.

6 HEARING OFFICER: So if he doesn't have a  
7 foundation, then don't put it in, but if he has a  
8 foundation.

9 MS. PARKER: Q Okay. So what we would put in  
10 now, though, is, we would like to offer this as  
11 Exhibit --

12 HEARING OFFICER: You have to mark them and then  
13 show them to Counsel.

14 MS. PARKER: Exhibit 1.

15 HEARING OFFICER: You got --

16 MS. PARKER: I can just cross out Plaintiffs,  
17 if that will help.

18 HEARING OFFICER: Thank you. Somewhere where it  
19 doesn't cover up anything.

20 MS. PARKER: Okay. Thank you. We'll make this  
21 Defendant's Exhibit 1.

22 HEARING OFFICER: Do you have an extra copy?

23 MS. PARKER: Yes.

24 HEARING OFFICER: Okay.

1 A Yes.

2 Q How did you communicate with IBHE about your  
3 ACCSC application?

4 A In the different meetings that we had with  
5 them, and I told Dr. Cullen, that's the agency we  
6 are going with.

7 HEARING OFFICER: I need a foundation for that.  
8 I would like a foundation.

9 THE WITNESS: Sure.

10 MS. PARKER: Q So you said with Dr. Cullen?

11 A Oh, we tell him that this alternate agency  
12 we are pursuing, ACCSC.

13 Q Okay.

14 A We also told him that we want to pursue  
15 agency, he told me at that time that it's going to  
16 take a long time, so when Dr. Bernoteit said that,  
17 it's going to take long time, it's going to take a  
18 long, so why don't you just go ahead and go with  
19 something like ACCSC.

20 HEARING OFFICER: Counsel, I asked for a  
21 foundation, date, time, who was present, where the  
22 meeting was, and things of that nature. Just, I  
23 think it should go in the record, if you have that.

24 And, also, I asked for documentation. He

1 MS. STEFFY: Can I have a --

2 MS. PARKER: I'll give it to him.

3 MS. PARKER: Okay.

4 MS. STEFFY: Thank you.

5 MS. PARKER: Q Dr. AliNiazee --

6 HEARING OFFICER: Okay. Before you begin, is  
7 there a marked exhibit that's entered, marked, what  
8 is that, Respondent's Number 1?

9 MS. PARKER: Yes.

10 HEARING OFFICER: So my question is, is that I  
11 was referring to 2017, this says 2018.

12 MS. PARKER: Yes.

13 HEARING OFFICER: Okay. This is something  
14 different than what I inquired about.

15 MS. PARKER: This is something different, but  
16 it's the best I have available.

17 HEARING OFFICER: Okay. Thank you.

18 Any objection to Respondent Number 1?

19 MS. STEFFY: Just to foundation, I guess, but  
20 I'll allow it.

21 HEARING OFFICER: Okay. I was going to say I'll  
22 reserve it until cross, but if you want to admit it  
23 and then you can argue or ask questions, okay.

24 So, at this time, Respondent's Exhibit

1 Number 1 will be admitted without objection.  
 2 MS. PARKER: Q Dr. AliNiazee?  
 3 A Oh, okay. Thank you.  
 4 Q Dr. AliNiazee, I just handed you a document.  
 5 What is this letter?  
 6 A It's the letter that came from the Director  
 7 of Member Services from ACCSC.  
 8 MS. STEFFY: I have to object, just because  
 9 there is no letterhead, it doesn't even, it just  
 10 says Director of Member Services.  
 11 THE WITNESS: He's the director.  
 12 HEARING OFFICER: No, I'm sorry. Okay. Your  
 13 objection is that there's no --  
 14 MS. STEFFY: There's no letterhead, I mean, I  
 15 don't know who this Michael, it looks like --  
 16 MS. PARKER: It's Michael McComis, he's actually  
 17 the Executive Director of ACCSC, he's the leader of  
 18 ACCSC.  
 19 MS. STEFFY: Okay. All right.  
 20 HEARING OFFICER: Well, and he can identify it  
 21 as when he received it, and put a foundation in  
 22 there. I guess we have relaxed rules for here.  
 23 MS. STEFFY: That's fine.  
 24 MS. PARKER: Q So, Dr. AliNiazee, when did you

1 receive this letter?  
 2 A This letter was received electronically on  
 3 February 23rd.  
 4 Q Of what year?  
 5 A Of 2018.  
 6 Q And who is the letter from?  
 7 A From the executive director of ACCSC. The  
 8 agency that we submitted the document to review for  
 9 accreditation.  
 10 Q And what was the purpose of him sending you  
 11 this letter?  
 12 A By telling me that they will not be  
 13 conducting a visit and will not consider us for  
 14 accreditation.  
 15 Q What was the reason for that, based on the  
 16 letter?  
 17 A Well, there were two reasons that I can  
 18 think of. One was the IBHE's hearing of our  
 19 authority to operate the College, and give the  
 20 degrees. And then with the ACICS revoking the  
 21 authorities, the two reasons that were given, but.  
 22 Q And so the second paragraph of the letter,  
 23 it has a May 1st, 2017 date in there, and you had  
 24 testified earlier that you had applied in January of

1 2017?  
 2 A That's right.  
 3 Q So what is your understanding of what he was  
 4 saying about the May 1st, 2017 letter?  
 5 A Well, what happens is this, you apply to  
 6 them with a preliminary application, then they  
 7 invite you to go to the workshop.  
 8 So you go to the workshop. And then after  
 9 the workshop is completed, then you submit the  
 10 application for accreditation.  
 11 So we submitted application for  
 12 accreditation on May 1st, 2017, and then ACCSC has  
 13 been informed, the show cause notice and all that  
 14 type of thing.  
 15 Q And that was -- was this your first  
 16 application to ACCSC?  
 17 A We started the process in January of 2017.  
 18 Q And so you, is it true at that time you  
 19 submitted your application as a transactional  
 20 school, because you were trying to transition from  
 21 ACICS to ACCSC?  
 22 A That is true.  
 23 Q Okay. And then have you since submitted  
 24 subsequent applications to ACCSC?

1 A After we lost our accreditation through  
 2 ACICS, in November, and they had promised me all  
 3 along that they will have a visit in a few months.  
 4 Then they told us at that time that since  
 5 you lost the accreditation, you're no longer a  
 6 transitional school, coming from ACICS, submit a  
 7 new application. So we submitted a new application  
 8 after that to them, with new SER, the whole thing.  
 9 Q And were both of your applications similar  
 10 in size to this manual?  
 11 A Exactly right. Exactly right.  
 12 Q So they were --  
 13 A They're exactly same size.  
 14 Q -- 2500 plus pages?  
 15 A That's right. And took us about eight  
 16 months to be able to get it like that.  
 17 Q Okay. And then as to your new application,  
 18 this letter references IBHE, and what exactly is  
 19 your understanding of what this letter says about  
 20 IBHE, when it comes to your new application?  
 21 A Well, they are telling us, essentially, that  
 22 since IBHE is in the process or attempting to  
 23 revoke your authority to offer the courses and the  
 24 degrees, we will not visit you.

1 Q Okay.

2 A We will not give you accreditation,  
3 basically.

4 Q Okay. So is it your understanding that  
5 because IBHE has initiated the revocation  
6 proceeding, ACCSC will no longer look at your  
7 application?

8 A That's right.

9 Q Have you had this, have you had a similar  
10 situation with any other accrediting agencies?

11 A Then in fall of 2017, I also applied initial  
12 application to another agency, to be able to make  
13 sure that we have accreditation, so we can go to one  
14 and get accreditation, because we were very worried  
15 about this.

16 So we applied to ACCET, and ACCET says no  
17 problem, we'll take your application in, and then  
18 now they're backing off because similar problem,  
19 that IBHE is revoking your authority.

20 Q Okay. And ACCET is A-C-C --

21 A C-E-T.

22 Q Okay.

23 A So the first three years, we were not  
24 accredited. We had the students, we had no FAFSA

1 Illinois Board of Higher Education. Can you just  
2 describe the letter?

3 A This is a letter that we received from IBHE  
4 telling us that they're going to revoke our  
5 authority to be able to offer the classes.

6 Q Okay. And does the -- and we should both,  
7 you and I should both probably work on speaking up.

8 A Right.

9 Q Does the letter list the reasons that they  
10 are seeking to revoke your operating and degree  
11 granting authority?

12 A They have given three reasons. Failure to  
13 maintain conditions under which the institution  
14 and/or its degrees granting authority, particularly  
15 were authorized. And I'm still trying to figure out  
16 what that means, but, number 2, failure to offer  
17 degrees and instructions for one continuous or 12  
18 continuous months period, which is not true, because  
19 we have been offering courses and degrees  
20 continuously. Our last graduate in Associate in  
21 Science --

22 HEARING OFFICER: Well, there's no question  
23 pending. She asked you about that letter. I'm sure  
24 she is going to go back.

1 either at that time, because in --

2 Q By FAFSA you mean no federal financial aid?

3 A No federal financial aid. So we took care  
4 of the students. We educated them. We placed them  
5 in good places. So we really took care of our first  
6 class.

7 We had no accreditation then. And now we  
8 do not, and what we are saying is that we need, give  
9 us a little bit of time, we'll get our accreditation  
10 back. And we'll be able to serve the students as we  
11 served them before, in the early phase.

12 So we had accreditation, we lost it, please  
13 give us a little bit of time to get it back. And  
14 that's all we're asking.

15 Q Well, let's talk for a minute about, if I am  
16 going to enter this as Respondent's Exhibit 2, if I  
17 may?

18 HEARING OFFICER: Okay.

19 MS. PARKER: I will show it to you, if you're  
20 okay with this. This is the IBHE letter.

21 HEARING OFFICER: This is number 2, right?

22 MS. PARKER: 2.

23 Q Dr. AliNiazee, I just show you, as  
24 Exhibit 2, a letter dated February 1st, from the

1 MS. PARKER: We're going to go back there. I'm  
2 going to go back there.

3 THE WITNESS: And loss of accreditation.

4 MS. PARKER: Q Okay. Let's go to number 2,  
5 which is the failure to offer degrees or instruction  
6 for one continuous 12-month period.

7 Dr. AliNiazee, have you stopped offering  
8 instruction at the College?

9 A We suspended for the fall term, because of  
10 lack of clarity from ACICS. Now we are starting  
11 back again, our classes, if IBHE let's us do it, but  
12 not for continuous 12-month period.

13 Q So what did you suspend in the fall of 2017,  
14 what, specifically, did you suspend?

15 A Our A.S. programs.

16 Q Your Associate of Science?

17 A Associate of Science and Biology program  
18 that we suspended.

19 Q Okay. So, you suspended that in what month?

20 A In September of 2017.

21 Q So --

22 A And our last graduate was in August of 2017,  
23 from Associate of Science programs.

24 Q Okay. So how long has the suspension been,

1 of the Associate of Science degree program?

2 A We started in the fall, we suspended the  
3 program in the fall, and now we are trying to start  
4 the program back, if they okay us.

5 Q So would you say it's been approximately six  
6 months?

7 A September through now, so about seven  
8 months.

9 Q Okay. And have you -- do you have students  
10 that are currently interested enrolling in your  
11 Associate --

12 A Yes, we do.

13 Q -- program?

14 A Yes, we do.

15 Q So how many students, approximately, do you  
16 have that are interested in enrolling in your  
17 program?

18 A We have, probably have about four students.

19 Q How big are your classes, typically, in your  
20 associate program, prior to your suspension?

21 A Approximately six to ten.

22 Q Okay. And at this time, you know of at  
23 least four students that have expressed interest in  
24 the Associate degree program?

1 A Yes, and we have ten students who express  
2 interest in the fall of 2018.

3 Q Okay. And is the College currently  
4 operating at this time?

5 A Yes.

6 Q Does the College currently have instruction  
7 at this time?

8 A Yes.

9 Q And what programs are you currently offering  
10 instruction?

11 A Medical assistant, dental assistant,  
12 pharmacy tech.

13 Q Okay. And do you have any understanding of  
14 why the IBHE is asserting that you have not offered  
15 degrees for 12-month period in your --

16 A I am at a loss for an explanation. We  
17 graduated our Associate of Science students in  
18 August of 2017.

19 Q Okay.

20 A That's six months ago.

21 Q Okay.

22 HEARING OFFICER: How many students did you say,  
23 I couldn't hear.

24 THE WITNESS: We graduated two students in

1 Associate of Science in August of 2017.

2 Q Dr. AliNiazee, do you recall, between the  
3 time you started offering the program, which I  
4 believe was in 2011, through the present, how many  
5 students you have graduated?

6 A I think I have the data there, I think we  
7 graduated 20, approximately, I think, 24 students  
8 graduated in Associate of Science program.

9 We graduated seven students in the  
10 Bachelor's of Science program degree, and most of  
11 them are in medical schools or some other  
12 professions.

13 Q Okay. And when you say most of your  
14 students are in medical schools, could you give us  
15 an estimate?

16 A Approximately 60 percent of Bachelor's  
17 student who complete the Bachelor's program go on to  
18 medical schools. And Associate, almost 80 percent  
19 of them pursuing a Bachelor's program.

20 Q Okay. So, the first, back to the letter,  
21 the Exhibit 2. The first ground listed is failure  
22 to maintain the condition under which the  
23 institution and/or its degrees were authorized.

24 What is your understanding of what this, of

1 what this means?

2 A Well, I am at a loss, but I would imagine  
3 that it relates to point 2 and point 3.

4 Q Okay.

5 A So they're saying that you're not meeting,  
6 your point 2 and point 3. And point 2, obviously,  
7 is incorrect. And point 3, we lost accreditation,  
8 we're trying to get it back.

9 HEARING OFFICER: I didn't hear, what did you  
10 say number one.

11 THE WITNESS: Number one, it somehow relates to  
12 2 and 3.

13 HEARING OFFICER: Oh.

14 THE WITNESS: It doesn't meet the, you know,  
15 under which the institution was granted the  
16 authority.

17 HEARING OFFICER: That's your opinion about  
18 that, okay.

19 MS. PARKER: I'd like this to be Respondent's  
20 Exhibit 3, this is another IBHE communication.

21 MS. STEFFY: Okay.

22 MS. PARKER: Q So, Dr. AliNiazee, you just  
23 testified as to what your opinion was, as to what  
24 was meant by number one on the revocation notice.

1 And I handed you Exhibit 3.

2 What is Exhibit 3?

3 A Exhibit 3 is a letter from you, no, letter  
4 from IBHE to you, and it's notice of hearing, and  
5 gave you some information.

6 Q And was this letter sent in response to a  
7 request for a clarification as to the grounds for  
8 the revocation?

9 A That's right.

10 Q And based on this letter, did you -- well,  
11 did you come to any conclusions about what was meant  
12 by number one, in terms of the, what was meant in  
13 terms of the grounds in which they were seeking  
14 revocation?

15 A Well, my understanding of reading this  
16 letter, and overall tenure, is that they are talking  
17 about not meeting conditions and they are specified  
18 in your number 2, point number 2, and point number  
19 3. That's my interpretation.

20 Q Okay.

21 HEARING OFFICER: Are you done with this? Do  
22 you have any objection? Do you seek admission of  
23 it?

24 MS. PARKER: Yes, I do seek admission.

1 we can go and get the accreditation.

2 Now, if you give us some time, in the  
3 beginning we had five years, if we get two years  
4 now, we feel that we will be able to get  
5 accreditation through an alternate accreditation  
6 agency.

7 If you keep on telling us, in this case,  
8 IBHE, that you're going to revoke your authority,  
9 you're going to revoke your ability to grant the  
10 degrees, nobody is going to accreditate me, because  
11 they say, listen, you don't have IBHE's approval.

12 If you don't have IBHE's approval, why are  
13 you seeking accreditation. You need to have their  
14 approval before you can seek our accreditation.

15 And that's what we had in the beginning.  
16 We had their approval, their blessing, we went and  
17 got accreditation in three years.

18 So, if we have their blessing, and they can  
19 give me two years, then I will get alternate  
20 accreditation from another agency. We are working  
21 very hard. We got all the documentation ready. We  
22 can submit SER, self evaluation report in no time.

23 So we have talked to different agencies, so  
24 if IBHE can give me two years, as they have gave me

1 HEARING OFFICER: Any objection?

2 MS. STEFFY: No objection.

3 HEARING OFFICER: Okay. Respondent's Exhibit  
4 Number 3 will be admitted without objection.

5 MS. PARKER: Q Okay. And then back to  
6 Exhibit 2, which is the third ground, is loss of  
7 accreditation.

8 Dr. AliNiazee, do you dispute that the  
9 College lost its accreditation from the ACICS?

10 A No. Is that the grounds for --

11 HEARING OFFICER: He said no. Do you have  
12 another question?

13 MS. PARKER: Yes, I do, I'm going to ask another  
14 question, I just --

15 HEARING OFFICER: Okay.

16 MS. PARKER: Q A minute ago you asked about  
17 your request to IBHE, and that you would, that you  
18 would wish that they would give additional time to  
19 the College to pursue alternate accreditation.

20 Do you want to discuss that? Would you  
21 please discuss that?

22 A All right. We are continuously pursuing  
23 alternate accreditation right now, as we speak, as a  
24 matter of fact. So we're looking at agencies where

1 five years in the beginning, which I did only in  
2 three years. If they give me two years, I will be  
3 able to get the accreditation back.

4 And if they want me to inform them every  
5 week, what we are doing, every month what we are  
6 doing, so I just need their extension of authority  
7 for two years.

8 Q If IBHE granted you a two-year extension, --  
9 well, let me strike that.

10 During the times that you did not have  
11 ACICS accreditation, how were students informed that  
12 they, that you did not have the accreditation?

13 A When this first came in, before, you're  
14 talking about before accreditation, right?

15 MS. PARKER: Before and we'll talk about now as  
16 well, but first --

17 A Right. We told them, in the beginning, that  
18 we do not have accreditation now, and we are  
19 applying for accreditation, and we were. And we are  
20 authorized by IBHE to assure degrees and grant the  
21 degrees, and based on IBHE authority, we granted  
22 degrees to you.

23 And we'll do the same thing now. We'll  
24 tell them that we do not have accreditation right

1 now, and we are granting these degrees as  
2 certificates based on the authority of IBHE. And we  
3 are working on trying to get the accreditation.

4 Q So when you say you tell students, how do  
5 you tell them?

6 A We put it on the website, and we tell them  
7 verbally, you know, when we discuss with them as  
8 well.

9 Q Okay.

10 A But as I said, we put it on the website as  
11 well.

12 Q And during the time that your College was  
13 unaccredited, or going forward, do you have any sort  
14 of articulation agreements that would allow your  
15 students to transfer credits, even though the  
16 College isn't accredited?

17 A Well, we had with the medical schools in  
18 Caribbean, before we were, even before we were  
19 accredited, that they would take my credits and then  
20 take into M.D. programs. So we had some of them.  
21 And we got more. So they continuously exploring the  
22 possibilities of having different agreements with  
23 different colleges.

24 Right now, our students go to East-West

1 Chicago suburbia.

2 Q Is there anything else you want to share  
3 about the quality of the education you provide?

4 A Over the last 50 years of my experience in  
5 higher education, there were three things that I  
6 really felt very strongly, and we brought into the  
7 College and we all agree that these are the values  
8 that we should pursue.

9 Value number one is quality. We all feel  
10 that the institution for education now, where you  
11 have a class with 200, 300 students, you cannot get  
12 quality.

13 So we believe in small size classes, where  
14 we have no more than 6 to 8 students in each class.  
15 So that's how you improve the quality, because it's  
16 one-on-one. And I have one student over here with  
17 me who will be able to testify with that. They get  
18 one-on-one instructions.

19 Number Two. We strongly believe in  
20 affordability, because my experience in college  
21 tells me, and many colleges tells me that by the  
22 time this one graduate, they got enormous amount of  
23 student debt.

24 So our tuition fee at Northwest Suburban

1 University to complete their Bachelor's there. If  
2 they complete an Associate with us, go Bachelor's  
3 there. And we were very, very close to signing  
4 agreement with Roosevelt University, where we have a  
5 combined Associate or Bachelor's program with us,  
6 and Master's with them.

7 So, it was a four-year program, where they  
8 do Bachelor of Science with me in three years and  
9 get their Master's of Science, in Health Science  
10 with Roosevelt in one year.

11 So we are very, very cognizant of all these  
12 arrangement, articulation arrangements. So we would  
13 continuously work on it.

14 Q So even though you do not have  
15 accreditation, your students will be still able to  
16 still transfer their credits to certain  
17 institutions?

18 A Yes, yes, they will. Yes, they will.

19 Q What type of student body do you currently  
20 serve?

21 A We serve a diverse student body. Many of  
22 them, very diverse student body. Many of them are  
23 disadvantaged minorities. And we serve entire  
24 gambit of community from Northwestern part of

1 College is approximately half of what it is at UIC.  
2 And approximately 20 percent of what you would be  
3 paying at one of the private colleges here in  
4 Chicagoland.

5 So we believe in affordability, quality,  
6 and acceleration. There's no reason why you have to  
7 spend 4.7 years, is the average now, to get a  
8 college degree, to get a Bachelor of Science degree.  
9 That's the average, 4.7. And at Northwest Suburban  
10 College we could work very hard, very focussed in  
11 the focussed programs to complete the Bachelor of  
12 Science degree in three years.

13 So we really focus the quality,  
14 affordability and getting the students finished in  
15 time. That's what I want, to help the community.  
16 So it's a not-for-profit community service  
17 institution. And the founding family that provides  
18 enough resources for us to be able to run the  
19 institution.

20 Q How do you handle it when a student comes to  
21 you or comes to the College and wants to attend, but  
22 cannot afford to pay?

23 A If they cannot afford to pay, we will  
24 provide them funding through institution grants. If

1 they cannot qualify for FAFSA money, since we are  
2 FAFSA qualified now, we apply to FAFSA, if they  
3 cannot go to FAFSA, then we take care of them  
4 through our institutional aid.

5 So all the students previously before  
6 FAFSA, and even now, we will be helping them through  
7 institutional aid, to make sure that they complete  
8 graduation, and then go out and get a job. We are  
9 here to help the community, as not-for-profit  
10 institution.

11 HEARING OFFICER: Excuse me, FAFSA, explain what  
12 FAFSA is?

13 THE WITNESS: FAFSA is the federal student aid,  
14 which is the financial aid that the federal  
15 government gives out. And that is only offered  
16 accreditation, which we got through ACICS 2014, took  
17 us about a year to go through all the process and get  
18 that, and now, since we lasted right now, we are in  
19 jeopardy of losing that.

20 HEARING OFFICER: Is that a grant or a loan?

21 THE WITNESS: It is grant and loan. It's a  
22 combination of both. Subsidized loan and  
23 unsubsidized loan, and then there's a grant of  
24 approximately two to three thousand dollars,

1 A They're aware of it.

2 Q Okay. So --

3 A And they have given us to June 12th to be  
4 able to either get it or we lose it.

5 Q Okay. I want to go back to, you had said  
6 that certain institutions were allowing students to  
7 transfer credits to other schools.

8 Are those institutions aware, again, that  
9 Northwest Suburban College lost its accreditation?

10 A There regulations are very simply this, as  
11 long as you are approved by the Illinois Board of  
12 Higher Education to transfer credits.

13 And we do not say all the schools will  
14 transfer the credits, because there's no such  
15 blanket statement anyone can make, because some of  
16 these schools do not, sometimes we do not take the  
17 credits from other schools. It's up to the  
18 receiving institution whether to accept or not.

19 But we have arrangements with school where  
20 they would be able to take those credits.

21 Q Even if the IBHE revokes its --

22 A If they revoked it, then we have authority  
23 to issue any credits.

24 Q Right.

1 depending upon the economic conditions.

2 HEARING OFFICER: And the loan, what is  
3 percentage?

4 THE WITNESS: Loan, I want to say between 4 to 7  
5 percent, depending upon who is --

6 HEARING OFFICER: 4 to 7 percent of the tuition  
7 rate?

8 THE WITNESS: Yeah, yeah. Is the money they  
9 will take from the federal government.

10 HEARING OFFICER: Okay.

11 THE WITNESS: Sponsored by the federal  
12 government, essentially.

13 MS. PARKER: Those are all the questions I have.

14 HEARING OFFICER: Okay. Cross?

15 CROSS EXAMINATION  
16 by Ms. Steffy:

17 MS. STEFFY: Q Okay. So along the lines of  
18 this FAFSA, is this in regards to Title 4 funding?

19 A Title 4 funding, that's right.

20 Q And do you need accreditation to have Title  
21 4 funding?

22 A Yes, we do.

23 Q So, is the Title 4 aware that you have lost  
24 accreditation?

1 A So, without your support, we cannot.

2 Q Right. And I just want to, how many site  
3 visits did the IBHE have with your school and  
4 yourself?

5 A Approximately three that I can recall, three  
6 or four.

7 Q Three or four. And isn't it true at every  
8 single one of those site visits, the IBHE discussed  
9 their concerns of your institution having a lapse in  
10 accreditation?

11 A They have mentioned that continuously, and  
12 we continuously told them that we are working very  
13 hard to get the accreditation. And you know it  
14 takes time.

15 Q I understand. But, okay, but so they  
16 contacted you, okay.

17 I am going to show you what I have marked  
18 as Plaintiff's Exhibit C.

19 Dr. AliNiazee, can you please look at that  
20 document?

21 A Sure.

22 Q Do you have personal knowledge of this  
23 document?

24 A Yes, I do.



1 Q Do you remember receiving this document?  
 2 A Yes.  
 3 Q Okay. And this is a document that was  
 4 issued from the IBHE to yourself; is that correct?  
 5 A Right.  
 6 Q And would you mind reading this second, I  
 7 think it's the --  
 8 A Second line?  
 9 Q Second line, in the first paragraph, to the  
 10 end of the paragraph?  
 11 A All right. I told you at the meeting that  
 12 should the College cease to be accredited prior to  
 13 obtaining accreditation from an alternative  
 14 recognized body, you would be out of compliance with  
 15 the Private College Act, and the Academic Degree  
 16 Act. I want to make sure that information is in  
 17 your hands in writing since its importance is  
 18 extremely high.  
 19 Q And then can you go down to the bottom and  
 20 read the last paragraph?  
 21 A Please keep IBHE informed regarding your  
 22 accreditation status. Be aware that we will respond  
 23 immediately should you become aware of a lapse of  
 24 institution accreditation.

1 MS. STEFFY: I'd like to move this into  
 2 evidence?  
 3 HEARING OFFICER: Okay. Number C. Any  
 4 objection?  
 5 MS. PARKER: No.  
 6 HEARING OFFICER: Move number C.  
 7 MS. STEFFY: Q Okay. Dr. AliNiazee, at any  
 8 point, did you advise -- strike that.  
 9 Isn't it true that you had advised ACICS  
 10 that you were going to allow your accreditation with  
 11 them to lapse?  
 12 A That's right. We did tell them, yes.  
 13 Q Yes, okay. And isn't it true that while the  
 14 Department -- well, strike that.  
 15 Are you aware that even though the  
 16 Department of Education revoked accreditation of  
 17 ACICS, that I believe it's CHEA, C-H-E-A, still has  
 18 approved ACICS's accreditation?  
 19 A But the Department of Education does not.  
 20 Q Right.  
 21 A So if the Department of Education does not,  
 22 then the accreditation is worthless. That's my  
 23 understanding.  
 24 Q That's your understanding.

1 A Because I talked to Department of Education,  
 2 they said, no, no, no, you cannot.  
 3 Q If you were aware that ACICS is still an  
 4 approved accreditation within Illinois, would you  
 5 have allowed your -- actually, strike that. Strike  
 6 that.  
 7 Oh, Dr. AliNiazee, so the current programs  
 8 you have, medical assistant, dental assistant, and  
 9 pharmacy tech, isn't it true that those are all  
 10 authorized by the IBHE under the Private Business  
 11 Vocational School Act?  
 12 A Correct, correct.  
 13 Q Okay. Taking you back to the physical  
 14 therapist assistant therapy program.  
 15 A Right.  
 16 Q The IBHE granted approval, I believe, or  
 17 authorization to operate that program back in 2011;  
 18 is that correct?  
 19 A That's correct.  
 20 Q As of 2016, did you have any students ever  
 21 enrolled in that program?  
 22 A We did not.  
 23 Q You did not. And you're --  
 24 A And we informed the IBHE that you can take

1 the authority back from us, we have no --  
 2 MS. STEFFY: Okay. And that's, okay. I think  
 3 that's it.  
 4 MS. PARKER: Okay.  
 5 HEARING OFFICER: Redirect?  
 6 RE-DIRECT EXAMINATION  
 7 by Ms. Parker:  
 8 MS. PARKER: Q Okay. Dr. AliNiazee, Miss  
 9 Steffy was just asking you about your communications  
 10 with IBHE related to keeping them informed as  
 11 Dr. Cullen had stated in a letter to you from June  
 12 of 2017.  
 13 I'd like to admit as Respondent's Exhibit  
 14 3, I'm sorry, I don't have a copy.  
 15 (Exhibit was marked as Respondent's Exhibit 3A.)  
 16 HEARING OFFICER: You don't have a copy.  
 17 Are you going to ask some questions?  
 18 MS. PARKER: I am.  
 19 Q Dr. AliNiazee, could you describe what the  
 20 document is that you're holding, Exhibit 3A?  
 21 A It's a letter that I wrote to Dr. Cullen.  
 22 Q And what was the subject matter that you  
 23 were writing to him about?  
 24 A All right. Let me just, okay, I was writing

1 to him about the visit that he had with us, maybe  
2 about a couple of weeks before, I do not have exact  
3 dated, but he had a visit with us and we discussed  
4 the College situation, accreditation situation.

5 And there were two things he mentioned  
6 during the meeting. Number one, he said that you  
7 have great academy programs.

8 And number two, he mentioned that you got  
9 good facilities to run these programs.

10 Number three, he said that administrative  
11 structure needs improvement. You need  
12 administrative, administrative structure needs  
13 improvement.

14 Then I told them that we are working on it  
15 and this is in response to that, how we improve the  
16 administrative structure. And this letter is, there  
17 are many e-mails like this, unfortunately, I did not  
18 bring all those with me.

19 HEARING OFFICER: Okay. Well, just for the  
20 record, because it's not in the record yet,  
21 Respondent's number 3A letter is dated August 28,  
22 2017, to Dr. Cullen from Dr. AliNiizee.

23 THE WITNESS: Yes.

24 HEARING OFFICER: Correct?

1 THE WITNESS: Yes, that's right.

2 MS. PARKER: Q And do you also discuss in your  
3 letter your accreditation status and your thoughts  
4 on your accreditation?

5 A I did. I did. And I told him we are  
6 working very hard to get ACCSC application in. And  
7 they promised me that they will be able to give me a  
8 visit, by the end of the year.

9 Q And do you recall sending any other e-mails  
10 to Dr. Cullen related for your accreditation status?

11 A I did, yeah, I send him a letter,  
12 unfortunately, I did not bring the copies.

13 HEARING OFFICER: Is Respondent Number 3A. Are  
14 you seeking to admit this?

15 MS. PARKER: Yes.

16 HEARING OFFICER: Any objection?

17 MS. STEFFY: No objection.

18 HEARING OFFICER: No objection. It will be  
19 admitted without objection.

20 MS. PARKER: Q Dr. AliNiizee, with respect to  
21 ACICS losing its recognition from the Department of  
22 Education, was that loss of recognition concerning  
23 to you, because it would make your students  
24 ineligible for federal financial aid?

1 A Yes, I was concerned about it.

2 Q And if ACICS had approval from CHEA, would  
3 those students still be eligible for federal  
4 financial aid?

5 A They would not be.

6 Q So, in your opinion, did that impact, to  
7 you, the value of the ACICS accreditation?

8 A Exactly right. And I discussed this with  
9 the Department of Education, Donna Sobie, she told  
10 me specifically that it's useless, you got to go to  
11 another agency to get it.

12 MS. PARKER: We have no more questions.

13 HEARING OFFICER: Okay. Any redirect on that?

14 MS. STEFFY: Yes.

15 HEARING OFFICER: I'm sorry, cross.

16 RE-CROSS EXAMINATION

17 by Ms. Steffy:

18 MS STEFFY: Q I believe earlier in your  
19 testimony you had said, you keep saying gave the  
20 IBHE two years, two years. I believe Miss or  
21 Dr. Bernoteit testified that one of the options she  
22 had addressed with Northwest Suburban College was  
23 that you could relinquish your authority to operate  
24 and reapply, which would allow for this two-year

1 gap, is that not true?

2 A Yeah, she offered me that too, why don't you  
3 relinquish your degree granting and your operating  
4 authority. And I said then you defeated the whole  
5 purpose of the College.

6 Because the College, we have provided  
7 education to students who would not get an education  
8 otherwise in other places, in a very affordable  
9 manner.

10 And number two, our programs are active  
11 program, they're good programs, and give it some  
12 time, because everybody has the same question, if I  
13 could try, then I'd take it back again.

14 MS. STEFFY: Okay. But as you're aware,  
15 pursuant to the Illinois statute and the rules, an  
16 institution is required to be accredited. And  
17 currently you do not have any accreditation status?

18 A I do not have right now, that's true.

19 MS. PARKER: I object, that's adding facts that  
20 are not in evidence. You have to have evidence that  
21 there's a requirement for accreditation.

22 HEARING OFFICER: Okay. So your position was  
23 that they -- I didn't hear the rest of what you  
24 said.

1 MS. STEFFY: Positions that pursuant to the  
2 rules that they are required, the schools are  
3 required to have accreditation as part of their  
4 ability to operate their schools, that the IBHE has  
5 grounds for revocation, if an institution loses its,  
6 if an institution loses its accreditation, the IBHE  
7 has grounds to revoke based on that loss of  
8 accreditation solely, which is the reason why we are  
9 here today, and as Dr. AliNiazee, I apologize.

10 THE WITNESS: No problem.

11 MS. STEFFY: Has testified, they are not  
12 accredited.

13 HEARING OFFICER: Right, and your objection is  
14 what?

15 MS. PARKER: Our objection is that her prior  
16 statement was that you're required to have  
17 accreditation, and we believe, number one, that's  
18 not what the rules say.

19 And number two, we think it contradicts  
20 Dr. Bernoteit testimony, in which she explained  
21 IBHE's thought process around accreditation, and  
22 it's value, and that, yes, it's a potential ground,  
23 but it's not a requirement.

24 HEARING OFFICER: Well, Miss Parker, would you

1 MS. PARKER: Okay. Mr. Irfan, would you --  
2 HEARING OFFICER: Spell the last name.

3 MS. PARKER: Q -- spell your name and state  
4 your name and spell your name for the record?

5 A Last name is Irfan, I-r-f-a-n. First name  
6 is Kareem, K-a-r-e-e-m. And I am the executive  
7 vice-president of the college.

8 Q And could you give a little bit about your  
9 background?

10 A Sure. I have got a Bachelor's in computer  
11 engineering. A Master's in software engineering.  
12 A JD, and I have international business management  
13 and leadership certifications.

14 Q And what is your role at the College?

15 A I join the College in August, and that was  
16 part of the College's shoring up its administrative  
17 capacity.

18 In my professional life I have been in  
19 litigation for a number of years. I have, and I  
20 currently manage, also, a group of, just before  
21 joining the College, a group of multi-national  
22 companies in the business intelligence predictive  
23 data analytics fields.

24 My role has been, primarily, to make sure

1 agree that the loss, in itself, is grounds for  
2 revocation.

3 MS. PARKER: It is a ground.

4 HEARING OFFICER: It's a ground for revocation.

5 MS. PARKER: It is something to be considered.  
6 It's not a requirement, it's not, it's not  
7 mandatory.

8 HEARING OFFICER: That will be for the Board to  
9 decide.

10 MS. PARKER: Right, it's not mandatory, right.

11 HEARING OFFICER: Okay. But we'll see.

12 MS. PARKER: It's not mandatory.

13 MS. STEFFY: That will be it.

14 HEARING OFFICER: Okay. We all done?

15 THE WITNESS: Can I make a last plea?

16 HEARING OFFICER: No, no, that's it, you have an  
17 attorney there.

18 THE WITNESS: Oh, okay.

19 MS. PARKER: Thank you, Dr. AliNiazee.

20 HEARING OFFICER: Next witness?

21 MS. PARKER: We call, yes, Mr. Kareem Irfan.

22 (Witness sworn.)

23 EXAMINATION

24 by Ms. Parker:

1 that there is necessary executive leadership  
2 capacity at the College. Addressing the strategic  
3 intent of the College, and making sure that that is  
4 implemented properly, shoring up the  
5 administration's definition of rules and  
6 responsibilities and accountabilities, making sure  
7 that the processes of the College are clearly  
8 defined, documented, and monitored.

9 And, if I may add, this was one of the  
10 discussions that I had with Dr. Bernoteit's  
11 predecessor, prior to their September visit, and I  
12 took it upon my own, as soon as I contacted the  
13 College, I had had some prior dealings with  
14 Dr. Cullen, I sit on the boards of a number of  
15 institutions, including a couple of higher education  
16 universities, such as Benedictine University and  
17 alike.

18 So I reached out to him, on that basis, and  
19 I said I'm here, the College is extremely committed  
20 to making sure that it has credible leadership  
21 capacity and processes, and I would like to connect  
22 with him and see if there is anything at all that  
23 can be done to build upon the relationship with  
24 IBHE.

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1 Q And did you have more than one discussion  
 2 with Dr. Cullen related to the accreditation status  
 3 of the College?  
 4 A Absolutely, with both Dr. Cullen and  
 5 Dr. Bernoteit, where they expressed concern that  
 6 they had about the accreditation situation, the  
 7 issues with ACICS, and I assured them that we have  
 8 appealed the decision to withdraw accreditation, and  
 9 I said we feel very, very strongly that the College  
 10 was put in a very hard spot.  
 11 Our processes were not understood  
 12 correctly, and they were misassumptions and  
 13 misunderstandings that ACICS, on the basis of which  
 14 they issued the show cause. There was particular  
 15 discussion about the complaints by a couple of  
 16 individuals at the institution.  
 17 And what I had assured Dr. Cullen and  
 18 Dr. Bernoteit was that we have appointed an  
 19 independent law firm to assess the complaints and  
 20 come up with whatever are the facts and  
 21 recommendations.  
 22 And I indicated that that will be conducted  
 23 independently, and I brought to bear my background  
 24 of decades of compliance and regulatory authority,

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1 and legal assurances to bear upon that. And as a  
 2 result of that, the reason I can state it so  
 3 confidently, and the reason I appear, we all appear  
 4 so frustrated at what has happened is the  
 5 independent law firm came up with its determination  
 6 that there was no basis for serious concern tied to  
 7 the charges.  
 8 But that we wanted to still shore up the  
 9 processes and the administrative capacity, and I  
 10 notified Dr. Cullen of that, and Dr. Bernoteit has  
 11 been informed of that. And we were very confident  
 12 that we were on the road toward moving on to the  
 13 next phase of the College.  
 14 Q What things has the College done to improve  
 15 its administrative capacity?  
 16 A Sure. I have taken on, as the executive  
 17 vice-president, and I have directly and, perhaps,  
 18 Dr. Bernoteit will recall in the visit, I said  
 19 everything dealing with compliance, I am taking  
 20 direct responsibility for.  
 21 In fact, when you look at org chart, you  
 22 will notice that the compliance function reports  
 23 directly to the executive vice-president.  
 24 What you will also notice is, in order to

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1 make sure that a significant oversight, Officer  
 2 Cavanaugh, what we did was put, took the unusual  
 3 step of having the academic function functionally  
 4 report to me. That is somewhat unusual. It does  
 5 happen in a few universities, but I wanted to be  
 6 sure that I would be personally accountable for all  
 7 the operations that take place in the College.  
 8 So that was one of the steps that I took.  
 9 We hired a vice-president of finance, very well  
 10 qualified to make sure that the financial aspects  
 11 are adequately covered.  
 12 We hired, there is a dean of academic and  
 13 student affairs, who is competent and focused on the  
 14 academic aspects. We also have a very qualified  
 15 admissions and recruitment and marketing  
 16 coordinator.  
 17 So we have a College right now which is, I  
 18 can tell you from my experience running companies,  
 19 extremely heavy on the leadership side right now.  
 20 For the number of students that we cater to, this is  
 21 way beyond what any institution should be doing, but  
 22 the College is committed to that. Investments have  
 23 been made to make sure that the financial resources  
 24 are there. And then we are making sure that the

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1 operational processes are defined and monitored and  
 2 accountability is in place.  
 3 Q This?  
 4 A Yes.  
 5 Q This would be, we would like to admit as  
 6 Respondent's Exhibit 4, it's an organizational chart  
 7 of the College.  
 8 HEARING OFFICER: Any objection to number 4?  
 9 MS. STEFFY: No, no objections.  
 10 MS. PARKER: Mr. Irfan, would you discuss the  
 11 organizational chart diagram?  
 12 A Definitely. You see the president's office  
 13 includes the president and myself, and everything  
 14 under reports directly up through the executive  
 15 vice-president's and the president's office.  
 16 And we have a finance function in green,  
 17 which is headed by the vice-president of fiance and  
 18 budgeting. This is a gentleman who is a CPA, who  
 19 has got a practical background in running finances  
 20 for companies.  
 21 We have a financial aid office, which is  
 22 independently run by a lady who is qualified for it.  
 23 We have an accounting manager, who also is a CPA,  
 24 and he's managing that. Compliance and regulatory

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1 affairs, as I indicated, that comes directly under  
2 my jurisdiction, and I try to bring to bear my  
3 extensive legal experience, my business strategy  
4 experience, and statutory and regulatory affairs  
5 experience to it.  
6 We have compliance consultants on the  
7 outside that we have engaged in the past, with  
8 respect to the filings with ACCSC, and we continue  
9 to that.  
10 On the academic side, we do have a Provost,  
11 Dr. Akbar, under whom we have a new dean of academic  
12 affairs. And under that we have the two functions  
13 in gray, the school of Allied Health Sciences and  
14 the School of Basic Sciences, with their own  
15 faculty, with their own advisory services.  
16 We have a career services coordinator, who  
17 manages for the cross function of College  
18 operations. Then we have library service and a  
19 dedicated admissions and marketing function.  
20 HEARING OFFICER: When was that organizational  
21 chart enacted?  
22 THE WITNESS: This is the latest version,  
23 Officer Cavanaugh. The changes were made, started  
24 being made in August of last year. And they have

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1 been implemented since that time with some  
2 fine-tuning, some adjustment of who shows up how,  
3 but this is the current version of it.  
4 HEARING OFFICER: Okay. Is this marked?  
5 THE WITNESS: It's the same one. My apologies.  
6 HEARING OFFICER: Okay. Number 4 will be  
7 admitted without objection. Respondent's number 4.  
8 MS. PARKER: Q And so in part, as part of your  
9 role, did you have any role, in terms of the efforts  
10 of the College to get alternate accreditation?  
11 A Absolutely. When I joined the College, and,  
12 first of all, already underway, as the testimony of  
13 Dr. AliNiazee indicates, to pursue ACCSC  
14 accreditation. A group of consultants on the  
15 outside, who are experts in this field, were hired.  
16 They were working directly with the College  
17 administration and staff in pulling together that  
18 application.  
19 And then the self-evaluation report, which  
20 literally did take about eight months of hard work,  
21 because as you may appreciate, of course  
22 Dr. Bernoteit understands this fully, but that  
23 manual, that self-evaluation report requires  
24 basically a documentation of every single aspect of

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1 the College, all the way from leadership board  
2 structure down to the academic programs and student  
3 grievances, complaints, policies.  
4 There are about 241 pages of policies, I  
5 know, because I have personally reviewed those and  
6 made sure that they are absolutely in sync with what  
7 is needed for not just a college of this type, but I  
8 dare say those policies would suffice, because I  
9 advise Benedictine and DePaul University, they are  
10 on par with some of those larger institutions.  
11 Our goal here, and please pardon me if I  
12 take a moment, but I want to emphasize in answering  
13 your question, we do not come here as taking an  
14 adversarial position. The Illinois Board of Higher  
15 Education, that's, as citizens of Illinois, we pay  
16 for that. They are representing us.  
17 And Dr. AliNiazee and the College is  
18 representing the interest of the students, IBHE  
19 represents the interests of the students, so we are  
20 not on opposite sides, perhaps it is providential  
21 that now I sit on your side, Dr. Bernoteit, and give  
22 this testimony, because we are here to protect the  
23 interests of the students.  
24 And this gentleman, who founded this

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1 College, he's given his life, literally, to this.  
2 Pardon me if I get emotional. That is the reason I  
3 have given up my taking, running a global  
4 multi-million dollar institutions for half the time  
5 to be behind this gentleman, and his institution,  
6 because this College is dedicated to serving the  
7 diversity of American students, which are so  
8 desperate.  
9 And I hope you get a chance to hear from  
10 one of our students. The thing that hit me, when we  
11 spoke to her, is that she said we had no hope, when  
12 we came to this College. We didn't have any  
13 direction, in terms of education. We didn't have  
14 any money. We came to the College, they were  
15 guided, in terms of finance, in terms of the best  
16 education, and you will hear, how her life has been  
17 transformed. She's from Rwanda, and she's able now  
18 to not just be a dental assistant, because of the  
19 College, but she's running her own, and I'm proud to  
20 say that you're associated with us, running her own  
21 home services company.  
22 She has come back, despite all this fuel  
23 about lack of accreditation. She has come back, and  
24 she said, I wanted to go through the Associate's

1 degree in Biology because I want to become a nurse,  
2 and I want to go through this institution, which has  
3 changed my life. That's what we are talking about  
4 here, folks.

5 And so we are all on the same page. You  
6 want to address the interest of the students. Trust  
7 us when we say, this is what I conveyed to  
8 Dr. Cullen and Dr. Bernoteit, I said if it is  
9 possible to, believe me, we are a little bit more  
10 concerned about students than you, because you deal  
11 with a few hundred institutions. We deal with just  
12 one institution, and 50 to 100 students, where money  
13 is taken out of the pockets of the community members  
14 who are donating, and the founding families  
15 donating, and we are protecting their interest.

16 So please believe us when we say, their  
17 interest is what is driving this College.

18 Q Mr. Irfan, in your opinion, if you were  
19 given additional time from IBHE, do you think the  
20 College would be able to get through an alternate  
21 accreditation process?

22 A That answer is so simple for me to give  
23 because with ACCSC, you asked about, we first filed  
24 after eight months of work, accreditation

1 application as a transitioning school, because we  
2 were accredited with ACICS at that time, and  
3 Dr. Bernoteit, herself, had recommended, go to  
4 ACCSC. We went to ACCSC, you're the experts, we  
5 followed you.

6 He went there. We went through a process  
7 of eight months, filed the SCR, that document, and  
8 after a few months, when we lost the appeal hearing,  
9 and, if there is some way, we should make the appeal  
10 brief of record, because we have contested every  
11 single one of the allegations of ACICS, and I know  
12 this is extraneous for your consideration, perhaps,  
13 Officer Cavanaugh, but we feel that we got squeezed  
14 by ACICS as they were trying to prove to the DOE  
15 that, hey, we are able to crack the whip, they  
16 picked the smallest institution. We hoped that they  
17 did not pick us out because we were a diverse  
18 institution, this is owned by Muslim-American  
19 interest, and I can tell you, based on --

20 MS. STEFFY: I'm going to object to that.

21 THE WITNESS: You can, perfect. So I'm  
22 addressing your question with respect to the appeal.

23 MS. PARKER: Q Yes.

24 A So with ACCSC, so we filed that, and then

1 what happened --

2 Q You're giving your opinion?

3 A Yes, giving my opinion. After we filed  
4 that, what they told us is, what they told us is,  
5 okay, now that your appeal has been turned down,  
6 you cannot apply as a transitioning school.

7 For us, having invested those resources,  
8 all of that water under the bridge, we said, please,  
9 what can we do. They said, okay, we have a  
10 solution, apply as a new accrediting application. I  
11 said wonderful. We went through that same process.  
12 Filed a new application as a new school applying for  
13 accreditation.

14 They went through that process of having us  
15 submit it, and then once they hear, they heard, oh,  
16 no, they didn't hear, we informed them, we,  
17 personally, went out, out of our commitment of  
18 transparency, we said, look, we have, they were  
19 preparing to review it, and then said we, they had  
20 given us a commitment, February or March, we will be  
21 able to possibly come down for a site visit.

22 When this hearing was appointed, we sent  
23 out a notice to them. We were not required to do  
24 so, we felt we had to. We said you have to be aware

1 of this. The IBHE has taken the step, while we said  
2 we are going to contest it, we hope that we can  
3 convince the hearing officer that this is an unfair  
4 step, but we still told them. We are notifying you.

5 And that's the letter that you are  
6 referring to. They came back and they said, okay,  
7 your transitioning school application, great, it is  
8 ready, we cannot review it because you lost  
9 accreditation.

10 You applied as a new applicant, great, we  
11 have received it, we cannot review it because now  
12 IBHE has got the sword of Damocles hanging over you.  
13 So we are stuck. We are squeezed right now.

14 To answer your question, absolutely, the  
15 College has got the administrative capacity, the  
16 leadership capacity, the academic processes and  
17 programs to function as an effective institution of  
18 higher education.

19 We will be able to get the accreditation  
20 with ACCSC. We have faced the same issue with  
21 ACCSC. They say, okay, issues with, oh, I have to  
22 explain this. ACCSC asked us for a full explanation  
23 on what happened with ACICS.

24 We submitted it completely in writing,

1 shared the appeal brief, that's when they said, go  
2 back and apply as a new application, and that fell  
3 by the wayside.

4 So we are squeezed. We don't know what to  
5 do. Our job is, our commitment is to serve the  
6 students, and IBHE's job is to protect the interest  
7 of, what we are just saying is let us work together.

8 We are opening the College completely.  
9 Dr. Bernoteit can visit us, and that was the  
10 commitment I gave to her and Dr. Cullen, I said I'm  
11 putting my personal credibility on the line, and I  
12 know that's one of the reasons that, in my opinion,  
13 being expressed opposing Counsel may have issues,  
14 but there is a reputation I have here. I have  
15 served --

16 HEARING OFFICER: Okay.

17 THE WITNESS: That's what I am going.

18 HEARING OFFICER: You have explained it.

19 THE WITNESS: Thank you, sir.

20 MS. PARKER: Q Mr. Irfan, so in your  
21 background, amongst other things, and you have a  
22 varied background, as you have talked about, you  
23 have been involved in law, business, international  
24 operations, but you do, you do have a law degree?

1 A Yes.

2 Q And did you look at the IBHE code?

3 A Sure.

4 Q I shouldn't say the IBHE code, the Illinois  
5 Administrative Code, that governs IBHE, in sort of  
6 thinking about how the College should proceed?

7 A Absolutely. I have racked my brain and we  
8 have had these conversations, I was hoping that you  
9 would be able to proof me wrong, I have not been  
10 able to find anything in the regulations that  
11 specifically say that lapse of accreditation  
12 requires the IBHE to divest authority.

13 MS. PARKER: Okay. We would like to admit as  
14 Respondent's, I think we're at Exhibit F maybe?

15 HEARING OFFICER: I think this is 4.

16 MS. PARKER: 4, I'm sorry, 5. It is just a copy  
17 of the Illinois Administrative Code that we  
18 downloaded, from the IBHE website, it's the whole  
19 thing, so it's a little heavy.

20 MS. STEFFY: Can I just make sure it's the  
21 updated version?

22 MS. PARKER: I did my best to make sure I kept  
23 pulling the latest.

24 MS. STEFFY: Okay. There was one that was

1 updated December 19, 2017. Yep, it is. We're good.

2 MS. PARKER: Okay. Good.

3 HEARING OFFICER: Okay. So this will be  
4 Respondent number 5.

5 MS. PARKER: 5.

6 HEARING OFFICER: Any objection to the admission  
7 of the administrative rules?

8 MS. STEFFY: No objection.

9 HEARING OFFICER: Okay. So, for the record, it  
10 will be title 23 Illinois Administrative Code, will  
11 be admitted into evidence without objection.

12 MS. PARKER: Q So, Mr. Irfan, in your role as  
13 executive vice-president at the College, did you  
14 review the code in response to the letter, the  
15 revocation notice that you received from IBHE?

16 A Yes, I did.

17 Q And in your review, in the sections that  
18 they cited, did you see anything that led you to  
19 believe that IBHE was required to revoke the  
20 operating degree granting authority of the College  
21 due to --

22 A Absolutely not.

23 Q In their notice, IBHE cited to 1030.80. I'm  
24 sorry, I'm going to change that, 1030.30A2B, for the

1 loss of accreditation.

2 A Uh-huh.

3 Q Is there anything about that, that has led  
4 you to believe that IBHE has no discretion in  
5 determining whether or not the College should have  
6 its authority revoked?

7 A All the reading that I can do, based on my  
8 litigation experience, it directs it towards the  
9 discretionary authority. The language consistently  
10 uses terms such as during review for operating  
11 authority, board staff will consider the following.  
12 Consider is a very clear term that says take a look  
13 at it.

14 There is nothing in here which says you  
15 absolutely are required to do so. And that's where  
16 I particularly appreciate Dr. Bernoteit's testimony  
17 where she was very clear that no such indication is  
18 there in the rules.

19 And I must express my appreciation, because  
20 she's being more than forthright, Dr. Stephanie, in  
21 our dealings, and being very, very clear in saying  
22 this is where we stand. And that's the reason we  
23 feel confident that making this appeal, that, okay,  
24 despite the fact that we are saying the grounds that

1 you have noted are not applicable here, we are not  
2 coming here to say you're wrong, all we're saying is  
3 give us chance.

4 HEARING OFFICER: The code will speak for  
5 itself. It's more like an argument for Counsel to  
6 make about whether or not, depending on what's going  
7 on.

8 THE WITNESS: Absolutely, please forgive me.

9 MS. PARKER: Q Thank you. And then as to the  
10 issue of the College's failure to maintain the  
11 conditions under which the institution or degrees  
12 were authorized, what did you take that to mean,  
13 based on the communications that the College  
14 received from IBHE?

15 A I was flummoxed. I could just see those two  
16 grounds, that they had asserted. One being loss of  
17 accreditation, which we are not denying at all, and  
18 then the, after the hearing, at the hearing, I was  
19 there at the hearing, when the motion was made for  
20 the Board to approve the appointment of this hearing  
21 officer, there was only one ground that was raised,  
22 and that was the loss of accreditation.

23 So I was a bit surprised at this initial  
24 ground about lack of continuous operation for 12

1 months. So that was a post approval grant, but, so  
2 we wanted to point that out, because that's  
3 factually incorrect.

4 And you have laid out the grounds for why  
5 we have had continuous operation. But, so those two  
6 factors I could look at, but other than that, I am  
7 not aware of anything.

8 Q And were you at the hearing when the IBHE  
9 Board decided to move forward with, granted approval  
10 for this hearing officer to be appointed?

11 A Absolutely.

12 Q At that time was there any discussion about  
13 the 12-month continuous operations?

14 A Absolutely not. I would have jumped up like  
15 crazy and waived my hands and said something because  
16 that's just factually incorrect.

17 MS. PARKER: I have no more questions.

18 HEARING OFFICER: Okay. Cross examination?

19 MS. STEFFY: Okay.

20 CROSS EXAMINATION

21 by Ms. Steffy:

22 MS. STEFFY: Q Prior to NWSC receiving the  
23 August 7th, 2017 letter notifying you that they had  
24 withdraw their accreditation by suspension, had,

1 isn't it true Northwest Suburban College had advised  
2 them that you were planning on letting your  
3 accreditation lapse on December 31, 2017?

4 A My understanding is that they, the decision  
5 was made that they would not renew the accreditation  
6 when it lapsed at the end, because that coincided  
7 with when the Department of Education had said their  
8 authority to grant accreditation would expire too.

9 Q Okay. So when, remind me again, when did  
10 Northwest Suburban College seek accreditation from  
11 ACCSC?

12 A We applied in 2017, I believe,

13 DR. ALINIAZEE: The application went in in  
14 January.

15 A I don't recall the date.

16 MS. STEFFY: Q Okay. But were you notified in  
17 June of 2017 regarding the ACICS possible revocation  
18 granting institutions 18 months to --

19 A Sure.

20 Q Okay. And so you waited six months though  
21 to seek accreditation status; is that true?

22 A No, absolutely not. That would have been a  
23 gross negligence on the part of the College to have  
24 received that notice and done nothing.

1 Q But I believe it was Dr. AliNiazee's  
2 testimony that you didn't apply until January of  
3 2017?

4 A There's a difference between applying and  
5 preparing to apply. There were, perhaps I can  
6 address that question. You cannot just get up and  
7 say tomorrow I'm applying to ACCSC and file an  
8 application. It takes weeks and months of  
9 preparation to, first of all, identify the right  
10 school, set the background, and then approach them  
11 to see if you can apply. So all of that process of  
12 preparation, investigation, assessment, and due  
13 diligence was being undertaken.

14 Q Okay.

15 HEARING OFFICER: So when was your actual  
16 application, and when was the process begun?

17 THE WITNESS: Please, pardon me if I don't  
18 recall the exact date.

19 HEARING OFFICER: Oh, you don't recall the date,  
20 I'm sorry.

21 THE WITNESS: But the moment we found out --

22 HEARING OFFICER: Okay. No, if you don't  
23 recall, then she can put that in somewhere else.

24 THE WITNESS: Thank you, sir.



1 MS. STEFFY: Q Okay. I would like, okay, I  
 2 would like to, this is Defendant's, I'm sorry,  
 3 exhibit, what number was this?  
 4 HEARING OFFICER: Is this the administrative  
 5 code? 5.  
 6 MS. STEFFY: 5, yes.  
 7 Q If you would take a look at page 22?  
 8 A Yes, ma'am.  
 9 Q Okay. Can you read number 16 for me,  
 10 please?  
 11 A Oh, 16.  
 12 Q Yes.  
 13 A Any institution applying for a certificate  
 14 of approval or authorization to operate in the State  
 15 of Illinois, must specify its accreditation status.  
 16 New institutions without accreditation from an  
 17 accrediting authority recognized by the U.S.  
 18 Department of Education or the Council for Higher  
 19 Education accreditation shall provide a clearly  
 20 defined plan to move from candidate to affiliate  
 21 status.  
 22 The plan should include the name of the  
 23 accrediting organization, the basic outline of the  
 24 accreditation process and the project, projected

1 timeline for obtaining affiliate status within five  
 2 years after the date of Board approval, unless the  
 3 Board waives the original timeline, because it is  
 4 found to be an unrealistic expectation.  
 5 Appropriate steps shall be taken to assure  
 6 that programmatic accreditation needed for licensure  
 7 or entry into a profession as specified in the  
 8 objectives of the unit of instruction will be sought  
 9 in a reasonable amount of time and will be  
 10 maintained throughout the life of the program.  
 11 Q Okay. And would you agree that this is  
 12 under, this is under section 1030.30, which is  
 13 entitled, institutional approval?  
 14 A If you could direct me to which page?  
 15 Q Yes, I'm sorry.  
 16 A I'm happy to read through it, but it will  
 17 take a little bit of time.  
 18 Q Page 12.  
 19 A Section 1030.30, institutional approval,  
 20 yes, ma'am.  
 21 Q Yes, okay. So this is, again, this is,  
 22 would you agree that this, or isn't it correct to  
 23 say that this is, this is in regards to when an  
 24 institution is applying for approval; is that

1 correct?  
 2 MS. PARKER: Objection, grounds, form.  
 3 MS. STEFFY: Q Okay. Well, he said -- you are  
 4 familiar with this code, you said, in your capacity  
 5 as vice-president, you have read this code and as an  
 6 attorney you read this code?  
 7 A I have read the code, yes.  
 8 Q You read the entire code?  
 9 A I don't profess to recall every provision  
 10 offhand.  
 11 Q Right. Okay. But that's why I am asking to  
 12 read this.  
 13 A I just read it, so what is the question?  
 14 Q Okay. Right.  
 15 HEARING OFFICER: Slow down. What subsection do  
 16 you want him to review?  
 17 MS. STEFFY: Q I had him review it.  
 18 HEARING OFFICER: Okay.  
 19 MS. STEFFY: Q You know, the testimony is that  
 20 you're constantly saying that the IBHE, you keep  
 21 referring to when the IBHE -- strike that.  
 22 NWSC has been, was approved to operate, I  
 23 believe Dr. AliNiaze had instructed to act in 2010,  
 24 2011, and 2013, correct?

1 A Are you asking me that?  
 2 Q Yes.  
 3 A I don't recall his testimony.  
 4 Q You don't recall his testimony, okay.  
 5 A I cannot remember dates.  
 6 Q Are you aware of the procedures for when an  
 7 institution is first obtaining approval to operate  
 8 and get degree granting authority from the IBHE?  
 9 A I am generally aware, yes.  
 10 Q You're generally aware. Are you aware that,  
 11 are you aware that during this approval process,  
 12 after five years, if an institution has not  
 13 completed all of the IBHE's guidelines, pursuant to  
 14 1030.30, that the Board may deny the authorization  
 15 to operate?  
 16 A I would direct your attention to, 1, 2, 3,  
 17 4, 5, 6, 7, 8, item 9, where it says, unless the  
 18 Board waives the original timeline.  
 19 Q Right, but I --  
 20 A That leads me to believe that the Board has  
 21 authority to waive.  
 22 Q But I am also asking are you aware, pursuant  
 23 to the rules, that the Board may deny that  
 24 continuation, based on certain aspects?

1 A I'm lost.  
 2 Q Okay. Sorry, strike that.  
 3 HEARING OFFICER: Counsel, is that a little  
 4 different than the -- you already obtained  
 5 accreditation, so it's not --  
 6 MS. STEFFY: Q Right. Well, that's what I am  
 7 trying to ask. They have obtained accreditation.  
 8 You lost accreditation, correct?  
 9 A Yes, we stipulated --  
 10 Q You lost, and pursuant to the code, and I  
 11 would like to point out that the code was updated  
 12 December 19th, 2017, so at the time, prior to it  
 13 being prepared to the Board, the code was a little  
 14 bit different, for your knowledge.  
 15 HEARING OFFICER: Thanks.  
 16 MS. STEFFY: Q So that's the reason why we  
 17 cited to that. It has been updated, and pursuant to  
 18 the code, which it was still in there prior to that,  
 19 loss of accreditation is grounds for revocation,  
 20 correct.  
 21 A Counsel, I am lost.  
 22 MS. PARKER: Can we just note something for the  
 23 record, if we may, which is that if there was a  
 24 change to the code, and it changed the section

1 cited, would you please advise us, because if  
 2 there's been a change since.  
 3 MS. STEFFY: It's, essentially, it's the same.  
 4 There was still, at the time loss of accreditation,  
 5 has always been, if you, has been grounds for  
 6 revocation. And that's where we're at. There's a  
 7 loss of accreditation.  
 8 HEARING OFFICER: Just to clarify though, but if  
 9 you're going to ask that question, please direct us  
 10 to the specific cite of that, because --  
 11 MS. STEFFY: Okay.  
 12 HEARING OFFICER: Because I know it's in the  
 13 code somewhere, but I think we should put it on the  
 14 record, and directly indicate specifically what it  
 15 says, so that we know if it's a possible revocation,  
 16 or a mandatory revocation or things of that nature.  
 17 MS. STEFFY: Okay. I'm going to direct you to  
 18 page 40, which is section 1030.80.  
 19 HEARING OFFICER: Let us get to 40 first.  
 20 Page 40, what subsection?  
 21 MS. STEFFY: So it would be B5A, I'm looking at  
 22 from the beginning, obviously.  
 23 HEARING OFFICER: Sure, right.  
 24 MS. STEFFY: 6.

1 THE WITNESS: Uh-huh.  
 2 MS. STEFFY: Q And would you mind reading what  
 3 that says?  
 4 A Loss of accreditation status with an  
 5 accrediting body with which the institution is or  
 6 was affiliated.  
 7 Q And directly above that, in A, these are  
 8 grounds for revocation?  
 9 A Grounds for revocation, yes.  
 10 Q Correct. And your testimony is that you  
 11 have lost your accreditation; is that correct?  
 12 A Accreditation has been lost, yes. What we  
 13 are just saying it --  
 14 Q Okay.  
 15 A We don't dispute that.  
 16 Q Okay.  
 17 A We're just saying the discretion is there.  
 18 MS. STEFFY: No further questions.  
 19 HEARING OFFICER: Okay. Redirect?  
 20 RE-DIRECT EXAMINATION  
 21 by Ms. Parker:  
 22 MS. PARKER: Q Okay. One of the questions that  
 23 was just posed to you was about the efforts of the  
 24 College, once they learned that the Department of

1 Education was going to withdraw the authority of  
 2 ACICS to recognized --  
 3 A Yes.  
 4 Q Are you aware, Mr. Irfan, if originally the  
 5 deadline for ACICS colleges to get new accrediting  
 6 agencies was December of 2017?  
 7 Are you aware if there's an extension of  
 8 time for ACICS schools to find new accrediting  
 9 agencies?  
 10 A Yes. There has been at least two  
 11 extensions. There was one that was put in place  
 12 because there was such a furor caused by this  
 13 disruption, and literally hundreds of institutions  
 14 came back and said there is no way that we can  
 15 function as educational institutions if you just  
 16 give us 18 months. So that 18-month period was  
 17 extended by another 18-month period.  
 18 HEARING OFFICER: And where is that  
 19 documentation?  
 20 THE WITNESS: Sorry, I mean this is public  
 21 record, but, you're right.  
 22 HEARING OFFICER: Well --  
 23 MS. PARKER: Q But are you aware of that --  
 24 A I am aware of that.

1 Q -- of the public record?

2 A Yes.

3 Q And, in your opinion, why would it be  
4 necessary to extend that time?

5 A Because of the administrative difficulties  
6 that alternate accrediting institutions are facing,  
7 as well as the institutions who are applying as  
8 either transitioning schools or new schools, well,  
9 they don't have to be transitioning schools, they  
10 were facing difficulty in documenting all that  
11 happened.

12 HEARING OFFICER: But who extended this?

13 THE WITNESS: The legislature.

14 MS. PARKER: It's the Department of Education.

15 THE WITNESS: Department of Education.

16 HEARING OFFICER: So it's a federal government.

17 MS. PARKER: It's the federal government

18 THE WITNESS: Federal government.

19 HEARING OFFICER: Okay. And anyone else aware  
20 of this?

21 MS. STEFFY: Well, if we're going to, I would  
22 like to call Ms. Bernoteit, if --

23 HEARING OFFICER: Okay. Well, we'll discuss it.

24 MS. STEFFY: Okay.

1 MS. STEFFY: Right, right.

2 HEARING OFFICER: Who is next?

3 Let's take a five minute break.

4 (Whereupon a break was taken at 4:56.)

5 (Back on the record at 5:02.)

6 HEARING OFFICER: Okay. Back on the record.

7 If you can make a clarification 3 and 3A,  
8 please.

9 MS. PARKER: Okay. So, to clarify for the  
10 record, Respondent's Exhibits, there were two number  
11 3s. So, Respondent's Exhibit 3 is the February 19,  
12 2018 letter from the Illinois Board of Higher  
13 Education. Dr. Bowman to me, Lisa Parker, regarding  
14 notice of hearing clarification.

15 HEARING OFFICER: Dated?

16 MS. PARKER: Dated February 19, 2018.

17 HEARING OFFICER: Thank you. That's 3, correct?

18 MS. PARKER: Yes. And Respondent's Exhibit 3A  
19 is an e-mail from M.T. AliNiizee, sent on Monday,  
20 August 28, 2017 to Daniel Cullen and Stephanie  
21 Bernoteit, at IBHE.

22 HEARING OFFICER: Is there a date on that?

23 MS. PARKER: The date is August 28, 2017.

24 HEARING OFFICER: Thank you.

1 MS. PARKER: And the only reason it's being  
2 raised is to the point of why didn't you hurry up  
3 and get your application in. They're huge, right,  
4 and I mean they're giving schools four years now to  
5 get through the process, that's the point.

6 HEARING OFFICER: Well, you can argue those  
7 issues.

8 MS. PARKER: Q Okay.

9 A In fact, I can tell what you we were told  
10 with ACCSC, they said we are inundated with  
11 applications, we cannot, that's a problem.

12 HEARING OFFICER: Okay. You were in cross.

13 MS. STEFFY: Well, I would --

14 HEARING OFFICER: I know, but are you done  
15 with --

16 MS. STEFFY: Yes.

17 HEARING OFFICER: Okay. No redirect?

18 MS. PARKER: No, that was the only.

19 HEARING OFFICER: Thank you very much.

20 THE WITNESS: Thank you, sir. Thank you for  
21 your accommodation.

22 HEARING OFFICER: So I think we have, they're  
23 not finished with their case yet, so you have to  
24 wait.

1 Okay. You can call your next witness.

2 MS. PARKER: Okay. Calling Jennet. Would you  
3 please state your name -- oh, does she need to be  
4 sworn in?

5 HEARING OFFICER: Oh, I'm sorry, yes.

6 (Witness sworn.)

7 EXAMINATION

8 by Ms. Parker:

9 MS. PARKER: Q Jeanette, will you state your  
10 name for the record and spell it.

11 A Yes. Okay. My name is Jeanette Kantengwa.  
12 K-a-n-t-e-n-g-w-a.

13 Q And tell us about your relationship with the  
14 College, were you a student at the College?

15 A Yes. I actually am from Rwanda. I came  
16 here in 2012, after escaping genocide, and then came  
17 here. I was granted asylum to stay in U.S.  
18 legally, and also --

19 MS. STEFFY: I'm going to object. I don't know  
20 what the relevance of calling the student is for  
21 loss of accreditation hearing for revocation  
22 examination.

23 HEARING OFFICER: What is the relevance. I  
24 agree. What is the relevance of this?

1 MS. PARKER: It goes to the quality of the  
2 education.  
3 HEARING OFFICER: Okay. Very briefly, because  
4 it really is a loss of accreditation issue --  
5 MS. PARKER: Sure, sure, yeah.  
6 MS. STEFFY: But I don't know the quality of  
7 education is relevant to a loss of accreditation.  
8 They had an accreditor, it's been lost. Quality of  
9 education, the accreditor had findings, I don't feel  
10 that this is --  
11 HEARING OFFICER: I agree. I'm going to sustain  
12 that objection. I don't think we're, you know, we  
13 have heard from everyone about what a wonderful  
14 school it is, and it's in the record. I don't think  
15 we need to hear how great it is from the opinion of  
16 someone who graduated from there.  
17 MS. PARKER: Okay. I think we have at least one  
18 question for Jeanette which has to do with --  
19 HEARING OFFICER: One question, okay, fine.  
20 MS. PARKER: -- her interest.  
21 HEARING OFFICER: Okay.  
22 MS. PARKER: What program she was in and her  
23 interest in the Associate degree program.  
24 HEARING OFFICER: Okay. Very quick, and I'm

1 MS. STEFFY: Okay.  
2 MS. PARKER: We understand. That was just  
3 foundational to get who she is.  
4 HEARING OFFICER: Okay. Go ahead.  
5 MS. PARKER: Q And so, I'm sorry, so would you  
6 just repeat what program were you enrolled in?  
7 A I'm in dental assistant, I was in dental  
8 assistant program.  
9 Q And when did you graduate?  
10 A 2017, August.  
11 Q And do you have interest in participating in  
12 the College's Associate degree program?  
13 A Yes.  
14 MS. STEFFY: But --  
15 A I am enrolled already.  
16 MS. STEFFY: Objection.  
17 MS. PARKER: This goes to the continuous  
18 enrollment issue.  
19 Q If the College was able to continue to  
20 enroll students, would you enroll in the Associate's  
21 degree.  
22 A Definitely. I am enrolled already, yes.  
23 MS. PARKER: Okay. That's all. Thank you.  
24 MS. STEFFY: Nothing.

1 going to overrule the objection for the purpose of  
2 one or two questions.  
3 MS. PARKER: Okay.  
4 HEARING OFFICER: And I think it's already been  
5 explained by your other witnesses about --  
6 MS. PARKER: Right. Okay.  
7 THE WITNESS: Well, I'm here as a --  
8 HEARING OFFICER: Oh --  
9 MS. PARKER: Q I'll just ask you the question.  
10 So, Jeanette, what program were you  
11 enrolled in at the College?  
12 A Dental assistant program.  
13 MS. STEFFY: Objecting, I'm objecting because  
14 that's a program pursuant to the professional  
15 business vocational school, that is not --  
16 MS. PARKER: Thank you. There's more though, I  
17 have another question, that's just a foundation  
18 question.  
19 MS. STEFFY: Okay.  
20 MS. PARKER: Okay.  
21 MS. STEFFY: Oh, I'm confused, because the  
22 private business vocational school is still allowed  
23 to operate, we're revoking specifically --  
24 MS. PARKER: We understand.

1 HEARING OFFICER: Thank you very much. Thank  
2 you.  
3 HEARING OFFICER: Okay. Any other witnesses?  
4 MS. PARKER: No.  
5 HEARING OFFICER: Okay. You're resting?  
6 MS. STEFFY: I would like to recall  
7 Dr. Bernoteit, briefly.  
8 HEARING OFFICER: Okay.  
9 EXAMINATION  
10 by Ms. Steffy:  
11 MS. STEFFY: Q Okay. Dr. Bernoteit, I would  
12 like to have you look at Plaintiff's Exhibit A. So  
13 there's been a lot of discussion about the loss of  
14 accreditation.  
15 Can you, you have knowledge of this letter,  
16 correct?  
17 A Yes.  
18 Q And you, I believe you testified that NWSC  
19 lost it's accreditation based on numerous findings,  
20 I believe 15 findings, that were elaborated in this  
21 document; is that correct?  
22 A Yes.  
23 Q Okay. So, currently, so ACICS lost its  
24 accreditation, okay.

1 Okay. So, pursuant to when you, when the  
2 IBHE received notification that the Department of Ed  
3 was going to be revoking ACICS's accreditation, that  
4 was in June of 2016, correct?

5 A We received notice that the Department of  
6 Education was considering taking that action against  
7 ACICS.

8 Q Okay. And when did they actually -- are you  
9 aware of when they actually revoked ACICS's  
10 accreditation?

11 MS. PARKER: Just to clarify, you mean the  
12 Department's loss of recognition?

13 MS. STEFFY: Yes, I'm sorry.

14 MS. PARKER: Okay.

15 THE WITNESS: I believe that was December of  
16 2016.

17 MS. STEFFY: Q So from December of 2016, did,  
18 that was December 2016. From that point,  
19 institutions had 18 months to obtain accreditation  
20 via a different accreditation authority; is that  
21 correct?

22 A Yes.

23 Q Okay. To your knowledge, I believe, you  
24 have heard testimony from Northwest Suburban College

1 stating that it's unattainable for them to obtain  
2 accreditation from a different accreditor within  
3 that 18-month timeline.

4 MS. PARKER: Objection, you mischaracterized the  
5 prior testimony. That's not what we said.

6 HEARING OFFICER: Okay. So what is your take on  
7 what was said that you think is objectionable?

8 MS. PARKER: I believe what you said earlier was  
9 you said in June 20 -- or June, you said, they had  
10 from June until, I believe what you said was they  
11 had a six-month period to apply to get their  
12 application in, and why hadn't they --

13 MS. STEFFY: No, no, no. What I am saying is I  
14 believe he said that the 18 months process, in  
15 total, that the Department of Ed was giving schools  
16 18 months for the accreditation.

17 I believe testimony was that 18 months was  
18 too short of a time period. That that would not be  
19 possible, I believe he testified saying that they're  
20 extending it four years.

21 MS. PARKER: I'm sorry, you said what?

22 MS. STEFFY: That they were extending the  
23 accreditation for four years.

24 MS. PARKER: ACICS said, they set a timeline for

1 ACICS schools to get accredited. I don't, honestly,  
2 think it's relevant.

3 HEARING OFFICER: I'm going to rule on this,  
4 okay. I think that you need to ask a question and  
5 not kind of restate what you believe is on the  
6 record, because I think at this time we would be  
7 looking --

8 MS. STEFFY: Q Okay. My question to you is,  
9 you said IBHE had other schools under ACICS  
10 accreditation authority, have any of those schools  
11 received, gone through the accreditation process for  
12 different accrediting authority?

13 A Yes.

14 Q So it is possible, and those schools are  
15 projected to have accreditation by December 31st,  
16 2017?

17 A We had other schools who successfully  
18 transitioned within relevant timeframes to new  
19 accreditation.

20 Q And I want to go back to the difference  
21 between, when a school is first seeking approval to  
22 run a private college institution, you had said, and  
23 I believe you had testified, and I just want, that  
24 they have five years to receive accreditation

1 approval, correct?

2 A Yes.

3 Q And NWSC did receive that institutional  
4 accreditation, correct?

5 A Yes.

6 Q Okay. So, I just want to clarify. The  
7 reason why the institution has to first -- or strike  
8 that.

9 In order, when institutions are first  
10 starting out, in order for an accredited authority  
11 to start an application with the institution, they  
12 have to have State authorization, correct?

13 A Yes. Any new entity must first have State  
14 authorization in order to qualify as a candidate for  
15 accreditation.

16 Q Okay. And NWSC received that accreditation?

17 A Yes.

18 Q And then on August 9th, 2017, IBHE was  
19 notified by ACICS that they were withdrawing their  
20 accreditation due to 15 findings?

21 A Yes.

22 Q I don't want to completely go, but can you,  
23 briefly, elaborate what some of those findings were?

24 A Yes. The ACICS --

1 MS. PARKER: Objection to relevance.  
 2 MS. STEFFY: Loss of accreditation, this is what  
 3 I have been saying. You have brought in information  
 4 about how great the school is running and asking for  
 5 extensions, but the main issue is they lost  
 6 accreditation and there were reason why they lost  
 7 accreditation. It wasn't due to a time --

8 MS. PARKER: We agreed.

9 MS. STEFFY: Okay.

10 HEARING OFFICER: Yeah, I know that's really  
 11 relevant either, because the issue is loss of  
 12 accreditation, and they have admitted that, so where  
 13 do we go from there.

14 MS. STEFFY: Okay.

15 HEARING OFFICER: But I think more informative  
 16 would be when you state that other people have  
 17 gotten accreditation in a quicker period of time,  
 18 give me an example of how much time it took for  
 19 these institutions, and did any of them, did any of  
 20 them experience what North Suburban College  
 21 experienced, in terms of, in fact, they decided not  
 22 to renew.

23 Do you have any other schools that didn't  
 24 renew that were able to get an accreditation?

1 THE WITNESS: I am not aware, I am not aware  
 2 right now with my own recall, I am not aware of any  
 3 other ACICS school in, accredited school in Illinois  
 4 that chose to let its accreditation lapse, without  
 5 having other accreditation in place.

6 HEARING OFFICER: Okay.

7 MS. STEFFY: No further questions.

8 HEARING OFFICER: I don't think it's appropriate  
 9 to relitigate what they oppose and what their  
 10 findings were, and we already have evidence in, if  
 11 there were some issues regarding that, so I think  
 12 we're good on that. So any other questions?

13 MS. STEFFY: No.

14 HEARING OFFICER: Any other questions?

15 CROSS EXAMINATION

16 by Ms. Parker:

17 MS. PARKER: Just one very brief one.

18 Q Dr. Bernoteit, to the best of your  
 19 recollection, I know I'm asking a question that  
 20 might be hard for you to remember, how many schools  
 21 do you estimate were ACICS schools that were  
 22 impacted by the loss of ACICS losing recognition in  
 23 Illinois? A guess?

24 A This is clearly not an accurate recall. I

1 believe at least a dozen.

2 Q How many, when you say a dozen, you mean  
 3 there were a dozen ACICS schools that --

4 A There were at least a dozen schools in  
 5 Illinois that held ACICS accreditation in 2016 at  
 6 the time the U.S. Department of Education made its  
 7 announcements. And that is not, I do not believe  
 8 that is an accurate number, it is an estimate, based  
 9 on my recall only.

10 Q Okay. And do you remember how many of those  
 11 were able to get a new accrediting agency by the end  
 12 of last year, by the end of 2017?

13 A Based on my recall only, I am not aware of  
 14 any schools that have not achieved other  
 15 accreditation or retained their ACICS accreditation.

16 MS. PARKER: Or retained their ACICS  
 17 accreditation?

18 A Yes.

19 Q But were any able to move to a different  
 20 accreditation?

21 A Yes, there were schools that were able to  
 22 move to a new accreditor.

23 Q Do you have any idea how many?

24 A I am recalling one specific example, but I,

1 so I recall one specific example.

2 Q Okay.

3 A Yes.

4 Q So, based on your recollection, there's, out  
 5 of the approximate dozen, we realize that that's not  
 6 an accurate number, you recall one that was able to  
 7 get through during that 18-month time period. The  
 8 others are still currently ACICS accredited,  
 9 waiting, deciding whatever they need do?

10 A I don't feel comfortable with that  
 11 characterization --

12 Q Okay.

13 A Because I don't have the benefit of the  
 14 records in front of me.

15 Q Absolutely, I understand.

16 A I am not aware of any other school in this  
 17 situation of having held ACICS accreditation in 2016  
 18 at the time U.S. Department of Education took action  
 19 and communicated about its actions regarding ACICS.

20 I am not aware of any other entity, based  
 21 on my recollection, that has had a lapse in  
 22 accreditation. They have either retained their  
 23 ACICS accreditation or achieved new accreditation  
 24 seamlessly.

1 HEARING OFFICER: Help me explain, so did the  
 2 Department of Education, they took accreditation  
 3 away from the accreditor, right?  
 4 THE WITNESS: Yes, the U.S. Department of  
 5 Education no long recognizes ACICS as an official  
 6 accreditor. However, the other national entity that  
 7 has capacity or permission, authority, to validate  
 8 accrediting bodies. The Council for Higher  
 9 Education Accreditation, CHEA. CHEA has, throughout  
 10 this entire process, continued to affirm that ACICS  
 11 is a valid accrediting body.  
 12 HEARING OFFICER: That doesn't affect this  
 13 particular school, right?  
 14 THE WITNESS: It does.  
 15 HEARING OFFICER: It does. Well, what about all  
 16 the other places that were notified, didn't they  
 17 lose their accreditation once ACICS lost the  
 18 ability --  
 19 THE WITNESS: No, other institutions could  
 20 continue to work with ACICS, knowing that CHEA  
 21 recognized that body, even though the Department of  
 22 Education has not. Or they could have moved to a  
 23 new accreditor.  
 24 HEARING OFFICER: So Northwest Suburban, if they

1 HEARING OFFICER: It's not unusual?  
 2 THE WITNESS: It is not.  
 3 HEARING OFFICER: Okay. So if someone doesn't  
 4 renew, you don't see that that made an impact on  
 5 the --  
 6 THE WITNESS: No.  
 7 HEARING OFFICER: Okay.  
 8 THE WITNESS: May I elaborate?  
 9 HEARING OFFICER: Oh, sure, absolutely.  
 10 THE WITNESS: In this particular case, the  
 11 accreditor.  
 12 HEARING OFFICER: ACICS, you're talking about?  
 13 THE WITNESS: ACICS, in this case, had, from my  
 14 perspective, reason to be concerned about compliance  
 15 at Northwest Suburban College, because Northwest  
 16 Suburban College did not seek its accreditor's  
 17 approval to expand it's academic mission and offer  
 18 Baccalaureate degrees, so there was evidence of  
 19 compliance issues.  
 20 HEARING OFFICER: But they weren't enforced  
 21 until after they notified them that they weren't  
 22 going to renew, right?  
 23 THE WITNESS: That is not correct.  
 24 HEARING OFFICER: Well, that's when they did the

1 wouldn't have -- they got terminated after they  
 2 notified that they weren't going to renew, correct?  
 3 THE WITNESS: Uh-huh.  
 4 HEARING OFFICER: But if they hadn't done that  
 5 and they weren't terminated, then the other agency  
 6 would still recognize them, they wouldn't have this  
 7 accreditation issue; is that correct?  
 8 THE WITNESS: Yes, it is correct that Northwest  
 9 Suburban College could have chosen not to  
 10 relinquish, in summer of 2017, accreditation through  
 11 ACICS. And they could have, had they maintained  
 12 compliance with ACICS standards, they could have  
 13 retained that accreditation.  
 14 HEARING OFFICER: Okay. And just, is there any  
 15 reason that, I mean is there any particular reason  
 16 why you know the Department of Education revoked  
 17 their ability to accredit other schools?  
 18 MR. IRFAN: That's a Pandora's box.  
 19 HEARING OFFICER: Okay. I was curious because  
 20 they're going out and doing checks and, when someone  
 21 tells them they're not to renew, they're still going  
 22 out there and doing checks and it seems a little  
 23 unusual to me.  
 24 THE WITNESS: It is not.

1 15 point inspection after, right?  
 2 THE WITNESS: In February 2017, ACICS  
 3 communicated with Northwest Suburban College that  
 4 they should cease and desist all operations of  
 5 Baccalaureate programs, because they were not  
 6 approved to operate those. In --  
 7 HEARING OFFICER: But they were approved by the  
 8 Board, right?  
 9 THE WITNESS: Yes, but they were not approved by  
 10 their accreditor to do that, and so that was a  
 11 compliance issue from an accreditation standpoint.  
 12 So compliance issues existed in fall 2016 and  
 13 winter 2017. Prior to the College decision in  
 14 April, May, 2017, to relinquish its accreditation.  
 15 It is not unusual, with, at that point in  
 16 time, in April, May of 2017, with a notice to the  
 17 accreditor that the school intended to allow its  
 18 accreditation to expire at the end of its natural  
 19 end date, 12-31-17, instead of going through the  
 20 process to renew it, which is a typical procedure  
 21 for any accrediting body, it is not unusual for an  
 22 accrediting entity to do what ACICS did, which is to  
 23 say, my paraphrase here, okay, we're going to do a  
 24 limited quality assurance visit, to make sure that

1 in the remaining six months here, between April,  
2 May, 2017, and 12-31-17, that things are in  
3 compliance as you, with our standards, as you close  
4 out, because we have evidence that you have not been  
5 in compliance, in regard to your operation of  
6 Baccalaureate programs.

7 When ACICS did its summer 2017 site visit,  
8 it found that Northwest Suburban College, despite  
9 the accrediting body cease and desist, and I'm not  
10 using that in a technical sense, but in spite of its  
11 communication to the College that it not offer its  
12 unapproved unaccreditor approved Baccalaureate  
13 programs, it found that the College was offering 300  
14 level, which would be Baccalaureate level coursework  
15 in the summer.

16 HEARING OFFICER: Coursework, okay, let me ask  
17 you a question. Is that illegal or wrong, sorry,  
18 wrong to offer that to an associate who wants to  
19 take a 300 level course? Is there some prohibition  
20 in the rules or regulation saying that you cannot do  
21 that?

22 THE WITNESS: There is not a direct prohibition  
23 in the rules. It would be very unusual. By  
24 definition, Associate level coursework in programs

1 are typically characterized by what we'll call 100  
2 and 200 level instruction.

3 There is, it's a particular level of  
4 coursework that is characterized by Associate level  
5 work. Baccalaureate level work is associated with  
6 more advanced, typically 300 and 400 level work.

7 HEARING OFFICER: So, if you have Associate  
8 permission and accreditation, you can't offer  
9 advance course in biology or some other 300 level or  
10 something like that, that's improper?

11 THE WITNESS: It would be improper without  
12 communicating that expansion of your educational  
13 mission, which is what was at issue in fall 2017.

14 So there were compliance issues in fall  
15 2017, and subsequent compliance issues uncovered  
16 with the accreditors limited quality assurance visit  
17 that resulted in revocation in November 20 -- August  
18 and November.

19 HEARING OFFICER: That's after they said that  
20 they weren't going to renew it?

21 THE WITNESS: Yes.

22 HEARING OFFICER: All right. So questions on  
23 that?

24 MS. PARKER: I do not have any questions, more

1 questions for Dr. Bernoteit on that issue, but we  
2 now think that we should call Dr. AliNiazee to  
3 explain in response to that.

4 HEARING OFFICER: Any other questions?

5 MS. STEFFY: Q Yes. So, if Northwestern  
6 College had -- okay.

7 ACICS is still recognized by CHEA; is that  
8 correct?

9 A Yes.

10 Q So, if ACICS had renewed or, I'm sorry, if  
11 Northwest Suburban College had renewed with ACICS,  
12 okay, wait, yeah. Okay. If Northwest Suburban  
13 College had renewed their accreditation status with  
14 ACICS, and it had been granted, even though the  
15 Department of Ed revoked the recognition, pursuant,  
16 ACICS would still be an approved, I guess,  
17 accrediting authority pursuant to IBHE, meaning IBHE  
18 would not consider that a loss of revocation or loss  
19 of accreditation; is that correct?

20 A That is correct.

21 Q Okay. Because CHEA is still recognized by  
22 the IBHE, however in this case, NWSC lost their  
23 accreditation based on findings by ACICS, correct?

24 A Yes.

1 Q ACICS found findings, took adverse action  
2 against Northwest Suburban College, correct?

3 A Yes.

4 Q There was an appeal by Northwest Suburban  
5 College, correct?

6 A Yes.

7 Q And that ACICS reviewed that appeal and  
8 still determined that they were revoking their  
9 accreditation; is that correct?

10 A Yes.

11 MS. STEFFY: Okay. So, no more.

12 HEARING OFFICER: Okay. I have one question for  
13 that.

14 How long was the school accredited with  
15 ACICS?

16 THE WITNESS: From 2014 until their point of  
17 relinquishment.

18 HEARING OFFICER: So no problems in that time of  
19 any sites or any issues at that time, until such  
20 time that they found the 15 violations?

21 THE WITNESS: The --

22 HEARING OFFICER: Any other violations reported  
23 that you know of by the ACICS while, before they --

24 THE WITNESS: The only violations that were



1 noted by ACICS and this agency prior to the  
 2 August 9th, 2017 letter, had to do with two things.  
 3 Implementation of Baccalaureate level education,  
 4 without seeking accreditor approval.  
 5 HEARING OFFICER: Which we have talked about  
 6 that. Anything else?  
 7 THE WITNESS: Yes.  
 8 HEARING OFFICER: Okay.  
 9 THE WITNESS: And this would be an IBHE concern.  
 10 The school did not implement the Associate of  
 11 Physical Therapist Assistant within a period of one  
 12 year from its date of authorization in 2011, and  
 13 they did not communicate non-implementation of that  
 14 degree.  
 15 HEARING OFFICER: But the Board didn't institute  
 16 any complaints against them, and neither did, there  
 17 was no termination or suspension of that, it wasn't  
 18 until later on with the 15 problems that they cited  
 19 was the reason that they terminated, termination by  
 20 suspension?  
 21 THE WITNESS: That was the ACICS action. IBHE  
 22 did remove that program from their authority,  
 23 because, from their degree program inventory,  
 24 because that was more than a year of non-operation

1 notify IBHE if you decide not to move forward with  
 2 the program?  
 3 A Yes. And there are specified procedures for  
 4 how to do that.  
 5 Q But that does happen, is it correct that it  
 6 does happen from time to time that schools decide,  
 7 for whatever reason, not to move forward with the  
 8 program for which they received approval?  
 9 A Yes.  
 10 HEARING OFFICER: Would lack of interest in that  
 11 class be one of the situations, because they don't  
 12 have enough students that are interested in that,  
 13 would that be a --  
 14 THE WITNESS: There are a variety of reasons and  
 15 certainly that would be, that could be one. That is  
 16 a possibility.  
 17 HEARING OFFICER: So they should just be  
 18 notifying you that they're not going to proceed or  
 19 you should notify them that they can't, they have to  
 20 do something different to let the board know what's  
 21 going on in the school?  
 22 THE WITNESS: Yes, and it is, it sounds simple,  
 23 but there are multiple regulatory reasons why that  
 24 matters, including ties to the U.S. Department of

1 of that program.  
 2 HEARING OFFICER: Okay. All right. Do you have  
 3 a question?  
 4 MS. PARKER: Yes.  
 5 Q Dr. Bernoteit, in your experience, does that  
 6 happen, that institutions will get approval for a  
 7 program, and for whatever reason, decide not to move  
 8 forward with the program?  
 9 A It is unusual. We have procedures for how  
 10 to report that to the Board, if that is the case.  
 11 And those procedures were not followed in this  
 12 instance.  
 13 Q But is it against any sort of IBHE rule that  
 14 if you get approval for -- let me change this a  
 15 different way.  
 16 Does IBHE require that if you get approval  
 17 for a program, you must implement the program?  
 18 A Yes.  
 19 Q It's required that you must implement it?  
 20 A Yes. You have a period of one per year to  
 21 implement it, if you do not, we have procedures for  
 22 notifying our agency that you do not intend to do  
 23 that, you operate that program.  
 24 Q So, is the requirement that you have to

1 Education and federal financial aid, and reporting  
 2 enrollment in programs and managing one's program  
 3 inventory has, has important ramifications for,  
 4 among other things, Title 4.  
 5 HEARING OFFICER: Thank you. Any questions on  
 6 that, any questions, Counsel?  
 7 MS. STEFFY: No.  
 8 MS. PARKER: No.  
 9 HEARING OFFICER: Okay. Do you need more  
 10 witnesses or --  
 11 MS. PARKER: We would just like to recall  
 12 Dr. AliNiazee --  
 13 HEARING OFFICER: For what?  
 14 MS. PARKER: In response to Dr. Bernoteit's  
 15 testimony.  
 16 HEARING OFFICER: Okay.  
 17 MS. PARKER: It will be short.  
 18 HEARING OFFICER: Okay. You may proceed.  
 19 MS. STEFFY: Do we have to be out of here by  
 20 6:00?  
 21 HEARING OFFICER: Out of where? Out of the  
 22 building?  
 23 MS. PARKER: We're going to be out by 6:00.  
 24 MS. STEFFY: Okay.

1 HEARING OFFICER: You may proceed, if you want  
2 to be out by 6:00.

3 CONTINUED EXAMINATION  
4 by Ms. Parker:

5 MS. PARKER: Q Dr. AliNiazee, why did the  
6 College decide to relinquish its ACICS  
7 accreditation?

8 A Two reasons. Number one, we spoke with the  
9 Department of Education. We had FAFSA funding from  
10 them, the federal financial aid, and they said we  
11 would not allow you to stay with them, if you want  
12 financial aid.

13 So we had to leave ACICS, there's no other  
14 way. Looking at the numbers, all 1700 schools that  
15 ACICS had, nearly 90 percent of them dropped out.  
16 They said, there's no way, if the Department of  
17 Education says no, it's no good. So that was the  
18 reason why we did.

19 And, number two, you know, when we told  
20 them, we told them sometime in April, that we are  
21 not going to do it, and that we could see, that even  
22 though we can change their mind, go with you, we can  
23 see the change in attitude, people that we spoke  
24 with. I said, hey, you know, there's no way. So

1 A Yes, it was.

2 Q And how did ACICS approve that program?

3 A We submitted the original documentation for  
4 accreditation, we submitted a catalog. In that  
5 catalog, the same class appeared, that they  
6 approved.

7 And then to come back after three years in  
8 different mood and, say, well, this is a 300 class,  
9 and that is very common for schools like this,  
10 particularly when you have pre-med concentration,  
11 which we did, you need to have that type of class.  
12 So the class was there from the beginning, from day  
13 one.

14 Q And was the class part of the core  
15 curriculum for an Associate degree or was it an  
16 elective?

17 A It was a tye of class for most of our  
18 Associates in pre-med program, they could use as an  
19 elective. So that class was there forever, and they  
20 approved it. And to come back and say, oh, you  
21 know, different people coming in at different times  
22 or different thought processes and this person --

23 HEARING OFFICER: Next question.

24 THE WITNESS: Sorry.

1 the Department of Education, the primary reason,  
2 Department of Education, they said no, I said okay.

3 Q Did you later decide to ask ACICS to  
4 continue accreditation?

5 A We did. We asked them, and we knew it right  
6 then that their attitude was so negative against us,  
7 because we, they probably felt that we deserted  
8 them, like any other schools. They did, so, we said  
9 okay.

10 Q So, to clarify for the record, you  
11 originally asked, told ACICS that you were going to  
12 relinquish your accreditation at the end of 2017?

13 A That's right.

14 Q But later, after further thought, you went  
15 back and asked them if you could continue the  
16 accreditation?

17 A That's right. When we noticed that this  
18 could take, delay, ACCSC, we thought we'll come back  
19 to you. Can you do it? They said no.

20 Q With respect, we just heard some testimony  
21 about your 300 level class, that you offered as part  
22 of your associate degree program.

23 Was that 300 level class ever approved by  
24 ACICS?

1 MS. PARKER: We have no further questions.

2 MS. STEFFY: No further questions.

3 HEARING OFFICER: Okay. Are you, let's see, are  
4 we at rebuttal or?

5 MS. STEFFY: We're done. We rest.

6 HEARING OFFICER: Is everyone done? Okay. All  
7 right. So this hearing will be concluded today.  
8 We'll take it under advisement by the Board.

9 MS. STEFFY: Are we issuing a closing statement?

10 HEARING OFFICER: Oh, I'm sorry, I guess you do  
11 want to do that.

12 MS. STEFFY: I'll be brief.

13 HEARING OFFICER: No, it's okay. And --

14 MS. PARKER: I have a question, but it's more  
15 procedural, should we wait until the very end?

16 HEARING OFFICER: Yeah, you can wait. I don't  
17 know if I'll be able to help with procedure, but  
18 I'll do. But, in any event, so there's no issue  
19 with respect to the loss of accreditation, you know,  
20 I mean if you want to argue about what you think  
21 should happen, because of that, that's  
22 understandable.

23 MS. STEFFY: Well, the closing, that's what I  
24 just, I want to make sure the focus is on loss of

1 accreditation. That the school, pursuant to when  
2 you start your application process, you have five  
3 years to get accreditation.

4 They received accreditation. Then in  
5 December or June of 2016, the Ed. had notified  
6 people that they were going to be revoking or  
7 recognizing ACICS's accreditation.

8 That recognition actually came through in  
9 December of 2016, where Ed. was no longer  
10 recognizing ACICS, which means institutions had 18  
11 months, I believe, from that date to get approval.

12 However, the issue became when ACICS --  
13 Northwest Suburban College, decided to let, they  
14 were going to let their accreditation lapse at end  
15 of what would have been, they had to renew by  
16 December 31st 2017, because, for whatever reasons  
17 they had, they advised the IBHE and ACICS that they  
18 were going to allow that to lapse.

19 IBHE, I believe, notified them immediately  
20 saying if you let that lapse, there's going to be a  
21 lapse between when you get, based on the timetables,  
22 to get a new accreditation, it's going to lapse. We  
23 do not advise that you lapse. If you let it lapse,  
24 we will, that's grounds for revocation. We will

1 proceed.

2 They decided to then, at some point, it  
3 appears to renew that application, however, in the  
4 meantime, ACICS, under their own authority, decided  
5 to do limited site visitation, wherein which they  
6 had findings, which I would point to Plaintiff's  
7 Exhibit A, which is the August 9th, 2017 letter,  
8 where they listed out why they were withdrawing  
9 their accreditation. It's based solely on that.

10 They went through the appeal. ACICS still  
11 denied that appeal. And as of November 16th, 2017,  
12 they lost their accreditation. This is not an issue  
13 of extension with ACICS. They found, had findings  
14 of why they were withdrawing their accreditation.

15 Under the 1030 Illinois Administrative  
16 Code, grounds for revocation is the accreditation.  
17 IBHE, numerous site visits, I believe they had four  
18 site visits, numerous communications, kept  
19 explaining to Northwest Suburban College the issues  
20 with the lapse, notifying them.

21 You cannot have a lapse. The rules do not  
22 allow it. Once you receive accreditation, you have  
23 to maintain it. While you're, you can seek  
24 different accreditation, but you still have to

1 maintain accreditation.

2 Again, this is not the case. Accreditation  
3 was withdrawn, and they stipulated to that, they  
4 know full well that their accreditation lapsed.

5 So under the statute and under the Illinois  
6 Administrative Codes, it is grounds for revocation.  
7 They, which is why we are here today. We're  
8 revoking, based on, the Board is, I'm sorry, the  
9 Board approved a hearing officer to conduct this  
10 regarding the grounds, but they have stipulated.  
11 They have lost accreditation. It's grounds for it  
12 in there.

13 They cannot proceed. They know the  
14 importance of the accreditation. Schools cannot  
15 just come in and offer degrees without, as I believe  
16 Dr. Bernoteit said, there is extensive knowledge  
17 that goes into education with degrees and  
18 transferring credits and issuing degrees to  
19 students. They have lost that. They have lost  
20 that.

21 And it wasn't based on, it may have all  
22 started to stem from when Ed. decided to revoke, but  
23 again, under the IBHE, even if Ed. revoked, and 18  
24 months later, as long as they had still maintained

1 their ACICS accreditation, IBH, we would, I can't  
2 say we wouldn't be here, there may have been other  
3 issues, but we wouldn't have been here on issue of  
4 loss of accreditation.

5 Which is one of the things to maintain.  
6 It's in the code. This is one of the conditions  
7 that they have to maintain approval. They have to  
8 maintain accreditation. They failed to do that.

9 As far as offering the degree program, I  
10 believe Dr. Bernoteit testified as regards to the  
11 Physical Therapy Assistant program, they never  
12 enrolled students. If you don't enroll within a  
13 year, if you don't start that program, there's  
14 procedures that, I'm sorry, there's procedures in  
15 place. You just can't, if they give you approval  
16 and you don't implement the program, and you don't  
17 start the program, you can't just sit there and wait  
18 and decide five years, okay, we're going to  
19 implement the program.

20 So, but, again, it all comes back to loss  
21 of accreditation. They had stipulated that they  
22 lost accreditation and, therefore, this is why, this  
23 is grounds for the revocation of their authorization  
24 to operate and award degrees.

1 They can still, and I would like to  
2 clarify, they can still continue their PBVS, private  
3 vocational, which is that dental assistant, medical  
4 assistant, and, I'm sorry, I forget the third  
5 program, but that's under a separate section.

6 We're not here to revoke that. They can  
7 still operate under that. We're revoking their  
8 authorization. It would be specifically to the  
9 Associate's degree and the other Bachelor programs,  
10 which never received accreditation approval, and  
11 were never implemented appropriately.

12 HEARING OFFICER: One question for you. I'm so  
13 confused about this. Is there some provision in the  
14 code that says that if you're approved for the  
15 program, you have to implement it within 12 months,  
16 because I haven't seen that anywhere in the code,  
17 and I did look at it. Do you remember, do you know  
18 what section it is?

19 THE WITNESS: I don't know off the top of my  
20 head.

21 HEARING OFFICER: Okay. Well, why don't you  
22 look for it, and maybe in your rebuttal you can say  
23 it, if you find it. I have not seen it, so I'm just  
24 curious, and Counsel can argue with it. Okay. So

1 you can look for it. Relax. Okay. Go ahead,  
2 closing argument.

3 MS. PARKER: Okay.

4 HEARING OFFICER: Then can you address that  
5 issue.

6 MS. PARKER: So, Officer Cavanaugh, as you know,  
7 we're here for our hearing. The nature of a  
8 hearing, by it's very nature, is to afford due  
9 process. So, in thinking about what the three  
10 grounds are on which is the basis for this hearing,  
11 we would like to go through each one.

12 First of all, we are utterly dismayed by  
13 the statement just made by Miss Steffy about this  
14 physical therapy program. That has never been  
15 mentioned to us as being a ground for this  
16 revocation hearing.

17 We received the revocation hearing notice,  
18 that I know that you're aware of as well, that  
19 listed the three grounds. We found that notice to  
20 provide very little information, because all it does  
21 is literally list three grounds and the citation in  
22 the rules.

23 As we have already discussed, we looked at  
24 the rules, and after looking at the rules and

1 knowing our history, felt we needed clarification.  
2 We then followed up with IBHE to ask for  
3 clarification for which they provided a February 19,  
4 2018 letter, which is our Respondent's Exhibit 3.

5 That letter in no way talks about anything  
6 about a physical therapy program. Prior to that, we  
7 had sent a letter saying we do not understand what  
8 you are talking about. And in response, they say  
9 nothing about a physical therapy program. So we're  
10 very dismayed by that as point one.

11 Point two, with respect to this issue of  
12 the continuous 12-month period, we have made clear  
13 and IBHE has provided no evidence to the contrary,  
14 that we have not had continuous degree programs for  
15 a 12-month period.

16 There's been nothing shown to that effect.  
17 We have shown that we have had continuous degree  
18 programs. We have had a six month suspension of our  
19 Associate degree program, while this is going on,  
20 but 6 months is not 12 months. And while that's  
21 been happening, we have had continuous instruction  
22 at the certificate level.

23 The second issue that IBHE raised was that  
24 the conditions had somehow changed, based on the

1 conditions on which they originally authorized us.  
2 When they authorized us, we did not have  
3 accreditation. We said we would get accreditation,  
4 which we did.

5 Also, we have confused by this, wondering  
6 why they were saying this. We asked them to  
7 clarify, and in response they, again, sent us a  
8 February 19 letter, which really just talks about  
9 our loss of accreditation, which is clear, we don't  
10 dispute.

11 So that takes us to our final point, which  
12 is loss of accreditation. It is clear that the  
13 College has lost its ACICS accreditation. We regret  
14 that. We wish that were not the case.

15 We have tried extremely hard to get new  
16 accreditation, and are now blocked by doing so  
17 because this IBHE hearing is now taking place.

18 If we think that that wasn't going forward,  
19 we think we would be able to quickly obtain new  
20 accreditation. But the thing that troubles us about  
21 this third point is that in the February 19 letter,  
22 from IBHE, and in a letter that IBHE provided as an  
23 exhibit, which was a letter from Dr. Cullen, both  
24 use this language that the Illinois Administrative

1 Rules do not permit a gap in accreditation. But  
2 that is not what the rules say, based on our reading  
3 of the rules.

4 And, also, we think that that is also  
5 backed up by the testimony we heard today. It is  
6 not clear, even from Dr. Bernoteit, who clearly is  
7 an expert about IBHE, that it's an absolute  
8 requirement. It's clear it's a grounds. It's clear  
9 it's a consideration. Our only point is that it's  
10 something for which IBHE has discretion. That is  
11 our only point.

12 HEARING OFFICER: I don't understand that  
13 argument, because you do have a loss of  
14 accreditation.

15 MS. PARKER: We do.

16 HEARING OFFICER: Okay. So I mean it's not a  
17 question of when you meet the requirements,  
18 threshold requirements for accreditation, but you  
19 received that, and then you lost it, right.

20 So what is your argument with respect to  
21 what you think the Board should do and the fact that  
22 you don't have accreditation now and a loss is a  
23 grounds.

24 MS. PARKER: Yeah. It is a grounds and that is

1 accredited. And so with that information provided  
2 to the student, we don't see any harm to the  
3 student, and we see benefit to the student, because  
4 we think the education provided, considering it's a  
5 diverse student body, and the small classes, we  
6 think it's a benefit.

7 And for those reasons, we are asking,  
8 pleading with IBHE, to think about the possibility  
9 of giving us that extension. They have that  
10 discretion. That is our point.

11 And so we're asking for you to take that  
12 into consideration, when you write your report, that  
13 they do have that discretion.

14 HEARING OFFICER: Okay. Thank you. I'm sorry,  
15 you want to rebuttal. Did you find that 12 month, I  
16 mean, because I didn't see it anywhere, and I am not  
17 a, I miss things when I read, but I haven't seen  
18 that.

19 MS. STEFFY: Well, I would like to, it's all  
20 encompassing, you know, we're here for the, they  
21 have to be accredited. Part of the procedure when  
22 they get the authorization to operate, part of that  
23 condition, and this is in Section 1030 of the code,  
24 which is institutional approval.

1 why we have stated, and Dr. AliNiazee has stated,  
2 that the request of the College is that the Board  
3 consider giving them an extension, an extension of  
4 time to get new accreditation.

5 We do not think that it is black and white,  
6 that if you lose your accreditation, they  
7 automatically have to take away your operating  
8 degree grant authority. We do not think that is  
9 what the rules say. That is the idea that IBHE has  
10 set forth, but we don't think it's backed up in the  
11 rules.

12 And so what we are asking is that the Board  
13 consider, in their discretion, giving the College  
14 time to get an alternative accrediting agency. We  
15 believe that will protect the students. We have  
16 students that have very much benefited from this  
17 education, for the reasons we have explained. We  
18 don't think there's any down side for the students,  
19 as we made clear to all students that we do not have  
20 the accreditation. It's on the website, it's in the  
21 catalog, and it's verbally discussed with the  
22 students.

23 Students have ability to transfer their  
24 credits to other institutions, even though we're not

1 They're granted this authority based on the  
2 fact that they have to receive accreditor  
3 authorization. They never received accreditor  
4 authorization, which is why ACICS first instituted a  
5 directive to show cause letter back in February of  
6 2017. Based on, okay, you have been, and you have  
7 students enrolled, but we didn't approve this  
8 program. You never applied to us. You applied for  
9 one Associate's degree, so you knew you had to  
10 apply, but you didn't apply for the other degrees,  
11 there were Bachelor's degrees.

12 So even though they had students enrolled,  
13 under their accreditors' requirements, they did not  
14 do that. Which is why the accreditor issued a show  
15 cause directive.

16 I'm not sure what the findings of that show  
17 cause directive were, I believe they were given time  
18 to address it, but in the meantime, there was, ACICS  
19 instituted a limited site visit, in which case  
20 that's when they came up with additional findings.  
21 Saying under our accreditation, you're not in  
22 compliance, and you have lost that accreditation.

23 So, again, they keep asking for this  
24 extension, but it's not based on the extension that,

1 I think, they were trying to base it on, originally,  
2 when the title, when the Department of Ed said you  
3 have 18 months. They have actually lost it though.  
4 They went through a process through their  
5 accreditor, and they lost the accreditation.

6 There were other findings, and it's in that  
7 letter, and they have lost the accreditation. And  
8 that's why we're here. They are no longer  
9 accredited. It would be detrimental to students,  
10 they think it's a benefit, but there's no guarantee  
11 that they're going to go through this, you know, it  
12 could take two to three years, and the process and  
13 they can still deny them. And now you have  
14 continued to let students enroll in these programs,  
15 which, essentially, are meaningless now. So they  
16 paid money, they have done that, but could  
17 essentially be --

18 MS. PARKER: That's her opinion.

19 MS. STEFFY: But if they're not accredited, and  
20 under the, that's a federal thing, Title 4, with the  
21 Department of Education or CHEA, schools have to be  
22 accredited.

23 HEARING OFFICER: What's the range of time that  
24 it takes to accredit, the shortest to the longest,

1 did you say three to five?

2 MS. STEFFY: I believe three to five years.

3 HEARING OFFICER: Wait, let me ask. You're  
4 going be able to respond.

5 DR. BERNOTEIT: This varies, based on  
6 accrediting body, and it varies based on the  
7 academic mission of the institution.

8 Most accrediting bodies require that an  
9 institution have at least one cohort of graduates  
10 from a State authorized program before the --

11 HEARING OFFICER: One second. So this school  
12 has already existed, it has that.

13 DR. BERNOTEIT: Yes.

14 HEARING OFFICER: And didn't they get their  
15 accreditation, they applied in 2013, and they got it  
16 in 2014, that was the year, right?

17 MS. STEFFY: No, I believe they said they  
18 applied right away, when they got the authorization  
19 to operate in 2010.

20 HEARING OFFICER: 2013 was, okay, hold on one  
21 second. Was 2013, I remember the evidence was 2013,  
22 so that's correct, and then 2014 they got  
23 accredited, that's a year, okay.

24 MS. STEFFY: Depending on the programs.

1 HEARING OFFICER: And that was a new school too,  
2 okay.

3 DR. BERNOTEIT: It's a new school who is  
4 applying as an associate granting institution, since  
5 that's a two-year kind of program. The amount of  
6 time to produce a first graduate is shorter.

7 HEARING OFFICER: Okay.

8 DR. BERNOTEIT: And so, yes, it is possible to  
9 achieve accreditation in as little as a year to 18  
10 months, that is extremely unusual, but it is  
11 possible to do that. For other accreditors, it can  
12 be an average of three to five years.

13 HEARING OFFICER: So the 18-month provided, that  
14 was provided, that's, would not, half the time that  
15 you say that you can go trying to get accreditation,  
16 if you say that they gave, the Department of  
17 Education gave them 18 months to --

18 MS. STEFFY: But that was under the Department  
19 of Ed. Again, they were still recognized under  
20 CHEA, so even though the Department of Ed, they were  
21 still recognized.

22 And, again, they still lost it based on  
23 other findings. They lost, the accreditor found  
24 findings and said we're revoking you because X, Y,

1 and Z. They filed an appeal. The appeal was  
2 denied. Their accreditation was --

3 HEARING OFFICER: But I thought that there were  
4 other schools that also were in the same position  
5 as --

6 MS. STEFFY: Again, that's why I am trying to  
7 clarify.

8 HEARING OFFICER: Okay.

9 MS. STEFFY: So, the Department of Ed, in 2016,  
10 said we are not going to recognize. That's the  
11 Department of Ed.

12 HEARING OFFICER: Right.

13 MS. STEFFY: CHEA never issued that recognition.  
14 So schools, I believe Department of Ed, there's a  
15 Title 4 issue, funding. There's that issue of, I  
16 believe that's what it is, so they have 18 months,  
17 however, ACICS would still be the accreditor. They  
18 would still continue on with the accreditor. That  
19 accreditor was not being revoked entirely, they were  
20 still under CHEA.

21 So they could have maintained ACICS  
22 recognition and went to a different title, a  
23 Department of Ed ACICS. So it could have taken two  
24 to three years, they would have had to keep renewing

1 with ACICS to maintain the accreditation, while  
 2 seeking another accreditation to satisfy Department  
 3 of Ed. But they still, we would not have been  
 4 issuing revocation proceedings, but because they  
 5 were, it wasn't because it lapsed, it was because  
 6 they had findings. They had grounds and findings  
 7 against Northwest Suburban College, which is why --  
 8 HEARING OFFICER: But I thought there was some  
 9 notice that you had notified some 30 schools in the  
 10 region or something that --  
 11 MS. STEFFY: That was, again, when the  
 12 Department of Ed came in and said we're not going to  
 13 recognize, IBHE reached out to these schools to find  
 14 out, at that time, they did know of CHEA, they felt,  
 15 well, if Department of Ed is going to revoke, we  
 16 don't know if CHEA is going to revoke, what are you  
 17 going to do.  
 18 Well, in the meantime, during this process,  
 19 months went by, CHEA never revoked, said we're not  
 20 going to recognize, so other institutions decided to  
 21 get different accrediting authority, because they  
 22 wanted authority, something recognized by the  
 23 Department of Ed, other schools did not. Again,  
 24 this case --

1 MS. STEFFY: Right.  
 2 HEARING OFFICER: They decided, hey --  
 3 MS. STEFFY: If --  
 4 HEARING OFFICER: Excuse me. They decided that  
 5 they were going to have problems, because they could  
 6 lose their accrediting authority. So they made the  
 7 same decisions the other schools went to.  
 8 MS. STEFFY: No.  
 9 HEARING OFFICER: No.  
 10 MS. STEFFY: No, they didn't. They decided to  
 11 let their, what would have happened, December 31st,  
 12 2017, I guess, every year ACICS that you have, they  
 13 have a renewal process as well. They have to renew  
 14 with their accreditor. They decided they weren't  
 15 going to renew, because they're like, well, if  
 16 you're going away, why are we going to renew, which  
 17 is valid.  
 18 However, the IBHE informed them, well, no,  
 19 you still have to renew, because based on the  
 20 timeline, there's going to be a lapse, and, again,  
 21 this was based on when they thought Title 4, which  
 22 would have put them, I think in June of this year,  
 23 because I think December 2016, they had 18 months, I  
 24 believe, from then, so it would have been June 18 of

1 HEARING OFFICER: Isn't that what North Suburban  
 2 did?  
 3 MS. STEFFY: No. This is what --  
 4 HEARING OFFICER: Wait, wait a second.  
 5 MS. STEFFY: But this is what you're missing,  
 6 ACICS had findings against them that revoked for  
 7 grounds to withdraw their accreditation. It was not  
 8 due to the Department of Ed, it was, okay, we have  
 9 findings, we have serious concerns with your school  
 10 and if you, when I look at Plaintiff's --  
 11 HEARING OFFICER: Okay. Counsel, stop for a  
 12 second, okay.  
 13 MS. STEFFY: Uh-huh.  
 14 HEARING OFFICER: My point is this, okay, you  
 15 keep talking about what that point is, but the point  
 16 that I am bringing to your attention is that before  
 17 that time, you say other schools thought, they  
 18 didn't know about CHEA, so they decided to go  
 19 somewhere else.  
 20 MS. STEFFY: Right.  
 21 HEARING OFFICER: I understood from the  
 22 testimony, from the College, that they decided, hey,  
 23 this is before they got any 15 points problem, 15  
 24 citations.

1 this year.  
 2 Well, as you well know, things happened  
 3 throughout the year, they have issued the  
 4 extensions, they decided, okay, 18 months is not  
 5 long enough, you would be getting an extension, but  
 6 again --  
 7 HEARING OFFICER: So your point is you advised  
 8 them that they're not going to have enough time,  
 9 okay, well taken, okay.  
 10 MS. STEFFY: Yes, but, again, I just want to,  
 11 that point is that this is not the case with that  
 12 Title 4. We have to look at, so even with the  
 13 Title 4 revoking, ACICS still had authority to make  
 14 sure schools were in compliance.  
 15 And this is, as part of their compliance  
 16 issues, they had findings, and said you're not in  
 17 compliance with our authority, which they still had  
 18 until December 31st, 2017, which is why --  
 19 HEARING OFFICER: There's some testimony that a  
 20 lot of people were jumping ship on that, so I don't,  
 21 I am not sure about that, but I'll look it over.  
 22 MS. STEFFY: Again, that's the thing, you're  
 23 saying jumping ship, the schools still had to  
 24 maintain accreditation with ACICS.

1 If these other schools, while they were in  
2 the process of maintaining, getting a different  
3 accreditor, they still had to maintain compliance  
4 with ACICS, which they did.

5 This school, however, they may have tried  
6 to issue compliance, but ACICS had findings against  
7 them. Grounds to withdraw their accreditation  
8 status, which is what happened here. They had  
9 grounds, subsequent, or completely --

10 HEARING OFFICER: Okay. Counsel, I hear your  
11 argument.

12 MS. STEFFY: Okay.

13 HEARING OFFICER: I think that what you're  
14 missing from what I am saying here, that I don't  
15 think it's well explained, is that that accrediting  
16 agency had some problems, significant problems,  
17 right, they lost their accreditation, they appealed  
18 it, they still lost it, and they jumped ship.

19 MS. STEFFY: No, no, no, no. Who lost the  
20 accreditation is Northwest Suburban College, not  
21 ACICS. I'm sorry, that's what I --

22 HEARING OFFICER: ACICS, the Department of  
23 Education quit recognizing them as their accrediting  
24 authority, correct?

1 MS. STEFFY: No, no, okay. So here's --

2 HEARING OFFICER: So.

3 MS. STEFFY: Department of Ed recognizes ACICS  
4 as an accreditor. They said, Department of Ed said  
5 I am, we are not going to recognize ACICS.

6 HEARING OFFICER: Right.

7 MS. STEFFY: Okay. In the meantime, ACICS, as  
8 the accrediting authority, had issues with Northwest  
9 Suburban College. They're the ones that went after  
10 them and said, okay, Northwest Suburban College, you  
11 haven't done this, this, this, and this.

12 HEARING OFFICER: When?

13 MS. STEFFY: This was in, they issued a show  
14 cause, this is in that August 9th, 2017, there's --

15 HEARING OFFICER: On the Baccalaureate degree.

16 MS. STEFFY: -- 15 findings, this is why we are  
17 withdrawing your accreditation with us, even though,  
18 yes, the Department of Ed is no longer recognizing  
19 us, that wasn't going to take place until

20 December 31st or June of 2018, was it?

21 HEARING OFFICER: Right.

22 MS. STEFFY: Okay. December 31st, okay. So  
23 ACICS withdrew their accreditation, because  
24 Northwest Suburban College is not in compliance with

1 the accrediting authority. That's what happened.  
2 The crediting authority, Department of Ed just  
3 recognizes ACICS as an accrediting authority. ACICS  
4 is the accrediting authority that said Northwest  
5 Suburban College, we have these findings against  
6 you, we're suspending your accreditation.

7 HEARING OFFICER: I am not talking about that.  
8 I am talking about, am I missing something here,  
9 didn't the Department of Education take away  
10 ACICS --

11 MS. STEFFY: No.

12 HEARING OFFICER: No.

13 MS. STEFFY: All they do is they don't recognize  
14 them as an accreditation.

15 HEARING OFFICER: Okay.

16 MS. STEFFY: But CHEA does recognize them as an  
17 accreditation.

18 HEARING OFFICER: But other people also left,  
19 that was their testimony.

20 MS. STEFFY: Right, but, again, you're missing  
21 the point that their accreditor, who is ACICS,  
22 withdrew their accreditation from them, independent  
23 of what the Department of Ed. That is completely  
24 independent.

1 HEARING OFFICER: Well, here, I am just getting  
2 to the point that I am trying to make to you.

3 MS. STEFFY: Okay.

4 HEARING OFFICER: That it seems like if they're  
5 going to jump ship, and they didn't have any  
6 problems for two and a half years, except for the  
7 Bachelor of Science, lack of accreditation, which  
8 they, apparently, didn't have enough students for,  
9 maybe, or they didn't get accredited for it, other  
10 than that, they didn't have 15 problems they found  
11 with them, but after they decided to, when I say  
12 jump ship, I mean not renew --

13 MS. STEFFY: No.

14 HEARING OFFICER: No, that's, afterwards that's  
15 when they went out to make the inspection.

16 MS. STEFFY: No, the IBHE had a contact.

17 HEARING OFFICER: Help me out here, what am I  
18 missing?

19 DR. BERNOTEIT: I think it is, I think it is an  
20 inappropriate characterization to frame ACICS as  
21 being retaliatory.

22 HEARING OFFICER: Okay.

23 DR. BERNOTEIT: As an accrediting body, there  
24 are prescribed standards that must be adhered to and



1 addressed. And the matter of launching  
2 Baccalaureate programs, without accreditor approval,  
3 is a very serious compliance matter.

4 HEARING OFFICER: But that matter, they didn't  
5 go and terminate them by suspension until the next  
6 year, correct?

7 DR. BERNOTEIT: In February 2017, the  
8 accreditor issued what is called a show cause  
9 letter.

10 HEARING OFFICER: Right.

11 DR. BERNOTEIT: Which mean show cause about why  
12 we shouldn't revoke your accreditation, because  
13 there is this very serious compliance matter.

14 HEARING OFFICER: Okay.

15 DR. BERNOTEIT: So, accreditation cycles can be  
16 anywhere from 8 to 10 years. So 3 years into their  
17 accreditation with ACICS, there is a compliance  
18 matter. In the life cycle of an institution, that  
19 is still fairly early on, with the launch or  
20 implementation of degree programs.

21 There was a sequence of events that spoke  
22 to various forms of compliance issues, and I, from  
23 my professional standpoint, understanding standards  
24 of accreditation, it would be an over-reach to

1 your response, I know you got a lot to respond to.

2 MS. PARKER: Officer Cavanaugh, there's so much  
3 to respond to, honestly, it's hard to know where to  
4 begin. There was a lot of statements made that are  
5 just inaccurate or stated in a way that, not  
6 intentionally though, probably weren't quite  
7 precise. So it makes it challenging to respond, to  
8 be frank with you.

9 Some of the things that were said were  
10 apples to oranges. So, for example, I think the way  
11 we started going down this road was Miss Steffy was  
12 pointing to the portion of the rules that talks  
13 about when you get your initial IBHE authorization,  
14 and how when you get your initial IBHE  
15 authorization, an institution has five years after  
16 receiving that to get their institutional  
17 accreditation from an accrediting agency.

18 We all understand that. We all know that  
19 to be the case. The College did that. That is not  
20 what we're talking about though. So I think in that  
21 sense we're talking apples to oranges here.

22 There was also a reference to that same  
23 provision, based on the idea that the College hadn't  
24 gotten this Bachelor's program accredited, and I

1 characterize ACICS actions as retaliatory only.  
2 They were enacting their responsibilities as they  
3 should with any institution that is out of  
4 compliance with their standards.

5 MR. IRFAN: Officer Cavanaugh, I am compelled,  
6 with your permission, because there is no much being  
7 said that we cannot counter --

8 HEARING OFFICER: No. Sir, I'll recognize you  
9 in a minute.

10 MR. IRFAN: Thank you.

11 HEARING OFFICER: Okay. I appreciate your  
12 explanation of that, that you, in your professional  
13 opinion, that you don't think that it was  
14 retaliatory. And I didn't say it was retaliatory,  
15 it just seems like it took an awful long time to get  
16 to that point.

17 It wasn't until after that point where they  
18 decided not to renew, that they came out and did an  
19 inspection, and they didn't do one before that, and,  
20 you know, so I appreciate your input in that and  
21 your professional opinion. Okay. So, thank you.  
22 Anything else?

23 MS. STEFFY: No, sir.

24 HEARING OFFICER: All right. Go ahead. What is

1 think that that terminology has not been used  
2 precisely.

3 An accrediting agency approves your  
4 programs, but they don't, they accredit, ACICS  
5 accredited the institution, and they would approve  
6 the specific programs, after reviewing them.

7 And as Dr. AliNiazee testified, he did ask  
8 them to approve the Bachelor's program, but it was  
9 so tiny, when he first started it, it only had three  
10 students in it, they said, hey, why don't you go  
11 through a full year, so that we can sort of see  
12 more, so we can really get a sense of the program.

13 And then when he got back to them, at that  
14 point, they said, okay, we're going to get this done  
15 in 30 days, and then ACICS got hit with their own  
16 problems from the Department of Education. And  
17 then we didn't get a response.

18 And it's unfortunate, but we did not get a  
19 response as to whether or not ACICS was going to  
20 approve that program.

21 And in the interim, IBHE became aware of  
22 it, and rightfully, raised concern, that is their  
23 job. But, I mean, this is as simple as we have  
24 laid out. What we have said is that the only thing

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1 that IBHE is raising is that we have lost  
 2 accreditation.  
 3 We know we have lost accreditation. We  
 4 sincerely wish we hadn't loss accreditation. I mean  
 5 we relinquished our accreditation from ACICS because  
 6 we were striving to be with an accreditor that did  
 7 not have the issues they had.  
 8 You know, it's great to talk about CHEA,  
 9 but CHEA does not give your students the ability to  
 10 receive federal financial aid. And so, at that  
 11 time, it made sense to the College to try to move  
 12 forward as quickly as they could with another  
 13 agency.  
 14 In conversations with IBHE, they talked  
 15 about ACCSC, which is why the College put together  
 16 this huge binder, and applied. They did it as  
 17 quickly as they could. I mean this has been a bad  
 18 situation for many institutions of what happened  
 19 with ACICS, and all the alternate accrediting  
 20 agencies have been swamped with applications, as you  
 21 can imagine. And they're all that big.  
 22 And so it's been a lot of work, but the  
 23 College has been doing everything they can to obtain  
 24 a new accreditor, and are just simply asking for

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1 IBHE to recognize that under the rules, contrary to  
 2 what they're saying, it is not mandatory that there  
 3 be no gap in accreditation.  
 4 The rules do not say that. We believe  
 5 there is some level of discretion and we're pleading  
 6 for IBHE to consider giving the college a little bit  
 7 of time to get a new accreditor, because we are  
 8 almost there. We have already applied. We have  
 9 accrediting agency that we believe are willing to  
 10 look at our application, if we did not have this  
 11 hanging over our head.  
 12 HEARING OFFICER: Okay. Thank you very much. I  
 13 guess we'll terminate the hearing today. You had a  
 14 procedural question, what was that?  
 15 MS. PARKER: Oh, we had, recognizing this is  
 16 sort of an informal hearing, we had put together  
 17 just a summary of your position and we were  
 18 wondering if we can submit that?  
 19 MS. STEFFY: I would object, based on we don't  
 20 have anything prepared, based on that, so.  
 21 MS. PARKER: So, it's just a two-page --  
 22 HEARING OFFICER: Well, I know. You show it to  
 23 her and see what your point is. I mean if it's in  
 24 the record, it's in the record.

Page 207

1 Off the record.  
 2 (Discussion had off the record.)  
 3 HEARING OFFICER: Back on the record.  
 4 MS. STEFFY: Just based on relevance, we would,  
 5 well, objection, we would like to submit, we would  
 6 like to submit a summary as well then. If they're  
 7 going to be allowed to have a summary, we would like  
 8 one as well.  
 9 HEARING OFFICER: Okay. Go ahead.  
 10 MS. PARKER: Well, my response would be that we  
 11 had asked for a clarification of the grounds, which  
 12 I consider to be the summary of IBHE's position, and  
 13 this is just, I mean, it's just a little, this page  
 14 is our summary and this is our plea.  
 15 MS. STEFFY: I think it's all in the record  
 16 though, so I don't think that's necessary.  
 17 HEARING OFFICER: Can I read that.  
 18 I'm going to allow it in as summary, you  
 19 know, it's going to be in the record of the hearing.  
 20 You don't have one, but they prepared one, they  
 21 didn't.  
 22 So, you know what, I don't have, is the,  
 23 oh, yeah, I do. It's the, it's the administrative  
 24 code, I do have it, okay. I thought I didn't have

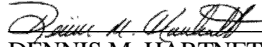
Page 208

1 my copy.  
 2 MS. STEFFY: You wanted to put that into  
 3 evidence.  
 4 MS. PARKER: I did. And do you have it?  
 5 HEARING OFFICER: Yeah, I do have it, I found it  
 6 here. Okay. So this will terminate the hearing  
 7 today. Thank you very much for everyone's testimony  
 8 and patience.  
 9 MR. IRFAN: One point I wanted to raise.  
 10 HEARING OFFICER: We're done.  
 11 MR. IRFAN: Procedurally, yes.  
 12 HEARING OFFICER: We're done.  
 13  
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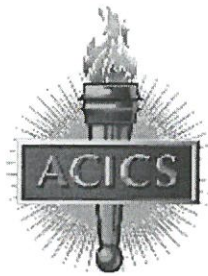
1 DENNIS M. HARTNETT, being first duly sworn,  
2 deposes and says that he is a Certified Shorthand  
3 Reporter in Cook County, Illinois, and reporting  
4 proceedings in said County;

5 That he reported in shorthand and  
6 thereafter transcribed the foregoing proceedings;

7 That the within and foregoing transcript is  
8 true, accurate and complete and contains all the  
9 evidence which was received and the proceedings had  
10 upon the within cause before the Hearing Officer,  
11 Joseph J. Cavanaugh.

12  
13   
14 DENNIS M. HARTNETT, CSR  
15 CSR No. 084-002381  
16 205 West Randolph Street  
17 Suite 2201  
18 Chicago, Illinois 60606  
19 Phone: (312) 332-0922  
20 March 8, 2018  
21  
22  
23  
24





August 9, 2017

ID Code 00135778(MC)

**VIA E-MAIL AND CERTIFIED MAIL**

*admin@nwsc.edu*

Dr. Mohammed AliNiaze  
President  
Northwest Suburban College  
5999 S. New Wilke Rd., Bldg #400  
Rolling Meadows, IL 60008



**Subject: Withdrawal of Accreditation by Suspension Action**

Dear Dr. AliNiaze:

At its August 2017 meeting, the Council considered the institution's response to the report of a quality assurance visit conducted to the institution, the continued show-cause directive outlined in its letter dated April 11, 2017, and the institution's response to an extensive complaint filed by its former librarian.

On February 28, 2017, the institution was directed to show-cause why its accreditation should not be withdrawn when the Council received information from the Illinois Board of Higher Education that the institution had been offering bachelor's degree programs without approval from ACICS.

This directive was continued to the Council's April 2017 meeting, and the institution was directed to immediately cease any bachelor's degree activities. In its follow-up response to the Council, dated April 26, 2017, the institution provided documentation and assurance that all academic activities in the bachelor's degree programs in biology and chemistry had indeed ended. Subsequent to that submission, the institution also informed ACICS that it will not be pursuing a renewal of accreditation with ACICS, and instead, will let its grant expire on December 31, 2017. A limited-announced quality assurance visit was conducted on June 6-7, 2017, to determine if the institution had come into compliance with the show-cause directive as well as to ensure ongoing compliance with all Council standards through the expiration of its grant of accreditation. The visit resulted in 15 findings, one of which was the determination that academic activity had not ceased in the unapproved bachelor's degree programs.

While the institution was able to provide documentation that addressed four (4) of the team's findings, the Council found the following based on the *Accreditation Criteria*:

1. The 2017-2018 Campus Effectiveness Plan does not include any reference as to how data have been collected, utilized, or analyzed at either the institutional or programmatic level

for any of the required elements (Section 3-1-111). The institution submitted a current Plan as a revision to the 2013-2014 Plan provided to the team during the visit. The ongoing expectation of ACICS is that the CEP is evaluated at least annually and that it remains current; with a 2013-2014 Plan, it is evident that the institution has not maintained this expectation. Further, the current plan does include baseline data and goals for each outcome, how the data *will be* used to assess each outcome, and an explanation of how the data *will be* used to improve the educational processes; but it does not include any analysis of previous performance and its correlation to future educational goals. Further, the institution did not provide any documentation that the CEP has been fully implemented, that specific activities have been implemented, or that periodic progress reports were completed at least twice during the past academic year (Section 3-1-112). Further, while the plan does list the names and titles of the CEP planning committee, no meeting minutes were provided with signatures and dates, nor was there any explanation of the specific duties of each committee member.

2. Emphasis is not placed upon the efficiency and effectiveness of the overall administration of the institution (Sections 3-1-202 and 3-1-202(a)). In response to the finding, the institution submitted narrative attempting to explain why students were enrolled in a 300-level course during the visit in June 2017, when they had received a show-cause directive in April 2017 that specified all academic activities related to a bachelor's degree must cease. While some institutional narrative accepted blame for the error, other sections of the narrative blamed former ACICS employees for the error. The team report specifically mentioned concern with the integrity of Ms. Shazia Ilyas, associate dean of academic and student affairs, yet the institution did not provide any type of employee evaluation or job assessment for her. Further, the institution submitted an organizational chart with a number of vacant positions labeled as "To Be Announced" with no indication as to when the positions would be filled or by whom. Finally, the institution submitted a job posting on Indeed.com for an admissions representative dated July 7, 2017, with no evidence anyone had actually been interviewed, hired, and/or trained.
3. There is no evidence that the institution has implemented appropriate grievance procedures for considering student complaints (Section 3-1-202(d)). During the visit, students interviewed stated they never received an institutional catalog and, therefore, knew nothing about institutional grievance policies. The institution submitted documentation of a flyer announcing how students can download the institutional catalog; a 2017-2018 school catalog with grievance policies on pages 44-48; a blank grievance form (to be completed by a school representative); a copy of a letter from Mr. Mohammed Faheem, vice president and chief operating officer, to all students and staff about the institutional grievance policy and student complaints; minutes from a Student Success & Retention committee, which addressed institutional grievance policies; a job posting for a new admissions representative; and a blank Code of Conduct form to be completed by all admissions department personnel. However, the Student Success & Retention committee meeting minutes did not include signatures of attendees; no

documentation was provided that any new admissions staff has been hired; and no documentation was provided that any existing or newly-hired admissions personnel has completed and signed the Code of Conduct for all admissions personnel.

4. Admissions policies are not being followed as written (Section 3-1-411). As previously mentioned, students interviewed during the team visit stated they never received an institutional catalog, and they also never attended a new student orientation. In its response, the institution submitted a copy of a blank enrollment agreement that has been revised to reflect students' acknowledgement of institutional policies and procedures. The institution also stated the former admissions director is being transitioned out of his current role, and also provided a schedule of upcoming orientation sessions for both degree and certificate students. While all submissions reflect what is to be done in the future, no documentation was provided to indicate any implementation of the changes.
5. The institution does not provide evidence that it systematically monitors and evaluates its recruitment activities (Section 3-1-412(a)). Again, the institution responded that the current admissions director is being transitioned out of the department, but no evidence of a new admissions director was provided. Further, the institution did not submit a plan for the systematic monitoring of recruitment activities other than a suggestion (in narrative) that the newly hired director of admissions will conduct such training.
6. There is no evidence that the individual designated to administer student financial aid is competent to serve in that role (Section 3-1-434(a)). In response to this finding, the institution submitted a campus bulletin, naming Dr. Gayathree Raman as the new on-site financial aid representative. However, the institution did not submit a signed job description for Dr. Raman, an updated ACICS Data Sheet, any type of written correspondence from a school administrator to all students and staff with the news of Dr. Raman's new responsibilities, or evidence of his completed training.
7. Employment assistance and career service advisement are not provided for all students (Section 3-1-441). The institution responded that they will be recruiting an advising and career services representative who will be responsible for employment assistance to both degree and certificate students. However, no evidence was submitted of a new hire with a signed job description, ACICS Data Sheet, or résumé.
8. Follow-up studies on graduate satisfaction are not conducted at specific measuring points following placement of the graduate (Section 3-1-441(c)). The institution submitted a copy of a blank alumni survey and a blank employer survey with a plan as to how they will utilize the surveys in the future. However, no completed surveys were included in the submission with any type of analysis or summary of survey results.
9. The institution does not provide sufficient evidence to document attendance at faculty meetings (Section 3-1-544). The institution provided minutes with signatures for one

meeting since the team visit. The title on the signature sheet of the meeting was “NWSC Staff Meeting Sign-In.” The meeting was conducted on June 28, 2017, and lasted for 15 minutes. A careful review of meeting minutes revealed that no meeting items were dedicated to academics or curriculum.

10. The institution does not provide student achievement information to the public (Section 3-1-704 and Appendix C). The institution responded that all public information about the college can be found within the National Center for Educational Statistics (NCES) website. However, the institution further explained that due to a “lag” in NCES posting of data, there was no data listed for the institution on this website in all actuality. The institution predicted this would be remedied at some point in 2017 or 2018. Further, while the institution has added a new link to their own website entitled Student Achievement Information, only programmatic retention and graduation rates for the allied health certificate programs are displayed. No information is listed for the associate’s degree program in biology, and there are no placement statistics listed for any of the four institutional programs. Further, the information that is provided does not match the retention rates reported on the 2016 Campus Accountability Report (CAR).
11. The institution does not have a professionally trained individual to manage the library resources (Section 3-4-401). In the response to the finding, the institution submitted a copy of a signed agreement, dated June 19, 2017, between the institution’s president, Dr. M. T. AliNiazee, and The Virtual Librarian Service. The consultant for the Virtual Librarian Service, as named in the agreement, is Dr. Melody Hainsworth, whose signature is on the contract. The agreement states that Dr. Hainsworth and her professional librarians will develop appropriate and adequate library resources for the academic programs, provide library reference service, be responsible for written accreditation reports regarding the library, and provide asynchronous seven-day library reference service by e-mail, or web meetings, to all students, administrators, and staff. The institution’s response explained that the Virtual Library Services will be attainable by students 24 hours a day, 7 days a week through a Moodle interface, to which every student has access. The institution did not provide a signed job description, an ACICS data sheet, résumé, or academic transcripts for Dr. Melody Hainsworth or any other of the aforementioned professional librarians. Moreover, because the proposed library services are provided through an online-only format, the institution still does not have a professionally trained individual on site who is assigned to oversee and supervise the library and to assist students.

Additionally, the Council also considered a substantive complaint received from the institution’s former librarian, the institution’s response to the complaint, and additional information received from other institutional representatives. Allegations of misrepresentation of the bachelor’s degree program offerings to students and ACICS, mishandling of refunds, and inappropriate disclosures, among others, were not sufficiently refuted by the institution but rather affirmed by other representatives who independently contacted ACICS.

### **Council Action**

Therefore, the Council acted to **withdraw the institution's accreditation by suspension**. In addition to the institution's failure to demonstrate ongoing compliance with the *Accreditation Criteria*, the Council considered its blatant disregard for the Council's directive and subsequent questionable ethics in reporting its compliance as it relates to the bachelor's degree programs, and its inability to satisfactorily refute the substantive allegations identified by the former librarian.

The institution has the right to appeal this decision to the Review Board of Appeals. The Council must be notified, in writing, within ten (10) business days of receipt of this notice if the institution desires to appeal this decision to the Review Board. The appeal notification must include payment in the amount of \$10,000. The Council's decision is final if the appeal notice and appropriate fee are not provided within the ten business days of your receipt of this notice. If the institution elects to appeal this action to the Review Board and remits the appropriate fee by the established deadline, then the institution will remain accredited through the length of the appeal, and more detailed appeal procedures and information will be forwarded to the institution.

If the institution elects not to appeal this action, the institution must submit any comments regarding this decision to the Council office within two weeks of the date of this letter. Should the institution choose to submit any comments, these comments will be included in the summary detailing the reasons for the Council's decision that will be made available to the U.S. Secretary of Education, the appropriate State licensing or authorizing agency, and the public through [www.acics.org](http://www.acics.org).

### **Institutional Teach-Out Plan**

Further, to ensure that students will receive an appropriate outcome in the event of campus closure, the campus must provide the Council with an Institutional Teach-out Plan, utilizing the **online Request for Institutional Teach-out Plan application** in the Member Center. This Institutional Teach-out Plan must be completed as part of the institution's intent to appeal the withdrawal by suspension action.

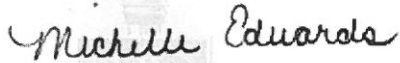
The Council expects that the institution will take the appropriate steps to assist its students through any transition to successfully complete their programs in an orderly manner. The institution is advised that Section 2-3-900 of the ACICS *Accreditation Criteria* stipulates that the Council may bar any person or entity from being an owner or senior manager of an ACICS-accredited institution if that person or entity was an owner or manager of an institution that loses its accreditation as a result of a denial or suspension action or that closes without providing a teach-out or refunds to students matriculated at that time of closure.



Dr. Mohammed AliNiaze  
August 9, 2017  
Page 6 of 6

Please contact Ms. Katie Morrison at [kmorrison@acics.org](mailto:kmorrison@acics.org) or (202) 336-6783 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Michelle Edwards". The signature is written in black ink on a white background.

Michelle Edwards  
President

- c: Ms. Shazia Ilyas, Associate Dean of Academic and Student Affairs, Northwest Suburban College ([silyas@nwsc.edu](mailto:silyas@nwsc.edu))
- Ms. Cathy Sheffield, Accreditation and State Liaison, U.S. Department of Education ([aslrecordsmanager@ed.gov](mailto:aslrecordsmanager@ed.gov))
- Mr. Douglas Parrott, US Department of Education, Chicago/Denver School Participation Team – Regions V & VII ([douglas.parrott@ed.gov](mailto:douglas.parrott@ed.gov))
- Dr. Daniel Cullen, Deputy Director for Academic Affairs, Illinois Board of Higher Education ([cullen@ibhe.org](mailto:cullen@ibhe.org))



November 16, 2017

ID Code 00135778(MC)

VIA E-MAIL AND OVERNIGHT DELIVERY

*president@nwsc.edu*

Dr. Mohammed AliNiazee  
President  
Northwest Suburban College  
5999 S. New Wilke Road, Building #400  
Rolling Meadows, IL 60008

**Subject: Review Board of Appeals Decision – Affirmation**

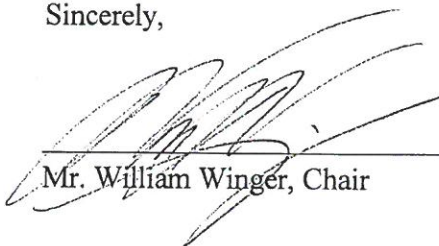
Dear Dr. AliNiazee:

The Review Board of Appeals (“Review Board”) has considered your appeal of the August 9, 2017, decision of the Accrediting Council for Independent Colleges and Schools (“Council”) to withdraw the institution’s accreditation by suspension. Based on the arguments presented by both the institution and the Council, the Review Board has found that the action of the Council is supported by substantial evidence in the record and was not arbitrary, capricious, or otherwise in disregard of the *Accreditation Criteria*.


Therefore, the Review Board acted to affirm the previous decision of the Council pursuant to Section 2-3-603 of the *Accreditation Criteria*. The decision is effective immediately.

The appropriate federal and state authorities will be notified of the action of the Review Board.

Sincerely,

  
Mr. William Winger, Chair

  
Dr. Dolores Gioffre

  
Dr. David Teneyuca



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Executive Director

Dear Dr. AliNiazee:

I write in follow-up to my visit to your campus on Friday, May 26, 2017. When I was in conversation with you and Shazia Ilyas on site and also through other means of information flow, it has come to my attention that Northwest Suburban College intends to terminate accreditation with ACICS at the end of the current calendar year. I told you at that meeting that should the College cease to be accredited prior to obtaining accreditation from an alternative recognized body, you would be out of compliance with the Private College Act and the Academic Degree Act. I want to make sure that information is in your hands in writing since its importance is extremely high.

Accreditation processes and accreditation status is mandated in numerous ways in **23 Ill. Admin. Code 1030**, the Code by which we implement controlling legislation in Illinois, the Private College Act and the Academic Degree. Your institution's continued authorization to operate is in jeopardy should your accreditation lapse (23 Ill. Admin. Code 1030.80(b)(5)(A)(ii) "Failure to maintain the conditions under which the institution and/or its degrees were authorized"). Note especially the following:

**23 Ill. Admin. Code 1030.70(A)** Grounds for revocation include any of the following:

**23 Ill. Admin. Code 1030.70(A)(4)(vi)** Loss of accreditation status with an accrediting body with which the institution is or was affiliated.

Please keep IBHE informed regarding your accreditation status. Be aware that we will respond immediately should we become aware of a lapse in institutional accreditation.

Best regards,

Daniel Cullen, Ph.D.  
Deputy Director, Academic Affairs

cc: Perliter Walters-Gilliam, ACICS  
Sarah Adams, USDE SFA



February 23, 2018

M. T. AliNiaze, PhD  
President  
Northwest Suburban College  
5999 S. New Wilke Road, Buildings 4-5  
Rolling Meadows, Illinois 60008



ELECTRONIC DELIVERY  
president@nwsc.edu

Dear Dr. M. T. AliNiaze:

The Accrediting Commission of Career Schools and Colleges ("ACCSC" or the "Commission") has received the Application for Initial Accreditation-Parts I&II for Northwest Suburban College in Rolling Meadows, Illinois. I regret to inform you that the Commission is unable to proceed with your application for the reasons stated below.

ACCSC had previously accepted Northwest Suburban College's "Application for Initial Accreditation-Transitioning School" with a contingency stated in the May 1, 2017 letter: *ACCSC has been informed that the school is subject to a Show Cause Order issued by ACICS. Northwest Suburban College will be required to have resolved the issues which led to the issuance of the Show Cause Order prior to ACCSC granting the school accreditation. (Section VII (D)(3) Rules of Process and Procedure, Standards of Accreditation).* Subsequently, ACICS acted to withdraw the school's accreditation which became effective November 16, 2017 following an appeal. As the school did not meet ACCSC's requirement to resolve the Show Cause Order, ACCSC's acceptance of that application is void. Subsequently, Northwest Suburban College on January 18, 2018 submitted a new Application for Initial Accreditation.

With regard to the school's newly submitted application, Northwest Suburban College's application indicates that the school does not meet ACCSC eligibility requirements. The application indicates that the school is not in compliance with all state requirements as required to demonstrate eligibility (*Section I (B)(1)(e)(iii) & (B)(2)(a)(ii) Rules of Process and Procedure, Standards of Accreditation*). Specifically, the school stated that due to the action taken by ACICS, the Illinois Board of Higher Education ("IBHE") has informed the school that it is "out of compliance with IBHE's requirements for maintenance of operating authority..." The application also indicates that:

*...IBHE has approved, the appointment of a hearing officer to schedule and conduct a hearing pertaining to the potential revocation of NWSC Authorizations to Operate an[d] Grant Degrees. At the IBHE Hearing over the coming months, NWSC expects to engage the Hearing Officer about the College's position that our Authorizations should rightly be continued, especially in view of the progress we expect to have made on ACCSC accreditation, possibly by way of a Site-Visit in February/March.*

*Section VII (D)(5)(a&c) Rules of Process and Procedure, Standards of Accreditation* states that the Commission will review and take appropriate action regarding the accreditation status of any school that is subject to an action by a state agency potentially leading to the suspension, denial, withdrawal/revocation, or termination of the school's legal authority to provide postsecondary education; an action by an accrediting agency that could potentially lead to the suspension, denial, withdrawal/revocation, or termination of accreditation (e.g., Warning, Probation, Show Cause Order, etc.) or an action by an accrediting agency to suspend, deny, or withdraw/revoke accreditation.

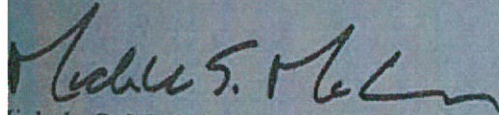
In its Application, the school attested that it understands and agrees to the *Standards of Accreditation* including that ACCSC is under no obligation to consider any application for initial accreditation it receives. The Commission establishes eligibility criteria it deems appropriate and may choose not to consider an

Northwest Suburban College – Rolling Meadows, Illinois  
February 23, 2018  
Page 2 of 2

application for accreditation for any reason (*Section I (B)(1)(h) Rules of Process and Procedure, Standards of Accreditation*). Therefore, due to the revocation action from the school's prior accreditor, the school's current status with IBHE, and the potential for further action by that agency ACCSC shall not proceed with Northwest Suburban College's Application for Initial Accreditation.

Should you have any questions pertaining to this matter, please contact me at 703.247.4520 or via email at [mccomis@accsc.org](mailto:mccomis@accsc.org).

Sincerely,



Michale S. McComis  
Director of Member Services

R Ex 2.

# ILLINOIS BOARD OF HIGHER EDUCATION

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Executive Vice President  
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Rolling Meadows, IL 60008

Jay Bergman  
Joliet

RE: Notice of Hearing Pursuant to Section 1030.80(b)(5)(B)

Max Coffey  
Charleston

Dear Dr. AliNiazee and Mr. Irfan:

Sherry Engle  
Chicago

Please be advised that the Illinois Board of Higher Education (the "IBHE") recently appointed a hearing officer to conduct a hearing regarding the possible revocation of operating and degree granting authority for Northwest Suburban College of Basic and Allied Health Sciences ("NWSC") pursuant to Section 1030.80. This letter hereby serves as notice to NWSC that the hearing will be held on February 14, 2018 at 9:30 a.m. in room 2-029 of the James R. Thompson Center located in Chicago, Illinois. NWSC is permitted to representation by legal counsel and to respond and present evidence and argument. Failure to appear at the hearing may result in a recommendation to the IBHE to revoke NWSC's operating and degree granting authority.

Kevin Huber  
Libertyville

Alice Marie Jacobs  
Bismarck

Cherilyn Murer  
Homer Glen

Santos Rivera  
Chicago

Please be further advised that NWSC is subject to possible revocation of its operating and degree authority due to the following issues:

Darlene Ruscitti  
Bloomington

Jack Thomas  
Macomb

Christine Wiseman  
Palos Heights

1. Failure to maintain the conditions under which the institution and/or its degrees were authorized 1030.80(b)(5)(A)
2. Failure to offer degrees or instruction for one continuous 12-month period. 1030.80(b)(5)(A)
3. Loss of accreditation 1030.30(a)(2)(B)

Student Members  
Aky Gossitt  
Chicago

If you have any questions, please feel free to contact the undersigned.

Natalie Pieper  
Chicago

Sincerely,

*Stephanie Bernoteit*

Executive Director  
Dr. Al Bowman

Stephanie Bernoteit, Ed.D.  
Deputy Director for Academic Affairs

Resp. Ex. 3



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**Executive Director**  
Dr. Al Bowman

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Husch Blackwell  
120 South Riverside Plaza  
Suite 2200  
Chicago, IL 60606  
[Lisa.parker@huschblackwell.com](mailto:Lisa.parker@huschblackwell.com)

RE: Notice of Hearing – Clarification  
Northwest Suburban College of Basic and Allied Health Sciences  
("NWSC")

Dear Ms. Parker:

We write in response to your letter dated February 9, 2018 requesting clarification of the Notice of Hearing issued by the Illinois Board of Higher Education ("IBHE") on February 1, 2018 ("Notice"). We would first address your query regarding the italicized and the non-italicized language in the Notice. Enumerated items one (1) and two (2) contained in the Notice are italicized because they are directly quoted from the Illinois Administrative Rules ("Rules") while enumerated item three (3) is a brief summation of the subject rule. These statements simply reference the provisions of the Rules that pertain to the instant matter.

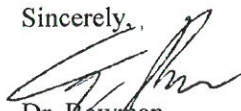
Additionally, your letter of February 9, 2018 requests clarification regarding the basis for the possible revocation of NWSC's operating and degree-granting authority. While the IBHE is pleased to provide such clarification, it must be noted that NWSC's purported lack of understanding of these issues is troubling given the numerous discussions and site visits conducted by the IBHE and key members of NWSC's executive team where the issues cited in the Notice were discussed in significant detail with Dr. AliNiazee and Mr. Irfan. Indeed, the IBHE conducted site visits to NWSC on October 26, 2016, January 9, 2017, May 26, 2017 and September 6, 2017. The site visits were initiated upon IBHE learning, in June of 2016, that the Department of Education ("ED") determined it would no longer recognize the Accrediting Council for Independent Colleges and Schools (ACICS) as an accreditor. The IBHE, as a matter of course, then reviewed all schools under its jurisdiction that were accredited by ACICS, which included NWSC, to determine the institutions' next steps to obtain accreditation through a different body in order to remain in compliance with the Rules. The IBHE learned after reviewing ACICS' website that NWSC, though IBHE-approved for associate- and baccalaureate-level programs, was only listed on the ACICS site as accredited for one associate-level degree. As NWSC is aware, on June 9, 2016 the IBHE immediately contacted NWSC to inquire and NWSC responded and indicated that they were unaware of the requirement to receive accreditor approval before offering new degree programs. IBHE staff instructed NWSC, on a number of occasions, to remove references to the degrees from NWSC's website. NWSC informed the IBHE that they would submit these programs for accreditor approval as soon as possible.

As NWSC is aware, in February 2017, ACICS issued a show cause directive to NWSC to explain why ACICS should not withdraw its accreditation approval for providing bachelor's degree programs without the approval of ACICS. Previous to this show cause directive, NWSC communicated to the IBHE that NWSC was seeking another accreditation through the Higher Learning Commission ("HLC") and therefore, decided it would allow its accreditation to expire. The IBHE Deputy Director of Academic Affairs reviewed the planned accreditation timelines for HLC with NWSC, at the IBHE site visits on January 9, 2017 and May 26, 2017, and determined there was a strong possibility that there would be a gap in accreditation at the end of 2017. As NWSC is aware, the Rules do not permit any gap in accreditation. Subsequent to the IBHE site visits, in June, 2017, ACICS conducted its own site visit to NWSC that resulted in fifteen (15) findings of non-compliance. As a result of this site visit, the ACICS, on August 9, 2017, acted to withdraw NWSC's accreditation by suspension. NWSC subsequently appealed ACICS' decision but that appeal was denied on November 16, 2017. As a result, NWSC was without accreditation as of November 26, 2017. While your letter of February 9, 2018 states that NWSC's application for accreditation with Accrediting Commission of Career Schools and Colleges ("ACCSC") is under review, it is apparent that NWSC remains without accreditation at this time.

It must be noted that at numerous times during each of the aforementioned site visits, IBHE staff met with Dr. AliNiazee and his executive team to discuss the IBHE's concerns with NWSC's possible loss of accreditation, failure to maintain the conditions under which NWSC was authorized to grant degrees and NWSC's failure to offer degrees or instruction for a continuous 12-month period in accordance with the Rules. In addition to the numerous site visits, the IBHE staff has had numerous telephonic and electronic mail correspondences with Dr. AliNiazee and his executive team to address and possibly resolve the issues stated in the Notice.

Finally, this letter will confirm that the hearing on this matter has been rescheduled to March 6, 2018. The time and location will be provided to you immediately upon confirmation of the location for the hearing.

Sincerely,



Dr. Bowman  
Executive Director



It is useful to have the names and positions of these staff members. In addition, would you please let me know what the status with your institution is of the following?

- Shazia Ilyas
- Claire Westenhaver-Loretz
- John Nichols

Thank you once again.

Regards,

Dan

Daniel Cullen, Ph.D.  
Deputy Director for Academic Affairs  
Illinois Board of Higher Education

Resp. 3A

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**From:** Dr. M.T. AliNiasee [mailto:[president@nwsc.edu](mailto:president@nwsc.edu)]  
**Sent:** Monday, August 28, 2017 5:32 PM  
**To:** Cullen, Daniel <[Cullen@ibhe.org](mailto:Cullen@ibhe.org)>; Bernoteit, Stephanie <[Bernoteit@ibhe.org](mailto:Bernoteit@ibhe.org)>  
**Cc:** [kareem.m.irfan@gmail.com](mailto:kareem.m.irfan@gmail.com)  
**Subject:** [GRAYMAIL] Administrative Changes at Northwest Suburban College

August 28, 2017

Dear Dr. Cullen:

I hope you are doing well.

I am writing this letter to keep you informed of the administrative changes happening at Northwest Suburban College. In view of the need to improve our administrative structure, we have hired two new vice presidents. Mr. Kareem Irfan, J.D has been hired as our new Executive Vice President in charge of improving all executive processes including working with all authorizing, regulatory and accreditation bodies for accurate and smooth information transfer and to make sure that the administrative efficiency is enhanced. Mr. Irfan brings in many years of administrative experience as a CEO of multiple companies and service on the boards of educational institutions. He will essentially serve as the chief executive at the college. Mr. Mohammed Faheem has been hired as the vice president in charge of operations and day-to-day activities including admission and financial aid. Along with Dr. Maksood Akbar, Provost and chief academic officer, these individuals will provide administrative strength for the institution.

Mr. Edgar Montalvo, MBA has been hired as the Chief Financial Officer, who is in charge of our financial office. In addition, Dr. M. A. Siddiqi, a former professor and Head of the English Department at Eastern Illinois University will take over as the Dean of Academic and Student Affairs. He has nearly 30 years of experience in academia. We have made a major overhaul of our administration to improve the shortcomings identified by you and the accreditation bodies and to enhance our image as a great academic institution.

We are very concerned about the adverse action of ACICS, which we believe was ill founded and partly based on complaints from disgruntled former employees. We have appealed the decision and hope to resolve the issue. We are also in the processes of seeking accreditation with other Dept. of Education recognized bodies.

In summary, I hope to gain your trust and to work with you in the future development of the institution. Please contact me or Executive Vice President Mr. Kareem Irfan if you have any further questions. I understand Mr. Irfan has already established contact with you and promised to remain in regular touch.

Best regards,

Dr. M.T. AliNiaze

*President*

**Northwest Suburban College**

5999 S. New Wilke Road, Bldg 500

Rolling Meadows, IL 60008

[847.290.6425 x105](tel:847.290.6425)

[www.nwsc.edu](http://www.nwsc.edu)



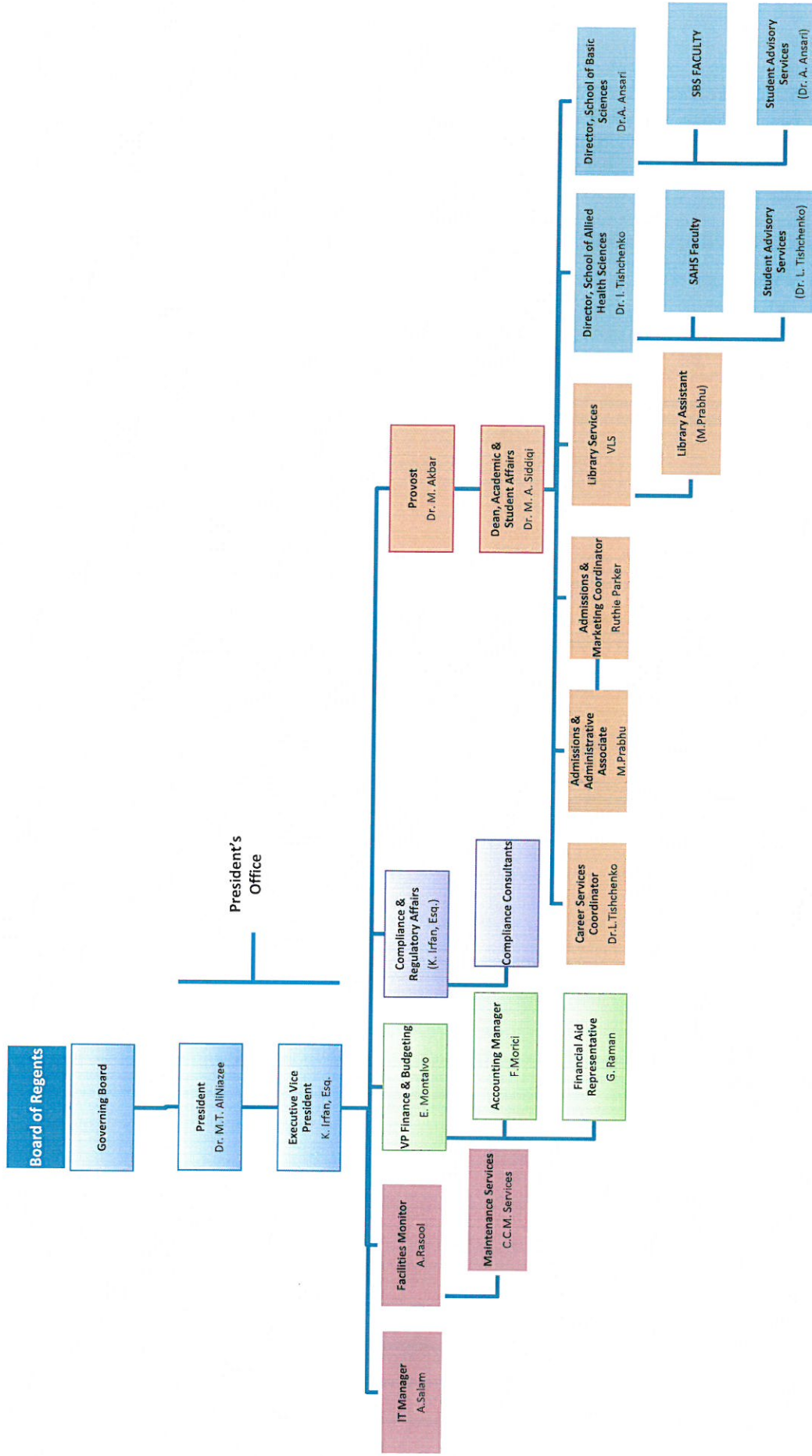
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Resp. 4

# Northwest Suburban College Organization Chart



R#5

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER II: BOARD OF HIGHER EDUCATION  
PART 1030  
PROGRAM REVIEW (PRIVATE COLLEGES AND UNIVERSITIES)

- Section
- 1030.10 Institutions Required to Receive Approval
- 1030.20 Definitions
- 1030.30 Institutional Approval
- 1030.40 Institutional Approval under the 1945 Act Only
- 1030.50 Institutional Authorization under the 1961 Act Only
- 1030.60 Degree Authorization under the 1961 Act
- 1030.70 Maintenance of Approval under the 1945 Act
- 1030.80 Maintenance of Authorization to Operate and/or Grant Certificates and Degrees under the 1961 Act
- 1030.90 Academic Application Processing Fees

1030.ILLUSTRATION A Map of Regions

AUTHORITY: Implementing and authorized by Section 9.05 of the Board of Higher Education Act [110 ILCS 205/9.05], Sections 14.5 and 14.10 of the Private College Act [110 ILCS 1005/14.5 and 14.10] and Sections 10.5 and 10.10 of the Academic Degree Act [110 ILCS 1010/10.5 and 10.10].

SOURCE: Amended and effective August 9, 1977; emergency rules adopted at 3 Ill. Reg. 26, p. 297, effective June 13, 1979, for a maximum of 150 days; adopted at 3 Ill. Reg. 38, p. 222, effective September 22, 1979; amended at 4 Ill. Reg. 48, p. 200, effective November 19, 1980; codified at 8 Ill. Reg. 1454; amended at 33 Ill. Reg. 49, effective December 23, 2008; emergency amendment at 33 Ill. Reg. 6099, effective April 9, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 12397, effective August 21, 2009; amended at 36 Ill. Reg. 6525, effective April 11, 2012; amended at 42 Ill. Reg. 66, effective December 19, 2017.

**Section 1030.10 Institutions Required to Receive Approval**

- a) Institutions Required to Receive Approval under the 1945 Act and this Part
  - 1) Any private or public person, group of persons, partnership or corporation that is or contemplates offering degrees or credit bearing instruction in Illinois above the high school level, either
    - A) in residence or correspondence; or

## SUBTITLE A

- B) in the case of an institution offering online instruction, maintaining a physical facility in Illinois, providing instruction for students at a physical location, or physically providing core academic support services in Illinois, including but not limited to admission, evaluation, assessment, registration, financial aid, academic scheduling, and faculty hiring and support.
- 2) After April 10, 2012, institutions described in subsection (a)(1) shall be limited to:
- A) Institutions that were not established and offering degrees in Illinois prior to July 17, 1945; or
  - B) Institutions that result from a merger of other institutions, whether or not the merged institutions were in existence prior to July 17, 1945; or
  - C) Institutions currently authorized or currently recognized by the Board that offer degrees or instruction in a new geographic location, whether or not the institution was in existence prior to July 17, 1945; or
  - D) Institutions that have terminated operation and subsequently wish to resume operations as degree granting institutions, whether or not the former institution was in existence prior to July 17, 1945.
- b) Institutions Required to Receive Approval under the 1961 Act and this Part
- 1) Any private or public person, group of persons, partnership or corporation that is or contemplates offering degrees or credit bearing instruction in Illinois above the high school level, either
    - A) in residence or correspondence; or
    - B) in the case of an institution offering online instruction, maintaining a physical facility in Illinois, providing instruction for students at a physical location, or physically providing, out of an institutionally owned, operated or rented facility, core academic support services in Illinois, including but not limited to admission, evaluation, assessment, registration, financial aid, academic scheduling, and faculty hiring and support.

## SUBTITLE A

- 2) The institutions described in subsection (b)(1) shall not be an Illinois public tax supported higher education institution, a labor union training program or a business trade or other corporate in-service training program.
  - 3) After April 10, 2012, institutions described in subsection (b)(1) shall be limited to:
    - A) Institutions that were not operating or authorized to operate in Illinois on August 14, 1961; or
    - B) Institutions that result from a merger of other institutions, whether or not the merged institutions were authorized to operate on August 14, 1961; or
    - C) Institutions currently authorized or currently recognized by the Board that offer degrees or instruction in a new geographic location, whether or not the institution was authorized to operate on August 14, 1961; or
    - D) Institutions that have terminated operation and subsequently wish to resume operation as degree-granting institutions, whether or not the former institution was authorized to operate on August 14, 1961; or
    - E) Institutions seeking to offer dual credit courses to Illinois high school students pursuant to the Dual Credit Quality Act [110 ILCS 27].
- c) Exemption from Approval Requirements
- 1) Institutions offering degree programs at the University Center of Lake County and the Quad-Cities Graduate Center shall not be required to apply for Board approval when offering degree programs authorized for their home campus. For these institutions, center approval is required and the center shall be treated as part of the institution's home campus, provided the center has notified the Board of its approval of the new degree program.
  - 2) Institutions with Limited Physical Presence in Illinois  
Any public or private person, group of persons, partnership or corporation that is located outside of the State of Illinois that is or contemplates offering instruction in Illinois above the high school level is not required under either the 1945 Act or the 1961 Act to obtain a Certificate of

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Approval or operating or degree authorization if the institution has a limited physical presence in the State. No such institution shall be considered to have limited physical presence for any geographic location and program in Illinois unless it has received a written finding from the Board that it has such a limited physical presence. In determining whether an institution has a limited physical presence, the Board shall require the following:

- A) Evidence of authorization to operate in at least one other state; and
  - B) Evidence of accreditation by a body recognized by the U.S. Department of Education and/or the Council for Higher Education Accreditation; and
  - C) Evidence that the institution does not offer degrees or credit bearing coursework from a physical location owned, operated or rented by the institution in Illinois, or does not provide instruction for students at a physical location owned, operated or rented by the institution in Illinois; and
  - D) Evidence that the institution does not maintain a physical facility in Illinois or does not physically provide out of an institutionally owned, operated or rented facility core academic support services in Illinois, including but not limited to admissions, evaluation, assessment, registration, financial aid, academic scheduling, and faculty hiring and support in the State of Illinois.
- 3) Institutions participating in the State Authorization Reciprocity Agreement (SARA) that are determined by the Board to have limited physical presence do not need to apply for exemption.
  - 4) Approved institutions under the jurisdiction of the 1945 or 1961 Acts offering degree programs through mediated instruction do not require additional Board approval.
  - 5) Additional Board approval is not required for Board approved institutions offering programs:
    - A) On federal military bases exclusively to base personnel and their family members;

## SUBTITLE A

- B) At clinical or practice sites that are utilized as a part of Board approved degree programs;
- C) Offering dual credit courses to high school students in high schools; or
- D) Offering courses inside public correctional facilities.

(Source: Amended at 42 Ill. Reg. 66, effective December 19, 2017)

**Section 1030.20 Definitions**

Unless otherwise stated, all definitions apply to all terms used in this Part in conjunction with both the 1945 Act and the 1961 Act.

"The 1945 Act" means the Private College Act [110 ILCS 1005].

"The 1961 Act" means the Academic Degree Act [110 ILCS 1010].

"Ability to benefit" means a standard for admission by which a student who does not possess a high school diploma or GED has demonstrated that he or she can profit materially or personally from a certain course of study through passage of an ability to benefit test or alternative pathways that have been approved by the U.S. Department of Education and administered in compliance with U.S. Department of Education guidelines related to ability to benefit policies and procedures outlined in federal financial aid regulations.

"Authorization to Grant Certificates or Degrees" means the letter from the Board giving an institution authorization to grant specific certificates and degrees under the 1961 Act.

"Authorization to Operate" means the letter from the Board authorizing an institution to operate under the 1961 Act.

"Board" means the Board of Higher Education. In those cases in which the term is used to refer to prior approval or lack of prior approval for either an institution or a certificate or degree program, the term "Board" shall mean either the Board of Higher Education or one of the two previous administrative agencies that administered higher education in Illinois (the Board of Education or the Superintendent of Public Instruction), as appropriate.



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"Certificate of Approval" means the letter from the Board giving an institution approval to operate under the 1945 Act.

"Certificate or degree program" means a formal award that is included in an institution's catalog and completion of which is noted on students' official transcript certifying the satisfactory completion of undergraduate, post-baccalaureate or graduate organized program of study at a Board approved institution.

"Certificate program" means a formal award offered by a degree-granting institution that is included in an institutional catalog and on students' official transcripts certifying the satisfactory completion of undergraduate, post-baccalaureate or graduate coursework at a Board approved institution.

"Change request" means a written proposal to modify an approved certificate or degree program. A modification is a change to any of the following: certificate offered; degrees offered; certificate or degree title or designation; Classification of Instruction Programs code (CIP code); program status; and the admission, retention or graduation requirements of approved programs.

"Credit hour" means an amount of work represented in intended learning outcomes and verified by evidence of student achievement that is an institutionally established equivalency that reasonably approximates not less than:

One hour of classroom or direct faculty instruction and a minimum of two hours of out-of-class student work each week for approximately 15 weeks for one semester or trimester hour of credit, or 10 to 12 weeks for one quarter hour of credit, or the equivalent amount of work over a different period of time; or

Documented student learning outcomes and evidence of student achievement resulting from a program provided through an alternative delivery method that demonstrates equivalency to those competencies achieved through traditional classroom delivery; or

At least an equivalent amount of student work as required to achieve intended learning outcomes or competencies as verified by evidence of student achievement for other academic activities as established by the institution, including prior learning assessment, laboratory work,

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internships, practica, studio work and other academic work leading to the award of each credit hour.

"Degree" means any designation, appellation, series of letters or words, or other symbol that signifies or purports to signify that the recipient has satisfactorily completed an organized academic program of study beyond the secondary school level. For the purposes of this Part, an "organized academic program of study beyond the secondary school level" shall be defined as:

Any academic program, regardless of duration, that offers any designation, appellation, series of letters or words or other symbol known as or labeled as an associate degree, a bachelor's degree, a master's degree, a doctor's degree, a professional degree or a certificate of advanced study; or

Any academic postsecondary program, except for a program that is devoted entirely to religion or theology, or a program offered by any institution operating under the authority of the Private Business and Vocational Schools Act [105 ILCS 426].

"Degree program" means the standard required course of study, or its equivalent, leading to a degree.

"Dual credit" means an instructional arrangement in which an academically qualified student currently enrolled in high school enrolls in a college-level course and, upon successful course completion, concurrently earns both college credit and high school credit.

"Faculty" means any individual or group of individuals who are qualified by education and experience to give expert instruction and evaluation in their specialties, to supervise curricular experiences, and to evaluate learning for credit.

"General education" provides students with a broad foundation of study upon which to build an undergraduate education.

"Home campus" is also known as "in-region". Both "home campus" and "in-region" are defined as the approval region within which an institution's original operating authority was granted.

"Illinois not-for-profit institution" means an institution described in Section 1030.10(a) and (b) that is not otherwise exempted in Section 1030.10(c) and

## SUBTITLE A

meets the following criteria:

Private corporation, limited liability company, or other entity that is initially incorporated or organized in this State, if required by law; and

Maintains a place of business within the State; and

Holds a current certificate of good standing from the Secretary of State, if required by law to file with the State; and

Can demonstrate tax-exempt status; and

Conducts business for the benefit of the general public without shareholders and without a profit motive.

"Illinois proprietary institution" means an institution described in Section 1030.10(a) and (b) that is not otherwise exempted in Section 1030.10(c) and meets the following criteria:

Private corporation, limited liability company, or other entity that is initially incorporated or organized in this State, if required by law; and

Maintains a place of business within the State; and

Holds a current certificate of good standing from the Secretary of State, if required by law to file with the State; and

Is investor-owned and/or organized for profit.

Illinois proprietary institutions do not include public institutions authorized under the domestic laws of this State, private not-for-profit institutions permitted to be exempt from taxation under section 501(c)(3) of the United States Internal Revenue Code (26 USC 501(c)(3)), or religious institutions that have not applied for recognition of tax-exempt status but have filed as a not-for-profit entity with the Illinois Secretary of State.

"Institutional change" means a written notification of a change at an approved institution. These changes may include a change in ownership, address, institution name, leadership or status.

"Institution size" is determined by applying the formula for the calculation of FTE

## SUBTITLE A

students (using fall student headcounts) developed by the Integrated Postsecondary Education Data System (IPEDS) to the data reported by the institution to IPEDS, which is the U.S. Department of Education postsecondary data collection program.

"Mediated instruction" means, for the purposes of this Part, the delivery of instruction at a distance facilitated by technology, such as via teleconferencing, video-conferencing, or internet.

"New certificate or degree program" means one or more of the following:

A certificate or degree program offered at a different educational level from a program already approved at a given institution.

A certificate or degree program in a different six-digit CIP (Classification of Instructional Programs taxonomy developed by the National Center for Educational Statistics and used in the Integrated Postsecondary Education Data System) code from that already authorized.

A new professional or specialist degree or certificate.

"New geographic location" means an additional out-of-region instructional site at which 50 percent or more of a Board authorized certificate or degree program is offered. Institutions offering less than 50 percent of credit hours for a program that has either been authorized by the Board for delivery in the institution's home region or does not require Board authorization as a result of the exemption for institutions that have been in existence since prior to the 1961 Act as noted in Section 1030.10 does not require additional approval if the institution is authorized in that region. Any program offered in an initial operating region or a new region for which there is no current Board authorization must receive certificate or degree approval for the program before the 50 percent new geographic location definition applies for additional out-of-region locations.

"Notice of intent" or "NOI" means the filing of intent for a new program or unit by the institution that is seeking operating authority or certificate or degree granting authority, as provided in Sections 1030.30(b) and 1030.60(b). Notices of intent shall be publicly posted on the Board's website for no less than 30 days prior to any Board action on the application and shall remain active for one year after the public posting period has expired.

"Out-of-state institution" means an institution described in Section 1030.10(a) or

## SUBTITLE A

(b) that is not otherwise exempted in Section 1030.10(c) and meets one of the following:

Public institution authorized under domestic laws other than the laws of this State; or

Private corporation, limited liability company, or other entity that is initially incorporated or organized under domestic laws other than the laws of this State, if required, and initially operated outside the State; or

Not-for-profit corporation, limited liability company, or other entity that maintains its primary place of business or home office outside this State; or

Any branch campus, subsidiary or other such affiliate of an out-of-state or international educational institution.

"PBVS Act" means the Private Business and Vocational Schools Act of 2012 [105 ILCS 426].

"Region" refers to a geographic area within which an institution may operate a unit of instruction and is not limited to the site within the region where the institution initially applied. A region consists of one or more coterminous community college districts. The community college districts are also property taxing districts established as provided in 110 ILCS 805/Art. III. The ten regions, described by community college district and community college district numbers, are as follows (see also Illustration A):

"North Suburban Region (1)" consists of the Lake County (532), Oakton (535), and William R. Harper (512) community college districts;

"Fox Valley Region (2)" consists of the Elgin (509), Kishwaukee (523), McHenry (528), Rock Valley (511), and Waubensee (516) community college districts;

"West Suburban Region (3)" consists of the DuPage (502), Morton (527), and Triton (504) community college districts;

"Western Region (4)" consists of the Black Hawk (503), Carl Sandburg (518), Highland (519), John Wood (539), Sauk Valley (506), and Spoon River (534) community college districts;

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"Central Region (5)" consists of the Heartland (540), Illinois Central District (514), Illinois Valley (513), and Lincoln Land (526) community college districts;

"South Metro Region (6)" consists of the Joliet (525), Kankakee (520), Moraine Valley (524), Prairie State (515), and South Suburban (510) community college districts;

"Prairie Region (7)" consists of the Danville (507), Lake Land (517), Parkland (505), and Richland (537) community college districts;

"Southwestern Region (8)" consists of the Illinois Eastern (529), Kaskaskia (501), Lewis and Clark (536), and Southwestern Illinois (522) community college districts;

"Southern Region (9)" consists of the John A. Logan (530), Rend Lake (521), Shawnee (531), and Southeastern (533) community college districts; and

"Chicago Region (10)" consists of the City Colleges of Chicago (508) community college district.

"State Authorization Reciprocity Agreement" or "SARA" means the voluntary program that implements reciprocity agreements amongst states, institutions and the National Council for SARA for interstate offering of postsecondary distance education courses and programs, pursuant to the Higher Education Distance Learning Act [110 ILCS 145].

"Terminal degree" means the highest level of college degree available in a particular field.

"Upper-division instruction" means course content and teaching appropriate for junior- and senior-year students in a baccalaureate program or other students with expertise in the subject.

(Source: Amended at 42 Ill. Reg. 66, effective December 19, 2017)

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**Section 1030.30 Institutional Approval**

The following general rules apply to institutions seeking a Certificate of Approval under the 1945 Act and an Authorization to Operate under the 1961 Act. Section 1030.40 identifies exceptions to these rules for those institutions covered by only the 1945 Act. Section 1030.50 identifies exceptions to the general rules for the institutions covered by only the 1961 Act.

- a) **Criteria for Evaluation of the Application for a Certificate of Approval and/or Authorization to Operate**

The following criteria are designed to measure the appropriateness of the stated educational objectives to the name and certificate or degree programs that require approval of a given institution and the extent to which suitable and proper processes have been developed for meeting those objectives:

  - 1) For institutions requiring approval, the objectives for the institution and its certificate and degree programs that require approval must be consistent with what the institutional name and program titles imply.
    - A) The term "university" shall only be used in the name of an institution of higher education when the institutional structure includes two or more distinct colleges (e.g., College of Business, College of Education, and College of Liberal Arts and Sciences) providing instruction at the baccalaureate and graduate levels, and is involved in public service activities, scholarship and research.
    - B) The term "college" shall only be used to refer to an institution providing instruction at the postsecondary level.
    - C) Names of certificate and degree programs that require approval shall adhere to the Classification of Instructional Programs (CIP) developed by the National Center for Educational Statistics.
  - 2) During review for operating authority, Board staff will consider the following:
    - A) Alleged fraudulent conduct on the part of any person operating the institution or of any person, acting within the scope of his/her employment by the institution, on account of which any student ever enrolled in the institution has been injured or has suffered financial loss.

## SUBTITLE A

- B) Loss, suspension, probation or similar adverse action taken by an accrediting body with which the institution is or was affiliated.
  - C) Actions of federal or state regulatory agencies or Offices of Attorneys General, Offices of Inspectors General, or similar bodies that affect an institution's status with those bodies.
  - D) Compliance with the requirements outlined under the PBVS Act, if applicable.
- 3) The caliber and content of each course or program of instruction, training or study shall be reasonable and adequate for achieving the stated objectives for which the course or program is offered. An undergraduate curriculum shall include general education in alignment with the degree level and objectives.
- A) Approved program admission policies must include, at a minimum, the following:
    - i) Undergraduate degrees must require a high school diploma or its equivalency, or passage of an ability to benefit test or alternative pathway that has been approved pursuant to U.S. Department of Education regulations (see 34 CFR 668.145). Home school students who have obtained a diploma or similar credential under applicable state law are considered to have met this equivalency requirement. Students who do not meet such a standard may be admitted provisionally but may only take non-credit bearing coursework until the student passes an ability to benefit test.
    - ii) Graduate degrees must require at least a baccalaureate degree from an accrediting authority recognized by the U.S. Department of Education or the Council for Higher Education Accreditation or degree from another country evaluated for U.S. equivalency, with the exception of degrees for professional practice whose professional standards do not require baccalaureate degrees for entry or for dual degree programs that can demonstrate equivalency of student outcomes at both the undergraduate and graduate levels. For purposes of dual degree programs that allow



## SUBTITLE A

individuals to complete a bachelor's degree and either a graduate or professional degree within the same program, a student is considered an undergraduate student for at least the first three years of that program.

- B) Institutions must show the capacity to develop, deliver, and support academic programs. Procedures and policies that will assure the effective design, conduct and evaluation of the program under the academic control of the institution must be developed. Assessment plans must demonstrate that the institution has identified clear and appropriate program and student learning goals and must have defined appropriate outcomes. Appropriate data must be collected and may be requested by the Board to show the level of student learning that has occurred as a result of participation in the institution's programs of study.
- C) Provision must be made for guidance and counseling of students, evaluations of student performance, continuous monitoring of progress of students toward their certificate and/or degree objectives, and appropriate academic record keeping.
- D) IBHE staff approval is required for certificates tied to an approved degree program. Board approval is needed for the creation of a certificate program in a field or at a level in which there is not a previously approved degree program.
- E) Programs must meet the following requirements; variations from these standards require justification:
  - i) Associate degree requires at least 60 semester credit hours or 90 quarter credit hours.
  - ii) Baccalaureate degree requires at least 120 semester credit hours or 180 quarter credit hours and at least 40 semester credit hours (60 quarter credit hours) in upper-division courses.
  - iii) Master's degree requires at least 30 semester credit hours or 45 quarter credit hours of appropriate post-baccalaureate coursework.

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- iv) Doctor's degree – Professional Practice requires completion of a program providing the knowledge and skills for the recognition, credential or license required for professional practice; at least 60 semester hours of postsecondary credit required for admission to the program; and a total of at least six academic years of college work to complete the degree program, including prior required postsecondary work plus the length of the professional program itself.
  - v) Doctor's degree – Research and Scholarship requires the completion of an organized program of study beyond the master's level. The program shall demonstrate full understanding of the level and range of doctoral scholarship; the function of a dissertation and its defense based on original research, or the planning and execution of an original project demonstrating substantial artistic or scholarly achievement; the nature of comprehensive examination; and other standards commonly held for these degrees; at least 2 full time years of advanced academic coursework beyond the master's degree; and an independent performance of basic or applied research at the level of the professional scholar, typically a dissertation, or to perform independently the work of a profession that involves the highest levels of knowledge and expertise.
  - vi) Certificate program requirements must be consistent with level and stated program objectives.
- F) Success in student progression and graduation across all existing approved programs, and success rates in programs preparing students for certification and licensure, shall be consistent with expectations in higher education and the appropriate related field of study. At a minimum, the Board shall consider the following factors, based on results for similar institutions:
- i) Graduation rates, certificate and degree completion rates, retention rates, and pass rates for licensure and certification aligned with thresholds set by State or national regulatory bodies.

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- ii) Success rate, which shall be, at a minimum, higher than that of the lowest quartile of these measures for similar Illinois institutions defined as open versus competitive enrollment institutions and primarily associate versus primarily baccalaureate granting institutions. Exceptions may be made to the lowest quartile if an institution is above the national average for these measures using the same comparison categories of institutions.
- G) Additional student success measures shall be considered in the review of applications for authorization. The Board shall establish minimum rates of success based on results for similar institutions or thresholds set by State or federal regulatory bodies.
  - i) At a minimum these data shall include student loan default rates, student indebtedness rates, job placement rates, student learning measures and other success indicators.
  - ii) Institutions that participate in Federal Student Loan programs shall have 3-year Official Cohort Default rates no higher than 25 percent. Institutions with Federal Financial Responsibility Composite Scores shall have a score that is no lower than 1.0. Institutions that fail to meet these thresholds may be restricted from implementing new certificate or degree programs.
  - iii) The success rate shall be, at a minimum, higher than that of the lowest quartile of these measures for similar Illinois institutions defined as open versus competitive enrollment institutions and primarily associate versus primarily baccalaureate granting institutions. Exceptions may be made to the lowest quartile if an institution is above the national average for these measures using the same comparison categories of institutions.
- H) Requirements for Technologically Mediated Instruction Offered at a Distance. In addition to meeting other requirements in this Part, programs offered through electronically mediated distance learning must, at a minimum, meet the following requirements:

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- i) The institution assures adequacy of technical and physical plant facilities, including appropriate staffing and technical assistance, to support its electronically offered programs.
  - ii) The institution provides students, faculty and staff with effective technical support and training for each educational technology hardware, software and delivery system required in a program. The institution provides adequate technical support to ensure students are able to complete coursework and make steady progress in their programs.
  - iii) Appropriate measures for security of systems and adequacy of support are maintained. The selection of technologies is based on appropriateness for the students, faculty and curriculum.
  - iv) Faculty are full participants in decisions regarding curricula and program oversight.
  - v) Demonstration of student learning and program outcomes are appropriate to the field and degree level and consistent regardless of program delivery method.
  - vi) Appropriate admission processes, policies and assessments are used to ensure that students are capable of succeeding in an on-line learning environment. Students are adequately informed of the nature and expectations of on-line learning.
  - vii) Assessments of student learning, especially exams, take place in circumstances that include student identification and assurance of the integrity of student work.
  - viii) Assessment of electronically offered programs by the institution occurs in the context of the regular evaluation of all academic programs.
- 4) The institution shall have adequate and suitable space, equipment and instructional materials to support institutional programs.

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- A) The institution shall provide students, faculty and staff with appropriate library resources and support consistent with the degree type and level offered at the institution.
  - B) Library staff shall possess the necessary qualifications to support the needs of the programs.
- 5) The education, experience and other qualifications of faculty, staff and instructors shall reasonably ensure that the students will receive education consistent with the objectives of the course or program of study.
- A) At a minimum, faculty shall have a degree from an institution accredited by a U.S. Department of Education and/or Council for Higher Education Accreditation recognized accrediting body or a degree from another country evaluated for U.S. equivalency in the discipline they will teach or for which they will develop curricula at least one level above that of the courses being taught or developed.
    - i) Faculty providing undergraduate general education coursework shall possess, at a minimum, a master's degree with 18 graduate hours appropriate to the academic field or discipline in which they are teaching.
    - ii) Faculty engaged in providing technical and career coursework at the associate degree level shall possess, at a minimum, at least 2,000 hours of work experience and the appropriate recognized credential, depending on the specific field.
    - iii) Faculty teaching in a baccalaureate degree program shall have, at a minimum, a master's in the field of instruction.
    - iv) Faculty teaching in a graduate program shall have a doctorate or terminal degree in the field of instruction.
    - v) Exceptions may be made for professional experience, equivalent training and other qualifications; however, these will be the exceptions and not the rule in meeting faculty qualification requirements. These exceptions for faculty may be reviewed by the Board staff.

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- B) Faculty to student ratios and full time faculty to part time faculty ratios shall be factors in determining appropriate provision of qualified faculty. Institutions shall have policies in place that serve to ensure equivalency of instruction and program delivery across faculty members, including methods of measuring equivalency of student learning outcomes across faculty. The Board shall establish minimum rates of success based on data for similar institutions. The ratios shall be, at a minimum, higher than those of the lowest quartile of these measures for similar Illinois institutions defined as open versus competitive enrollment institutions and primarily associate versus primarily baccalaureate granting institutions. Exceptions may be made to the lowest quartile if an institution is above the national average for these measures using the same comparison categories of institutions.
  - C) Support personnel, including but not limited to counselors, administrators, clinical supervisors, and technical staff, that are directly assigned to the unit of instruction have the educational background and experience necessary to carry out their assigned responsibilities.
- 6) Support Services
- A) Facilities, equipment and instructional resources (e.g., laboratory supplies and equipment, instructional materials, computational equipment) necessary to support high quality academic work in the unit of instruction, research or public service are available and maintained.
  - B) Clinical sites necessary to meet the objectives of the unit of instruction, research or public service.
  - C) Library holdings and acquisitions, owned or contracted for by the institution, that are necessary to support high quality instruction and scholarship in the unit of instruction, research and public service, are conveniently available and accessible, and can be maintained.

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- 7) Program Information
- A) The institution shall provide to the public upon request a catalog, either in print or electronically, with the information listed in this subsection (a). This information shall be provided in print and on the institution's website without requiring the student to provide contact or other personal information in order to access the information. The catalog or brochure shall contain the following information:
- i) Descriptions of the degree programs offered, program objectives, length of program and institutional calendars with degree program start and end dates;
  - ii) Schedule of tuition, fees and all other charges and expenses necessary for completion of the course of study, and cancellation and refund policies;
  - iii) A statement regarding the transferability of college credits, including the fact that the decision to accept transfer credits is currently made by receiving institutions;
  - iv) A statement as to how the institution will advise students on the nature of the transfer process, including the importance of consulting with institutions to which the student may seek to transfer;
  - v) Evidence of articulation arrangements with institutional counterparts, when these arrangements exist;
  - vi) A statement of the institution's most recent graduation rates and the numbers of graduates and enrollments as provided by the institution to the Integrated Postsecondary Education Data System (IPEDS). There is no exception if the institution does not report data to IPEDS;
  - vii) A statement of the institution's current accreditation status with a U.S. Department of Education and/or Council for Higher Education Accreditation recognized accrediting body. If no such accreditation exists, the institution must prominently state this in its advertising and published materials; and

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- viii) Other material facts concerning the institution and the program or course of instruction as are likely to affect the decision of the student to enroll, together with any other information specified by the Board and defined in this Part.
  - B) The information listed in subsection (a)(7)(A) shall be available to prospective students prior to enrollment.
- 8) Upon satisfactory completion of the degree program, the student shall be awarded the appropriate degree by the institution, indicating that a specifically approved course of instruction or study has been satisfactorily completed by the student.
  - 9) Adequate records shall be maintained by the institution to show attendance, progress or grades, and consistent standards should be enforced relating to attendance, progress and performance. Institutions must provide adequate security measures to protect student data and records and must comply with all State and federal laws relevant to protection of individual privacy and preservation of records.
  - 10) The institution shall be maintained and operated in compliance with all pertinent local, State and national ordinances and laws.
  - 11) The institution should be financially stable and capable of assuring the revenues needed for meeting stated objectives and fulfilling commitments to students.
  - 12) Neither the institution nor its agents should engage in advertising, recruiting sales, collection, credit or other practices of any type that are false, deceptive, misleading or unfair.
  - 13) The institution should have a fair and equitable cancellation and refund policy. This policy shall apply equally to all students regardless of whether the student receives federal or State financial aid.
  - 14) The faculty, staff and instructors of the institution shall be of good professional reputation and character.
  - 15) If the institution requires the student to sign an enrollment agreement or a similar agreement, the agreement shall provide consumer information



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including, but not limited to: an explanation of all criteria and requirements for retention, progress towards program completion, and graduation of the student; the institution's tuition, cancellation and refund policies; and a statement of the purpose and amount of any fees assessed.

A) No institution shall enter into any enrollment agreement in which the student waives the right to assert against the school or any assignee any claim or defense he or she may have against the school arising under the agreement.

B) Although the school may use an enrollment agreement that sets forth the total cost of the program, no school may have a tuition policy or enrollment agreement that charges a student for multiple periods of enrollment prior to completion of the single semester, quarter, term or other period of enrollment.

16) Any institution applying for a Certificate of Approval or authorization to operate in the State of Illinois must specify its accreditation status. New institutions without accreditation from an accrediting authority recognized by the U.S. Department of Education or the Council for Higher Education Accreditation shall provide a clearly defined plan to move from candidate to affiliate status. The plan should include the name of the accrediting organization, the basic outline of the accreditation process, and the projected time line for obtaining affiliate status within five years after the date of Board approval, unless the Board waives the original time line because it is found to be an unrealistic expectation. Appropriate steps shall be taken to assure that programmatic accreditation needed for licensure or entry into a profession as specified in the objectives of the unit of instruction will be sought in a reasonable amount of time and will be maintained throughout the life of the program.

b) Procedures for Obtaining a Certificate of Approval and/or Authorization to Operate

Following is a description of the steps in the approval process:

1) Orientation  
The agenda will include a discussion of criteria to be met by the institution and procedures used in applying for a Certificate of Approval and/or Authorization to Operate.

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- 2) Notice of Intent (NOI)  
The Chief Executive Officer of the institution seeking a Certificate of Approval and/or Authorization to Operate a degree-granting postsecondary institution in the State of Illinois should make this intention known by filing a Notice of Intent with the Board. Notices of Intent shall be publicly posted on the Board's website for no less than 30 days before Board action on the application and are active for one year.
- 3) Submission of Application and Supporting Documentation  
Following the submission of a Notice of Intent, the institutional representatives shall complete the application supplied by the Board. The application requests information and supporting evidence to demonstrate that the institution meets the criteria established. This information request includes a signed cover letter and audited financial statements.
- 4) Staff Analysis  
Following the receipt of the formal application and accompanying documentation, staff will review and analyze all materials.
- 5) Site Visit
  - A) Following completion of documentation and staff analysis of the application, a site visit may be arranged in order to verify and supplement the information provided about the proposed institution. Site visits may be scheduled if:
    - i) the Board is not familiar with the physical facilities;
    - ii) the institution asks for a site visit;
    - iii) questions have been raised about the veracity of the application; or
    - iv) for other reasons the proposed institution/program does not lend itself to an in-office analysis.
  - B) The site visit may include interviews with prospective administrators, students, faculty and/or board members and observations of facilities, record systems, financial data and/or curricular resources.

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- 6) Outside Consultants  
The Executive Director of the Board, at his or her discretion, may utilize the services of outside consultants to assist the staff in the verification and/or evaluation of the documentation submitted or obtained through the site visit.
- 7) Staff Report
  - A) Board staff will prepare an analysis of the findings and develop a recommendation to the Board regarding the institutional application. This recommendation will be shared with the applicant.
  - B) The recommendation will be one of the following:
    - i) That the institution be issued a Certificate of Approval and/or Authorization to Operate, subject to annual reporting and the implementation and maintenance of the conditions under which approval/authorization has been granted; or
    - ii) That the institution be denied a Certificate of Approval and/or Authorization to Operate.
- 8) Staff Recommendations to the Board  
The Executive Director of the Board will submit the staff recommendation to the Board for action at a regular meeting. The Chief Executive Officer of the applicant institution or a designee will be invited to attend the meeting and may be asked to respond to Board questions. In the event the staff recommendation is negative, the applicant shall be given an opportunity to respond in writing. This response shall be transmitted to the Board at the same time as the staff recommendation.
- 9) Board Action  
Following the Board's decision to issue a Certificate of Approval and/or Authorization to Operate or to deny a Certificate of Approval and/or Authorization to Operate, a letter signifying the action will be sent from the Executive Director of the Board to the Chief Executive Officer of the institution. A letter of approval will serve as the official Certificate of Approval/Authorization to Operate for the institution in the State of Illinois.

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- c) Initial authorization to operate in Illinois for institutions new to the State shall be for five years. In the fifth year of operation, the Executive Director of the Board shall instruct staff to conduct a review. The Board may deny a continuation of the initial approval or offer a limited extension if the institution:
- 1) Has failed to implement and maintain the conditions that were presented in its application and that formed the basis upon which authorizations were granted;
  - 2) Has failed to maintain sound fiscal status;
  - 3) Has failed to achieve accreditation through a U.S. Department of Education and/or Council for Higher Education Accreditation recognized accrediting body for degree granting institutions during the initial five year period. Failure to achieve accreditation shall be grounds for immediate revocation of approval. Until accreditation is achieved, the institution shall clearly and appropriately state in all promotional materials and advertisements and on its webpage that it is not accredited; or
  - 4) Has failed to demonstrate success in student progression and graduation and success rates in programs preparing students for certification and licensure that are consistent with expectations in higher education and the appropriate related field of study. At a minimum, the Board shall consider the following factors, based on results for similar institutions:
    - i) Graduation rates, program completion rates, retention rates, and pass rates for licensure and certification aligned with thresholds set by State or national regulatory bodies.
    - ii) Success rate, which shall be, at a minimum, higher than that of the lowest quartile of these measures for similar Illinois institutions defined as open versus competitive enrollment institutions and primarily associate versus primarily baccalaureate granting institutions. Exceptions may be made to the lowest quartile if an institution is above the national average for these measures using the same comparison institutions.
    - iii) Additional student success measures shall be considered in the review of applications for authorization. The Board shall establish minimum rates of success based on results for similar institutions or thresholds set by State or federal regulatory bodies. At a

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minimum, these data shall include student loan default rates, student indebtedness rates, job placement rates, student learning measures and other success indicators.

- iv) Institutions that participate in Federal Student Loan programs shall have 3-year Official Cohort Default rates no higher than 25 percent. Institutions with Federal Financial Responsibility Composite Scores shall have a score that is no lower than 1.0. Institutions that fail to meet these thresholds may be restricted from implementing new certificate and/or degree programs.
- d) Nothing in this Section shall be construed to prevent the Board from withdrawing Certification of Approval or Authorization to Operate at any time, including during the first five years of operation, if an institution has failed to implement and maintain the conditions that were presented in its applications and that form the basis upon which its certificate or authorization was granted.
- e) Publications and Information. Institutions shall be scrupulously ethical in all communication with the public and with prospective students. School publications, advertisements and statements shall be wholly accurate and in no way misleading. Violations of this subsection shall be grounds for immediate investigation of the institution pursuant to Section 1030.70 and, depending on the results of the investigation, may be grounds for revocation proceedings under Sections 1030.70 and 1030.80.
  - 1) An institution may state that it is approved or authorized to operate in the State of Illinois only after approval has been officially granted and received in writing from the Board and while authorization is maintained.
    - A) Institutions authorized by the Board may use the authorization in advertising and promotional material and on letterhead stationery only if using the following language: (name of school) is authorized for operation by the Illinois Board of Higher Education. The entire statement must be used with the same size font and font type of print.
    - B) Institutions authorized by the Board that have presence, advertise or offer instruction via Internet or other electronic telecommunication means must state or have a link on the first page (as registered with standard web/internet search engines) to the following statement that can be readily viewed by the consumer: (name of school) is authorized to operate as a

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postsecondary educational institution by the Illinois Board of Higher Education. In the case of a website, within the required statement, the term "Illinois Board of Higher Education" must be a hyperlink to the Board's website at [www.ibhe.org](http://www.ibhe.org).

- 2) No statement shall be made that the institution or its courses of instruction have been accredited unless the accreditation is identified as that of an appropriate U.S. Department of Education and/or Council for Higher Education Accreditation recognized accrediting agency. An institution shall not advertise or state in any manner that it is "accredited" by the Board.
- 3) No institution shall publish or otherwise communicate to prospective students, faculty, staff or the public misleading or erroneous information about the operating or degree-granting status of a given institution.
- 4) Recruitment and informational materials of an institution that has received only approval and/or authorization from the Board to operate shall indicate that the institution is not yet authorized to award degrees.
- 5) No dollar amount shall be quoted in any advertisement as representative or indicative of the earning potential of graduates.
- 6) Institutions or representatives shall not use a photograph or other such illustration in public documents, sales literature or otherwise in such a manner as to convey a false impression as to size, importance or location of the institution or equipment and facilities associated with that institution.
- 7) Institutions or representatives shall not make deceptive statements concerning other institutional activities in attempting to enroll students.
- 8) No statement or representation shall be made that students will be guaranteed employment while enrolled in the institution or that employment will be guaranteed for students after graduation, nor shall any institution or representative misrepresent opportunities for employment upon completion of any course of study.
- 9) The Board, at any time, may require that an institution furnish proof to the Board of any of its advertising claims. If proof acceptable to the Board cannot be furnished, a retraction of the advertising claims, published in the

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same manner as the claims themselves, must be published by the institution and continuation of that advertising shall constitute cause for revocation of the institution's Certificate of Approval and Authorization to Operate.

- 10) Student loans offered to students by the institution or those agents it recommends must clearly state whether the loans are federal student aid loans.
- 11) No statement shall be made by an institution or its representatives that the programs and/or courses or exams are transferable to another institution without current documentation by an authorized official of the receiving institution.
- 12) Each Board authorized institution or institution receiving a Board degree authorization must provide in its catalog and print promotional materials and on its website the Board's mailing address and the Board's website link for reporting complaints. For the website information, there must be a hyperlink to the Board's website on the first page (as registered with standard web/internet search engines).
  - A) Institutions authorized by the Board, or an institution receiving a Board degree authorization, must provide in their catalogs and print promotional materials and on the first page of their websites the institution's procedure for complaint resolution. The web page providing information on the institution's complaint procedure must also have a hyperlink to the Board's website link for reporting complaints not resolved at the institution's level.
  - B) Institutions authorized by the Board must respond in writing within 10 business days after receiving a student's complaint from the Board. The Board shall review the response and determine if additional information is needed from the institution.

(Source: Amended at 42 Ill. Reg. 66, effective December 19, 2017)

**Section 1030.40 Institutional Approval under the 1945 Act Only**

The following rules apply to institutions requiring approval under the 1945 Act only:

- a) All rules, criteria, and procedures defined in Section 1030.30 shall apply.

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- b) Student housing owned, maintained, or approved by the institution should be appropriate, safe, adequate and operated in compliance with pertinent laws.
- c) Such institutions are exempt from receiving further approval for additional degree programs under Section 1030.60.
- d) Conditions governing continued approval of such institutions are defined in Section 1030.70.

**Section 1030.50 Institutional Authorization under the 1961 Act Only**

The following rules apply to institutions requiring authorization under the 1961 Act only:

- a) All rules, criteria, and procedures defined in Section 1030.30 shall apply.
- b) Such institutions are required to receive further approval for each new degree program under Section 1030.60.
- c) Conditions governing continued authorization of such institutions are defined in Section 1030.80.
- d) The education, experience and other qualifications of a Chief Executive Officer, trustees, directors, owners, administrators, supervisors and agents shall reasonably ensure that the students will receive education consistent with the objectives of the course or program of study.
- e) The Chief Executive Officer, trustees, directors, owners, administrators, supervisors, and agents of the institution shall be of good professional reputation and character.

**Section 1030.60 Degree Authorization under the 1961 Act**

- a) **Criteria for New Certificate and Degree Programs**  
The Board requires that a non-public or out-of-state public institution demonstrate that it can maintain and operate a new degree program that meets the standard criteria for those degree programs. The following standard criteria are designed to measure the appropriateness of the stated educational objectives to the certificate or degree programs of a given institution and the extent to which suitable and proper processes have been developed for meeting those objectives:



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- 1) All rules, criteria, and procedures defined in Section 1030.30 shall apply.
  - 2) The objectives of the certificate or degree program must be consistent with what the degree program title implies.
  - 3) The requested certificate or degree program shall be congruent with the purpose, goals, objectives and mission of the institution.
  - 4) The caliber and content of the curriculum shall assure that the stated certificate or degree objectives for which the program is offered will be achieved.
  - 5) The institution shall have adequate and suitable space, equipment and instructional materials to support institutional programs.
  - 6) The education, experience and other qualifications of directors, administrators, supervisors and instructors shall ensure that the students will receive education consistent with the objectives of the program.
  - 7) The information the institution provides for students and the public shall accurately describe the programs offered, program objectives, length of program, schedule of tuition, fees, and all other charges and expenses necessary for completion of the course of study, cancellation and refund policies, and such other material facts concerning the institution and the program or course of instruction as are likely to affect the decision of the student to enroll. This information, including any enrollment agreements or similar agreements, shall be available to prospective students prior to enrollment.
  - 8) Fiscal and personnel resources shall be sufficient to permit the institution to meet obligations to continuing programs while assuming additional resource responsibilities for the new certificate or degree program.
  - 9) The faculty, staff and instructors of the institution shall be of good professional reputation and character.
- b) Procedures for Obtaining Authority to Award One or More New Certificates and/or Degrees
- The Board shall approve all new certificate and degree programs in institutions described in Section 1030.10(b) that are not otherwise exempted in Section 1030.10(c). Institutions authorized to offer a program at a site within a region are

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not required to obtain additional approval to offer the same certificate or degree at a different site within the same region. Following is a description of the steps in the approval process:

- 1) New Certificate or Degree Program Request
  - A) The Chief Executive Officer of the institution seeking approval of a new certificate or degree program in the State of Illinois should make this intention known by completing a notice of intent on the form provided by the Board prior to submission of the request for approval. The notice of intent shall include the certificate or degree and program name, region where located, description of the program, demographics of the intended students, estimated enrollment, and contact person. Notices of Intent shall be publicly posted by the Board for no less than 30 days before Board action on the application and are active for one year after the public posting period expires.
  - B) The institution requesting permission to offer a new certificate or degree program will complete an application provided by the Board.
  - C) Information to be provided by the institution shall include:
    - i) program titles and descriptions;
    - ii) program objectives;
    - iii) curriculum;
    - iv) relationship of new programs to existing programs;
    - v) faculty;
    - vi) recommendation of internal governance bodies;
    - vii) facilities;
    - viii) finances; and
    - ix) program publicity information.

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- 2) **Governing Board Approval**  
The application shall be approved by the institution's governing board prior to submission to the Board.
- 3) **Submission of the Application**  
Applications may be submitted to the Board at any time.
- 4) **Board Staff Analysis**  
Following receipt of the application, Board staff will review and analyze the application and documentation submitted.
- 5) **Additional Documentation and Site Visit**  
In the case of a proposed new certificate or degree program for which Board staff determines it is necessary to verify or supplement the information supplied in the application, the staff may request additional written documentation and/or arrange for a site visit.
- 6) **Outside Consultants**  
The Executive Director of the Board, at his or her discretion, may utilize the services of outside consultants to assist the staff in a site visit and in the evaluation of the documentation submitted.
- 7) **Staff Report**  
Following the staff analysis, Board staff will summarize its findings and develop a recommendation to the Board regarding the new certificate or degree program request. This recommendation will be shared with the applicant. This recommendation will be one of the following:
  - A) That the program be approved to admit students, with the appropriate certificates and/or degrees being awarded upon program completion, but no sooner than one year after the approval date; or
  - B) That the certificate or degree authority requested not be granted.
- 8) **Staff Recommendations to the Board**  
The Executive Director of the Board will submit the staff recommendation for action to the Board at a regular meeting. The Chief Executive Officer of the institution, or a designee, will be invited to attend and may be asked to respond to Board questions. In the event the staff recommendation is

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negative, the applicant shall be given an opportunity to respond in writing. This response shall be transmitted to the Board at the same time as the staff recommendation.

- 9) Board Action  
Following the Board's decision to approve or deny the certificate or degree-granting request, a letter signifying the action will be sent from the Executive Director of the Board to the Chief Executive Officer of the institution. A letter of approval will serve as official authorization for the institution to award the stated certificates and/or degrees.
- 10) Awarding Certificates and Degrees  
Institutions shall not award new degrees until one year after authorization by the Board to do so.
- 11) New Application  
Any institution denied approval to award a new certificate or degree must file a new application in order to be given subsequent consideration for approval.
- 12) Advertising of Certificate and/or Degree Programs
  - A) An institution may state that it is approved or authorized to award a certificate or degree in the State of Illinois only after that approval has been officially granted and received in writing from the Board.
  - B) An institution shall not advertise or state in any manner that it is "accredited" by the Board to award certificates and/or degrees.
  - C) No institution shall publish or otherwise communicate to prospective students, faculty, staff or the public misleading or erroneous information about the certificate- or degree-granting status of a given institution.
- 13) No Program Changes for the First Year  
Institutions applying after December 15, 2008 shall not deviate from the approved plan for one year after the date of the letter of approval.

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- 14) Institutions Exempt from Approval  
Institutions offering a previously authorized certificate or degree program at another site within the same region shall not be required to apply for additional Board approval.

(Source: Amended at 42 Ill. Reg. 66, effective December 19, 2017)

**Section 1030.70 Maintenance of Approval under the 1945 Act**

- a) Most institutions are approved to operate under both the 1945 Act and the 1961 Act. Institutions under only the 1945 Act shall comply with Section 1030.70. Institutions under only the 1961 Act shall comply with Section 1030.80. Institutions under both Acts shall comply with both Sections 1030.70 and 1030.80. When the two Sections are identical, the institution will be considered in compliance with the 1945 Act by complying with Section 1030.80 and vice versa.
- b) The following rules govern maintenance of the Certification of Approval under the 1945 Act:
- 1) Annual Reporting
    - A) Each approved institution shall file annually with the Board its current catalogs.
    - B) Compliance with all State and federal reporting mandates is required for maintenance of approvals.
  - 2) Reviews  
The staff of the Board may conduct reviews and/or visitations of approved institutions as necessary for the implementation of the statute and this Part.
  - 3) Complaints  
Each approved institution must respond in writing within 10 business days after receiving a student's complaint from the Board. The Board shall review the response and determine if additional information is needed from the institution.
  - 4) Investigations of Institutions  
The status of institutions under investigation as described in this Section shall be reported in Board public materials as "Institutions under

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investigation: on hold pending review of Board approval status".

- A) The staff of the Board shall initiate an investigation upon receipt of a verified written complaint and may initiate an investigation in response to oral or written information concerning any of the following:
- i) Alleged violation of any of the conditions governing issuance of the Certificate of Approval;
  - ii) Alleged failure to comply with this Part;
  - iii) Alleged fraudulent conduct on the part of any person operating the institution or of any person, acting within the scope of his/her employment by the institution, on account of which any student ever enrolled in the institution has been injured or has suffered financial loss;
  - iv) Loss, suspension, probation or similar adverse action taken by an accrediting body with which the institution is or was affiliated;
  - v) Actions of federal or state regulatory agencies or Offices of Attorneys General, Offices of Inspectors General, or similar bodies that affect an institution's status with those bodies.
- B) The institution will be notified by the Board about the initiation of an investigation. During the investigation there may be a temporary hold placed on any of the institution's pending applications and requests to the Board for modification of existing approvals. The hold will be for a specified period of time not to exceed six months, unless the Board begins collection of pertinent information related to satisfying the issues associated with the investigation, such as the results of adverse actions by federal or state regulatory agencies, the results of pending court action for which a sworn affidavit has been filed, actions of accrediting bodies, or similar information. Upon completion of the investigation, the Board will accept the institution's request to voluntarily relinquish its approval, begin the process for revocation as provided in subsection (b)(4), at which time the hold continues,

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or remove the hold. Information that any current authorizations or future applications are on hold will be provided by the Board on its web page or in print materials that reference authorized institutions.

- 5) Revocation or Relinquishment of the Certificate of Approval
  - A) Grounds for revocation include any of the following:
    - i) Violation of any of the conditions governing issuance of the Certificate of Approval;
    - ii) Failure to comply with this Part;
    - iii) Fraudulent conduct on the part of any person operating the institution or of any person, acting within the scope of his/her employment by the institution, on account of which any student ever enrolled in the institution has been injured or has suffered financial loss;
    - iv) Failure to offer degrees or instruction for one continuous 12-month period;
    - v) Abandonment of the institution;
    - vi) Loss of accreditation status with an accrediting body with which the institution is or was affiliated;
    - vii) Actions of federal or state regulatory agencies or Offices of Attorneys General, Offices of Inspectors General, or similar bodies that affect an institution's status with those bodies;
    - viii) Pervasive and substantial student complaints against the institution.
  - B) Procedures for Revocation
    - i) Before revoking any certificate to operate, the Board shall designate a Hearing Officer who shall schedule and conduct a hearing, as prescribed in Section 6-9 of the 1945

## SUBTITLE A

Act. The Board shall not be required to schedule a hearing and has the option to waive a hearing if the institution has not operated for one continuous 12-month period or the institution has been abandoned; even in these cases, however, the Board shall be required to revoke the certificate at a public meeting at which any opponent who is injured or impacted by the revocation must be given the opportunity to be heard.

- ii) If the Board decides to grant a rehearing pursuant to Section 10 of the 1945 Act, it shall appoint another Hearing Officer, different from the first, who shall conduct a hearing upon only those grounds for which the rehearing was granted. The second Hearing Officer shall submit a written report of findings and recommendations to the Board, which shall make a final determination.
  - iii) Upon revocation of the Certificate to Operate, the Certificate of Approval shall be rendered invalid.
  - iv) At any time after revocation of a Certificate of Approval, the Board may restore it to the institution.
  - v) A closed institution shall arrange for its student records to be maintained in a safe and suitable place as determined by the Board (such as another like kind of institution or the Board).
- C) Voluntary Relinquishing of Approval
- i) Institutions may voluntarily relinquish their Certificate of Approval, Authorization to Operate, or Authorization to Grant Degrees. The voluntary relinquishment shall be in writing and does not require a hearing or any other Board action to be effective.
  - ii) Institutions relinquishing approval and/or authorization shall be required to provide for an appropriate repository of records and may be required to provide a student completion plan that must be approved by the Board.



## SUBTITLE A

- D) Change of Legal Status of the Institution
- i) An institution's Certificate of Approval, Authorization to Operate and Authorization to Award Degrees are granted to a specific legal entity based on the conditions under which the institution and/or its degrees were authorized. A change to the legal status of the entity shall result in immediate loss of the certificate or authorization.
  - ii) A change of legal status ends the exempted status of institutions described in Section 1030.10. After a change of legal status, institutions previously exempted must seek new operating and degree granting authority.
  - iii) Institutions that are planning a change of legal status shall inform the Board as early as possible. If new approvals will be sought by the institution, a plan should be developed in consultation with the Board to facilitate the transition process.
  - iv) In cases in which a change in shareholders results in new leadership of an institution, the Board shall require that the institution submit documentation demonstrating that no change has occurred in the operation of the institution that would affect the conditions under which the institution and/or its degrees were authorized.
  - v) Merger of two institutions resulting in the creation of a new institution causes both institutions to lose their approvals and results in the need for new authorizations.

(Source: Amended at 42 Ill. Reg. 66, effective December 19, 2017)

**Section 1030.80 Maintenance of Authorization to Operate and/or Grant Certificates and Degrees under the 1961 Act**

- a) Most institutions are approved to operate under both the 1945 Act and the 1961 Act. Institutions under only the 1945 Act shall comply with Section 1030.70. Institutions under only the 1961 Act shall comply with Section 1030.80. Institutions under both Acts shall comply with both Sections 1030.70 and

## SUBTITLE A

1030.80. When the two Sections are identical, the institution will be considered in compliance with the 1945 Act by complying with Section 1030.80 and vice versa.

- b) This subsection (b) governs the Maintenance of the Authorization to Operate and/or Award Specific Certificates and Degrees procedure under the 1961 Act.
- 1) Annual Report  
Each authorized institution shall file annually with the Board its current catalogs. In addition, institutions must comply with any data requests to satisfy Board reporting requirements.
  - 2) Reviews  
The staff of the Board may conduct reviews and/or visitations of authorized institutions and/or their certificate and degree programs as necessary for the implementation of the statute. This may include a review in the fifth year of a new program's existence. Board staff may review the program, in cooperation with institutional staff, to verify the institution's implementation and maintenance of the conditions that were presented in its applications and that formed the basis upon which the authorizations were granted. The fifth year review may also include information on improvements in the institution's capacity to efficiently and effectively deliver certificate and degree programs using technological innovation and comprehensive data systems. Evidence that the program meets standards enumerated in Section 1030.30(a) may be reviewed. In the case of a program in which State licensure is required for employment in the field, a program can be found to be in good standing if the institution is able to provide evidence that program graduates are eligible to take the appropriate licensure examination and pass rates are maintained as specified in the objectives of the unit of instruction. If there is no such evidence, approval of the program may be withdrawn by the Board.
  - 3) Complaints Concerning Institutional Degree Practices  
The staff of the Board may initiate an investigation in response to written or oral information suggesting that changes have occurred in the conditions under which Authorization to Operate and/or Award Specific Certificates and Degrees was given. During the investigation, there may be a temporary hold placed on the institution's applications to the Board for new program approvals and other programs. The hold will be for a specified period of time not to exceed six months, unless the Board begins the process for revocation as provided in subsection (b)(5), at which time the hold will continue until the Board decision is made.

## SUBTITLE A

- 4) Temporary Suspension of Program  
An institution may place any approved program on temporary suspension after receiving Board approval. The institution shall provide an annual status report to the Board on any program under temporary suspension status. The Board will consider a program placed on temporary suspension status to be terminated if an annual status report is not received or if no reinstatement request is received within the first five years after the program was placed on temporary suspension. An institution may petition for reinstatement during the five-year period.
- 5) Revocation or Relinquishment of Operating and/or Degree-Granting Authority
  - A) Grounds for revocation include:
    - i) Failure to permit any duly authorized representative of the Board to enter upon the premises of the institution and to inspect or otherwise examine the institution and its books, papers or other records.
    - ii) Failure to maintain the conditions under which the institution and/or its certificates and/or its degrees were authorized.
    - iii) Failure to maintain the institution's implementation and maintenance of the conditions that were presented during its fifth year review and that formed the basis upon which the authorizations were continued.
    - iv) Failure to offer degrees or instruction for one continuous 12-month period.
    - v) Abandonment of the institution.
    - vi) Loss of accreditation status with an accrediting body with which the institution is or was affiliated.
    - vii) Actions of federal or state regulatory agencies or Offices of Attorneys General, Offices of Inspectors General, or similar bodies that affect an institution's status with those bodies.

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- B) Procedures for Revocation
- i) Following the Board staff investigation of the institutional degree practices, the staff may recommend to the Board revocation of the Authorization to Operate and/or Award Specific Certificates and Degrees.
  - ii) If the Board votes to revoke the Authorization to Operate and/or Award Specific Certificates and Degrees, the institution may request a hearing. The Board shall not be required to schedule a hearing and has the option to waive a hearing if the institution has not operated for one continuous 12-month period or the institution has been abandoned; even in these cases, however, the Board shall be required to revoke the authority at a public hearing at which any opponent who is injured or impacted by the revocation must be given the opportunity to be heard.
  - iii) The Board shall designate a Hearing Officer who shall schedule and conduct a hearing.
  - iv) The Hearing Officer shall make a written report of findings and recommendation to the Board, which shall make a final determination and shall notify the institution of its decision.
  - v) Following a Board decision to revoke the Authorization to Operate and/or Award Specific Certificates and Degrees, the letter of authorization shall be rendered invalid.
  - vi) At any time after revocation, the Board may restore an Authority to Operate and/or Award Specific Certificates and Degrees.
  - vii) A closed institution shall arrange for its student records to be maintained in a safe and suitable place as determined by the Board (such as another like kind of institution or the Board).

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- 6) Institutional or Unit Closure and Teach Out  
An institution that is closing entirely or one or more units, either voluntarily or involuntarily, shall send to the Board the following:
- A) Notice Required
- i) Notice to the Board of the closure immediately by email or certified mail;
  - ii) The name, address and telephone number of the person who will be responsible for closure processes;
  - iii) A list of students affected and anticipated decisions regarding teach out for each student (e.g., graduation, transfer, remain at institution, and participate in teach out, etc.);
  - iv) Information on the remaining credit and other requirements outstanding for each student to complete the program;
  - v) Copies of the student-directed communication plan that includes the proposed timeline and methods for notifying students of teach-out options. Plans must include communication with any students who may be on approved leaves of absence or otherwise difficult to reach;
  - vi) Copies of the communication plans for informing faculty, staff and other institutional constituents;
  - vii) Identification of an individual who will be empowered to act as official registrar, if needed, after the closure; and
  - viii) Submission of a letter of permission to the Board to access all institutional properties in order to secure student records, if necessary.
- B) Teach-Out Plan
- i) After December 31, 2017, when a Board approved institution proposes to discontinue its operation, that institution shall cause to be created a teach-out plan

## SUBTITLE A

acceptable to the Board. The teach-out plan shall fulfill the institution's educational obligations to its students. Should the institution fail to deliver or act on the teach out plan, the Board is in no way responsible for providing the teach-out.

- ii) An institution shall have written plans designed to protect the contractual rights of its students and graduates in the event the institution closes or undergoes a change of status (e.g., if the institution changes location or if its authority is revoked), including the right to complete the course of instruction in which the students or graduates enrolled.
  - iii) If students are receiving instruction prior to the institution's closing, the institution shall file a plan to ensure that the institution's students will continue to receive training of the same quality and content as that for which they contracted.
- C) Arrangements for transferring students to a public or another approved institution shall be filed with the Board prior to any student transfer. Prior to approving the institution's arrangements for completing its teaching obligations to students, the Board shall verify that students transferring will receive the same kind of program and instructional services as those for which they contracted.
- D) Academic Records  
In the event an institution proposes to discontinue its operations, the chief administrative officer of the institution shall arrange for all original or legible true copies of all such academic records of the institution to be maintained in a safe and suitable place as determined by the Board (such as a third party provider, a like institution, or the Board).
- i) These records shall include, at a minimum, the academic records of each former student that are traditionally provided on an academic transcript, such as, but not limited to, courses taken, terms, grades and other such information.
  - ii) The institution shall make students aware of how to obtain transcripts from either the closed institution and/or new institution permanently retaining the records.

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- iii) The institution must release any holds on student records before operation is discontinued and the records are transferred

(Source: Amended at 42 Ill. Reg. 66, effective December 19, 2017)

**Section 1030.90 Academic Application Processing Fees**

- a) Fees  
Fees are assessed in connection with applications for certificates of approval under the 1945 Act and applications for authorization to operate and authorization to grant certificates and degrees under the 1961 Act, including filing notices of intent and submitting change requests.
  - 1) Application Fees
    - A) Certificate of Approval or Authorization to Operate. Only one fee shall be charged if both are sought in the same application. This is a one-time fee that does not apply to entities that have been previously approved or authorized by the Board. The fee amount is based on the type of institution and institution size as outlined in subsection (a)(2).
    - B) Notice of Intent. One fee shall be submitted with each filing.
    - C) Authorization to Grant Degrees
      - i) The fee is based on the type of institution, institution size, and certificate or degree level as outlined in subsection (a)(2).
      - ii) This fee applies to each request for authorization to grant a new certificate or degree or an additional certificate or degree in a region.
    - D) Change Request. The fee shall be charged for each request within a region. One submission with 10 requests shall be assessed for 10 change requests (\$2,500).

## SUBTITLE A

- E) Exemption Fee. The fee shall be charged for each request submitted to the Board.

2) Schedule of Fees

A) Illinois Not-for-Profit Institutions

	Institution Size	
	< 1,000 students	1,000 or more students
Certificate of Approval or Authority to Operate	\$ 3,000	\$ 4,000
Degree Granting Authority per Region	1,500	2,500
Certificate Approval per Region	750	750
Notice of Intent	500	500
Change Request per Region	250	250
Exemption Fee	250	250

B) Illinois Proprietary Institutions

	Institution Size	
	< 1,000 Students	1,000 or more Students
Certificate of Approval or Authorization to Operate	\$ 6,000	\$ 7,000
Degree Granting Authority per Region	2,500	3,500
Certificate Approval per Region	1,000	1,000
Notice of Intent	500	500
Change Request per Region	250	250
Exemption Fee	250	250

C) Out-of-State Institutions

	Institution Size	
	< 1,000 Students	1,000 or more Students
Certificate of Approval or Authorization to Operate	\$ 7,000	\$ 8,000
Degree Granting Authority per Region	3,500	4,500
Certificate Approval Region	1,750	1,750
Notice of Intent	500	500
Change Request per Region	250	250
Exemption Fee	250	250



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## b) Remittance

- 1) Fees shall be submitted as check, certified check, cashier's check or money order payable to the Illinois Board of Higher Education.
- 2) No refund shall be awarded for any application that requires Board approval and has been reviewed by Board staff. Applications withdrawn by the institution or returned by Board staff shall receive no refund.
- 3) Fees shall be submitted to:

Illinois Board of Higher Education  
Academic Affairs Fee Remittance  
1 North Old State Capitol Plaza, Suite 333  
Springfield IL 62701

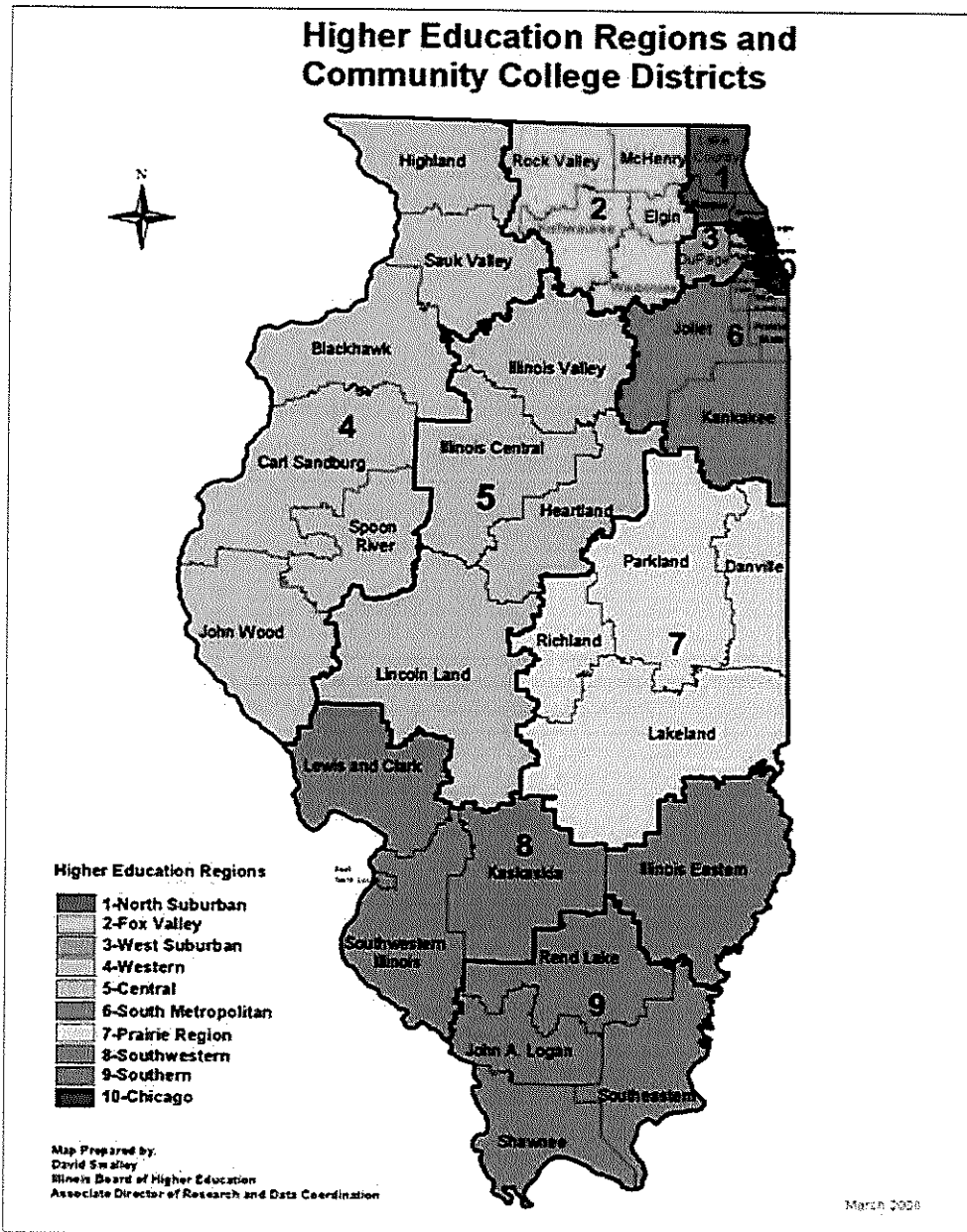
## c) Processing

- 1) Applications, notices, and change requests submitted to the Board with insufficient fees shall be considered incomplete. The Board will notify the institution of the amount due. No further action shall be taken by the Board until the full amount due is submitted.
- 2) Applications, notices and change requests submitted to the Board with incorrect fees shall be considered incomplete. The incorrect fee amount will be returned to the institution. No further action shall be taken by the Board until the full and correct fee amount due is submitted.
- 3) The Board will not accept applications from institutions that have not provided the information necessary for the Board to process a previously submitted application.

(Source: Amended at 42 Ill. Reg. 66, effective December 19, 2017)

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Section 1030.ILLUSTRATION A Map of Regions



(Source: Added at 32 Ill. Reg. 49, effective December 23, 2008)



March 13, 2018

VIA ELECTRONIC MAIL

Joseph Cavanaugh  
Hearing Officer  
134 N. LaSalle, Suite 1040  
Chicago, IL 60602  
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**RE: IBHE's Closing Summary  
IBHE v. Northwest Suburban College of Basic and Allied Health Sciences  
(NWSC)**

Introduction

Pursuant to the Illinois Administrative Code, 23 Ill. Admin. Code 1030, the IBHE is authorized to revoke a private college's Authorization to Operate and Award Degrees if the institution fails to maintain certain mandatory statutory requirements. Section 1030.80(b)(5)(A), the relevant section that applies to NWSC, sets forth eight specific grounds for revocation, including the following three that apply in this case: (ii) failure to maintain the conditions under which the institution and/or its certificates and/or its degrees were authorized; (iv) failure to offer degrees or instruction for one continuous 12-month period; and (vi) loss of accreditation status with an accrediting body with which the institution is or was affiliated. 23 Ill. Admin. Code 1030.80(b)(5)(A). Importantly, IBHE needs only to identify *one* failure on the part of the institution to warrant a finding of revocation.

In this case, IBHE is seeking to revoke NWSC's authorization based on *three* failures to maintain its qualifying status. The evidence and testimony on the record show clearly that grounds for revocation exist based on 1) NWSC's loss of accreditation; 2) NWSC's failure to offer degrees or instruction for one continuous 12-month period; and 3) NWSC's failure to maintain the conditions under which the institution and or its degrees were authorized. As such, there should be no doubt that IBHE is squarely within its rights to revoke NWSC's authorization

to operate and award the degrees at issue here, pursuant to the Illinois Administrative Code.

Argument

The IBHE granted NWSC Authorization to Operate and Award degrees starting in 2011 pursuant to the Private College Act, the Academic Degree Act and Section 1030 of the Illinois Administrative Code (the “Code”).<sup>1</sup> The degrees covered by this authorization were for NWSC’s Associate in Biology program, Physical Therapy Assistant Program and Baccalaureate programs.

When an institution is initially granted authorization to operate and award degrees, as was the case for NWSC in 2011, the newly approved institution must receive accreditation within five years. IBHE Deputy Director, Dr. Stephanie Bernoteit, testified at the hearing to this requirement, noting that when a school is first seeking approval to operate and award degrees they are required to achieve accreditation within five years of being awarded approval to operate and award degrees. In order for an institution to apply for accreditation status the institution must first have authorization from the State. NWSC testified that it had achieved such accreditation status when it was approved by ACICS in 2014. The issue at hand is whether the loss of accreditation is grounds for revocation. NWSC’s position that IBHE’s decision to revoke based on accreditation is discretionary because when NWSC initially received authority to operate from the IBHE, NWSC was not accredited. However, this contention is baseless because under Section 1030.30(a)(16) an institution that is first starting out is given five years to receive

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<sup>1</sup> It should be noted that in addition to granting NWSC authorization to operate and grant degrees, IBHE granted NWSC a permit of approval to operate certain programs under the Private Business and Vocational School Act (“PBVS Act”). The three programs that are authorized under the PBVS Act are the medical assistant, dental assistant, and pharmacy technician program. It is important to note that these three programs are not at issue in the instant matter and NWSC may continue to offer these programs under the PBVS Act even if NWSC’s Authorization to Operate and Award Degrees is revoked under the Academic Degree Act.

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accreditation and once the approval is received, the accreditation “will be maintained throughout the life of the program.” Moreover, if an institution fails to receive the initial accreditation within five years, Section 1030.30(c)(3) states, “Failure to achieve accreditation shall be grounds for immediate revocation of approval.” Additionally, after the five year initial period, if an institution loses its accreditation the IBHE has authority to revoke pursuant to section 1030.80(b)(5)(iv). NWSC has testified and stipulated on the record that it received its accreditation in 2014, which was within five (5) years of its initial authorization to operate. NWSC also testified that it in fact did lose its accreditation status with ACICS on or about November 16, 2017. Based on the foregoing evidence the IBHE has the authority to revoke NWSC’s Authorization to Operate and Award Degrees.

Additionally, the IBHE would like to clarify the issues raised at the hearing relating to the Department of Education’s (“DED”) decision to no longer recognize ACICS as an accreditor. It was raised at hearing that because the DED was not going to recognize ACICS that other institutions had to “jump ship” because ACICS was no longer being recognized. This assertion is inaccurate because even though DED was no longer going to recognize ACICS as an accreditor the Council for Higher Education (“CHEA”) was continuing to recognize ACICS as an accreditor. As Dr. Bernoteit testified, the DED and CHEA both recognized ACICS as an accreditor. However, in June 2016, the DED advised that it was seeking to revoke its recognition of ACICS. As of the date of the hearing, CHEA continues to recognize ACICS as an accreditor, and therefore any institutions who maintain ACICS accreditation are in compliance with the Code. In December 2016, DED affirmed its decision to revoke its recognition of ACICS and provided an 18-month grace period for institutions to seek approval of another

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accreditor. The IBHE, as a matter of practice, reviewed every institution that may have been impacted by this decision. NWSC indicated to IBHE on or about April 2017, that they were not going to renew their accreditation, which was set to expire with ACICS on December 31, 2017, but rather seek approval from a different accreditor. IBHE immediately notified NWSC that based on the time frame associated with seeking approval from another accreditor, NWSC would be without accreditation if it failed to renew its status with ACICS, and that such loss of accreditation is in direct violation of the Code. Moreover, IBHE advised NWSC that it must maintain ACICS accreditation status while seeking approval from a different accreditor in order to comply with the Code. Subsequently, it was brought to ACICS's attention that NWSC was authorizing baccalaureate degrees that had not been approved by ACICS, which is a violation of ACICS' rules and regulations, which resulted in ACICS issuing a show cause directive to NWSC in February 2017. Additionally, ACICS also conducted a site investigation, as ACICS has the authority and responsibility to ensure that NWSC was maintaining compliance under ACICS. It was during this site visit that ACICS identified fifteen (15) findings that NWSC was not in compliance with ACICS's rules and regulations. ACICS withdrew its accreditation status on or about August 9, 2017. Please see Plaintiff's Exhibit A, which is a letter from ACICS to NWSC notifying NWSC of the withdrawal of accreditation. NWSC appealed this decision but ACICS denied that appeal and as of November 16, 2017 NWSC was without accreditation. The issue to be decided in this case is whether ACICS's loss of accreditation is grounds for revocation pursuant to the Code. Please note that, despite NWSC's arguments to the contrary, the issue is not to decide whether ACICS properly or improperly withdrew its accreditation status from NWSC. ACICS' process for withdrawing accreditation for NWSC is not at issue and is not

material to the instant matter. There is direct testimony from NWSC that they indeed lost their accreditation status with ACICS, and that IBHE notified NWSC numerous times in 2016 and 2017 that pursuant to the Code NWSC could not allow a gap in its accreditation status. Additionally, there is testimony from NWSC stating they are seeking authorization from another creditor but this testimony is irrelevant because at this time NWSC is in direct violation of section 1030(a)(16) for failing to maintain its accreditation status.

Furthermore, IBHE also provided testimony that NWSC has failed to offer degrees or instruction for one continuous 12-month period and failed to maintain the conditions under which the institution and or its degrees were authorized. In 2011, the IBHE approved NWSC Physical Therapy Assistant Program. However, testimony was provided that as of 2016 NWSC failed to ever implement this program and that no students were ever enrolled in this program. In other words, a program approved by IBHE has not been offered as a program by NWSC, in excess of five (5) years.

Additionally, NWSC has failed to maintain the conditions under which the institution or its degrees were authorized. As stated previously, as part of the initial approval process in 2011 under Section 1030.30, NWSC was to achieve and then continue to maintain accreditor status. There has been testimony that NWSC achieved accreditor status in 2014 but then lost that status on or about November 16, 2017. As such, the condition under which NWSC was issued approval in 2011 to operate has not been maintained.

In conclusion, IBHE has provided substantial evidence that NWSC has lost its accreditation status with ACICS and is currently not accredited by any other entity, that NWSC has failed to offer degrees or instruction for one continuous 12-month period and failed to



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maintain the conditions under which the institution or its degrees were authorized. As such, we believe that there should be a finding that the IBHE has proved its grounds to revoke NWSC's Authorization to Operate and Award degrees and a recommendation to the board that the IBHE should revoke NWSC's Authorization to Operate and Award Degrees.

# HUSCH BLACKWELL

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March 13, 2018

**Via Email ([Jcavlaw79@gmail.com](mailto:Jcavlaw79@gmail.com))**

Joseph Cavanaugh  
Hearing Officer  
134 N. LaSalle, Suite 1040  
Chicago, IL 60602

Re: Northwest Suburban College of Basic and Allied Health Sciences' Summary

Dear Hearing Officer Cavanaugh:

On March 6, 2017, you presided over a hearing related to the grounds on which the Illinois Board of Higher Education (IBHE) seeks to revoke the Operating and Degree-Granting Authority of Norwest Suburban College (the "College"). In furtherance of that hearing, below please find the College's closing summary that responds to IBHE's three-part argument.

First, IBHE asserts revocation of the College's authorization to operate and award degrees is warranted because of the College's "*failure to offer degrees or instruction for one continuous 12-month period.*" In support of this argument, IBHE cites to Section 1030.80(b)(5)(A) of Title 23 of the Illinois Administrative Code. *See* Revocation Notice (Resp. Ex. 2). However, as repeatedly testified throughout the hearing, the College has never ceased instruction, nor has it ceased offering degrees for a continuous 12-month period. In fact, this ground was so baffling to the College that it asked IBHE to clarify what it meant. In response, IBHE merely repeated the same statutory language without providing any specifics. *See* Feb. 19, 2018 letter from IBHE at page 2 (Resp. Ex. 3). Only towards the end of the March 6 revocation hearing did IBHE explain the facts which allegedly support this ground. At that moment, for the first time, IBHE explained that it was referring to the College's Physical Therapy Assistant Program, which IBHE approved in 2011. If the College had been given proper notice of the factual grounds on which IBHE was making its claim, the College would have explained that it did start the Physical Therapy program and continuously offered the non-clinical portion of the program until it was discontinued in 2017. But—even more to the point—it seems hard to imagine that IBHE is suggesting that an institution's decision to discontinue one of its degree programs is grounds for revocation of all operating and degree-granting authority. Furthermore, this narrow interpretation is contrary to the express language of the Administrative Code. Section 1030.80(b)(5)(A) cited by IBHE states that revocation may be considered when an

institution stops offering degrees (i.e., a “*failure to offer degrees*” for a 12-month period), not when an institution discontinues just *one* of its degree programs. Simply put, the College never stopped offering degrees for a 12-month period and IBHE offered no evidence to the contrary. IBHE’s argument on this ground must fail.

Second, IBHE continues to argue that the College’s “gap in its accreditation status” requires revocation. However, this is simply not supported by the Illinois Administrative Code. For this premise, IBHE’s Revocation Notice cited to 1030.30(a)(2)(B), but this section states that IBHE “*will consider*” loss of accreditation when reviewing operating authority, but nothing requires withdrawal of operating authority based on loss of accreditation. In other words, the College’s loss of accreditation does not mandate that its operating authority be revoked; IBHE has discretion to grant the College an extension of time to obtain a new accrediting agency. However, realizing the provision in its Revocation Notice does not support its position, IBHE’s Closing Summary argues that Section 1030.30(a)(16) requires an institution to maintain its accreditation for the “life of the program.” See IBHE Closing Summary at p. 2-3. The problem with this argument is that this is not what Section 1030.30(a)(16) says. IBHE references the last sentence in 1030.30(a)(16), but this sentence is not discussing institutional accreditation which is at issue here (e.g., ACICS accreditation). Rather, the sentence cited by IBHE in its Closing Summary refers to “*programmatic accreditation needed for licensure or entry into a profession.*” Per section, 1030.30(a)(16) IBHE requires that a program have programmatic accreditation “for the life of the program” if the programmatic accreditation is required for graduates to be licensed or enter into a specific profession.<sup>1</sup> The College does not offer programs that fit this category and IBHE has never argued that programmatic accreditation is at issue for purposes of the revocation hearing. Rather, IBHE’s witness, Dr. Stephanie Bernoteit, testified that institutional accreditation (not programmatic accreditation) is the issue at hand.

Third, IBHE argues that the College’s failure to maintain its ACICS institutional accreditation constitutes a “*failure to maintain the conditions under which the institution... and/or its degrees were authorized*” See IBHE Closing Summary at 5. But, as testified by representatives of IBHE and the College, at the time the College was granted Operating and Degree Granting authority it was not ACICS-accredited. Plus, contrary to IBHE’s position, nothing in the applicable provisions of the Administrative Code mandates continuous accreditation. As such, the College maintains that per the applicable Administrative Code provisions IBHE has discretion to grant the College an extension of time to obtain a new accrediting agency.

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<sup>1</sup> For example, certain nursing programs may require specialized or programmatic accreditation in order for a graduate of the program to be eligible to sit for the nurse licensing and/or certification exam.

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For the reasons stated herein, the College's Operating and Degree-Granting authority should not be revoked based on the grounds set forth by IBHE. As explained at the hearing, the College respectfully requests that IBHE grant it a two-year extension to obtain a new accrediting agency.

Sincerely,



Lisa J. Parker

cc: Susan D. Steffy, *Burke Burns & Pinelli, Ltd.*  
Mark S. Jamil, *Burke Burns & Pinelli, Ltd.*

March 21, 2018

VIA ELECTRONIC MAIL

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**RE: IBHE's Closing Summary  
IBHE v. Northwest Suburban College of Basic and Allied Health Sciences  
(NWSC)**

Introduction

The Hearing for the above referenced matter was conducted on March 6, 2018. Pursuant to the Hearing Officer's Ruling on March 7, 2018 the parties were allowed to submit closing summaries or arguments by March 13, 2018. The IBHE timely submitted its closing summary on March 13, 2018 before NWSC. Additionally, NWSC timely submitted its closing summary after the IBHE and included responses to IBHE's closing summary. IBHE immediately objected to NWSC's summary and the Hearing Officer, on March 17, 2018, granted the IBHE time to "reply only to NWSC's position set forth in its's Closing Summary regarding 23 ILL. Administrative Code 1030.30 (a) (16)."

Argument

NWSC's position that "nothing requires withdrawal of operating authority based on loss of accreditation" (See NWSC closing summary) is contradictory to the plain language of Section 1030.30 of the Illinois Administrative Code (the "Code"). As stated in the hearing, Section 1030.30 only defines the procedure for an institution seeking initial authorization to operate. Section 1030.30(a)(16) states, "Any institution applying for a Certificate of Approval or authorization to operate in the State of Illinois must specify its accreditation status. New institutions without accreditation from an accrediting authority recognized the U.S. Department

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of Education or the Council for Higher Education Accreditation *shall* provide a clearly defined plan to move from candidate to affiliate status.”(emphasis added). In other words, an institution has no choice but to obtain some sort of accreditation status within five years in order to continue to operate the institution. In fact, Section 1030.30(c)(3) states, “Failure to achieve accreditation *shall* be grounds for *immediate revocation* of approval.”(emphasis added) This section of the Code clearly states that if an institution does not receive accreditation status within five years of receiving its approval to operate IBHE must immediately revoke the institutions Certificate of Approval or Authorization to Operate the institution. The Code does allow for IBHE to “waive the original time line” but only in the limited instance when an institution is *first* seeking accreditation. The foregoing language must not be construed to mean that once a school obtains accreditation status and then loses it, IBHE has discretion to grant the institution time to seek approval while continuing to operate the institution and award degrees. No such discretion is afforded to the IBHE under the Code, the Private College Act 110 ILCS 1005 *et seq.* or Academic Degree Act 110 ILCS 1010 *et seq.* If the legislature intended to allow an institution that established accreditation status and then failed to maintain that status, which is the case in the instant matter, it would not have 1) required the institution to seek accreditation within five years, 2) required that the IBHE immediately revoke operating authority if an institution failed to receive accreditation within the first five years of its operation and 3) included loss of accreditation as grounds for revocation as provided for in Section 1030.80(b)(5)(iv). Based on the foregoing, NWSC’s argument for discretionary authority for the IBHE must fail.

Additionally, Section 1030.30(a)(16) states that “Appropriate steps shall be taken to assure that programmatic accreditation needed for licensure or entry into a profession as

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specified in the objectives of the unit of instruction will be sought in a reasonable amount of time and will be maintained through the life of the program.” This section reinforces the argument that schools must first obtain accreditation and then maintain that accreditation regardless of whether it be institutional or programmatic accreditation. NWSC’s assertion that accreditation status is discretionary is baseless. The Illinois Administrative Code clearly provides that once an institution has achieved accreditation status they must maintain that accreditation. Again, NWSC testified at the hearing that they achieved accreditation from ACICS sometime in 2014 and that ACICS revoked their accreditation in November 2017. NWSC is therefore currently without accreditation and therefore the IBHE must revoke NWSC’s Authorization to Operate and Award Degrees. In conclusion, we believe that there should be a finding that the IBHE has established grounds to revoke NWSC’s Authorization to Operate and Award Degrees and a recommendation be issued by this Tribunal to IBHE, stating that NWSC’s Authorization to Operate and Award Degrees should be revoked.

**ILLINOIS BOARD OF HIGHER EDUCATION**

**V.**

**NORTHWEST SUBURBAN COLLEGE  
OF BASIC AND ALLIED HEALTH SCIENCES**

**HEARING OFFICER'S FINDINGS AND RECOMMENDATION**

This matter is coming for hearing pursuant to the Illinois Board of Higher Education's ("IBHE" or the "Board") appointment of a Hearing Officer on December 12, 2017 to conduct a hearing relating to the possible revocation of Northwest Suburban College of Basic and Allied Health Sciences' ("NWSC" or the "College") operational and degree-granting authority under the Private Colleges Act (100 ILCS 1005/1 *et seq.*), the Academic Degree Act (110 ILCS 1010/1 *et seq.*) and the administrative rules enacted under that legislation found in Section 1030 of Title 23 of the Illinois Administrative Code.

The IBHE administrators set forth three separate grounds for revocation: (1) Failure to maintain the conditions under which the institution and/or its degrees were authorized (1030.80(b)(5)(A)(ii); (2) Failure to offer degrees or instruction for one continuous 12-month period (1030.80(b)(5)(A)(iv); (3) : Loss of accreditation (1030.30(a)(2)(B)). The hearing was held on March 6, 2018. The Hearing Officer's findings of fact and recommendation are as follows:

**BACKGROUND**

Northwest Suburban College was founded in 2008 as an independent, private, not-for-profit institution of higher education in Rolling Meadows, Illinois. The IBHE granted NWSC institutional



approval under the Private Colleges Act and the Academic Degree Act <sup>1</sup>: to operate in 2010; to grant associates degrees in Biology and for Physical Therapist Assisting in the fall of 2011; to grant bachelor's degrees in Biology and Chemistry in the fall of 2013. To obtain this authority from the IBHE, the College had to complete an application process lasting between six and nine months, including attending orientation meetings with IBHE staff, submitting a letter of intent and then subsequently providing application materials detailing its own financial sustainability, governing structure, the qualifications of its faculty and its five-year plan to obtain accreditation. The College has graduated classes under all of these programs except for its Physical Therapist Assisting degree.

NWSC applied for accreditation for its Associate's and Bachelor's programs other than its Physical Therapist Assisting degree. Specifically, the College has sought associate's degree accreditation for its Biology degree from the Accrediting Council for Independent Colleges and Schools ("ACICS"), which it received in 2014. Soon after receiving accreditation for its associates degree, the College applied for accreditation for both of its baccalaureate programs. However, ACICS would not grant accreditation until the College had graduated a class from its programs. Dr. Joseph Gurubathum, ACICS Vice President, told NWSC's President, Dr. Mohammed AliNiasee, that once the College had graduated a class, it would only take 30 days to approve accreditation for the program. In June 2016, before the College could graduate a class, ACICS came under a Department of Education ("ED") investigation, ultimately resulting in its loss of accrediting authority. In June of 2016, the ED informed IBHE and ACICS that ACICS would likely lose its recognition as an accrediting body.<sup>2</sup>

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<sup>1</sup> The IBHE also granted NWSC professional and business degree-granting authority under the Private Business and Vocational Schools Act, 105 ILCS 426/1 *et seq.*, which authority is not at stake in the present matter.

<sup>2</sup> The Department of Education is one of two federal bodies overseeing the nation's higher education accrediting institutions. The IBHE recognizes accreditation from institutions approved by either the ED or the Council for Higher Education Accreditation ("CHEA"). The ED Decision had no bearing on CHEA's continuing recognition of ACICS as a valid

Also in June of 2016, ACICS' VP of Accreditation, Susan Greer, called NWSC to confirm that it still offered its baccalaureate programs. When the College confirmed, Ms. Greer informed the College that it would have to complete a new accreditation application in accordance with more recent requirements that were not in place when the College had initially applied for accreditation and to cease all baccalaureate offerings. The College states that it promptly filled out the new accreditation application forms and agreed to stop offering the bachelor's programs to any new students pending ACICS application review. The College states that it received no further communication from ACICS regarding its application for baccalaureate accreditation.

In the wake of the ED's notification regarding ACICS's possible loss of accreditation, the IBHE reviewed all schools under its jurisdiction that had received accreditation from the ACICS, including NWSC. In the course of this review it came to IBHE's attention that, while NWSC had IBHE approval for associate's and bachelor's degrees, ACICS had only accredited it for the associate's degree in Biology. When IBHE contacted the College on June 9, 2016, regarding this discrepancy NWSC indicated that it had applied for baccalaureate accreditation and anticipated receiving it by December 2016, once it had graduated its first class. The IBHE directed that NWSC remove any reference to the baccalaureate programs from any advertising, including its website, to avoid any misperception of accreditation, and NWSC complied.

On October 26, 2016, IBHE did a site visit of the College and was informed by its president that NWSC was going to let their accreditation with ACICS lapse due to the anticipated Department of Education decision. During that visit, Dr. AliNiazee informed the IBHE administrators that The College

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accrediting body. Nevertheless, an institution's participation in federal student aid programs depends on accreditation by an accrediting council with ED approval.

was seeking replacement accreditation from the Higher Learning Commission (“HLC”). The IBHE administrators responded that the HLC accreditation timeline would leave a gap in accreditation, which the administrators believed was unacceptable under the Code. The staff then recommended that NWSC seek accreditation with the Accrediting Commission of Career Schools and Colleges (“ACCSC”), which had a shorter accreditation timeline.

NWSC promptly acted on the IBHE administrators’ suggestion, beginning preparations for the application process immediately. After the College submitted its preliminary application to ACCSC in January of 2017, it was invited to attend a workshop in March of 2017. After the workshop, the College hired an outside consultant to prepare the application documentation that ACCSC required. This process took approximately 8 months to complete. In October of 2017 NWSC submitted a 2600-page binder to ACCSC to complete its initial application for accreditation. The College attests that at some point prior to it submitting the final packet, ACCSC stated it would accept their application and perform a site visit., In fall of 2017 ACCSC informed NWSC it would not review the College’s application because of ACICS’ suspension of the College’s accreditation and potential IBHE revocation which might result.

On December 12, 2016, the Department of Education officially withdrew recognition from ACICS and provided a provisional certification period of 18 months to affected ACICS institutions along with transitional accreditation milestones (the “ED Decision”). In response to a January 2017 telephone inquiry from ACICS, NWSC informed ACICS that it would not be renewing its accreditation consistent with the College’s conversation with the IBHE staff during the site visit of October 26, 2016. On February 28, 2017, ACICS issued a show cause letter threatening suspension of accreditation, which noted the discrepancy between NWSC’s degrees offered and the accreditation received. On April 26, 2017, the College sent a letter providing documentation and assurance that all academic activities in the bachelor’s of biology and chemistry programs had ceased. In the letter, the College also reiterated that it would not

be renewing its accreditation with ACICS and would let it expire on December 31, 2017. A few months later, on June 6 and 7 of 2017, ACICS conducted a limited-announced quality assurance visit, where it made 15 findings of noncompliance. And on August 9, 2017, without observing various procedural guarantees contained within its own Accreditation Criteria,<sup>3</sup> ACICS withdrew NWSC's accreditation by suspension, citing 11 of the violations yet unresolved. The College timely appealed the decision, and on November 16, 2017 the ACICS review board denied the College's appeal, effective immediately. Thus, since November 16, 2017, the College has been without accreditation.

## **FINDINGS**

### **1. Authority to Revoke Approval Based on Loss of Accreditation.**

Section 1030.30 is entitled 'Institutional Approval' and subsection (a) addresses the criteria for evaluation of applications for authorization to operate. Section 1030.30(a)(2)(B), under which the IBHE administrator requests revocation, states that during review for operating authority the IBHE will consider loss of accreditation. Section 1030.80(b)(2) states that the IBHE administrator "may conduct reviews [...] of authorized institutions [...] as necessary for the implementation of the statute." The IBHE administrator is then tasked at collecting evidence that the institutions meet the standards set in 1030.30(a). If there is

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<sup>3</sup> Section 2-3-403(a) of ACICS 'accreditation criteria supply that "in all cases where accreditation is subject to withdrawal by suspension [...] the institution is afforded the following procedural guarantees:

- (a) Opportunity for a hearing before ACICS on all material issues in controversy.
- (b) Written prior notice of the proceeding, the charges levied, and the standards by which the institution ultimately will be judged...

Here, the NWSC appeal to the ACICS board of review argued that the College was never given a hearing on the 11 issues unresolved from the site visit (Appeal, p. 4); no notice of standards which would be appropriate to cure (Appeal, p. 12); only 14 days to respond to an employee complaint (Appeal, p. 6); and was never given notice prior to the show cause letter, which is also required under the accreditation criteria (Appeal, p. 8). NWSC's appeal also asserts that ACICS retroactively changed its procedural rules to become effective on same day it delivered its suspension, denying NWSC recourse it would have otherwise enjoyed. (Appeal, p. 12). The Hearing Officer finds these procedural shortcomings problematic especially in light of ACICS' own appeal to the ED, in which it alleges that the ED failed to observe its codified 1-year cure period.

no such evidence, “approval of the program may be withdrawn by the Board.” Taken together, sections 1030.30(a)(2)(B) and 1030.80(b)(2) allow the Board to withdraw NWSC’s operating and degree-granting approval based on its loss of accreditation. Furthermore, section 1030.80(b)(5)(A)(vi) of Title 23 specifically lists loss of accreditation as a *ground* for revocation. However, given the Code’s use of *may* in 1030.80(b)(2) and *grounds* in 1030.80(b)(5)(A)(vi), the Board’s revocation power is discretionary. Given that NWSC agreed that it has lost accreditation for its Associate’s in Biology, section 1030 of Title 23 of the Code recognizes loss of accreditation as a permissible ground for the Board to revoke the College’s degree-granting authority for that degree.

The IBHE administrators argue that the Code makes revocation of institutional authority mandatory when accreditation lapses based on section 1030.30(a)(16). As above, subsection (a)(16) specifically addresses institutions applying for operational authority, which the record shows NWSC already achieved. Further, Section 1030.30(a)(16) reads, “[a]ppropriate steps shall be taken to assure that programmatic accreditation [...] will be maintained throughout the life of the program.” While Section 1030.30 of the Code is entitled ‘Institutional Approval,’ the pertinent part of subsection 30(a)(16) cited by the IBHE administrators specifically addresses only *programmatic accreditation* which is needed for licensure or entry into a profession, not the *institutional accreditation* at stake in the present hearing.<sup>4</sup> Also, the requirement for a 5-year plan to achieve accreditation may be extended by the Board, see section 2, *infra*. Even the ED, in anticipation of ACICS’ loss of accrediting authority, gave affected institutions an 18-month grace period in which to find alternative accreditation.

## **2. Authority to Revoke Approval Based on “Failure to Maintain A Condition.”**

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<sup>4</sup> Hearing testimony from Stephanie Bernoteit, the Deputy Director for Academic Affairs with the IBHE distinguished between institutional accreditation, of concern in this hearing, and specialized programmatic accreditation.

Section 1030.80(b)(5)(A)(ii) of the Code also grants the Board permission to revoke authority based on failure to maintain a condition upon which the authority was granted. Section 1030.30(c)(3) of the Code suggest that an institution's five-year accreditation plan, along with its eventual accreditation, are conditions upon which operating authority were granted. Typically, these conditions would first come under scrutiny on the fifth year after it had received operating authority, allowing revocation once the application plan's time-frame for accreditation had expired. Section 1030.30(c) also explicitly reserves for the Board the right to offer a limited extension beyond the standard five-year review period for the institution to obtain accreditation. The ACICS' decision to suspend accreditation has rendered compliance with the timeline unlikely. Therefore, the Hearing Officer finds that section 1030.80(b)(5)(A)(ii) provides a permissible ground for withdrawing NWSC's baccalaureate and associate degree-granting authority.

**3. Authority to Revoke Approval Based on Failure to Offer Degrees and/or Instruction for a Continuous 12-Month Period.**

Section 1030.80(b)(5)(A)(iv) gives the Board permissive authority to revoke operational or degree-granting authority based on failure to operate for a continuous 12-month period. NWSC testimony credibly established that the College had offered and granted baccalaureate and associate's degrees up until August of 2017, when the IBHE administrator directed it to cease such offering. However, while NWSC claims to have offered the Physical Therapist Assistant program since its authorization by the IBHE, it appears that the College has never had a single student enroll, nor has it ever sought accreditation for it. Accordingly, Hearing Officer finds that section 1030.80(b)(5)(A)(iv) authorizes the Board to revoke degree-granting approval for the Physical Therapist Assistant program.

**4. Other Arguments For and Against Revocation.**

In its defense, the College urges the Board look at a variety of other factors while making its decision. NWSC suggests that the Board also take into consideration: that NWSC was denied an

opportunity to timely achieve alternative accreditation due to the accreditation market being flooded; that the ACICS decision to suspend accreditation was erroneous insofar as NWSC was not given a sufficient chance to cure; that it has been diligent in seeking re-accreditation, that it has fixed some of its past problems; and that the decision would hurt current students at NWSC. The Hearing Officer finds some merit in these factors.

First, when the ED removed ACICS from its list of accrediting bodies, it provided a limited time-frame within which institutions could obtain reaccreditation. Consequently, there was a sudden increase in the number of colleges seeking alternative accreditation, which stressed the available resources of other institutional accrediting bodies. Second, NWSC's decision to not renew their accreditation with ACICS preceded ACICS's investigation and site visits. With only months left in which the accrediting body could yet enforce its standards, there was no time for NWSC to take any remedial action. The College further argued that ACICS abrogated its own standards regarding notice, opportunity to cure, procedural process as set out in its Accreditation Criteria (see Background, *supra*). Taken together, these factors created an unfavorable environment for NWSC to retain accreditation or obtain transitional accreditation with ACCSC.

In addition, NWSC has established that it has been diligent in seeking effective alternative accreditation as of January 2017, one month after the ED removed ACICS from the accrediting institution rolls and seven months after IBHE notified NWSC of the likelihood of such removal.<sup>5</sup> NWSC's uncontradicted testimony established that the school had promptly applied for accreditation with the ACCSC, attended its preliminary workshop and filed its 2,600-page Self Evaluation Report with ACCSC

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<sup>5</sup> In addition, while the IBHE has repeatedly stressed that it came to NWSC in June of 2016 with news of ACICS' potential accreditation revocation, the Hearing Officer was provided with no evidence that the IBHE gave any notice that NWSC's accreditation would still be valid under the CHEA.

by October 2017. It is also uncontradicted that ACCSC denied the College's application to transfer accreditation due to the disciplinary decision by ACICS. More recently, NWSC has sought accreditation with ACCSC as a new institution, rather than transferring accreditation, but ACCSC denied its application on the basis that the IBHE was seeking to revoke operating and degree granting authority. While not without some fault of its own, NWSC has been held up in the accreditation application process by procedural roadblocks unrelated to the contents of its application. Further, NWSC's diligence with ACICS baccalaureate accreditation was also without fault. The record shows that NWSC timely applied and, when requested, re-applied for accreditation with ACICS. However, as the IBHE staff conceded, an institution must graduate a class before it can receive accreditation. Given it was granted baccalaureate degree-granting authority in Fall of 2013, NWSC was unable to graduate a class before the end of 2016, at which time ACICS lost its accrediting status.

While NWSC has admitted it previously had some administrative and organizational deficiencies, the College's testimony indicates that it has made efforts to amend its past failings. Some of NWSC's deficiencies were set out in the August 9, 2017 accreditation suspension letter from ACICS which provided grounds for revocation including: lack of effective data usage; lack of administrative efficiency and effectiveness; lack of transparency as to student achievement; failure to ensure students receive a hard-copy institutional catalog; failures in the admissions department; failure to conduct effective faculty meetings; failure to perform graduate satisfaction surveys; lack of a librarian and competent financial aid, admissions and career advisement officers.

In response, the new Executive Vice President Kareem Irfan has overseen the onboarding of additional administrative staff including new qualified officers in financial aid, admissions and career services. The Hearing Officer finds that NWSC has made efforts towards amending its failings and meeting accreditation standards.



The College argues that harm done to students resulting from revocation also weighs in favor of maintaining the College's approval. Even without accreditation, NWSC has stated that its students would be able to transfer their credits to at least some schools with which NWSC has an agreement. According to Dr. AliNiazee, 60% of NWSC graduates from its unaccredited bachelor's degree programs are now attending medical schools and 80% of the College's associate graduates went on to pursue a bachelor's degree, reflecting numbers both during and prior to ACICS accreditation. However, if the IBHE withdraws authority to operate its degree programs, NWSC would no longer be able to provide any associate's or bachelor's level credits to any of its students currently enrolled. Therefore, withdrawing NWSC's approval would harm some of NWSC's current students inasmuch as they would be forced to seek education elsewhere.

Finally, it is worth noting in NWSC's defense, that in 2010, 2011 and 2013 NWSC successfully achieved operational and degree-granting authority respectively. Thereby, the College was able to satisfy all of the IBHE's stringent requirements at those times. The sole issue cited by the IBHE is NWSC's loss of, or failure to obtain, accreditation. The state has an interest in seeing its populace educated by academically-worthy institutions and, while NWSC does not currently have accreditation, the record reasonably suggests NWSC is prepared to quickly seek to reobtain it.

The IBHE administrator, for its part, suggests that the Board revoke all of NWSC's degree-granting and operational authority and allow it to continue operations under its Private Business and Vocational Schools Act. Then, the IBHE administrator suggests, once the College has put in the necessary preparations it can re-apply for approval with the Board. In support, the IBHE raises only one additional factor: concern for the wellbeing of the students. Without accreditation, the IBHE argues, NWSC students would effectively be paying for nothing; any gap in accreditation would deny NWSC

students widely-transferable credits.<sup>6</sup> While the IBHE's argument justifies the attention given to accreditation, it does not provide a strong justification for revocation in the present case. If NWSC's authority is revoked and it re-applies for operational approval, as the IBHE administrator suggests, NWSC's new first class of students would suffer the same drawbacks of unaccredited academic credits. While the IBHE's concern is legitimate, it does not present any viable alternative plan which would address the concerns it cites.

### **RECOMMENDATION**

Ultimately, for the above reasons, the Hearing Officer recommends that the Board should not withdraw its approval of NWSC's associate degree in biology, but revoke NWSC's baccalaureate programs and its Physical Therapist Assistant degree. First, NWSC has invested the time and effort necessary to reapply for accreditation and the present proceedings seem to be the only bar to that process. Therefore, the Hearing Officer recommends that the Board leave the grant of operational and degree-granting authority in place and establish a reasonable time frame in which NWSC could seek re-accreditation for its associate degree in Biology.

On the other hand, it seems likely that the College will not be able to meet its five-year accreditation plan for its baccalaureate programs. The Hearing Officer has not been presented any evidence that NWSC has made progress towards that accreditation, so he recommends the Board withdraw NWSC's degree-granting authority for those degrees.

Finally, both parties agree that NWSC was approved for a physical therapist assistant associates degree in 2011, but NWSC states that due to lack of any student interest in this program it never


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<sup>6</sup> NWSC acknowledged the importance of accreditation and stated that if it were allowed to continue operations, it would inform its students that it was not accredited as it had before first obtaining accreditation from ACICS in 2014.

graduated a single student with that degree nor sought accreditation for it. More than 5 years have passed since receiving IBHE approval for the physical therapist assistant associates degree and NWSC has failed to award a degree for much more than a continuous 12-month period. Therefore, the Hearing Officer recommends that the Board revoke its approval for NWSC's physical therapy associates degree.

While all of the above factors are appropriate for revocation of NWSC's individual degree-granting approvals, the Hearing Officer finds it would be inappropriate to withdraw NWSC's operating authority unless it had first been stripped of all degree-granting authority. As degree-granting authority is rooted in operational authority, the former would be ineffective without the latter. Therefore, the hearing officer recommends that the Board not revoke NWSC's operational authority.

Respectfully Submitted,

  
By: Joseph Cavanaugh, Hearing Officer

Date: April 13, 2018

**STATE OF ILLINOIS  
ILLINOIS BOARD OF HIGHER EDUCATION  
OFFICE OF ADMINISTRATIVE HEARINGS**

ILLINOIS BOARD OF HIGHER	)	
EDUCATION,	)	
Plaintiff,	)	
v.	)	
	)	Hearing Officer: Joseph Cavanaugh
	)	
NORTHWESTERN SUBURBAN	)	
COLLEGE,	)	
Defendant.	)	

**THE ILLINOIS BOARD OF HIGHER EDUCATION’S  
MOTION TO RECONSIDER HEARING OFFICER’S FINDINGS  
AND RECOMMENDATIONS DATED APRIL 13, 2018**

The Illinois Board of Higher Education (hereinafter “IBHE”), by and through its attorneys, Burke Burns & Pinelli, Ltd., hereby files its Motion to Reconsider Hearing Officer’s Findings and Recommendations Dated April 13, 2018, and in support thereof, IBHE states as follows:

**I. INTRODUCTION**

On April 13, 2018, this Tribunal entered the Hearing Officer’s Findings and Recommendation (hereinafter “Report”) in the above-captioned matter. In the Report, the Tribunal found that IBHE had permissible grounds for revoking Defendant’s baccalaureate programs and Physical Therapist Assistant degree, but not its associate degree in Biology, and thus Defendant should be able to retain its operational authority under the Private Colleges Act (100 ILCS 1005/1, et seq.), the Academic Degree Act (110 ILCS 1010/1 et seq.) and the administrative rules enacted under that legislation found in Section 1030 of Title 23 of the Illinois Administrative Code.

In making this latter determination regarding Defendant's associate degree in Biology program, however, the Tribunal relied on its own finding that IBHE's revocation power is discretionary. This finding is an error of law because IBHE has no discretion when it comes to revocation under Section 1030, but rather revocation under the facts in this case is mandatory. Additionally, the Tribunal committed an error of law when it relied on information that was never admitted into evidence. As such, IBHE respectfully asserts that the Tribunal must reconsider its findings in this matter.

## **II. ERRORS OF LAW REQUIRE RECONSIDERATION**

The purpose of a motion to reconsider is to bring to a court's (or tribunal's) attention newly discovered evidence, changes in the law, or errors in the court's application of law. *Nissan Motor Acceptance Corp. v. Abbas Holding I, Inc.*, 2012 Ill. App. (1<sup>st</sup>) 111296, ¶ 16.

### **A. The Tribunal made an error of law in finding that revocation of NWSC's authority to operate under Section 1030 is a discretionary matter.**

The Tribunal, as a matter of law, committed reversible error when it relied on its own finding that IBHE had discretion in this case to decide whether or not to revoke NWSC's authority to operate. Specifically, the Tribunal stated that the Code's use of the words *may*, in Section 1030.80(b)(2), and *grounds* in 1030.80(b)(5)(A)(iv), indicated that the Board's revocation power is discretionary."<sup>1</sup> However, the use of the word *may* in Section 1030.80(b)(2) pertains explicitly only to "reviews" of the institutions ("The staff of the Board *may* conduct reviews...") while the use of the word *grounds* in Section 1030.80(b)(5)(A)(vi) does not speak to any mandatory/discretionary dichotomy. Rather, the interplay of Sections 1030.30 and 1030.80, when taken together and in proper context, make clear that IBHE has no discretion in the matter

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<sup>1</sup> See Hearing Officer's Findings and Recommendation pg. 6.

and that NWSC's admitted loss of accreditation for its associate degree was a violation of Section 1030.80(b)(5)(A)(vi), thus mandating a loss of degree-granting privileges.

In *Du Page County Election Com'n v. State Bd. of Elections*, 345 Ill. App. 3d 200 (2003), the Court held that "when a statute purportedly requires a public official or body to act, such as in this case, the determination of whether the act is mandatory or directory depends upon the statute's purpose." The purpose of the Academic Degree Act 110 ILCS 1010/1 is as follows:

It is the policy of this State to prevent deception of the public resulting from the offering, conferring and use of fraudulent or substandard degrees. Since degrees are constantly used by employers in judging the training of prospective employees, by public and private professional groups in determining qualifications for admission to and continuance of practice, and by the general public in assessing the extent of competence of persons engaged in a wide range of activities necessary to the general welfare, regulation by law of such evidences of academic achievement is in the public interest. To the same end, the protection of legitimate institutions and of those holding degrees from them is also in the public interest.

Thus, the statute and the Code require institutions to obtain accreditation in order to ensure that the public receives a qualified education. Accreditation is defined as "to recognize (an educational institution) as maintaining standards that qualify the graduates for admission to higher or more specialized institutions or for professional practice."<sup>2</sup> Dr. Stephanie Bernoteit testified that IBHE communicated to NWSC numerous times the critical importance of NWSC maintaining its accreditation status pursuant to the Code.<sup>3</sup> Regardless of these directives, NWSC lost its accreditation for failing to maintain compliance with its accreditor.<sup>4</sup> Pursuant to Section 1030.80, IBHE was thus required to revoke NWSC's authorization to grant an associate's Biology degree for failing to maintain accreditation (in addition to the other degrees listed in the Report that the Tribunal properly found must be revoked).

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<sup>2</sup> See <https://www.merriam-webster.com/dictionary/accreditation>.

<sup>3</sup> See Plaintiff's Exhibit C. A letter from Dr. Cullen to NWSC memorializing a meeting and the IBHE's instruction that NWSC will be out of compliance if it fails to maintain its accreditation.

<sup>4</sup> See Plaintiff's Exhibits A and B.

Additionally, the Tribunal relies on Section 1030.30 to support its finding that IBHE has authority to overlook an institution's failure to meet the requirements of Section 1030.80. However, "when interpreting a statute, a court must view the statute as a whole, construing words and phrases in light of other relevant statutory provisions and not in isolation." *Jackson-Hicks v. East St. Louis Bd. of Election Commissioners*, 2015 IL 118929, ¶ 27. Here, Section 1030.30, which is titled "Institutional Approval," deals only with institutions seeking initial approval. Thus, pursuant to Section 1030.30(c), an institution is given five (5) years to obtain accreditation. In the institution's fifth year of operation the IBHE is required to conduct a review to determine, among other things, that the institution has received accreditation status. If the institution has failed to obtain accreditation by its fifth year operation review the IBHE can offer 1) a *limited* extension (only in the institution's fifth year review), or 2) *deny* the authorization to operate.

By contrast, Section 1030.80, titled "Maintenance of Authorization to Operate and/or Grant Certificates and Degrees under the 1961 Act," grants IBHE the authority to conduct reviews of institutions, at its discretion, in order to ensure compliance with the maintenance requirements of the Code. Thus, as stated above, the discretion refers only to the authority to conduct a review.

Unlike in Section 1030.30, if an institution loses accreditation pursuant to Section 1030.80, IBHE does not have the option to grant a "limited extension" but instead must revoke an institution's authority to operate. If the legislature intended for the IBHE to grant an institution an extension it would have included that language as it had in Section 1030.30(c). NWSC testified that it lost its accreditation and failed to maintain the requirements specified in

the Code. Therefore, this Tribunal should find as a matter of law that NWSC's authority to operate has to be revoked.

Furthermore, in *Jackson-Hicks* the Court held that a statute that provides a consequence for failing to maintain a requirement indicates that the legislature intended the provision to be mandatory. *Id.* at ¶ 22. As mentioned earlier, Section 1030.80 requires institutions to maintain operating authority and the consequence for failing to comply with said requirements is revocation. As such, this Tribunal can only interpret Section 1030.80 as mandatory and not a discretionary provision.

When viewed together, the legislative intent of Section 1030 is clear: institutions are required to obtain accreditation within five years and then maintain it past the fifth year. If the legislature intended for revocation to be discretionary it would not require an institution to obtain accreditation within a specified time nor would it have included loss of accreditation as grounds for revocation. Additionally, it would have included language in Section 1030.80 to grant "limited extensions." Therefore, the Tribunal erred as a matter of law when it made a finding that revocation in this case is discretionary rather than mandatory, and must reconsider its findings and recommendations.

**B. The Tribunal made an error in law in relying on material that was never admitted into evidence.**

In the Background section of the Tribunal's Findings and Recommendations, the Tribunal references a section of ACICS's accreditation code and cites to multiple pages of NWSC's appeal to ACICS. Neither ACICS's accreditation code nor NWSC's appeal were admitted into evidence at the hearing conducted on March 6, 2018.

In *Moshier v. Shear*, 102 Ill. 169 (1881) the Court held "it is the duty of an arbitrator, like a juror, to act fairly and impartially between the parties and on the evidence adduced before them



on the trial, and entirely independent of all outside influences, and what will be misconduct on the part of a juror will, as a general rule, be such on the part of an arbitrator. Neither has the right to learn facts except as brought to his attention on the trial.” Here, the hearing officer is analogous to an arbitrator because the hearing officer is an independent party appointed to hear the evidence presented to him and to make a finding and recommendation to the IBHE based upon the evidence presented. The Tribunal reviewed material that was not admitted into evidence thereby prejudicing the IBHE. If NWSC intended for this information to be made part of the record NWSC should have sought to admit the information into evidence. This information was not admitted into evidence therefore, it was an error for the Tribunal to review and rely on this material to make its findings and recommendations.

As such, it was an error for the Tribunal to rely on evidence that ACICS had not properly followed its own procedures. The matter before this Tribunal is not to decide whether ACICS properly or improperly withdrew its accreditation status from NWSC. ACICS’ process for withdrawing accreditation from NWSC is not at issue and is not material to the instant matter. Under the law, NWSC could have filed an administrative review with the circuit court regarding the ACICS decision. NWSC failed to do so, and thus waived any argument as to that issue. As such, this Tribunal committed an error when it used this information to formulate its findings and recommendations.

WHEREFORE, the IBHE respectfully requests this Tribunal to enter an Order vacating its Finding and Recommendations of April 13, 2018 in part for all the reasons stated herein and instead, enter Finding and Recommendations that NWSC's authorization to operate should be revoked, and for such other relief as this Tribunal deems appropriate.

By: \_\_\_\_\_

  
One of its Attorneys

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**ILLINOIS BOARD OF HIGHER EDUCATION**

**V.**

**NORTHWEST SUBURBAN COLLEGE  
OF BASIC AND ALLIED HEALTH SCIENCES**

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**MOTION FOR RECONSIDERATION  
OF NORTHWEST SUBURBAN COLLEGE  
OF BASIC AND ALLIED HEALTH SCIENCES**

Northwest Suburban College of Basic and Allied Health Sciences (NWSC) respectfully submits this Motion for Reconsideration pertaining to the *Hearing Officer's Findings and Recommendation*, which were issued on April 13, 2018 (the "*Findings & Recommendation*"). These *Findings & Recommendation* pertained to the possible revocation of NWSC's operating and degree-granting authority authorized by Illinois Board of Higher Education (IBHE). In this motion, NWSC brings to the attention of the Hearing Officer new evidence that was not available at the time of the hearing. This evidence demonstrates NWSC could achieve accreditation for its Bachelor of Science in Biology program within a reasonable time. For this reason, NWSC asks that the Hearing Officer take these new facts into consideration and revise his recommendation to reflect that, like NWSC's Associate Degree in Biology, IBHE should afford NWSC a reasonable timeframe to seek accreditation for its Bachelor of Science degree in Biology.

**FACTUAL BACKGROUND**

In 2010, IBHE granted NWSC operating authority. Next, in 2011, IBHE granted NWSC degree-granting authority for its Associate of Science degree, followed by degree-granting authority for its Bachelor of Science degree in October 2013. *See* Exhibit A, Transcript of the

March 6, 2018 *IBHE v. NWSC* Hearing at 60:16-61:12. At the time IBHE granted these approvals, NWSC was not an accredited institution. *Id.* at 49:17-50:7; 61:13-62:9.

However, recognizing the importance of accreditation, NWSC always was focused on receiving accreditation as soon as possible. *Id.* at 61:17-62:2. In 2013, after receiving IBHE approval for its bachelor's degree, NWSC diligently applied for institutional accreditation from the Accrediting Council on Independent Colleges and Schools (ACICS). *Id.* Institutional accreditation typically covers an entire institution,<sup>1</sup> including all of its programs. With this in mind, NWSC specifically asked ACICS whether its then newly IBHE-approved bachelor's program would be included in the scope of its institutional accreditation. *Id.* at 63:10-21. In response, ACICS informed NWSC that its bachelor's program would not be eligible for review until it had graduated one class. *Id.* Understanding this, NWSC operated its Bachelor of Science degree program consistent with ACICS' direction. Then, as "the record shows ... NWSC timely applied [for ACICS approval of its bachelor's program], and when requested, re-applied for accreditation with ACICS." *Findings & Recommendation* at 9. However, NWSC's application for ACICS approval of its bachelor's program coincided with ACICS' troubles with the U.S. Department of Education, which ultimately led to ACICS losing recognition from the Department in late 2016. *See id.*

Notably, even prior to ACICS' loss of recognition, NWSC had begun exploring alternative accrediting agencies as NWSC feared ACICS' loss of recognition would bar its students from federal student aid eligibility. *See* Exhibit A at 110:20-111:11. To this end, in October 2016, NWSC told IBHE that it was considering applying for Higher Learning Commission (HLC) accreditation and had begun efforts to achieve HLC accreditation. *Id.* at

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<sup>1</sup> *See* <https://ope.ed.gov/accreditation/FAOAccr.aspx> (U.S. Dept. of Education FAQs "Institutional accreditation normally applies to an entire institution...")

32:10-16; 34-37:1. In response, IBHE suggested that NWSC seek alternate accreditation and apply to institutions like the Accrediting Commission of Career Schools and Colleges (ACCSC) as the timelines associated with receiving accreditation would be shorter. *Id.* at 34:18-21; 110:2-8; 126:3-5. The College followed IBHE's advice and spent nearly eight months preparing its 2,600-page application. *Id.* at 72:2-6. Due to its loss of ACICS accreditation in late 2017, NWSC re-applied to ACCSC as an unaccredited institution, but ACCSC would not review this application due to IBHE seeking to revoke NWSC's operating and degree-granting authority. *See Findings & Recommendation* at 9.

Importantly, since the March 6, 2018 hearing, NWSC has applied for accreditation from the Accrediting Bureau of Health Education Schools (ABHES). *See* Exhibit B, NWSC Application for Institutional Accreditation to ABHES (dated May 4, 2018). In fact, NWSC began the process of ABHES accreditation after the March 6 hearing, but prior to the issuance of the *Findings & Recommendation* on April 13, 2018. Specifically, on April 5, 2018, the President of NWSC, Dr. AliNiazee, wrote an email to India Y. Tips, the Assistant Executive Director of ABHES. *See* Exhibit C, Email communications between Dr. AliNiazee of NWSC and India Tips of ABHES, dated April 5, 2018. In this email, Dr. AliNiazee provided ABHES with full disclosure of NWSC's past ACICS accreditation. *Id.* at 4. Further, he explained that:

NWSC is a good-fit for ABHES accreditation: After looking around for alternative accrediting agencies, NWSC feels strongly that ABHES is a good fit for us as we are a health sciences school. NWSC has a proven record as a high-quality institution dedicated to cost-effective educational service to the diverse community of American students seeking affordable life-transforming education; we have graduated over 600 students in the healthcare field. As a founder of this non-profit institution, and an educator with decades of hands-on experience with higher-education, my life-long passion and driving aim is to serve the needy and disadvantaged of our society. I and our dedicated NWSC team are focused on our health-sciences education mission with a sharp focus on service to deserving students.

*Id.* at 4-5.

In response, on the same day, ABHES provided NWSC with a detailed email explaining the ABHES application process and noting that completion of the ABHES accreditation process takes between 2 and 2.5 years. *Id.* at 1-2. Within an hour of ABHES sending its email, NWSC responded by, among other things, informing ABHES of its desire to have its Bachelor of Science in Biology program accredited. *Id.* at 1. In fact, on the date the Hearing Officer issued his *Findings & Recommendation*, NWSC's Dean of Academic & Student Affairs was attending a comprehensive one-day ABHES Accreditation Workshop in McLean, VA which was required by ABHES as a prerequisite to preparing and filing the college's application. *See* Exhibit D, ABHES Accreditation Workshop Certificate of Completion. Consistent with these efforts, NWSC has submitted an application on May 4, 2018 to ABHES for institutional accreditation that encompasses all of the college's programs, including its Bachelor of Science in Biology degree. *See* Exhibit B at 6.

Its strong commitment to accreditation is evidenced by NWSC's perseverance. Since 2016, NWSC has worked toward accreditation of its Bachelor of Science program. NWSC's desire for an accredited Bachelor of Science program is founded in its focus on student success. Since the launch of the program, NWSC has graduated seven students with a Bachelor of Science degree. Exhibit A at 91:9-12. Approximately 60% of these students went on to medical school. *Id.* at 91:16-18. This program, if permitted to continue, will continue to address important health-sciences education needs of the student community. NWSC already has commitments from three students to be enrolled in the bachelor's program in fall 2018, if it remains an ongoing program. As further compelling evidence of its long-term commitment to this cause, the College continues to add resources to support its bachelor's program, including approximately \$750,000 worth of infrastructure and administrative improvements, such as new

biology and chemistry lab rooms, remodeled classrooms and well-credentialed personnel and staff. *See also, Findings & Recommendation* at 9. As demonstrated by its actions, for NWSC, continuing its bachelor's program is vital to its mission to provide quality health-sciences education to a diverse body of students.

### ARGUMENT

A motion to reconsider allows a party to point out a significant change in the facts that was not available at the time of the hearing. *United States v. Ligas*, 549 F.3d 497, 501 (7th Cir. 2008); *Neal v. Newspaper Holdings, Inc.*, 349 F.3d 363, 368 (7th Cir. 2003); *see also Stringer v. Packaging Corp. of America*, 351 Ill. App. 3d 1135, 1140, 815 N.E.2d 476, 481 (2004) (The purpose of a motion to reconsider is to bring attention to newly discovered evidence that was not available at the time of the original hearing, changes in existing law, or errors in the application of the law.) When new facts are presented, such as the case here, the standard of review is *de novo*. *See People v. \$280,020 U.S. Currency*, 372 Ill. App. 3d 785, 791 (2007).

At the time of the March 6, 2018 hearing, NWSC had not yet applied for ABHES accreditation. As a result, evidence of NWSC's application for ABHES accreditation related to its Bachelor of Science in Biology program was not available for purposes of the hearing. As explained above, NWSC's diligence in finding alternative accreditation is without question. Through its resolute efforts, NWSC learned of the option of ABHES accreditation as quickly as it possibly could and applied for the accreditation with haste. This evidence is now available for presentation to the Hearing Officer and is material. The April 13, 2018 *Findings & Recommendation* related to NWSC's Bachelor of Science program were based on the factual finding that NWSC had not made any progress towards accreditation of its bachelor's program. *Findings & Recommendation* at 11. The new evidence, not previously available, shows this is

not the case. *See* Exhibit B at 6. Following its communications with ABHES during the first week of April, NWSC quickly applied for ABHES accreditation, including seeking ABHES approval of its bachelor's program. *Id.*

As a result, NWSC provides the Hearing Officer with this newly available evidence. Previously, the Hearing Officer recommended that IBHE withdraw NWSC's degree-granting authority for its bachelor's program because NWSC had not made progress related to accreditation of the program. However, based on the new facts provided, this factual conclusion is no longer accurate. As such, it follows that the Hearing Officer recommendation based on these facts must also change. Because NWSC has demonstrated its efforts to obtain accreditation of its bachelor's program, its degree-granting authority for this program should not be revoked. Just as in the case of its Associate of Science degree, for which the Hearing Officer recommended that IBHE provide an additional reasonable timeframe for accreditation, NWSC urges the Hearing Officer to revise his recommendation to reflect that IBHE should similarly establish a reasonable timeframe in which NWSC could seek accreditation of its Bachelor of Science degree, in view of the new evidence demonstrating progress towards accreditation of its bachelor's program.

Moreover, as already acknowledged by the Hearing Officer, NWSC's efforts to previously achieve accreditation for its bachelor's program were without fault as it timely applied for ACICS approval of its program. *Findings and Recommendation* at 9. Undaunted by set-backs, NWSC's commitment to receiving accreditation as soon as possible is evidenced by its on-going efforts to receive accreditation, most recently evidenced by its application for ABHES accreditation. NWSC's accreditation efforts coupled with its approximately \$750,000 in infrastructure and administrative changes practically demonstrate NWSC's strong



commitment to provide a top-notch Bachelor of Science degree program to satisfy an important educational need of its students.

### CONCLUSION

For the foregoing reasons, NWSC's Motion for Reconsideration should be granted and the Hearing Officer's *Findings and Recommendations* should 1) reflect NWSC's continuing efforts to obtain accreditation for its bachelor's program; and 2) recommend NWSC's degree-granting authority for its Bachelor of Science degree in Biology not be revoked. Instead, NWSC should be afforded a reasonable timeline of approximately 2.5 years to achieve accreditation and IBHE should be required to continue its degree-granting authority for this bachelor's program during this period.

Dated: May 9, 2018

Respectfully Submitted,

HUSCH BLACKWELL, LLP

By: /s/Lisa J. Parker

Attorneys for Northwest Suburban College  
of Basic and Allied Health Sciences

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing **MOTION FOR RECONSIDERATION** was served electronically via email on IBHE's counsel on May 9, 2018.

/s/ Lisa J. Parker \_\_\_\_\_

# **EXHIBIT A**

ILLINOIS BOARD OF HIGHER )  
 EDUCATION, )  
 )  
 Plaintiff, )  
 )  
 -vs- )  
 )  
 NORTHWEST SUBURBAN )  
 COLLEGE, )  
 )  
 Defendant. )

Record of proceedings before JOSEPH J. CAVANAUGH, Administrative Hearing Judge, commencing at 1:45 o'clock p.m. on the 6th day of March, A.D. 2018 upon the above entitled caption.

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1 HEARING OFFICER: Good afternoon to everybody.  
 2 My name is Joseph Cavanaugh, spelled  
 3 C-a-v-a-n-a-u-g-h, and I'll be presiding as a  
 4 hearing officer today in this matter.  
 5 This matter is the Illinois Board of Higher  
 6 Education, and it involves Northwest Suburban  
 7 College of Basic and Allied Health Services, and  
 8 this hearing is being conducted to determine the  
 9 possible revocation of the Northwest Suburban  
 10 College operating and degree authority, due to three  
 11 issues that have been set forth in the notice of  
 12 February 1st. And everyone has a copy of that  
 13 notice, I take it, or would you like me to indicate  
 14 for the record what it is?  
 15 MS. STEFFY: We have a copy.  
 16 HEARING OFFICER: Okay. Have you a copy of  
 17 that, and I imagine it might be introduced into  
 18 evidence as the notice from the Board.  
 19 So, what we're going to do is we're going  
 20 to proceed just like any other hearing or trial.  
 21 We'll have brief opening statements, regarding your  
 22 positions, and then the Board will go first with  
 23 evidence, and cross, and then we'll proceed with the  
 24 College's position on this case, and proceed along

1 accreditation by ACICS as we required.

2 HEARING OFFICER: Okay. That was my question.  
3 So there was no differentiation, even though they  
4 did not hold accreditation for the Baccalaureate  
5 program, they just indicated that they were  
6 accredited in June of 2016?

7 THE WITNESS: Yes.

8 HEARING OFFICER: Okay. And yet they weren't,  
9 correct?

10 Accredited for the, those two programs that  
11 were not on ACICS's information that you received,  
12 because they haven't been accredited by ACICS,  
13 correct?

14 THE WITNESS: The institution held  
15 accreditation, but through ACICS, however, it is my  
16 understanding, in communicating both with the  
17 institution and with ACICS, that the institution had  
18 not conveyed or sought approval under that  
19 institutional accreditation to expand its  
20 educational offerings beyond the Associate in  
21 Biology that they had communicated with ACICS about.

22 Consequently, ACICS showed only the  
23 Associate in Biology as part of the institutional  
24 accreditation. The two Baccalaureate degrees and

1 education.

2 As a result, we requested that the College  
3 remove listing from its website the Baccalaureate  
4 level degrees in biology and chemistry. We didn't  
5 want new, for potential students to think those  
6 program were available, were available as  
7 accredited, part of the accredited institutions  
8 offerings.

9 We also, at the same time, learned that the  
10 Associate of Physical Therapist Assistant degree had  
11 not been implemented. This is in June and fall of  
12 2016. That program had been approved in the fall of  
13 2011. We communicated with the College that we were  
14 going to remove the Associate in Physical Therapist  
15 Assistant degree from the program inventory for the  
16 College, because it had not been implemented within  
17 a period of one year from the date of authorization,  
18 as required in our rules. We had those  
19 communications.

20 MS. STEFFY: Can we go off the record for a  
21 second?

22 HEARING OFFICER: Oh, sure.

23 (Whereupon a break was taken at 2:23.)

24 (Back on the record at 2:29.)

1 the Associate in Physical Therapist Assistant were  
2 not reported on their website.

3 HEARING OFFICER: On ACICS's website?

4 THE WITNESS: (Indicating.)

5 HEARING OFFICER: Okay. But on the school's  
6 College website it also said just accredited, it did  
7 differentiate that they had not actually received  
8 accreditation for the Baccalaureate programs,  
9 correct?

10 THE WITNESS: Correct.

11 HEARING OFFICER: You can ask questions. Thank  
12 you.

13 MS. STEFFY: Q So when IBHE, going back to the  
14 website, noticed that ACICS had not issued approval  
15 for the three other programs, what actions did IBHE  
16 take regarding those issues?

17 A We inquired with Northwest Suburban College  
18 about the discrepancy. Staff were told that the  
19 College was in the process of completing the  
20 documentation or application paperwork involved in  
21 securing ACICS approval for those degrees.

22 And we, consequently, and that the College  
23 anticipated a December 2016 decision on the part of  
24 ACICS to recognize that expanded Baccalaureate level

1 HEARING OFFICER: Okay.

2 MS. STEFFY: Q So, I'm sorry if I stopped you.  
3 Was there anything else you would like to add?

4 A Yes. Yes. In follow-up to noticing this  
5 discrepancy, we conducted a site visit, three IBHE  
6 staff members visited the school in October 2016 to  
7 discuss the discrepancies. And, also, to address  
8 the matter of the U.S. Department of Education's  
9 potential actions around the accreditor, ACICS.

10 During the October 2016 site visit, the  
11 College indicated that they were potentially  
12 exploring accreditation through the Higher Learning  
13 Commission.

14 HEARING OFFICER: Are you referring to 2016, you  
15 just said October, you're talking about what year?

16 THE WITNESS: October 2016.

17 HEARING OFFICER: Okay. So I just wanted to  
18 make sure.

19 THE WITNESS: And affirmed that work was  
20 underway with ACICS around, I'll call it potential  
21 approval of their Baccalaureate programs.

22 MS. STEFFY: Q Did you, I'm sorry, did you say  
23 IBHE, was IBHE notified that the U.S. Department of  
24 Education was planning on revoking ACICS's

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1 recognition as an accreditor?  
2 A Yes. That decision was affirmed in December  
3 of 2016. And institutions who were affected as  
4 holding ACICS accreditation, were given an 18-month  
5 period to pursue alternate plans.  
6 Q Is there another accreditation body, though,  
7 besides the U.S. Department of Education, that also  
8 accredited ACICS or is it just the Department of  
9 Education?  
10 A There are two bodies in the United States  
11 that have the authority to recognize accrediting  
12 bodies as providing legitimate review of  
13 institutions and their programs.  
14 The first is the U.S. Department of  
15 Education. The second is the Council for Higher  
16 Education Accreditation, or C-H-E-A, CHEA.  
17 During this period of time, ACICS held  
18 recognition through CHEA as well, and continues to  
19 hold, despite the actions of the Department of  
20 Education, recognition through CHEA.  
21 Q Okay. After the October 20th, 2016 site  
22 visit, what other steps did the IBHE take to assist,  
23 I'm going to refer to Northwest Suburban College as  
24 NWSC, if that's okay, to assist with the

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1 accreditation issues?  
2 A Following the December 2016 letter from,  
3 from the U.S. Department of Education, pertaining to  
4 its decision about ACICS, its communications to the  
5 field, I'll say, in January, let me pause a moment,  
6 I need to think, just a moment.  
7 In January of 2017, the then Deputy  
8 Director for Academic Affairs conducted a site visit  
9 at the institution to discuss accreditation plans.  
10 We had concerns, because of the October 2016 site  
11 visit, that the school administration, in conveying  
12 interest in pursuing accreditation through the  
13 Higher Learning Commission, as an alternative, was  
14 not fully aware of the complexities and the amount  
15 of time that it would likely take to secure  
16 candidacy through the Higher Learning Commission and  
17 complete the entire accreditation review process.  
18 Staff advised in October 2016 that the  
19 College administration consider an accreditor with a  
20 shorter timeline, ACCSC, the Accrediting Commission  
21 of Career Schools and Colleges.  
22 The January 2017 site visit was to check in  
23 on the status of the same. We also --  
24 HEARING OFFICER: Can you elaborate on what you

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1 mean by the time frame for accrediting for HLC  
2 versus the other one that you maybe suggested to  
3 them, because I'm not sure that's kind of  
4 understandable of what the time frames were with  
5 respect to the accreditation process?  
6 THE WITNESS: There are two broad categories of  
7 entities that offer institutional accreditation.  
8 And both categories of accreditors can be recognized  
9 by the Department of Education and also CHEA.  
10 One is called National Institutional  
11 Accreditation, ACICS, and ACCSC are national  
12 accreditors of institutions.  
13 The second broad category is regional  
14 accreditation. The Higher Learning Commission is  
15 the regional accreditor for institutions.  
16 As the name implies, the Higher Learning  
17 Commission is one of several regional accrediting  
18 bodies in the United States, and it is a generally  
19 accepted tenant in the field of post secondary  
20 education, that regional accreditation is the most  
21 rigorous of the two types of institutional  
22 accreditations.  
23 Candidacy through the Higher Learning  
24 Commission is not assured based on interest only.

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1 The Higher Learning Commission has a process to vet  
2 interested institutions and their viability to even  
3 be a candidate for regional accreditation through  
4 the Higher Learning Commission.  
5 There is time involved in that process. In  
6 addition, both national and institutional  
7 accreditors will require substantial evidence from  
8 the applicant institution. Likely at least one site  
9 visit by an accreditation team. Time for staff with  
10 the accrediting body, regional or national, to  
11 review the findings of the team and the application  
12 materials.  
13 And then also a formal decision on the part  
14 of the accrediting body's board to affirm or deny  
15 the application for accreditation.  
16 Those processes, with the Higher Learning  
17 Commission, can take anywhere from three to five  
18 years. With national accreditors, depending on the  
19 type of institution and its mission and scope, you  
20 know, 18 months to three years, maybe.  
21 These are variable timelines, but staff in  
22 October of 2016 were concerned that the College did  
23 not seem to have an awareness of the complexity of  
24 pursuing regional accreditation, nor of the kinds of

## CROSS EXAMINATION

by Ms. Parker:

MS. PARKER: Q Thank you, Dr. Bernoteit. You gave a lot of really detailed testimony, and for purposes of Hearing Officer Cavanaugh, I might ask you to retread some ground, just because, as we know, the world of higher education accreditation State authorization can be complicated.

So, to start off, isn't it true that IBHE granted the College, I'm talking about Northwest Suburban College, when I refer to the College, granted the College degree granting authority for its Associate's degree program, before it had the ACICS accreditation?

A Yes.

Q Is it also true that Northwest Suburban College, I don't mean Northwest, I mean IBHE, is it also true that IBHE granted the College degree granting authority for its Bachelor's program before it had ACICS accreditation?

A Could you remind me of the date of the initial accreditation? May I ask that question?

DR. ALINIAZEE: Fall of 2014.

HEARING OFFICER: What was the date?

regarding the Department of Education's potential withdrawal of ICS's recognition by the Department?

A Uh-huh.

Q And I want to clarify for the record, isn't it true that you reached out to all the ACICS schools, not just the College?

A Yes.

Q And the fact that, is it also true that ACICS losing, potentially losing, and ultimately losing, their recognition, was unrelated to any of the conduct of the College?

A Yes.

Q In other words, would it be fair to say that the Department of Education withdraw the recognition of ACICS because of its decisions related to ACICS, not because of anything pertaining to the College?

A Correct.

Q Just for the record, I just didn't want there be to any confusion around because there can be.

HEARING OFFICER: There wasn't, but thank you.

MS. PARKER: Okay. Good.

Q Another topic that came up was the idea of the College listing on their website whether or not

MR. IRFAN: Fall of 2017.

HEARING OFFICER: I still can't hear you.

DR. ALINIAZEE: Accreditation date of fall of 2017.

HEARING OFFICER: Fall of 2017?

DR. ALINIAZEE: I'm sorry, fall of 2014.

THE WITNESS: Thank you. Yes.

DR. ALINIAZEE: Fall of 2014 we got accreditation. And we got the authority from them in the fall of 2013.

THE WITNESS: Thank you. Yes.

MS. PARKER: Q And is it customary for IBHE to grant authority, degree granting authority, prior to an institution receiving it's accreditation?

A Yes.

Q And at one point, when you were talking, I believe that you said that during your discussions with the College, you learned that they were going to, potentially, be impacted by ACICS losing their accreditation or their recognition from the Department of Education?

A Yes.

Q So, to back up, you discussed at length how IBHE reached out to ACICS accredited schools

they were ACICS accredited.

And one of the other topics that came up was the idea that various programs, whether or not they needed to also list that they were ACICS accredited.

In your professional experience, is it customary for a college or an institution to list not only that they have institutional accreditation, but to also say that their various programs have ACICS accreditation or accreditation from another agency?

A It depends.

Q And does IBHE require that if a college, let's say, for example, is ACICS accredited, that they list on their website that each one of their programs is approved by ACICS?

A No.

Q So, in your opinion, was it unusual that the College had not listed on their website that whether or not their specific programs were ACICS accredited?

A No.

Q You talked about, you mentioned ACCSC a few times. Just, again, to clarify the record, is it

1 some point, that you, I think the words you used  
2 that you extended a courtesy to them?

3 A Yes.

4 Q By giving them time, and you, I believe,  
5 were talking about the fact that while IBHE had  
6 approved their Bachelor's program, ACICS had not  
7 approved their Bachelor's program, this came to  
8 light, I believe you said you gave them an extended  
9 courtesy of allowing them that time to get that  
10 accreditation; is that accurate?

11 A It is accurate to say that we allowed them  
12 time to resolve the discrepancy, because we  
13 understood from the College that they were in  
14 process of applying.

15 Q Okay. So by, just to clarify, so by resolve  
16 the discrepancy, you mean that you gave them time to  
17 apply for that accredit -- that approval from ACICS  
18 related to their Bachelor's program?

19 A Yes, yes.

20 Q Finally, one of the things that you had  
21 mentioned was that you learned through, and I think  
22 these were part of the exhibits, that you learned of  
23 the College's loss of accreditation, ACICS  
24 accreditation from ACICS.

1 In order for an institution, when they're  
2 first starting out, to get accredited, get  
3 accredited, they have to have State approval first;  
4 is that correct?

5 A That is correct.

6 Q Okay. So once the State approves, which in  
7 this case, IBHE approves it, they then have to go  
8 through an accreditation process, correct?

9 A That is correct.

10 Q And the State allows five years for that?

11 A Yes.

12 MS. STEFFY: Okay. I think that's it.

13 HEARING OFFICER: Any cross on that?

14 MS. PARKER: No.

15 HEARING OFFICER: Okay. Anything else, Counsel,  
16 are you calling anybody else?

17 MS. STEFFY: No, we rest.

18 HEARING OFFICER: You rest.

19 Okay. Miss Parker, you may proceed.

20 (Whereupon a break was taken at 3:13.)

21 (Back on the record at 3:16.)

22 HEARING OFFICER: You may proceed.

23 MS. PARKER: We call Dr. AliNiazee.

24 HEARING OFFICER: So if you can swear in the

1 Did you also learn of the loss of  
2 accreditation from the College?

3 A I don't recall.

4 MS. PARKER: Okay. That's it for us.

5 HEARING OFFICER: Okay. Any redirect?

6 MS. STEFFY: Yes.

7 HEARING OFFICER: Okay.

8 RE-DIRECT EXAMINATION

9 by Ms. Steffy:

10 MS. STEFFY: Q Stephanie, to your knowledge, do  
11 the rules specifically state that grounds for  
12 revocation of the operating and degree granting  
13 authority is one, is loss of accreditation status  
14 within an accrediting body?

15 A Yes, that is correct.

16 Q And that is to, just to clarify, that is  
17 what happened, they, Northwest Suburban College lost  
18 their accreditation with ACICS?

19 A That is correct.

20 Q Okay. And then to go back to, I just wanted  
21 to, when an institution is starting out the process  
22 to start their institution, that is the only time  
23 that they are allowed to be -- well, sorry, strike  
24 that.

1 witness.

2 (Witness sworn.)

3 DIRECT EXAMINATION

4 by Ms. Parker:

5 MS. PARKER: Q Dr. AliNiazee, would you start  
6 by, would you start by explaining what your position  
7 title is at the College?

8 A President of North Suburban College.

9 Q And would you, briefly, tell us a little bit  
10 about your background?

11 A I'm an academician. I spent over 50 years  
12 in academic life. I worked at University of  
13 California at Riverside, and at Davis and Berkeley  
14 on a combined arrangement. And then from there I  
15 went to Oregon State University. I was a there over  
16 30 years. So my entire life has been in academic  
17 areas. And so I'm an academician.

18 Q And Dr. AliNiazee, when did your College  
19 first receive its approval to operate and have  
20 degree granting authority from IBHE, do you  
21 remember?

22 A In 2011.

23 HEARING OFFICER: So, isn't that two different  
24 things? Isn't the operating come first, or as in



1 this case it's the same, because I'm confused about  
2 that. I thought you have to get operated and then  
3 degree granting authority?

4 THE WITNESS: Operating authority came in 2010.  
5 And Associate of Science authority came in 2011.  
6 And Bachelor of Science authority came in 2013.

7 HEARING OFFICER: What came in 2013?

8 THE WITNESS: Bachelor of Science.

9 HEARING OFFICER: Now I understand. Thank you.

10 THE WITNESS: So we had three steps, operating  
11 authority, Science authority, and Bachelor of  
12 Science granting authority in 2013.

13 MS. PARKER: Q And could you tell us a little  
14 bit about the history of your ACICS accreditation?

15 When did you first receive your ACICS  
16 accreditation?

17 A I am very cognizant of accreditation. So as  
18 soon as we got our approvals from IBHE in 2011,  
19 2013, we immediately looked for different agencies  
20 to apply for accreditation.

21 And we are very, very cautious about it.  
22 We never neglected accreditation. So we immediately  
23 applied to different agencies. We spoke with them,  
24 some initial information, and then we decide to

1 MR. IRFAN: That's the only thing I'm going to  
2 do.

3 HEARING OFFICER: Okay. If --

4 THE WITNESS: And I'll slow down a little bit  
5 too.

6 HEARING OFFICER: Okay. If need be, you can ask  
7 for translation. Otherwise, if you just slow down a  
8 little bit, so we can understand the words, that  
9 will be helpful.

10 THE WITNESS: So, in the summer of 2014, when  
11 the ACICS team came in, we had a long discussion  
12 with them about all the programs that we have, our  
13 facilities, infrastructure, faculty, administration,  
14 they were very pleased with that. They even  
15 commented, before leaving.

16 And then at the time I asked them that I do  
17 have approval for Bachelor's program, you want to do  
18 it now. They said no. It's one class that has to  
19 graduate from your students, then we'll be able to  
20 review it. However, you can apply for higher  
21 degrees any time.

22 MS. PARKER: Q Okay.

23 A And he said that I'll do it in 30 days. I  
24 just want to make the comment, I'll do it within 30

1 apply to ACICS, and we applied towards the end of  
2 2013.

3 Do you want me to go through the whole  
4 process?

5 Q Briefly.

6 A They visit in the summer of 2014. So within  
7 three years of our authority to operate and grant,  
8 we were accredited institution back in the fall of  
9 2014.

10 Q Okay.

11 A So we let no time pass. We were really  
12 focus on getting it done.

13 Q Okay. So in the fall of 2014, when you got  
14 your ACICS accreditation for the College, what  
15 programs were included?

16 A We were given accreditation for medical  
17 assistant, dental assistant, that is under PBVS  
18 program, an Associate of Science and Biology. At  
19 that time, when they visited us, in the summer of  
20 2014.

21 MR. IRFAN: If I may, may I just help out with  
22 the trans, with the pronunciation when you need it.  
23 Maybe it will go faster.

24 HEARING OFFICER: Okay. And maybe --

1 days.

2 Q So let's just backtrack for a minute, to  
3 clarify. So, you received your ACICS accreditation  
4 and included in that accreditation were your  
5 certificate programs, that you described, as well as  
6 your associate degree?

7 A That's right, in biology.

8 Q Is it also your testimony that at the time  
9 of your on-site ACICS accreditation visit, that you  
10 met with the then director of accreditation at  
11 ACICS, at that time, did you tell him that you had  
12 received approval from IBHE for a Bachelor's  
13 program?

14 A Yes, we did.

15 Q And what was his response?

16 A Their response was that you just got the  
17 approval.

18 MS. STEFFY: I'm -- I'm sorry, strike that.

19 HEARING OFFICER: I'm sorry, I couldn't hear.

20 MS. STEFFY: Strike that.

21 HEARING OFFICER: Okay.

22 MS. PARKER: Q What was his response?

23 A His response was that you had just received  
24 the approvals, and then you could run the class, and

1 what is happening.

2 Q And so what happened with your ACICS  
3 approvals for the Bachelor's program, did you ever  
4 receive approval for the Bachelor's program?

5 A We never did. it went back and forth.  
6 There was a time when ACICS was in trouble, and in  
7 December of 2016, the Department of Education had  
8 removed them from the certification that they had to  
9 get. So they were decertified.

10 Q So you're referring to the same situation  
11 that Dr. Bernoteit testified to, as the ACICS, being  
12 in potential loss of their recognition for the  
13 Department of Education?

14 A Correct.

15 Q And was that process going on at the same  
16 time that your application was pending at ACICS for  
17 approval of your Bachelor's program?

18 A That's true.

19 Q And you, and so you had applied for your  
20 Bachelor's program approval in the summer of 2016;  
21 is that what you said?

22 A That's right.

23 Q And did you ever hear from ACICS about that  
24 approval?

1 final decision, November 16th, some of those  
2 communications were their notice of their intent to  
3 withdraw the accreditation?

4 A The IBHE, no, yeah, we got the notice in  
5 August. We immediately appealed, and the appeal  
6 process went through and, finally, in November, we  
7 got the notice that your appeal was not approved.

8 Q Did you inform IBHE of your loss of  
9 accreditation?

10 A Yes, we did, immediately.

11 Q And how did you do that?

12 A Through an e-mail.

13 Q Okay. And --

14 A I want to emphasize this, we are very, very  
15 open with IBHE. Every single communication we get,  
16 we let them know what is happening.

17 Q Okay. And how did IBHE respond when you  
18 informed them of the loss of accreditation?

19 A Well, they said, potentially, if you lose  
20 your accreditation, then you would lose, you can  
21 lose your operating and granting authority.

22 This was communicated to me, it was  
23 communicated to me earlier as well, and then I told  
24 them at the time that we are pursuing an alternate

1 A No. We got correspondence, additional  
2 information, we sent it to them, they came back  
3 again. They said we cannot put it now, so they  
4 essentially going back and forth on it.

5 Q Did you regularly follow up with ACICS in an  
6 effort to get, to find out the status of your  
7 program approval?

8 A Very regularly.

9 Q How often?

10 A Called them at least every other week.

11 Q And were you receiving responses?

12 A So-so. Sometimes we get, we wait for a week  
13 before we get the call back. We drop some e-mails,  
14 so they say we're working on it.

15 Q Dr. AliNiazee, when did the College lose its  
16 ACICS accreditation?

17 HEARING OFFICER: Can you speak up, please.

18 MS. PARKER: Q When did the College lose its  
19 ACICS accreditation?

20 A We lost accreditation in August of 2017.  
21 And we appealed immediately. And the, finally, we  
22 lost the appeal. So, November 16th was the date  
23 that we finally lost it of 2017.

24 Q Okay. From that August period until the

1 accreditor.

2 This is back in early 2016. In all the  
3 communications, we are very open, what we are doing,  
4 and we spent nearly eight months working, developing  
5 the paperwork needed to go to an alternate  
6 accreditor, that's ACCSC.

7 Q So, tell us about your efforts to get  
8 accreditation from ACCSC, what did you do?

9 A Once we found out that ACICS was losing  
10 their accreditation or their ability to accredit an  
11 institution, back in December of 2016, we  
12 immediately started our internal assessment and  
13 process of trying to get another accreditor.

14 In April of that year, we told them, they  
15 ask us, are you coming with us for the renewal,  
16 because our renewal was expiring, our accrediting  
17 was expiring in December 2017.

18 So in early 2017, they call us a number of  
19 times, saying are you with us, are you coming with  
20 us. I couldn't understand the reason why, because  
21 they are losing colleges left and right, dropping  
22 like dead flies. So they say, are you coming with  
23 us.

24 Q Who says are you coming with us, just to

1 of the Associate of Science degree program?

2 A We started in the fall, we suspended the  
3 program in the fall, and now we are trying to start  
4 the program back, if they okay us.

5 Q So would you say it's been approximately six  
6 months?

7 A September through now, so about seven  
8 months.

9 Q Okay. And have you -- do you have students  
10 that are currently interested enrolling in your  
11 Associate --

12 A Yes, we do.

13 Q -- program?

14 A Yes, we do.

15 Q So how many students, approximately, do you  
16 have that are interested in enrolling in your  
17 program?

18 A We have, probably have about four students.

19 Q How big are your classes, typically, in your  
20 associate program, prior to your suspension?

21 A Approximately six to ten.

22 Q Okay. And at this time, you know of at  
23 least four students that have expressed interest in  
24 the Associate degree program?

1 Associate of Science in August of 2017.

2 Q Dr. AliNiazee, do you recall, between the  
3 time you started offering the program, which I  
4 believe was in 2011, through the present, how many  
5 students you have graduated?

6 A I think I have the data there, I think we  
7 graduated 20, approximately, I think, 24 students  
8 graduated in Associate of Science program.

9 We graduated seven students in the  
10 Bachelor's of Science program degree, and most of  
11 them are in medical schools or some other  
12 professions.

13 Q Okay. And when you say most of your  
14 students are in medical schools, could you give us  
15 an estimate?

16 A Approximately 60 percent of Bachelor's  
17 student who complete the Bachelor's program go on to  
18 medical schools. And Associate, almost 80 percent  
19 of them pursuing a Bachelor's program.

20 Q Okay. So, the first, back to the letter,  
21 the Exhibit 2. The first ground listed is failure  
22 to maintain the condition under which the  
23 institution and/or its degrees were authorized.

24 What is your understanding of what this, of

1 A Yes, and we have ten students who express  
2 interest in the fall of 2018.

3 Q Okay. And is the College currently  
4 operating at this time?

5 A Yes.

6 Q Does the College currently have instruction  
7 at this time?

8 A Yes.

9 Q And what programs are you currently offering  
10 instruction?

11 A Medical assistant, dental assistant,  
12 pharmacy tech.

13 Q Okay. And do you have any understanding of  
14 why the IBHE is asserting that you have not offered  
15 degrees for 12-month period in your --

16 A I am at a loss for an explanation. We  
17 graduated our Associate of Science students in  
18 August of 2017.

19 Q Okay.

20 A That's six months ago.

21 Q Okay.

22 HEARING OFFICER: How many students did you say,  
23 I couldn't hear.

24 THE WITNESS: We graduated two students in

1 what this means?

2 A Well, I am at a loss, but I would imagine  
3 that it relates to point 2 and point 3.

4 Q Okay.

5 A So they're saying that you're not meeting,  
6 your point 2 and point 3. And point 2, obviously,  
7 is incorrect. And point 3, we lost accreditation,  
8 we're trying to get it back.

9 HEARING OFFICER: I didn't hear, what did you  
10 say number one.

11 THE WITNESS: Number one, it somehow relates to  
12 2 and 3.

13 HEARING OFFICER: Oh.

14 THE WITNESS: It doesn't meet the, you know,  
15 under which the institution was granted the  
16 authority.

17 HEARING OFFICER: That's your opinion about  
18 that, okay.

19 MS. PARKER: I'd like this to be Respondent's  
20 Exhibit 3, this is another IBHE communication.

21 MS. STEFFY: Okay.

22 MS. PARKER: Q So, Dr. AliNiazee, you just  
23 testified as to what your opinion was, as to what  
24 was meant by number one on the revocation notice.

1 to him about the visit that he had with us, maybe  
2 about a couple of weeks before, I do not have exact  
3 dated, but he had a visit with us and we discussed  
4 the College situation, accreditation situation.

5 And there were two things he mentioned  
6 during the meeting. Number one, he said that you  
7 have great academy programs.

8 And number two, he mentioned that you got  
9 good facilities to run these programs.

10 Number three, he said that administrative  
11 structure needs improvement. You need  
12 administrative, administrative structure needs  
13 improvement.

14 Then I told them that we are working on it  
15 and this is in response to that, how we improve the  
16 administrative structure. And this letter is, there  
17 are many e-mails like this, unfortunately, I did not  
18 bring all those with me.

19 HEARING OFFICER: Okay. Well, just for the  
20 record, because it's not in the record yet,  
21 Respondent's number 3A letter is dated August 28,  
22 2017, to Dr. Cullen from Dr. AliNiizee.

23 THE WITNESS: Yes.

24 HEARING OFFICER: Correct?

1 THE WITNESS: Yes, that's right.

2 MS. PARKER: Q And do you also discuss in your  
3 letter your accreditation status and your thoughts  
4 on your accreditation?

5 A I did. I did. And I told him we are  
6 working very hard to get ACCSC application in. And  
7 they promised me that they will be able to give me a  
8 visit, by the end of the year.

9 Q And do you recall sending any other e-mails  
10 to Dr. Cullen related for your accreditation status?

11 A I did, yeah, I send him a letter,  
12 unfortunately, I did not bring the copies.

13 HEARING OFFICER: Is Respondent Number 3A. Are  
14 you seeking to admit this?

15 MS. PARKER: Yes.

16 HEARING OFFICER: Any objection?

17 MS. STEFFY: No objection.

18 HEARING OFFICER: No objection. It will be  
19 admitted without objection.

20 MS. PARKER: Q Dr. AliNiizee, with respect to  
21 ACICS losing its recognition from the Department of  
22 Education, was that loss of recognition concerning  
23 to you, because it would make your students  
24 ineligible for federal financial aid?

1 A Yes, I was concerned about it.

2 Q And if ACICS had approval from CHEA, would  
3 those students still be eligible for federal  
4 financial aid?

5 A They would not be.

6 Q So, in your opinion, did that impact, to  
7 you, the value of the ACICS accreditation?

8 A Exactly right. And I discussed this with  
9 the Department of Education, Donna Sobie, she told  
10 me specifically that it's useless, you got to go to  
11 another agency to get it.

12 MS. PARKER: We have no more questions.

13 HEARING OFFICER: Okay. Any redirect on that?

14 MS. STEFFY: Yes.

15 HEARING OFFICER: I'm sorry, cross.

16 RE-CROSS EXAMINATION

17 by Ms. Steffy:

18 MS STEFFY: Q I believe earlier in your  
19 testimony you had said, you keep saying gave the  
20 IBHE two years, two years. I believe Miss or  
21 Dr. Bernoteit testified that one of the options she  
22 had addressed with Northwest Suburban College was  
23 that you could relinquish your authority to operate  
24 and reapply, which would allow for this two-year

1 gap, is that not true?

2 A Yeah, she offered me that too, why don't you  
3 relinquish your degree granting and your operating  
4 authority. And I said then you defeated the whole  
5 purpose of the College.

6 Because the College, we have provided  
7 education to students who would not get an education  
8 otherwise in other places, in a very affordable  
9 manner.

10 And number two, our programs are active  
11 program, they're good programs, and give it some  
12 time, because everybody has the same question, if I  
13 could try, then I'd take it back again.

14 MS. STEFFY: Okay. But as you're aware,  
15 pursuant to the Illinois statute and the rules, an  
16 institution is required to be accredited. And  
17 currently you do not have any accreditation status?

18 A I do not have right now, that's true.

19 MS. PARKER: I object, that's adding facts that  
20 are not in evidence. You have to have evidence that  
21 there's a requirement for accreditation.

22 HEARING OFFICER: Okay. So your position was  
23 that they -- I didn't hear the rest of what you  
24 said.

1 degree in Biology because I want to become a nurse,  
2 and I want to go through this institution, which has  
3 changed my life. That's what we are talking about  
4 here, folks.

5 And so we are all on the same page. You  
6 want to address the interest of the students. Trust  
7 us when we say, this is what I conveyed to  
8 Dr. Cullen and Dr. Bernoteit, I said if it is  
9 possible to, believe me, we are a little bit more  
10 concerned about students than you, because you deal  
11 with a few hundred institutions. We deal with just  
12 one institution, and 50 to 100 students, where money  
13 is taken out of the pockets of the community members  
14 who are donating, and the founding families  
15 donating, and we are protecting their interest.

16 So please believe us when we say, their  
17 interest is what is driving this College.

18 Q Mr. Irfan, in your opinion, if you were  
19 given additional time from IBHE, do you think the  
20 College would be able to get through an alternate  
21 accreditation process?

22 A That answer is so simple for me to give  
23 because with ACCSC, you asked about, we first filed  
24 after eight months of work, accreditation

1 application as a transitioning school, because we  
2 were accredited with ACICS at that time, and  
3 Dr. Bernoteit, herself, had recommended, go to  
4 ACCSC. We went to ACCSC, you're the experts, we  
5 followed you.

6 He went there. We went through a process  
7 of eight months, filed the SCR, that document, and  
8 after a few months, when we lost the appeal hearing,  
9 and, if there is some way, we should make the appeal  
10 brief of record, because we have contested every  
11 single one of the allegations of ACICS, and I know  
12 this is extraneous for your consideration, perhaps,  
13 Officer Cavanaugh, but we feel that we got squeezed  
14 by ACICS as they were trying to prove to the DOE  
15 that, hey, we are able to crack the whip, they  
16 picked the smallest institution. We hoped that they  
17 did not pick us out because we were a diverse  
18 institution, this is owned by Muslim-American  
19 interest, and I can tell you, based on --

20 MS. STEFFY: I'm going to object to that.

21 THE WITNESS: You can, perfect. So I'm  
22 addressing your question with respect to the appeal.

23 MS. PARKER: Q Yes.

24 A So with ACCSC, so we filed that, and then

1 what happened --

2 Q You're giving your opinion?

3 A Yes, giving my opinion. After we filed  
4 that, what they told us is, what they told us is,  
5 okay, now that your appeal has been turned down,  
6 you cannot apply as a transitioning school.

7 For us, having invested those resources,  
8 all of that water under the bridge, we said, please,  
9 what can we do. They said, okay, we have a  
10 solution, apply as a new accrediting application. I  
11 said wonderful. We went through that same process.  
12 Filed a new application as a new school applying for  
13 accreditation.

14 They went through that process of having us  
15 submit it, and then once they hear, they heard, oh,  
16 no, they didn't hear, we informed them, we,  
17 personally, went out, out of our commitment of  
18 transparency, we said, look, we have, they were  
19 preparing to review it, and then said we, they had  
20 given us a commitment, February or March, we will be  
21 able to possibly come down for a site visit.

22 When this hearing was appointed, we sent  
23 out a notice to them. We were not required to do  
24 so, we felt we had to. We said you have to be aware

1 of this. The IBHE has taken the step, while we said  
2 we are going to contest it, we hope that we can  
3 convince the hearing officer that this is an unfair  
4 step, but we still told them. We are notifying you.

5 And that's the letter that you are  
6 referring to. They came back and they said, okay,  
7 your transitioning school application, great, it is  
8 ready, we cannot review it because you lost  
9 accreditation.

10 You applied as a new applicant, great, we  
11 have received it, we cannot review it because now  
12 IBHE has got the sword of Damocles hanging over you.  
13 So we are stuck. We are squeezed right now.

14 To answer your question, absolutely, the  
15 College has got the administrative capacity, the  
16 leadership capacity, the academic processes and  
17 programs to function as an effective institution of  
18 higher education.

19 We will be able to get the accreditation  
20 with ACCSC. We have faced the same issue with  
21 ACCSC. They say, okay, issues with, oh, I have to  
22 explain this. ACCSC asked us for a full explanation  
23 on what happened with ACICS.

24 We submitted it completely in writing,

# **EXHIBIT B**



# ACCREDITING BUREAU OF HEALTH EDUCATION SCHOOLS | ABHES

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## APPLICATION FOR INSTITUTIONAL ACCREDITATION

Please review carefully and provide all of the information requested as applicable to the institution. Incomplete applications (i.e., blank areas requiring information) will be returned for resubmission, which will delay the accreditation process.

### 1. GENERAL INFORMATION:

**NAME OF INSTITUTION:** Northwest Suburban College

**ABHES ID (RENEWAL APPLICANTS ONLY):** N/A

**ADDRESS:** 5999 S New Wilke Road, Building 500

**CITY:** Rolling Meadows **STATE:** IL **ZIP:** 60008

**SCHOOL TELEPHONE #:** (847) 290-6425 **SCHOOL FAX #:** (224)353-6950

**WEBSITE ADDRESS:** www.nwsc.edu

**NAME OF CEO/OWNER:**  
(SPECIFY DR., MR., MS., MRS.) Dr. M. T. AliNiazee **TITLE:** President

**EMAIL ADDRESS:** president@nwsc.edu **DIRECT PHONE #:** (847) 290-6425 ext 105

**NAME OF ON-SITE ADMINISTRATOR:**  
(SPECIFY DR., MR., MS., MRS.) Dr. Mohammad Siddiqi **TITLE:** Dean of Academic and Students Affairs

**EMAIL ADDRESS:** msiddiqi@nwsc.edu **DIRECT PHONE #:** (847) 290-6425 ext 104

NOTE: The Accrediting Bureau of Health Education Schools (ABHES) provides official correspondence and updates via e-mail. Contact ABHES immediately should there be any changes to the contacts and e-mail addresses identified above.

Based upon review of the eligibility criteria outlined in Chapter II, Eligibility, of the ABHES *Accreditation Manual*, it is believed that our institution meets the basic requirements; and, therefore, an application is being submitted in pursuit of an initial or renewed grant of accreditation.

**Check where it applies or to insert the information requested.**

#### A. THIS APPLICATION IS FOR (MARK ALL THAT APPLIES):

- Initial Accreditation--Main Campus
- Initial Accreditation--Non-main Campus(es) and/or Satellite campus(es)
- Renewal of Accreditation--Main Campus
- Renewal of Accreditation--Non-Main Campus(es) and/or Satellite Campus(es)

**B. THE INSTITUTION IS (CHECK ONE):**

- In the private sector at the post-secondary level whose principle activity is education
- A hospital or laboratory-based training school
- A vocational training institution
- A federally-sponsored training program

**C. INTIAL APPLICANTS ONLY: THE INSTITUTION HAS BEEN LEGALLY OPERATING AND CONTINUOUSLY PROVIDING INSTRUCTION SINCE (SPECIFY MONTH AND YEAR):** 12/2009

## 2. NON-MAIN OR SATELLITE CAMPUS:

**DOES THE INSTITUTION OPERATE A NON-MAIN OR SATELLITE CAMPUS TO BE INCLUDED IN A GRANT OF ACCREDITATION?**

Refer to the Chapter II, Section B of the Accreditation Manual for the definition of a non-main or satellite campus.

Yes  No

**IF YES, IS THE INSTITUTION SEEKING ABHES ACCREDITATION FOR ITS NON-MAIN OR SATELLITE CAMPUS?**

Yes  No

If yes, [CLICK HERE](#) to complete the *Application Addendum for each Non-Main and/or Satellite Campus* and attach it to this Application. Each Addendum should be submitted as one\* seamless Portable Document Format (.pdf) file as an attachment to this Application.

If no, the institution may not advertise such campus(es) with an ABHES-accredited campus or campus that is seeking initial ABHES accreditation.

## 3. SEPARATE CLASSROOM:

**DOES THE INSTITUTION OPERATE A SEPARATE CLASSROOM THAT IS ASSIGNED TO THE MAIN CAMPUS?**

Yes  No

Refer to Chapter II, Section B of the ABHES Accreditation Manual for the definition of a separate classroom.

**If yes, provide the following information for the separate classroom:**

*(If more than one, hover then click on the plus sign [ + ] at bottom right corner of the table below to add additional classroom locations.)*

STREET ADDRESS: N/A

CITY: City STATE: State ZIP: \_\_\_\_\_

PHONE NUMBER: (###) ### - ####

Distance from the non-main or satellite campus to which it is assigned: Distance in miles

Are the activities at this separate classroom limited to instruction?  Yes  No

Is only part of a program of instruction provided (i.e., a complete program is NOT provided at this facility)?  Yes  No



- Are administrative and support services offered through the non-main or satellite campus?  Yes  No
- Are all permanent records maintained at the non-main or satellite campus to which it is assigned?  Yes  No
- Is the separate classroom within customary and reasonable commuting distance of the non-main or satellite campus to which it is assigned?  Yes  No
- If answered "NO" to any of the questions A-E above, explain:

#### 4. APPROVALS:

List the state and any other agency(ies) providing approval required to operate the main campus and its program(s).

*(Hover then click on the plus sign [ + ] at bottom right corner of the table below to add more rows.)*

Agencies/Organizations	Expiration Date
Illinois Board of Higher Education (IBHE)	No Expiration Date
IBHE PBVS Permit	8/30/2018, renewed annually

**DOES THE MAIN CAMPUS OPERATE\* IN A STATE(S) OTHER THAN THE STATE IN WHICH THE INSTITUTION IS PHYSICALLY LOCATED?**

Yes  No (If no, skip the section below and continue to question #5)

\*Note: The regulatory definition of "operate" varies by state, as do licensure and authorization requirements. Some states require approvals for any institution delivering educational programs within their state (including via distance education), regardless of on-ground presence; other states require approvals based upon on-ground triggers, such as student participation in clinical experiences or interest meetings, employment of local faculty, or placement of local advertising, among others. Lack of applicable state authorization may impact a student's ability to become credentialed in certain professions. It is the responsibility of the school to determine when it is necessary to obtain approvals from the states in which it is operating, as applicable.

If yes, is the institution a member of the National Council for State Authorization Reciprocity Agreements (NC-SARA)?

Yes  No

If yes, identify the Date of Expiration:

If no, the institution is **not** a member of NC-SARA, complete the chart below:

*(Hover then click on the plus sign [ + ] at bottom right corner of the table below to add more rows.)*

Identify the state(s) where the institution/program *operates:	Does the state require authorization to *operate the institution/program?	If yes, identify the date the state approval was awarded:
Illinois	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	10/05/2010
	<input type="checkbox"/> Yes <input type="checkbox"/> No	

## 5. DISCLOSURES:

**A. HAS THE INSTITUTION (MAIN, NON-MAIN, AND/OR SATELLITE CAMPUS) EVER HAD ITS STATE APPROVAL REMOVED, WITHDRAWN, SUSPENDED, OR REVOKED?**

Yes No

**If yes, explain:** [Click or tap here to enter text.](#)

**B. HAS THE INSTITUTION (MAIN, NON-MAIN, AND/OR SATELLITE CAMPUS) EVER HAD ACCREDITATION DENIED, REMOVED, WITHDRAWN, SUSPENDED, OR REVOKED BY THIS OR ANY OTHER ACCREDITING AGENCY?**

Yes No

**If yes, explain:** A) NWSC's prior accreditation by ACICS: NWSC was accredited by ACICS through December 31, 2017. We decided to not renew this accreditation, and instead pursue alternate accreditation, in view of the Dept. of Education's de-recognition of ACICS's accrediting authority. Despite the College's decision to allow the ACICS accreditation to expire by itself in a few months, ACICS moved ahead with processes to suspend the College's accreditation based on what NWSC strongly believed to be incorrect bases and possibly discriminatory grounds. ACICS first notified NWSC of their intent to withdraw their accreditation of NWSC by suspension on August 9, 2017. Believing strongly that this action was arbitrary and unjustified, NWSC vigorously pursued an appeal of this suspension and presented its defense by way of a comprehensive Appeal Brief and a thorough presentation of our case at an oral Hearing in Washington D.C. on November 15, 2017. Despite presenting a strong case covering the factual bases on which we believed the ACICS decision was inappropriate and the significant strengthening measures adopted by NWSC, NWSC was unfortunately unable to overcome the high Appeal burden of establishing that the ACICS actions were arbitrary or capricious. NWSC's unfortunate loss of ACICS accreditation became effective on Nov. 16 when our Appeal was quickly rejected by ACIC.

B) NWSC position on seeking ABHES Accreditation: Especially in view of the ACICS experience, NWSC has taken significant measures to strengthen its leadership, stability and processes and acted effectively on noted areas of improvement. NWSC intensively disagrees with the ACICS decision and we desire to not be unduly tainted by this action. As will be detailed in our SER to be filed with ABHES in pursuit of this accreditation application, NWSC is diligently focused on i) the multiple regulatory elements to be managed simultaneously by a successful accredited educational institution, and ii) effective leadership, administrative structure, internal capacities and processes. NWSC is confident of demonstrating practical evidence of this as ABHES favorably reviews our New Accreditation Application and the following SER, and then schedules a site-visit as soon as possible. As an institution relying upon a sound financial, academic and intellectual base and committed to serving America's diverse student community, NWSC seeks ABHES's independent review of our candidacy for accreditation. We are confident of a favorable independent ABHES assessment of NWSC in view of the academic, administrative and institutional strengths of our college as a higher-education institution committed to our core mission of providing quality education, particularly directed to American students of diverse and under-privileged backgrounds.

An applicant must also describe below any current, previous, or final action for which it is the subject, including probationary status, by a recognized institutional accrediting agency or state agency potentially leading to the withdrawal, suspension, revocation, or termination of accreditation or licensure. Action on the application will be stayed until the action by the other accrediting agency or state agency is final. Include a copy of the action letter from the agency with this application. Further, the institution must provide evidence of compliance with ABHES requirements and standards relative to the action.

**C. HAS THE INSTITUTION (MAIN, NON-MAIN, AND/OR SATELLITE CAMPUS) EVER RELINQUISHED OR ALLOWED ACCREDITATION TO LAPSE/EXPIRE?**

Yes No

**If yes, explain:** [Click or tap here to enter text.](#)

**D. HAS A LAWSUIT BEEN FILED AGAINST THE INSTITUTION (MAIN, NON-MAIN, AND/OR SATELLITE CAMPUS) DURING THE PAST 24-MONTH PERIOD?**

Yes No

**If yes, explain** (including an explanation of its status): [Click or tap here to enter text.](#)

**E. IF OFFERING A NON-ALLIED HEALTH PROGRAM, PLACE A CHECK MARK NEXT TO THE 70% RULE THAT APPLIES TO THE INSTITUTION AS A WHOLE (MAIN, NON-MAIN, AND/OR SATELLITE CAMPUS(ES), AS APPLICABLE):**

70% or greater of its full-time equivalent students are enrolled in allied health programs; or

70% of active programs are in the allied health education field; provided that a majority of the institution's full-time equivalent students are enrolled in those programs. A program is active if it has a current student enrollment and is seeking to enroll more students.

## 6. PROGRAM INFORMATION:

Complete the table below.

**NOTE TO RENEWAL APPLICANTS:** Information must be based upon that which is currently ABHES-approved. This is not the proper application to seek approval of any changes to the programs, recognized outside hours, and/or delivery method. Visit [ABHES Applications](#) for a listing of appropriate applications and instructions to report such changes to that which is already ABHES-approved.

(Hover then click on the plus sign [ + ] at bottom right corner of the table below to add more rows.)

Program Name	In Class Clock Hours	Recognized Outside Hours*	Total Clock Hours	Number of Instructional Weeks (D-Day; E-Evening; &/or Weekend-W)	Academic Credit: <input type="checkbox"/> Quarter <input checked="" type="checkbox"/> Semester	Delivery Method** (residential; blended; or full distance)	Credential Awarded (Diploma, Certificate, or Type of Degree) Do not use abbreviations
Dental Assistance	720	N/A	720	28-32 /D & E		Residential	Certificate: Dental Assistance
Medical Assistance	720	N/A	720	28-32/D		Residential	Certificate: Medical Assistance
Pharmacy Technician	152	N/A	152	14-16/W		Residential	Certificate: Pharmacy Technician
Associate of Science in Biology	2775	1710	4485	Two years or 4 to 5 Trimesters (16-20 months)	Trimester /semester (15 weeks each)	Residential	AS in Biology Degree
Bachelor of Science in Biology	5070	3180	8250	Three Years or 8 Trimesters 32-36 months	Trimester /semester (15 weeks each)	Residential	BS in Biology Degree

**\*Recognized Outside Hours:** The 'Recognized Outside Hours' (i.e., student preparation, homework) column is NOT applicable to clock-hour only programs; thus, the column must be marked 'N/A', and the hours noted in the 'In Class Clock Hours' column and in the 'Total Clock Hours' column must be the same.

**IMPORTANT:** Recognized outside hours are based upon required academic clock-to-credit-hour conversions described in standard IV.G.1 of the ABHES Accreditation Manual. For institutions awarding credit for outside class hours will be

required to provide a detailed analysis of how these hours were derived, how they complement the given coursework, and how students benefit from the respective assignments during the on-site evaluation visit.

**\*\* Delivery Method:** See definitions in the Glossary of the Accreditation Manual.

**IDENTIFY FOR EACH PROGRAM OFFERED THE APPROPRIATE SIX (6) DIGIT CLASSIFICATION OF INSTRUCTIONAL PROGRAMS (CIP) CODE PER THE U.S. DEPARTMENT OF EDUCATION. TO VIEW LIST OF CIP CODES, [CLICK HERE](#).**

*(Hover then click on the plus sign [ + ] at bottom right corner of the table below to add more rows.)*

Program Name	CIP Code
Dental Assistance	51.0601
Medical Assistance	51.0801
Pharmacy Technician	51.0805
Associate of Science in Biology	26.0101
Bachelor of Science in Biology	26.0101

## 7. INITIAL APPLICANTS ONLY: ADDITIONAL PROGRAM INFORMATION

Initial applicants are required to evidence that it has been continuously providing instruction as an institution for at least the prior two years and has enrollment in the program(s) to be included in the grant of accreditation.

*(Hover then click on the plus sign [ + ] at bottom right corner of the table below to add more rows.)*

MAIN CAMPUS					
Program Name	Current program enrollment	Date of last graduating class	# of program graduates	Program Enrollment July 1, 2016 - June 30, 2017	Program Enrollment July 1, 2015 - June 30, 2016
Dental Assistance	7	08/19/17	12	18	09
Medical Assistance	15	08/19/17	18	28	21
Pharmacy Technician	6	08/19/17	39	49	23
AS in Biology	0	08/19/17	03	11	06
BS in Biology	0	08/20/16	04	02	05

**NOTE TO INITIAL APPLICANTS:** For programs with no enrollment at the time of the on-site visit will be considered inactive and will not be reviewed or included in the accreditation process despite the programs being approved by other oversight agency(ies). Upon receipt of an initial grant of accreditation, the institution may then apply at that time for new program approval per Chapter III, Section B of the Accreditation Manual. Any inactive programs must remain inactive throughout the initial accreditation process and should also be removed from any publications, or at a minimum indicate that such programs are no longer accepting enrollments.

**A. MEDICAL ASSISTING, MEDICAL LABORATORY TECHNOLOGY AND/OR SURGICAL TECHNOLOGY:**

**Initial Applicants only**, complete table below if there have not been graduates from the following programs: Medical Assisting, Medical Laboratory Technology and/or Surgical Technology.

*(Hover then click on the plus sign [ + ] at bottom right corner of the table below to add more rows.)*

Program Name	Date when students are anticipated to complete 50% of the program or 25% of the core coursework	Date when students are to start clinical/externship
N/A		

**B. PROGRAM(S) IN TEACH OUT**

**Initial Applicants only**, complete the table below if any of the programs listed in the Program Information Chart are being discontinued (i.e., in teach out and/or is no longer enrolling students).

Not Applicable – No programs are being discontinued at this time.

*(Hover then click on the plus sign [ + ] at bottom right corner of the table below to add more rows.)*

Program Name	Total Clock Hours	Academic Credits: <input type="checkbox"/> Semester <input checked="" type="checkbox"/> Quarter	AS degree	Credential Awarded	Date Ceased Enrollment	Current Program Enrollment	Projected Date of Last Graduate
AS in Biology		64		AS degree	Fall 2017	0	N/A

## 8. ABHES WORKSHOP:

Has a representative employed by the institution from each applicable campus attended an ABHES Accreditation Workshop within the past 12 months? (See Chapter III of the Accreditation Manual for details regarding the Accreditation Workshop attendance policy).

Yes  No

If no, see the listing of upcoming workshops and to register online at [ABHES Workshop Listing](#)

If yes, identify participants in the table below:

(Hover then click on the plus sign [ + ] at bottom right corner of the table below to add more rows.)

Attendee Name	Title	Campus (City & State)	Date of Workshop Attended
Mohammad A. Siddiqi	Dean of Academic and Student Affairs	Northwest Suburban College(Rolling Meadows, Illinois)	April 13, 2018 McLean, VA

## 9. OWNERSHIP/MANAGER (CEO, ADMINISTRATORS) ATTESTATION

The following questions pertain to owners and/or managers (CEO, administrators):

A. HAS ANY OWNER OR MANAGER BEEN DIRECTLY OR INDIRECTLY EMPLOYED OR AFFILIATED WITH ANY SCHOOL WHICH HAS LOST OR BEEN DENIED ACCREDITATION BY ANY ACCREDITING ORGANIZATION DURING THAT INDIVIDUAL'S PERIOD OF EMPLOYMENT OR AFFILIATION?

Yes  No

If yes, attach a statement to this application which details the facts and circumstances surrounding that school's loss or denial of accreditation.

B. HAS ANY OWNER OR MANAGER BEEN DIRECTLY OR INDIRECTLY EMPLOYED OR AFFILIATED WITH ANY SCHOOL THAT HAS CLOSED WITHOUT APPROPRIATELY COMPLETING THE EDUCATION OR TRAINING PROGRAM FOR ALL ENROLLED STUDENTS (E.G., AN ORDERLY TEACH-OUT PLAN/AGREEMENT) OR ENTERED INTO BANKRUPTCY DURING THAT INDIVIDUAL'S PERIOD OF EMPLOYMENT OR AFFILIATION?

Yes  No

If yes, attach a statement to this application which details the facts and circumstances surrounding that school's closure, bankruptcy or both as applicable.

C. HAS ANY OWNER OR MANAGER BEEN DIRECTLY OR INDIRECTLY EMPLOYED OR AFFILIATED WITH ANY SCHOOL THAT HAS LOST OR BEEN DENIED ELIGIBILITY TO PARTICIPATE IN FEDERAL STUDENT FINANCIAL AID PROGRAMS, INCLUDING THOSE UNDER TITLE IV OF THE HIGHER EDUCATION ACT?

Yes  No

If yes, attach a statement to this application which details the facts and circumstances surrounding the loss or denial of Title IV eligibility.

D. IS ANY ACTION PENDING (E.G. COURT ACTION, AUDIT, INQUIRY, REVIEW, ADMINISTRATIVE ACTION), OR HAS ACTION BEEN TAKEN, BY ANY COURT OR ADMINISTRATIVE BODY (E.G. FEDERAL OR STATE COURT, GRAND JURY, SPECIAL INVESTIGATOR, U.S. DEPARTMENT OF EDUCATION, OR ANY STATE AGENCY), AS TO ANY OWNER OR MANAGER?

Yes  No

*If yes, attach a statement to this application which gives full disclosure of the person(s) and the matters involved. Include a statement of the facts and circumstances surrounding the action identifying the matter (i.e., still under investigation, preliminary decision under appeal, etc.) and the position taken by the owner or manager involved. If the matter is final, provide a copy of the final action documentation.*

E. HAS ANY OWNER OR MANAGER SERVED IN A SIMILAR CAPACITY IN ANY OTHER SCHOOL WHERE EITHER THAT INDIVIDUAL OR THE SCHOOL HAS BEEN CHARGED OR INDICTED IN A CIVIL OR CRIMINAL FORUM OR PROCEEDING ALLEGING FRAUD, MISAPPROPRIATION, OR ANY CRIMINAL ACT?

Yes  No

*If yes, attach a statement to this application which gives full disclosure of the person(s) and the matters involved. Include a statement of the facts and circumstances surrounding the action identifying the owner or manager and the school which is involved. If the matter is not yet final, describe the procedural status of the matter (i.e., still under investigation, preliminary decision under appeal, etc.) and the position taken by the owner or manager involved. If the matter is final, provide a copy of the final action documentation.*



## 10. CONFIRMATION AND SIGNATURE

*I certify that to the best of my knowledge and belief, the information herein and attached hereto is accurate and correct. I certify that I understand that it is the school's responsibility to demonstrate compliance with the ABHES Accreditation Standards as outlined in the **Accreditation Manual** and that the Commission's deliberations and decisions are made on the basis of the written record and are therefore dependent on the forthrightness of the school in disclosing all information that ABHES has requested in this application.*

*I understand that failure to validate the information provided herein and attached hereto this application may result in a delay and/or the Commission taking a negative action.*

Authorized Institutional Representative (Original) Signature: 

Date: Friday, May 4, 2018

*INTIAL APPLICANTS: As an initial applicant, I understand that this application is valid for a period of two years. If the institution revises any of the program(s) and/or information identified on this application, specifically each program length in clock hours, weeks, and/or credits; credential awarded; method of delivery; or changes its location and/or legal status, ownership, or form of control mid accreditation process, specifically after an on-site team visit has been conducted and prior to an initial grant of accreditation being awarded, the accreditation process will be delayed pending an additional on-site review for Commission consideration, whereupon re-application and fee may be required.*

Authorized Institutional Representative (Original) Signature: 

Date: Friday, May 4, 2018

# APPLICATION SUBMISSION INSTRUCTIONS

## INITIAL APPLICANTS ONLY

If applying for an initial grant of institutional accreditation, the following must accompany this completed *Application for Institutional Accreditation*:

- Application Addendum for each non-main or satellite campus assigned to the main campus, if applicable;
- A copy of the approval letter(s) from the state and any other agency(ies), where the institution (main, non-main, and/or satellite campuses) operates, preferably with the name of each program and its approved program length;
- A current school catalog;
- Completed and signed (with original signature) Ownership Disclosure Form;
- Copy of Current Business License (excluding state/community colleges and hospital-based institutions/programs);
- Audited\* or Reviewed Financial Statement for last fiscal year;
- Additional information and/or explanation regarding applicable attestation disclosures stated within the Application; and
- Application fee payment. Payment must be in the form of a check made payable to ABHES. For application fee details, view *Fees Appendix of the **Accreditation Manual***. A separate application fee is required for each main, non-main, and/or satellite campus location.

**\*NOTE:** An institution will also be required to submit the most current audited financial statement by June 30 or December 30<sup>th</sup> depending on the Commission meeting where school is to be considered. A grant of accreditation will be contingent upon receipt, review and approval of a current audited statement.

**ABHES requires that this application along with noted attachments are submitted electronically via e-mail to [applications@abhes.org](mailto:applications@abhes.org). All documents must include the required original signatures where applicable.**

For **each** email attachment, a separate file should be made and appropriately labeled (see screenshot). The total number of attachments is dependent on the application plus the number of exhibits to accompany the application.

**Each attachment/file should be named according to its content (e.g., "Application", "Non-Main Campus Addendum", "Ownership Disclosure Form", "Catalog", "Reviewed Financial Statement", etc.).**

### Name

-  1 ABC Healthcare College - Institutional Application for Accreditation
-  2 ABC Healthcare College - Application Addendum
-  3 ABC Healthcare College - State Approval Letter
-  4 ABC Healthcare College - School Catalog 2018
-  5 ABC Healthcare College - Ownership Disclosure Form
-  6 ABC Healthcare College - Business License
-  7 ABC Healthcare College - Financial Statement
-  8 ABC Healthcare College - Other Attachments



If you have any questions regarding this application, contact India Tips, Assistant Executive Director at 703-917-9503 or [itips@abhes.org](mailto:itips@abhes.org).

# **EXHIBIT C**

From: **Dr. M. T. AliNiasee** <[president@nwsc.edu](mailto:president@nwsc.edu)>  
Date: Thu, Apr 5, 2018 at 6:07 PM  
Subject: Re: ABHES Accreditation Inquiry  
To: India Tips <[ITips@abhes.org](mailto:ITips@abhes.org)>

April 5, 2018

Dear Miss Tips:

Thank you much for your prompt reply to our inquiry regarding accreditation with ABHES. You have laid out the process very clearly and we highly appreciate this clarity.

We understand your concern regarding the length of our current Pharmacy Technician program. Dr. Tishchenko, therefore, has developed a modified Pharmacy Technician program with 600 clock hours. This program will be submitted to the state authorities for approval during the next few weeks, and we will seek your accreditation for this modified program along with our Medical Assistant and Dental Assistant programs. We also would like to explore the possibility of your accreditation for our AS in Biology and BS in biology programs, both of which are directed towards healthcare. I presume that you grant accreditation to undergraduate programs at AS and BS levels.

Once again thank you for your assistance in NWSC's accreditation process.

On Thu, Apr 5, 2018 at 5:10 PM, India Tips <[ITips@abhes.org](mailto:ITips@abhes.org)> wrote:

Hello Dr. AliNiasee,

Thank you again for your interest in seeking ABHES accreditation.

This is to confirm that ABHES does not provide “approval” for an institution to submit an Application for Accreditation. Once an institution is able to evidence that it meets the eligibility requirements as outlined in Chapter II of the Accreditation Manual, it must submit a completed application packet in accordance with the published instructions posted on our website at <https://www.abhes.org/applyforinstitutional>.

As I mentioned to Dr. Tishchenko via email on April 3, 2018 (attached), detailed information would need to be provided about the circumstances for which ACICS decided to withdraw its accreditation as identified by ACICS. In addition to your description below, you must provide copies of all correspondence from ACICS relative to the loss of your institution’s accreditation. You will also need to submit the below description with the completed Application for Institutional Accreditation as a formal addendum per the Application.

Again, I would like to reiterate the concern about the length of the pharmacy technician program. ABHES has a separate program chapter for pharmacy technician programs and it would be quite difficult for your institution to evidence that its ‘152-hour’ pharmacy technician program would be successful in evidencing that the program at that length would incorporate all of the required

competencies. A typical clinical experience alone would likely exceed 152 hours. My suggestion here would be that you explore the option of seeking approval to expand the program length to ensure that it can meet the pharmacy tech standards in chapter VIII.PHT. This is not an eligibility requirement that would prohibit the institution from applying; however, ABHES accreditation is based upon 100% compliance with every standard for every program offered.

As for the ABHES timeline, ABHES requires that an institution first submit its completed application packet. Upon acceptance of the Application, the institution will be provided the SER for completion. At this time, any applications received between now and July 31, 2018, will be processed and directed to submit a draft SER by November 1, 2018. It will then undergo a preliminary visit in the spring of 2019 for an opportunity to demonstrate substantial compliance and readiness to undergo a full team visit. Upon successful completion of the preliminary visit, the institution would then be directed to submit the final SER by May 1, 2019, for an on-site team visit to occur between August and early November for Commission consideration at its January 2020 meeting. **ABHES will not accept an SER without completing the proper steps of accreditation as outlined.**

To apply, please follow the published instructions posted on our website at <https://www.abhes.org/applyforinstitutional>. I would also recommend attending the Accreditation Workshop being held next Friday, April 13, 2018 if at all possible to learn more about the ABHES accreditation process. For details and to register, visit <https://www.abhes.org/content/show/123>.

Please feel free to contact me directly with any questions at (301) 802-6730.

Best regards,

*India Y. Tips*

*Assistant Executive Director*

*Accrediting Bureau of Health Education Schools (ABHES)*

*7777 Leesburg Pike, Suite 314 North*

*Falls Church, VA 22043*

*(703) 917-9503 / Fax (703) 917-4109 / [www.abhes.org](http://www.abhes.org)*

**MARK YOUR CALENDAR!** ABHES' 16th Annual National Conference on Allied Health Education will be held Wednesday through Friday, February 20 - 22, 2019, being held at the Westin Savannah Harbor Golf Resort & Spa located in Savannah, Georgia. **Registration to open October 2018.**

**This language contains information from the Accrediting Bureau of Health Education Schools which is confidential, proprietary and/or privileged. The information is intended to be for the exclusive use of the planned recipient. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately.**

**From:** Dr. M. T. AliNiaze [mailto:[president@nwsc.edu](mailto:president@nwsc.edu)]  
**Sent:** Thursday, April 05, 2018 1:01 PM  
**To:** India Tips <[ITips@abhes.org](mailto:ITips@abhes.org)>  
**Cc:** Ahmadullah Siddiqi <[msiddiqi@nwsc.edu](mailto:msiddiqi@nwsc.edu)>; Liliya Tishchenko <[ltishchenko@nwsc.edu](mailto:ltishchenko@nwsc.edu)>  
**Subject:** Accreditation Request

April 5, 2018

(Via Email: [ITips@abhes.org](mailto:ITips@abhes.org))

TO:

Ms. India Y. Tips

Assistant Executive Director

Accrediting Bureau of Health Education Schools (ABHES)

[7777 Leesburg Pike, Suite 314 North](#)

Falls Church, VA 22043 (Ph. 703-917-9503)

CC: Kareem M. Irfan, Esq.

Executive Vice-President - NWSC

([KIrfan@nwsc.edu](mailto:KIrfan@nwsc.edu))

**Sub: NWSC request to file Accreditation application with ABHES**

Dear Miss Tips:

On behalf of Northwest Suburban College (NWSC), I take this opportunity to thank you for your prompt and informative reply to our Director of Allied Health Programs, Dr. Liliya Tishchenko MD, regarding accreditation of NWSC with ABHES.

**A: Background about NWSC:**

NWSC was founded in 2008 as a not-for-profit institution of post-secondary education in the Health Sciences arena. It applied first for necessary approvals to offer allied healthcare courses in Medical Assisting, Dental Assisting, EKG, Phlebotomy, and Pharmacy Technician programs. These programs were approved by the Illinois Board of Education in 2009 and the classes were started immediately. In 2011, the college was approved for granting associate of science degree in biology and an associate of applied science in physical therapy assistant program. Later in 2012 it was granted authority to grant BS degrees in biology and chemistry.

Currently, the college offers certificates in Medical Assistant, Dental Assistant, and Pharmacy Technician along with an associate of science in biology, which is an applied program that serves important healthcare needs. All these programs are focused towards providing high-quality health-sciences education at affordable cost to students. We are currently approved by the US Dept. of Education for Federal Financial Aid (FAFSA approved).

#### B: NWSC Accreditation history:

NWSC was initially accredited by ACICS in August of 2014. They were thrilled to have NWSC as we were among only a hand-full of non-profit schools accredited by them. During their initial visit in the summer 2014, we had clearly indicated that we were approved for a BS in biology and chemistry and were ready to offer the program. Their response was that NWSC should apply for a higher degree approval and ACICS would provide approval within 30 days provided our initial cohort is ready to graduate. We were, therefore, accredited for our 720 clock-hour Medical Assistant, 720 clock-hour Dental Assistant and 64 credit-hour Associate of Science in Biology programs. In the summer 2016, we applied for higher degree approval for our BS programs. By this time ACICS was facing serious issues with the US DOE about their accreditation authority; they were unable to process and approve our BS programs and 8 months later in February of 2017, ACICS gave us a show-cause notice asking us to stop our BS programs - of course, we immediately complied.

In December 2016, US DEO had pulled the recognition of ACICS. NWSC was seriously concerned about their accreditation authority and the resultant impact on our FAFSA approval. Hence, we informed ACICS that we would be looking for alternate accreditation. Upon their repeated inquiries to apply for renewal with them, we were firm in our decision not to seek renewal with ACICS. At this point, in early June 2017, ACICS conducted a surprise quality-assurance visit and started to question a 300 level undergraduate course we were offering - and which was approved by them initially in 2014 - as a basis to assert that we had not complied with their directive to stop BS offerings.

It seemed to us that because ACICS was facing total extinction in view of the DOE directive against their accreditation authority, they were looking to shore up their dropping credentials by showing extra-strong enforcement against a few 'scapegoat' institutions like NWSC! Based on their un-substantiated assertion regarding our BS offerings and some other superficial issues (such as NWSC not having a full-time Admissions Director or Financial Aid Director, even though we had adequately-assigned responsibilities for these roles), ACICS moved ahead with processes to suspend the college's accreditation based on what NWSC believed to be incorrect bases and possibly discriminatory grounds. Interestingly, all this started after we had clearly indicated to them that we would not renew our accreditation with ACICS beyond December 2016. ACICS withdrew their accreditation by suspension on August 9, 2017. Believing strongly that this action was arbitrary and unjustified, NWSC vigorously pursued an appeal. Despite a thoroughly-substantiated and documented defense presented by NWSC at the Appeal Hearing, the appeal panel selected by ACICS ruled for ACICS within hours of our defense. We at present, therefore, have no accreditation.

#### C: NWSC is a good-fit for ABHES accreditation:

After looking around for alternative accrediting agencies, NWSC feels strongly that ABHES is a good fit for us as we are a health sciences school. NWSC has a proven record as a **high-quality institution dedicated to cost-effective educational service to the diverse community of American students seeking affordable life-transforming education**; we have graduated over 600 students in the healthcare field. As a founder of this non-profit institution, and an educator with decades of hands-on experience with higher-education, my life-long passion and driving aim is to serve the needy and disadvantaged of our society. I and our dedicated NWSC team are focused on our health-sciences education mission with a sharp focus on service to deserving students.

Keeping all the above factors in mind, NWSC would like to join the ABHES community with pride and commitment. I request your approval for NWSC to submit our accreditation application with ABHES as soon as possible so that we can submit our SER by May 1, 2017.

Thank you and we looking forward to hearing from you soon.

Best regards,

Dr. M. T. AliNiasee, Ph.D.

President Northwest Suburban College

[5999 S.New Wilke Rd](http://www.nwsc.edu), Bld# 500

Rolling Meadows, IL, 60008

Website: [www. nwsc.edu](http://www.nwsc.edu) Phone#: (847)290-6425





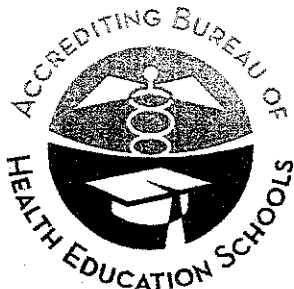
# **EXHIBIT D**

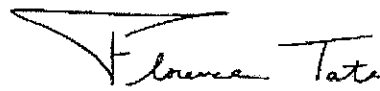
ABHES ACCREDITATION WORKSHOP  
**CERTIFICATE OF COMPLETION**

THIS CERTIFICATE IS AWARDED TO

**MOHAMMAD SIDDIQI**  
NORTHWEST SUBURBAN COLLEGE  
ROLLING MEADOWS, ILLINOIS

*This certificate serves as evidence that the individual above has successfully completed accreditation training. This individual has been formally trained on the Bureau's standards, expectations relative to student and program outcomes, and procedures in preparation for the evaluation process.*



  
\_\_\_\_\_  
Executive Director

April 13, 2018  
Date

**STATE OF ILLINOIS  
ILLINOIS BOARD OF HIGHER EDUCATION  
OFFICE OF ADMINISTRATIVE HEARINGS**

ILLINOIS BOARD OF HIGHER )  
EDUCATION, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
NORTHWESTERN SUBURBAN )  
COLLEGE OF BASIC AND ALLIED )  
HEALTH SERVICES, )  
 )  
Defendant. )

Hearing Officer: Joseph Cavanaugh

**THE ILLINOIS BOARD OF HIGHER EDUCATION’S MOTION TO STRIKE  
OR DISMISS THE MOTION FOR RECONSIDERATION OF NORTHWEST  
SUBURBAN COLLEGE OF BASIC AND ALLIED HEALTH SERVICES**

The Illinois Board of Higher Education (hereinafter “IBHE”), by and through its attorneys, Burke Burns & Pinelli, Ltd., hereby files, pursuant to Section 2-615 of the Illinois Code of Civil Procedure, its Motion to Strike or Dismiss the Motion for Reconsideration of Northwest Suburban College of Basic and Allied Health Services, and in support thereof, IBHE states as follows:

**INTRODUCTION**

On May 9, 2018, the Defendant filed a Motion for Reconsideration (the “Motion”) in this matter, in which it asks this Tribunal to reverse its previous rulings against the Defendant based entirely on new evidence. The Defendant’s Motion should be stricken or dismissed, pursuant to Section 2-615, as insufficient at law, and as a transparent attempt to prejudice IBHE on appeal by getting into the record evidence that was not before this Tribunal at the time of its

ruling. In the alternative, IBHE seeks an order dismissing Defendant's Motion for Reconsideration.<sup>1</sup>

### ARGUMENT

Under Section 2-615, a pleading or portion thereof may be stricken because it is substantially insufficient in law, or that the action be dismissed, or that a pleading be made more definite and certain in a specified particular, or that designated immaterial matter be stricken out. 735 ILCS 5/2-615.

#### **I. DEFENDANT'S MOTION FOR RECONSIDERATION SHOULD BE STRICKEN OR DISMISSED BECAUSE IT IS INSUFFICIENT AT LAW IN THAT IS HAS NOT PROVIDED NEWLY DISCOVERED EVIDENCE THAT WAS NOT AVAILABLE AT THE TIME OF THE HEARING**

In Illinois, it is well-settled that a motion to reconsider may be brought solely upon the following grounds: (1) newly discovered evidence not available at the time of the hearing; (2) changes in the law; or (3) errors in the court's previous application of the existing law. *O'Connor v. County of Cook*, 337 Ill. App. 3d 902, 910 (1st Dist. 2003); and *North River Insurance Co. v. Grinnell Mutual Reinsurance Co.*, 369 Ill. App. 3d 563, 572 (1st Dist. 2006). It is also well-settled that any newly discovered evidence must have existed before the initial trial or hearing. *Stringer v. Packaging Corp. of America*, 351 Ill. App. 3d 1135, 1141 (2004).

In this case, the Defendant does not argue that it deserves reconsideration based on changes in the law or errors in the court's previous application of the existing law. Instead it bases its entire Motion on alleged "newly available evidence" not available at the time of the hearing. It is clear from the Motion, however, that Defendant has simply responded to the Tribunal's final decision in this matter by going out and obtaining new evidence while trying to

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<sup>1</sup> IBHE also has filed a Motion for Reconsideration in this matter. However, IBHE's Motion for Reconsideration argues for reconsideration strictly based on misapplication of law and does not seek to introduce new evidence.

claim that it is “newly available” so as to meet the strict requirements for a petition for reconsideration. In *Stringer*, the Court held, “[t]rial courts should not permit litigants to stand mute, lose a motion, and then frantically gather evidentiary material to show the court erred in its ruling.” *Id.* The policy behind granting a motion for reconsideration only if a petitioner can show that the newly discovered evidence existed but not available at the time of hearing is obvious. If parties were allowed to introduce new evidence, that did not exist at the time of hearing, after a hearing or trial had concluded, litigation would be a never-ending cycle.

Nonetheless, Defendant argues in its Motion that its purported application to Accrediting Bureau of Health Education Schools (hereinafter “ABHES”) should be considered “newly available” evidence because it had not submitted an application to ABHES at the time of the hearing, and, thus, it was unavailable at the hearing. (Defendant’s Motion for Reconsideration, pg. 5). As the Court held in *Stringer*, however, *newly discovered evidence* must have *existed* before the trial or hearing. (emphasis added). *Id.* Since Defendant admits that it had not submitted an application to ABHES at the time of hearing, this evidence did not exist before trial. Thus, it cannot be considered newly-discovered evidence.

Even assuming, *arguendo*, that Defendant’s application to ABHES could be considered new evidence, the Tribunal would still have to strike or dismiss it on the basis that this newly available evidence is irrelevant. The simple fact is that despite Defendant’s effort to apply for accreditation Defendant, remains unaccredited.

While Defendant has offered evidence that it has submitted an application to ABHES, it has *not* offered any evidence that ABHES has accepted its application. It is important to note that pursuant to ABHES’ procedures it must first accept an application before it will work with an institution. ABHES clearly states in its email to Defendant that “[u]pon acceptance of the

Application, the institution will be provided the SER [Self Evaluation Report]<sup>2</sup> for completion.” (Defendant’s Motion for Reconsideration Exhibit C pg. 2). Defendant includes a Certificate of Completion for an ABHES workshop; however this is not proof that ABHES accepted Defendant’s application. According to ABHES’ website, these workshops are offered to any institution seeking information about ABHES’ accreditation process<sup>3</sup> and does not in any instance signify acceptance of an application. As such, this alleged “newly available evidence” is nothing more than an attempt to include irrelevant information into the record and should be stricken.

Additionally, Defendant alleges that is it has undergone \$750,000 in infrastructure improvements without providing any evidence to that fact. This information is irrelevant and has no bearing on the matter at hand. Furthermore, Defendant has not provided any bills or receipts for this alleged infrastructure work and fails to specify the period of time in which these alleged improvements occurred. This “evidence” is purely speculative and should be stricken.

**II. DEFENDANT’S MOTION FOR RECONSIDERATION SHOULD BE STRICKEN OR DISMISSED BECAUSE IT WOULD BE PREJUDICIAL TO IBHE TO ALLOW IRRELEVANT INFORMATION INTO THE RECORD**

If this Tribunal were to consider this “newly available evidence” the IBHE would be severely prejudiced because 1) the “newly available evidence” is irrelevant, and 2) the IBHE has not had the opportunity to cross-examine the Defendant. Furthermore, it will allow Defendant to improperly introduce 20 pages of additional irrelevant information into the record. In *Lombardo v. Reliance Elevator Co.*, 315 Ill. App. 3d 111, 121-22 (2000), the Court held that it was reversible error to allow the presentation of new evidence that avoids evidentiary constraints and cross-examination. The “newly available evidence” presented here is irrelevant and should be

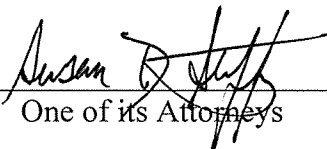
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<sup>2</sup> See <https://www.abhes.org/content/show/129>.

<sup>3</sup> *Id.*

stricken or at the very least the IBHE should be given the opportunity to cross-examine the Defendants as to these matters.

WHEREFORE, the IBHE respectfully requests this Tribunal to enter an Order striking Defendant's Motion for Reconsideration, including its exhibits from the record, or, in the alternative, dismissing with prejudice Defendant's Motion for Reconsideration for all the reasons stated herein and, and for such other relief as this Tribunal deems appropriate.

By:   
One of its Attorneys

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**ILLINOIS BOARD OF HIGHER EDUCATION**

**V.**

**NORTHWEST SUBURBAN COLLEGE  
OF BASIC AND ALLIED HEALTH SCIENCES**

**RESPONSE OF NORTHWEST SUBURBAN COLLEGE  
IN OPPOSITION TO IBHE’S MOTION TO RECONSIDER**

Northwest Suburban College of Basic and Allied Health Sciences (NWSC) respectfully submits this response in opposition to the *Motion to Reconsider Hearing Officer’s Findings and Recommendations Dated April 13, 2018* submitted on behalf of the Illinois Board of Higher Education (IBHE). In its Motion, IBHE contends that it is required under the mandatory requirements of the Illinois Administrative Code (the “Code”) to revoke the operating and degree-granting authority of NWSC. But, as explained below, this is simply not supported by the clear language of the Code. Additionally, IBHE’s interpretation would prevent IBHE from having any discretion, create absurd results and render the statutory procedures related to revocation of authority meaningless. IBHE’s Motion also claims the Hearing Officer erred when he reviewed materials *IBHE provided* to him. This makes little sense, especially in light of the informal nature of the administrative hearing and because the Hearing Officer’s recommendation does not turn on the information provided in the materials in question.

**I. Interpretation of the Code**

Before addressing the arguments in IBHE’s Motion, it is important to understand the issues which IBHE identified as the subject of its hearing regarding NWSC.

**Hearing Issues**

1. *Failure to maintain the conditions under which the institution and/or its degrees were authorized 1030.80(b)(5)(A)*



2. *Failure to offer degrees or instruction for one continuous 12-month period.*  
1030.80(b)(5)(A)

3. Loss of accreditation 1030.30(a)(2)(B)

NWSC's Hearing Exhibit 2, Notice of Hearing (dated Feb. 1, 2018) (*italics in original*).

Even though the Hearing Notice stated its purpose was to assess a "possible" revocation, IBHE claims that because NWSC is not currently accredited it has no choice but to revoke NWSC's operating and degree authority as mandated by the Code. *See* IBHE's Closing Summary (Mar. 13, 2018) (asserting the Code does not permit a "gap" in accreditation); NWSC's Hearing Exhibit 3 (Letter from IBHE Executive Director to NWSC's legal counsel, asserting "the Rules do not permit any gap in accreditation" (Feb. 19, 2018)). But, based on the plain language of the Illinois Administrative Code and the March 6 hearing testimony, the Hearing Officer found this not to be the case and recommended IBHE allow NWSC to maintain its operating authority, as well as degree authority for its Associate Degree in Biology. *See IBHE v. NWSC*, Hearing Officer's Findings and Recommendation (April 13, 2018) ("*Findings & Recommendation*") at 11. Further, the Hearing Officer recommended that IBHE establish a reasonable time frame in which NWSC may seek to obtain a new accreditor. *Id.*

In its Motion to Reconsider, IBHE argues the Hearing Officer's finding that IBHE has "discretion in this case to decide whether or not to revoke NWSC's authority to operate" is reversible error. IBHE Motion at 2. Claiming its hands are tied by the Illinois Administrative Code, IBHE asserts the Hearing Officer is wrong because it is required by the Code to revoke operating and degree-granting authority because NWSC lost its accreditation and is not currently accredited. Yet, the Code does not support this notion. In an effort to make it so, IBHE's

Motion attempts to contort the Code language in Sections 1030.30 and 1030.80 to fit its purpose, but these efforts simply fall flat. NWSC discusses each of these sections in detail below.

**A. Section 1030.30: Institutional Approval**

**IBHE’s Argument that it must revoke operating and degree-granting authority due to “loss of accreditation” pursuant to Section 1030.30 must fail. As conceded by IBHE, Section 1030.30 does not even apply to NWSC.**

As set forth above, one of the three hearing issues was whether NWSC’s operating and degree authority should be revoked because of its loss of accreditation pursuant to Section 1030.30(a)(2)(B). *See* NWSC’s Hearing Exhibit 2. This Section of the Code states the following.

**Section 1030.30 Institutional Approval**

The following general rules apply to institutions *seeking* ... Authorization to Operate.

a) Criteria for Evaluation of the Application for ... Authorization to Operate....

2) During review for operating authority, Board staff *will consider*...

B) Loss, suspension, probation or similar adverse action taken by an accrediting body with the institutions is or was affiliated.

23 Ill. Admin. Code § 1030.30(a)(2)(B) (emphasis added)

As is apparent from the clear language above, Section 1030.30 of the Code is not even applicable to the situation at hand. Section 1030.30 only applies to institutions *seeking* authorization to operate, not institutions that already have authorization. Significantly, IBHE concedes this point in its Motion, stating “Section 1030.30, which is titled ‘Institutional Approval,’ deals only with institutions seeking initial approval.” IBHE Motion at 4. Thus—even though IBHE is seeking reconsideration—IBHE actually agrees with the Hearing Officer’s viewpoint on 1030.30. Like IBHE, the Hearing Officer found Section 1030.30 “specifically addresses institutions applying for operational authority...” *Findings & Recommendation* at 6. The Section does not apply to

situations where IBHE is seeking to revoke that authority. Even more to the point, it is undisputed that NWSC already achieved operating authority, making 1030.30 inapplicable. *Id.* (1030.30 “specifically addresses institutions applying for operational authority, which the record shows NWSC already achieved.”); *see also* Exhibit A, Tr. 45:21-23 (Testimony of Dr. Stephanie Bernoteit of IBHE) and Tr. 61:4 (Testimony of Dr. Mohammed AliNiazee of NWSC).

Moreover, even if Section 1030.30 did apply (which it does not), the language of the Section makes clear its discretionary nature, by stating “2) During review for operating authority, Board staff will *consider* ... B) Loss ... by an accrediting body with which the institution is or was affiliated.” 23 Ill. Admin. Code § 1030.30(a)(2)(B) (emphasis added). The plain meaning of “consider” in this Section means that when deciding whether to initially authorize operating authority to an institution, IBHE will “think about” or “take into account” whether the institution has experienced a loss of accreditation.<sup>1</sup> *See People v. Perry*, 864 N.E.2d 196, 204, 224 Ill.2d 312, 323 (Ill. 2007) (noting the most reliable indicator of statutory intent is the plain meaning of the statutory language). Nothing about the plain language of Section 1030.30 can be extrapolated to mean that it: 1) applies to the instant revocation hearing; and/or 2) requires mandatory revocation when an institution that already has operating authority subsequently loses accreditation. Tellingly, IBHE’s Motion does not even attempt to argue these two points as it understands the inapplicability of 1030.30 to the current situation. For this reason, the Hearing Officer’s finding and recommendation that NWSC’s loss of accreditation cannot serve as the rationale for revoking its operating authority under Section 1030.30 must stand.

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<sup>1</sup> Definition of “consider” Merriam-Webster Dictionary at <https://www.merriam-webster.com/dictionary/consider> (as of May 23, 2018).

**B. Section 1030.80: Maintenance of Authorization to Operate and/or Grant Degrees**

Next, IBHE contends the Hearing Officer got it wrong when he concluded IBHE's ability under Section 1030.80(b)(5)(A) to revoke NWSC's operating and degree-granting authority is discretionary (not mandatory). To support this premise, IBHE makes a new legal argument based on Section 1030.80(b)(5)(A)(vi), which notably was not in effect when IBHE initiated the NWSC hearing. Furthermore, IBHE relies on a strained reading of Section 1030.80 which ignores the plain meaning of the statutory language and renders other portions of the Section meaningless.

- 1. IBHE is barred from raising a new legal argument related to "loss of accreditation" under Section 1030.80(b)(5)(A)(vi) as this provision was not the subject of the hearing.**

In its Motion, IBHE relies on Section 1030.80(b)(5)(A)(vi) for its argument (*see* IBHE Motion at 3), but this is problematic as this was not the subject of the hearing. To be precise, on December 12, 2017, IBHE approved the appointment of a hearing officer to review the possible revocation of NWSC's authority under Section 1030.80(b)(5)(A)(ii) and (iii) for: *Failure to maintain the conditions under which the institution and/or its degrees were authorized* and *Failure to offer degrees or instruction for one continuous 12-month period*. *See* Exhibit B, Appointment of Hearing Officer Action at 411. At the time, a prior version of the Illinois Administrative Code was in effect. That version of the Code did not include "loss of accreditation" as a potential revocation ground.<sup>2</sup> *See* Exhibit C, 23 Ill. Admin Code § 1030.80 (in effect on Dec. 12, 2017). To consider this new ground now is wholly inappropriate as it went into effect *after* IBHE approved the potential grounds for the hearing. *See* Exhibit B. In addition, "loss of accreditation" under 1030.80(b)(5)(A)(vi) was not identified on the hearing

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<sup>2</sup> At the March 6, 2018 hearing IBHE's counsel noted that the Code had changed, but followed this by asking a question about the new version of the Code at Section 1030.80(b)(5)(A)(vi) which was not the subject of the hearing. *See* Exhibit A, Tr. 141-143.

notice which outlined the hearing issues.<sup>3</sup> See NWSC Hearing Exhibit 2. Moreover, it is well-settled that a Motion to Reconsider cannot be used to introduce a new legal theory. See *Jones v. Live Nation Entertainment, Inc. et al.*, 2016 IL App (1<sup>st</sup>) 152923 at ¶ 29. As a result, any new argument by IBHE in its Motion to Reconsider based on 1030.80(b)(5)(A)(vi) should not be considered as it is waived. *Id.*

**2. The plain language of Section 1030.80(b)(5)(A) makes clear that IBHE’s revocation authority is discretionary, not mandatory. Moreover, any other interpretation would cause absurd results.**

In its Motion to Reconsider, IBHE also relies on the case of *DuPage County Election Comm’n v. State Bd. of Elections*, 345 Ill. App.3d 200 (2003) for the idea that the legislative purpose for enacting Section 1030.80 makes clear that IBHE’s revocation authority is mandatory. IBHE Motion at 3. IBHE’s analysis, however, disregards key considerations.<sup>4</sup>

First, IBHE ignores that the *Dupage* case states the black letter law that “the best indicator of legislative intent is the plain language of the statute.” 345 Ill. App.3d at 206 (citation omitted). Here, the plain language of Section 1030.80(b)(5)(A) provides an illustrative list of potential revocation grounds by stating, “**Grounds** for revocation **include** . . .” Based on the plain meaning of the word “ground,”<sup>5</sup> the grounds listed may serve as a basis under which IBHE may take action, not an instance where IBHE must take action. Nothing supports IBHE’s contrary view. Plus, the inclusion of the word “include” makes clear that 1030.80(b)(5)(A) is simply an illustrative list of possibilities and not a finite list of grounds that mandate revocation. See, e.g., *People v. Perry*, 864 N.E.2d 196, 208, 224 Ill.2d 312, 331 (Ill. 2007) (“It is hornbook

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<sup>3</sup> IBHE moved for a hearing on potential revocation for loss of accreditation under 1030.30, not 1030.80. As mentioned in Section I.A., Section 1030.30 is inapplicable here.

<sup>4</sup> Much of IBHE’s analysis relates to the use of the word “may” in Section 1030.80(b)(2), however, this section is not the section under which IBHE is seeking revocation. Nonetheless, the use of the word *may* in 1030.80(b)(2) along with other discretionary language solidify the discretionary nature of 1030.80.

<sup>5</sup> Definition of “ground” Merriam-Webster Dictionary at <https://www.merriam-webster.com/dictionary/consider> (as of May 23, 2018) (notes that a ground is “a basis for belief, action or argument.”)

law that the use of the word *including* indicates that the specified list ...is illustrative, not exclusive.”) (citations omitted).

Second, not only does IBHE’s interpretation ignore the plain statutory language, its interpretation would lead to absurd results that must be avoided. *See Dupage*, 800 N.E.2d 1278 at 1284. IBHE’s interpretation of 1030.80(b)(5)(A) is that anytime one of the grounds listed under 1030.80(b)(5)(A) applies to an institution, IBHE has no choice but to withdraw operating and degree-granting authority. For example, under this reading, if an institution fails to maintain the conditions that were present when it was authorized, its authority must be revoked. *See* 23 Ill. Admin. Code § 1030.80(b)(5)(A)(ii). Consequently, if an institution moves locations or changes senior management from what was in place at the time it was authorized, this would mean IBHE must revoke its authority. Another example, is that revocation would be required if “any federal or state regulatory agencies or Offices of Attorneys General, Offices of Inspectors General ...” take any action against an institution. *Id.* at 1030.80(b)(5)(A)(vii) (effective Dec. 19, 2017). Based on IBHE’s strict interpretation, this would mean if the U.S. Department of Education decides to limit an institution’s participation in Federal Student Aid or an Office of the Inspector General makes a negative finding about an institution, the institution’s authority must be immediately revoked. These examples demonstrate that IBHE’s reading of the Code would create extreme and likely unwanted results which could have adverse consequences for higher education institutions in Illinois and the students they serve.<sup>6</sup> IBHE seemingly wants to act as it sees fit, disregarding the plain language of the Code and potential adverse consequences that go

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<sup>6</sup> This strict interpretation could result in negative consequences for institutions (e.g., <http://www.daily-chronicle.com/2017/05/31/oeig-report-niu-mismanaged-by-president-baker/ahv0nmv/> (as of May 23, 2018) (because this example relates to a public university it does not come under the relevant provision which governs private institutions, yet it demonstrates the broad scope of what IBHE is suggesting in its Motion)).

beyond the current matter. Per the law on statutory construction, this is unacceptable and cannot be permitted.

**3. IBHE's interpretation that its authority is mandatory (not discretionary) would render the provisions of Section 1030.80 related to *Procedures for Revocation* meaningless. Under the law, this interpretation cannot be upheld.**

Another reason IBHE's interpretation must fail is because it would render the hearing and related revocation procedures meaningless. *See* 23 Ill. Admin. Code Section 1030.80(b)(5)(B) (Procedures for Revocation). In other words, if IBHE has no discretion and revocation is mandatory if any of the grounds of 1030.80(b)(5)(A) are applicable, having a revocation hearing is a meaningless exercise. In this instance, even prior to the March 6, 2018 hearing, IBHE included in its Board Meeting packet for its March 2018 meeting an action item to approve the Hearing Officer's recommendations related to NWSC's revocation. *See* Exhibit D, Recommendation of Hearing Officer Re: Possible Reovcation (sic) of Operating and Degree Granting Authority—Northwest Suburban College of Basic and Allied Health Sciences (Item Deferred to Future Board Meeting).<sup>7</sup> Based on this fact, it seems IBHE may have considered the revocation hearing a *fait accompli* and assumed the Hearing Officer would recommend revocation of NWSC's authority. But, Illinois law prohibits any interpretation that results in rendering superfluous or meaningless statutory language. *See Dupage*, 800 N.E.2d 1278, 1283 (citation omitted). IBHE's interpretation would do just that as every hearing would be perfunctory for the purpose of affirming the forgone conclusion that IBHE has no choice but to withdraw an institution's authority.

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<sup>7</sup> *See also* IBHE website, March 13, 2018 Board Meeting, IV. Action Item 4, <https://www.ibhe.org/031318.html> (as of May 23, 2018).

For this reason, and the many others set forth above, IBHE's interpretation that its revocation authority is mandatory must be rejected and the Hearing Officer's finding that IBHE's authority is discretionary must be upheld.

## **II. Evidence Considered by the Hearing Officer**

Last, IBHE suggests that the Hearing Officer's recommendation is flawed because he relied on evidence that *IBHE provided* to him prior to the hearing related to NWSC's appeal of ACICS' decision to withdraw its accreditation. *See* IBHE Motion at 5-6. This is baffling. It is unclear why IBHE would provide materials to the Hearing Officer and then expect him to not review or consider those materials. This alone should prohibit IBHE from making this argument. Also, the *Procedures for Revocation* are extremely broad and appear to give the Hearing Officer great discretion. *See* 23 Ill. Admin. Code § 1030.80(b)(5)(B). Moreover, the materials considered by the Hearing Officer related to NWSC's ACICS accreditation do not appear to be critical to his findings and recommendation. Rather, his findings and recommendation focus on statutory interpretation and the testimony and exhibits supplied by the parties during the hearing. For example, the Hearing Officer's ultimate recommendation states that "NWSC has invested the time and effort necessary to reapply for accreditation." *Findings & Recommendation* at 11. This fact was not set forth in the materials at issue, but through NWSC's testimony during the hearing. Exhibit A, Tr. at 73-76 (Testimony of M. AliNiazee of NWSC); 122-123 (Testimony of Kareem Irfan of NWSC). Yet, IBHE complains about the Hearing Officer's review of the materials (that it provided) and claims the information was prejudicial, but provides no specifics regarding how the materials impacted the Hearing Officer's decision and offers no statutory support showing the Hearing Officer's consideration of the materials was error. IBHE's claim regarding the evidence considered by the Hearing Officer should be disregarded as meritless.



**CONCLUSION**

For the foregoing reasons, IBHE's Motion to Reconsider should be denied.

Dated: May 23, 2018

Respectfully Submitted,

HUSCH BLACKWELL, LLP

By: /s/Lisa J. Parker

Attorneys for Northwest Suburban College  
of Basic and Allied Health Sciences

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing **RESPONSE OF NORTHWEST SUBURBAN COLLEGE IN OPPOSITION TO IBHE'S MOTION TO RECONSIDER** was served electronically via email on IBHE's counsel on May 23, 2018.

/s/ Lisa J. Parker \_\_\_\_\_

# EXHIBIT A

ILLINOIS BOARD OF HIGHER )  
 EDUCATION, )  
 )  
 Plaintiff, )  
 )  
 -vs- )  
 )  
 NORTHWEST SUBURBAN )  
 COLLEGE, )  
 )  
 Defendant. )

Record of proceedings before JOSEPH J. CAVANAUGH, Administrative Hearing Judge, commencing at 1:45 o'clock p.m. on the 6th day of March, A.D. 2018 upon the above entitled caption.

A P P E A R A N C E S :  
 BURKE BURNS & PINELLI  
 MR. MARK JAMIL  
 MS. SUSAN D. STEFFY  
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on behalf of the Illinois Board of Higher Education;

HUSCH BLACKWELL  
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 on behalf of the Northwest Suburban College.

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1 HEARING OFFICER: Good afternoon to everybody.  
 2 My name is Joseph Cavanaugh, spelled  
 3 C-a-v-a-n-a-u-g-h, and I'll be presiding as a  
 4 hearing officer today in this matter.  
 5 This matter is the Illinois Board of Higher  
 6 Education, and it involves Northwest Suburban  
 7 College of Basic and Allied Health Services, and  
 8 this hearing is being conducted to determine the  
 9 possible revocation of the Northwest Suburban  
 10 College operating and degree authority, due to three  
 11 issues that have been set forth in the notice of  
 12 February 1st. And everyone has a copy of that  
 13 notice, I take it, or would you like me to indicate  
 14 for the record what it is?  
 15 MS. STEFFY: We have a copy.  
 16 HEARING OFFICER: Okay. Have you a copy of  
 17 that, and I imagine it might be introduced into  
 18 evidence as the notice from the Board.  
 19 So, what we're going to do is we're going  
 20 to proceed just like any other hearing or trial.  
 21 We'll have brief opening statements, regarding your  
 22 positions, and then the Board will go first with  
 23 evidence, and cross, and then we'll proceed with the  
 24 College's position on this case, and proceed along

1 potentially expand their mission at a later date.

2 HEARING OFFICER: I'm sorry, you used the term  
3 PVS, can you explain, for the record, what that is,  
4 because I don't know.

5 THE WITNESS: The term PBVS stands for private  
6 business and vocational schools. It is a category  
7 of post secondary education that the Board of Higher  
8 Education regulates for vocational training leading  
9 to a certificate or a diploma, but not a degree.

10 HEARING OFFICER: Okay. So that program wasn't,  
11 was something that you were offering for the  
12 programs that they had in existence, or was it  
13 something that would be helpful in the future?

14 THE WITNESS: At this time, Northwest Suburban  
15 College has authorization, through the Illinois  
16 Board of Higher Education, as a private business and  
17 vocational school, it offers a series of what I will  
18 call med tech kind of shorter term training  
19 programs. Those are not the subject of the hearing  
20 today.

21 They also hold degree granting authority  
22 and operating authority as a degree granting  
23 institution.

24 My recommendation, in the fall of 2017, to

1 Q And how did you find out that information?

2 A That information was shared with us via a  
3 letter from ACICS, and via communications on the  
4 ACICS website.

5 Q Okay. I'm going to show you what's been  
6 marked as Plaintiff's Exhibit B. I am tendering a  
7 copy to Counsel and to the Judge. And then this is  
8 just a copy.

9 Can you look at document?

10 A Yes.

11 Q Are you familiar with this document?

12 A Yes.

13 Q Can you tell me what this document is?

14 A This document is a letter from the  
15 Accrediting Council for Independent Colleges and  
16 Schools, dated November 16th, 2017, addressed to  
17 President Mohammed AliNiasee, of Northwest Suburban  
18 College, indicating that the ACICS Review Board of  
19 Appeals considered the College's appeal of the  
20 August 9th, 2017 decision by the Council to withdraw  
21 the institution's accreditation by suspension. And  
22 to affirm the previous decision of the Council.

23 Q And based on this information that you  
24 received from ACICS, what actions did the IBHE take?

1 the College is that they voluntarily relinquish that  
2 operating and degree granting authority. Focus  
3 their efforts on improving the administration of  
4 their PBVS programs, seek accreditation for their  
5 PBVS programs.

6 Under PBVS rules, accreditation,  
7 institutional accreditation is optional or not  
8 required, but that would be a healthy exercise for  
9 the school, in my professional opinion. And then  
10 return at a later date to seek a fresh operating and  
11 degree granting authorities.

12 HEARING OFFICER: Thank you.

13 MS. STEFFY: Q In August, so, in August of,  
14 August 9th, 2017, you received the letter in ACICS  
15 indicating that they withdrew. Was there any action  
16 taken by the IBHE after this letter was issued, or,  
17 I'm sorry, strike that.

18 Were you -- did NWSC appeal ACICS's  
19 withdrawal of suspension, to your knowledge?

20 A Yes.

21 Q And do you know the results of that appeal?

22 A I do know the result. ACICS denied the  
23 appeal, and affirmed withdrawal of or suspension of  
24 accreditation, effective November 16th, 2017.

1 A Based on the November 16th, 2017 decision,  
2 the IBHE communicated with the school and proceeded  
3 to prepare a request for our Board in their  
4 December 2017 meeting, to request the appointment of  
5 a hearing officer for the purposes of potential  
6 revocation of the College's operating and degree  
7 granting authorities.

8 Q And, again, and why, why is this, withdrawal  
9 of accreditation -- or strike that.

10 Move to admit Plaintiff's Exhibit B into  
11 evidence.

12 HEARING OFFICER: Any objection to B?

13 MS. PARKER: No. We're willing to stipulate,  
14 for the record, that the accreditation was lost. We  
15 do not dispute that whatsoever.

16 HEARING OFFICER: All right. So Plaintiff's  
17 Exhibit Number B will be admitted without objection.

18 MS. STEFFY: Okay. I think that's it for me.  
19 That's all, I'm done.

20 HEARING OFFICER: Okay. Cross-examination,  
21 Miss Parker.

22 MS. PARKER: Okay.  
23  
24

1 this case it's the same, because I'm confused about  
2 that. I thought you have to get operated and then  
3 degree granting authority?

4 THE WITNESS: Operating authority came in 2010.  
5 And Associate of Science authority came in 2011.  
6 And Bachelor of Science authority came in 2013.

7 HEARING OFFICER: What came in 2013?

8 THE WITNESS: Bachelor of Science.

9 HEARING OFFICER: Now I understand. Thank you.

10 THE WITNESS: So we had three steps, operating  
11 authority, Science authority, and Bachelor of  
12 Science granting authority in 2013.

13 MS. PARKER: Q And could you tell us a little  
14 bit about the history of your ACICS accreditation?

15 When did you first receive your ACICS  
16 accreditation?

17 A I am very cognizant of accreditation. So as  
18 soon as we got our approvals from IBHE in 2011,  
19 2013, we immediately looked for different agencies  
20 to apply for accreditation.

21 And we are very, very cautious about it.  
22 We never neglected accreditation. So we immediately  
23 applied to different agencies. We spoke with them,  
24 some initial information, and then we decide to

1 MR. IRFAN: That's the only thing I'm going to  
2 do.

3 HEARING OFFICER: Okay. If --

4 THE WITNESS: And I'll slow down a little bit  
5 too.

6 HEARING OFFICER: Okay. If need be, you can ask  
7 for translation. Otherwise, if you just slow down a  
8 little bit, so we can understand the words, that  
9 will be helpful.

10 THE WITNESS: So, in the summer of 2014, when  
11 the ACICS team came in, we had a long discussion  
12 with them about all the programs that we have, our  
13 facilities, infrastructure, faculty, administration,  
14 they were very pleased with that. They even  
15 commented, before leaving.

16 And then at the time I asked them that I do  
17 have approval for Bachelor's program, you want to do  
18 it now. They said no. It's one class that has to  
19 graduate from your students, then we'll be able to  
20 review it. However, you can apply for higher  
21 degrees any time.

22 MS. PARKER: Q Okay.

23 A And he said that I'll do it in 30 days. I  
24 just want to make the comment, I'll do it within 30

1 apply to ACICS, and we applied towards the end of  
2 2013.

3 Do you want me to go through the whole  
4 process?

5 Q Briefly.

6 A They visit in the summer of 2014. So within  
7 three years of our authority to operate and grant,  
8 we were accredited institution back in the fall of  
9 2014.

10 Q Okay.

11 A So we let no time pass. We were really  
12 focus on getting it done.

13 Q Okay. So in the fall of 2014, when you got  
14 your ACICS accreditation for the College, what  
15 programs were included?

16 A We were given accreditation for medical  
17 assistant, dental assistant, that is under PBVS  
18 program, an Associate of Science and Biology. At  
19 that time, when they visited us, in the summer of  
20 2014.

21 MR. IRFAN: If I may, may I just help out with  
22 the trans, with the pronunciation when you need it.  
23 Maybe it will go faster.

24 HEARING OFFICER: Okay. And maybe --

1 days.

2 Q So let's just backtrack for a minute, to  
3 clarify. So, you received your ACICS accreditation  
4 and included in that accreditation were your  
5 certificate programs, that you described, as well as  
6 your associate degree?

7 A That's right, in biology.

8 Q Is it also your testimony that at the time  
9 of your on-site ACICS accreditation visit, that you  
10 met with the then director of accreditation at  
11 ACICS, at that time, did you tell him that you had  
12 received approval from IBHE for a Bachelor's  
13 program?

14 A Yes, we did.

15 Q And what was his response?

16 A Their response was that you just got the  
17 approval.

18 MS. STEFFY: I'm -- I'm sorry, strike that.

19 HEARING OFFICER: I'm sorry, I couldn't hear.

20 MS. STEFFY: Strike that.

21 HEARING OFFICER: Okay.

22 MS. PARKER: Q What was his response?

23 A His response was that you had just received  
24 the approvals, and then you could run the class, and

1 clarify?

2 A ACICS.

3 Q ACICS is saying are you coming with us?

4 A Right.

5 Q Okay.

6 A So we told them that we are not, because you  
7 are losing your authority as an accrediting  
8 institution, at the end of the year, so we are not  
9 coming with you.

10 So we let our accreditation expire. That's  
11 what we told them. And then soon after that,  
12 obviously, they didn't like the decision, and our  
13 troubles started to accentuate with ACICS.

14 Q And so what efforts did you make to apply  
15 for accreditation with ACCSC?

16 A So, we immediately, in January, asked ACCSC,  
17 the alternate accreditor, to consider us. We  
18 submitted application.

19 HEARING OFFICER: Sir, when you say January,  
20 tell us what year you're talking about?

21 THE WITNESS: 2017. So once we did that, they  
22 invited us to come to their workshop, we paid them  
23 the fee, we went to the workshop in March of 2017.

24 So we did not neglect that, this is on the

1 there.

2 Q And you submitted that to ACCSC?

3 A Yes, we did.

4 Q And what is the status of that application?

5 A All right. So after we submitted this, then  
6 they were wondering about our dropping off from  
7 ACICS. Oh, these guys let you go, and we are very  
8 tight, and we have a lot of applications, we don't  
9 have that many people, that we are working on it.

10 So for nearly two months was working on the  
11 situation. And finally they said that we will not  
12 visit, and we are not going to read those 2600  
13 pages, even though we submitted, even though we  
14 promised you that we visit before. They promised  
15 us.

16 There are two reasons. One, that ACICS and  
17 then IBHE is thinking about revoking your authority.  
18 So we were squeezed from both sides. IBHE is going  
19 to revoke your authority, potentially, and that's  
20 happening, so, therefore, we would not visit.

21 Q Okay.

22 A So, after a year of work to get out of  
23 aggravation, here we are. They're not accepting us.

24 HEARING OFFICER: I have a question for you.

1 top of our head, that's the important thing. So in  
2 March of 2016, 2017 we went for workshop. We came  
3 back, and we hired an outside consultant to prepare  
4 the documentation to submit to ACCSC for  
5 accreditation.

6 It took us nearly seven, eight months to  
7 get all the documentation done. And they're right  
8 over here, and nearly 2600 pages of documentation  
9 that we had to prepare. We did that.

10 And in October 2017, we submitted this  
11 entire documentation and application to ACCSC for  
12 accreditation with the hope, as we were requested by  
13 the Department of Education, to get a site visit by  
14 end of February this year. The documentation was  
15 submitted.

16 Q And are you referring to this manual here?

17 A I am referring to this manual that was  
18 submitted to ACCSC. We spent eight months to  
19 prepare this for accreditation through ACCSC.

20 Q Would you describe it? How thick is this  
21 manual?

22 A It's 2600 pages, and it covers every single  
23 policy and structure, it covers all of our education  
24 programs and our degree programs, all that is in

1 MS. PARKER: Okay.

2 HEARING OFFICER: Did you forward your  
3 applications to the Board?

4 THE WITNESS: Yes, we did, right.

5 HEARING OFFICER: As soon as you did that, in  
6 January of 2017, is that what you said you first  
7 applied, did you let them know?

8 THE WITNESS: We let them know right then, we  
9 have this --

10 HEARING OFFICER: Do you have a letter showing  
11 what you --

12 THE WITNESS: -- agency that we are exploring  
13 with.

14 HEARING OFFICER: Did you -- that you were  
15 exploring with. Did you ever put down that you, do  
16 you have a letter showing that you applied back in  
17 January or March --

18 THE WITNESS: No, this is the application that  
19 had to be done in, complete SER has to submitted,  
20 but initial application was submitted, yes, we told  
21 them.

22 HEARING OFFICER: That wasn't my question. My  
23 question is, the Board --

24 THE WITNESS: Yes.

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1 affairs, as I indicated, that comes directly under  
 2 my jurisdiction, and I try to bring to bear my  
 3 extensive legal experience, my business strategy  
 4 experience, and statutory and regulatory affairs  
 5 experience to it.  
 6 We have compliance consultants on the  
 7 outside that we have engaged in the past, with  
 8 respect to the filings with ACCSC, and we continue  
 9 to that.  
 10 On the academic side, we do have a Provost,  
 11 Dr. Akbar, under whom we have a new dean of academic  
 12 affairs. And under that we have the two functions  
 13 in gray, the school of Allied Health Sciences and  
 14 the School of Basic Sciences, with their own  
 15 faculty, with their own advisory services.  
 16 We have a career services coordinator, who  
 17 manages for the cross function of College  
 18 operations. Then we have library service and a  
 19 dedicated admissions and marketing function.  
 20 HEARING OFFICER: When was that organizational  
 21 chart enacted?  
 22 THE WITNESS: This is the latest version,  
 23 Officer Cavanaugh. The changes were made, started  
 24 being made in August of last year. And they have

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1 been implemented since that time with some  
 2 fine-tuning, some adjustment of who shows up how,  
 3 but this is the current version of it.  
 4 HEARING OFFICER: Okay. Is this marked?  
 5 THE WITNESS: It's the same one. My apologies.  
 6 HEARING OFFICER: Okay. Number 4 will be  
 7 admitted without objection. Respondent's number 4.  
 8 MS. PARKER: Q And so in part, as part of your  
 9 role, did you have any role, in terms of the efforts  
 10 of the College to get alternate accreditation?  
 11 A Absolutely. When I joined the College, and,  
 12 first of all, already underway, as the testimony of  
 13 Dr. AliNiazee indicates, to pursue ACCSC  
 14 accreditation. A group of consultants on the  
 15 outside, who are experts in this field, were hired.  
 16 They were working directly with the College  
 17 administration and staff in pulling together that  
 18 application.  
 19 And then the self-evaluation report, which  
 20 literally did take about eight months of hard work,  
 21 because as you may appreciate, of course  
 22 Dr. Bernoteit understands this fully, but that  
 23 manual, that self-evaluation report requires  
 24 basically a documentation of every single aspect of

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1 the College, all the way from leadership board  
 2 structure down to the academic programs and student  
 3 grievances, complaints, policies.  
 4 There are about 241 pages of policies, I  
 5 know, because I have personally reviewed those and  
 6 made sure that they are absolutely in sync with what  
 7 is needed for not just a college of this type, but I  
 8 dare say those policies would suffice, because I  
 9 advise Benedictine and DePaul University, they are  
 10 on par with some of those larger institutions.  
 11 Our goal here, and please pardon me if I  
 12 take a moment, but I want to emphasize in answering  
 13 your question, we do not come here as taking an  
 14 adversarial position. The Illinois Board of Higher  
 15 Education, that's, as citizens of Illinois, we pay  
 16 for that. They are representing us.  
 17 And Dr. AliNiazee and the College is  
 18 representing the interest of the students, IBHE  
 19 represents the interests of the students, so we are  
 20 not on opposite sides, perhaps it is providential  
 21 that now I sit on your side, Dr. Bernoteit, and give  
 22 this testimony, because we are here to protect the  
 23 interests of the students.  
 24 And this gentleman, who founded this

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1 College, he's given his life, literally, to this.  
 2 Pardon me if I get emotional. That is the reason I  
 3 have given up my taking, running a global  
 4 multi-million dollar institutions for half the time  
 5 to be behind this gentleman, and his institution,  
 6 because this College is dedicated to serving the  
 7 diversity of American students, which are so  
 8 desperate.  
 9 And I hope you get a chance to hear from  
 10 one of our students. The thing that hit me, when we  
 11 spoke to her, is that she said we had no hope, when  
 12 we came to this College. We didn't have any  
 13 direction, in terms of education. We didn't have  
 14 any money. We came to the College, they were  
 15 guided, in terms of finance, in terms of the best  
 16 education, and you will hear, how her life has been  
 17 transformed. She's from Rwanda, and she's able now  
 18 to not just be a dental assistant, because of the  
 19 College, but she's running her own, and I'm proud to  
 20 say that you're associated with us, running her own  
 21 home services company.  
 22 She has come back, despite all this fuel  
 23 about lack of accreditation. She has come back, and  
 24 she said, I wanted to go through the Associate's



1 A I'm lost.  
 2 Q Okay. Sorry, strike that.  
 3 HEARING OFFICER: Counsel, is that a little  
 4 different than the -- you already obtained  
 5 accreditation, so it's not --  
 6 MS. STEFFY: Q Right. Well, that's what I am  
 7 trying to ask. They have obtained accreditation.  
 8 You lost accreditation, correct?  
 9 A Yes, we stipulated --  
 10 Q You lost, and pursuant to the code, and I  
 11 would like to point out that the code was updated  
 12 December 19th, 2017, so at the time, prior to it  
 13 being prepared to the Board, the code was a little  
 14 bit different, for your knowledge.  
 15 HEARING OFFICER: Thanks.  
 16 MS. STEFFY: Q So that's the reason why we  
 17 cited to that. It has been updated, and pursuant to  
 18 the code, which it was still in there prior to that,  
 19 loss of accreditation is grounds for revocation,  
 20 correct.  
 21 A Counsel, I am lost.  
 22 MS. PARKER: Can we just note something for the  
 23 record, if we may, which is that if there was a  
 24 change to the code, and it changed the section

1 cited, would you please advise us, because if  
 2 there's been a change since.  
 3 MS. STEFFY: It's, essentially, it's the same.  
 4 There was still, at the time loss of accreditation,  
 5 has always been, if you, has been grounds for  
 6 revocation. And that's where we're at. There's a  
 7 loss of accreditation.  
 8 HEARING OFFICER: Just to clarify though, but if  
 9 you're going to ask that question, please direct us  
 10 to the specific cite of that, because --  
 11 MS. STEFFY: Okay.  
 12 HEARING OFFICER: Because I know it's in the  
 13 code somewhere, but I think we should put it on the  
 14 record, and directly indicate specifically what it  
 15 says, so that we know if it's a possible revocation,  
 16 or a mandatory revocation or things of that nature.  
 17 MS. STEFFY: Okay. I'm going to direct you to  
 18 page 40, which is section 1030.80.  
 19 HEARING OFFICER: Let us get to 40 first.  
 20 Page 40, what subsection?  
 21 MS. STEFFY: So it would be B5A, I'm looking at  
 22 from the beginning, obviously.  
 23 HEARING OFFICER: Sure, right.  
 24 MS. STEFFY: 6.

1 THE WITNESS: Uh-huh.  
 2 MS. STEFFY: Q And would you mind reading what  
 3 that says?  
 4 A Loss of accreditation status with an  
 5 accrediting body with which the institution is or  
 6 was affiliated.  
 7 Q And directly above that, in A, these are  
 8 grounds for revocation?  
 9 A Grounds for revocation, yes.  
 10 Q Correct. And your testimony is that you  
 11 have lost your accreditation; is that correct?  
 12 A Accreditation has been lost, yes. What we  
 13 are just saying it --  
 14 Q Okay.  
 15 A We don't dispute that.  
 16 Q Okay.  
 17 A We're just saying the discretion is there.  
 18 MS. STEFFY: No further questions.  
 19 HEARING OFFICER: Okay. Redirect?  
 20 RE-DIRECT EXAMINATION  
 21 by Ms. Parker:  
 22 MS. PARKER: Q Okay. One of the questions that  
 23 was just posed to you was about the efforts of the  
 24 College, once they learned that the Department of

1 Education was going to withdraw the authority of  
 2 ACICS to recognized --  
 3 A Yes.  
 4 Q Are you aware, Mr. Irfan, if originally the  
 5 deadline for ACICS colleges to get new accrediting  
 6 agencies was December of 2017?  
 7 Are you aware if there's an extension of  
 8 time for ACICS schools to find new accrediting  
 9 agencies?  
 10 A Yes. There has been at least two  
 11 extensions. There was one that was put in place  
 12 because there was such a furor caused by this  
 13 disruption, and literally hundreds of institutions  
 14 came back and said there is no way that we can  
 15 function as educational institutions if you just  
 16 give us 18 months. So that 18-month period was  
 17 extended by another 18-month period.  
 18 HEARING OFFICER: And where is that  
 19 documentation?  
 20 THE WITNESS: Sorry, I mean this is public  
 21 record, but, you're right.  
 22 HEARING OFFICER: Well --  
 23 MS. PARKER: Q But are you aware of that --  
 24 A I am aware of that.

# EXHIBIT B

**APPROVED**  
**DECEMBER 12, 2017**

Item #IV-11  
December 12, 2017

**APPOINTMENT OF HEARING OFFICER  
PERTAINING TO THE POTENTIAL REVOCATION OF  
OPERATING AND DEGREE GRANTING AUTHORITY  
OF AN INDEPENDENT INSTITUTION**

**Submitted for:** Action.

**Summary:** This item recommends the appointment of a hearing officer to conduct a hearing regarding the possible revocation of operating authority for Northwest Suburban College of Basic and Allied Health Sciences pursuant to Section 1030.80(b)(5)(A) of the Illinois Board of Higher Education Administrative Rules

**Action Requested:** That the Illinois Board of Higher Education approve the appointment of a hearing officer pertaining to the potential revocation of an institution's Authorizations to Operate and Grant Degrees.



STATE OF ILLINOIS  
BOARD OF HIGHER EDUCATION

**APPOINTMENT OF HEARING OFFICER  
PERTAINING TO THE POTENTIAL REVOCATION OF  
OPERATING AND DEGREE GRANTING AUTHORITY  
OF AN INDEPENDENT INSTITUTION**

In 1979, the Illinois Board of Higher Education (IBHE) was assigned responsibility to administer “The Private College Act” (100 ILCS 1005/1 et. seq.) and “The Academic Degree Act” (110 ILCS 1010/1 et. seq.), two regulatory statutes governing the operation and degree-granting activity of private colleges and universities in the state of Illinois. Under these statutes and the rules to implement these statutes, postsecondary degree-granting institutions that were established after July 17, 1945, require approval from the IBHE to operate, and institutions established after 1961 require approval to operate and grant degrees.

In authorizing institutions to operate and grant degrees, the Board stipulates that approval is subject to maintenance of the conditions that were presented by the institution in its application and formed the basis upon which the specific authorizations were granted. The failure of an institution to maintain conditions of approval or conditions substantially equivalent to the conditions of approval constitutes grounds for revocation of authorizations as defined in Section 1030.80 of the rules to administer the statutes. Procedures for revocation as outlined in Section 1030.80 include the designation of a Hearing Officer who will schedule and conduct a hearing.

**Northwest Suburban College of Basic and Allied Health Sciences**  
**5999 South New Wilke Road, Building 400**  
**Rolling Meadows, IL 60008**  
**President: Dr. M. T. AliNiazee**

**Institutional Background and History**

Northwest Suburban College of Basic and Allied Health Sciences (NWSC or the College) is an independent, not-for-profit institution located in Rolling Meadows, Illinois. NWSC was established in 2008 and received authorization to operate in the North Suburban region through IBHE in 2010. The College is currently approved to offer an Associate in Biology and Bachelors of Science degrees in Biology and Chemistry. In addition to approval as a degree-granting institution, the College is approved to offer non-degree programs through the Private Business and Vocational Schools division of IBHE. Since June of 2016, IBHE staff have been working with the College on accreditation and administrative capacity issues. The College has been unable to maintain compliance with IBHE requirements for institutional accreditation, despite frequent communication and site visits from IBHE staff.

**Institutional Accreditation**

*1030.80(b)(5)(A) Grounds for revocation include the following: (ii) Failure to maintain the conditions under which the institution and/or its degrees were authorized and (iii) Failure to offer degrees or instruction for one continuous 12-month period.*

In preparation for communication to be sent to institutions regarding the possible removal of recognition by the U.S. Department of Education (ED) for the Accrediting Council of Independent Colleges

and Schools (ACICS), IBHE staff reviewed ACICS-accredited Illinois institutions and programs. This review revealed that NWSC, though IBHE-approved for associate- and baccalaureate-level programs, was only listed on the ACICS site as accredited for one associate-level degree. IBHE staff immediately reached out to NWSC for clarification. Staff also reached out to ACICS to inquire as to the status of these unlisted programs. The institution responded and indicated that they were unaware of the requirement to receive accreditor approval before offering new degree programs. The institution was told by IBHE staff to remove references to the degrees from the school's website. The College assured IBHE that they would submit these programs for accreditor approval as soon as possible.

IBHE staff conducted a site visit at NWSC in October of 2016 in response to issues that had arisen through review of pending program applications, inconsistent listings of programs on the ACICS site and the developing status of their institutional accreditor, ACICS. IBHE staff were informed during the visit that the institution was also seeking regional accreditation from the Higher Learning Commission. The President of NWSC was informed by IBHE staff that the institution needed to consider an accreditor with a shorter timeline to avoid a lapse in accreditation in preparation for the potential loss of U.S. Department of Education recognition of ACICS. The President stated that the College was in discussions with the Accrediting Commission of Career Schools and Colleges. On December 12, 2016, ED withdrew recognition from ACICS and provided a provisional certification period of 18 months to affected institutions along with required transitional accreditation milestones. This prompted another focused site visit to NWSC in January of 2017 from the IBHE Deputy Director of Academic Affairs. This visit was to review the institution's accreditation plans and timelines in response to the ED decision and to reiterate IBHE's requirements around continuous accreditation.

The College's implementation of programs without accreditor approval prompted a show cause directive for the College from ACICS on February 28, 2017. In response to this directive, the College chose not to renew their accreditation with ACICS, but instead to allow their accreditation to expire on December 31, 2017. This decision by the College prompted another focused site visit by the IBHE Deputy Director of Academic Affairs. The deputy director reviewed the planned accreditation timelines with institutional leadership and found that there was a strong possibility that the institution would experience a lapse in accreditation at the end of 2017. He informed NWSC administrators that IBHE administrative rules do not permit a gap in accreditation, even if the College is in the process of moving toward accreditation with another appropriate body. Despite the College's decision to allow their accreditation to expire, ACICS moved ahead with processes to suspend the College's accreditation and withdrew their approval by suspension on August 9, 2017. The College filed an appeal of this suspension and the U.S. Department of Education placed NWSC on Heightened Cash Monitoring 2 status due to accreditation issues. The ACICS suspension prompted yet another site visit from IBHE staff in September 2017. This site visit focused on accreditation and administrative issues and reiterated the IBHE requirement around continuous accreditation. The College's appeal of their accreditation suspension by ACICS was denied on November 16, 2017, and was effective immediately. Consequently, NWSC was without accreditation on November 16, 2017. This loss of institutional accreditation resulted in the College being out of compliance with the IBHE requirements for maintenance of operating authority and the IBHE staff recommendation for revocation of approval to operate and grant degrees in the state of Illinois.

As noted above, four site visits were conducted by IBHE staff with the institution over the past year. All four of these site visits, and several follow-up communications from IBHE staff, emphasized the requirement of continuous accreditation in order to maintain operating authority in Illinois. The inability of the College to remain in compliance with their accreditor regarding program offerings and the lapse in institutional accreditation reveals an absence of the administrative capacity necessary to operate and grant degrees. Pursuant to these findings, IBHE staff recommend the appointment of a hearing officer to proceed to schedule and conduct a hearing pertaining to the potential revocation of the Authorizations to Operate and Grant Degrees for Northwest Suburban College of Basic and Allied Health Sciences.

## **Staff Conclusion**

The staff has determined that Northwest Suburban College of Basic and Allied Health Sciences and its degree programs do not meet the criteria in Sections 1030.30 and 1030.60 of the rules to implement The Academic Degree Act (110 ILCS 1010) and the Illinois Board of Higher Education policies pertaining to assessment and accreditation for licensure.

*Having considered staff findings and recommendations and pursuant to its authority under the rules to implement The Academic Degree Act, the Illinois Board of Higher Education hereby approves the appointment of a hearing officer to conduct a hearing relating to the possible revocation of operating authority for Northwest Suburban College of Basic and Allied Health Sciences. The hearing officer shall make a recommendation regarding revocation to the Board at a future Illinois Board of Higher Education meeting.*





# EXHIBIT C

## Illinois Administrative Code - 2017

West's Illinois Administrative Code

Title 23. Education and Cultural Resources

Subtitle A. Education

Chapter II. Board of Higher Education

Part 1030. Program Review (Private Colleges and Universities) ([Refs & Annos](#))

### **23 Ill. Adm. Code 1030.80**

1030.80. Maintenance of Authorization to Operate and/or Grant Degrees under the 1961 Act

#### Currentness

a) Most institutions are approved to operate under both the 1945 Act and the 1961 Act. Institutions under only the 1945 Act shall comply with Section 1030.70. Institutions under only the 1961 Act shall comply with Section 1030.80. Institutions under both Acts shall comply with both Sections 1030.70 and 1030.80. When the two Sections are identical, the institution will be considered in compliance with the 1945 Act by complying with Section 1030.80 and vice versa.

b) This subsection (b) governs the Maintenance of the Authorization to Operate and/or Award Specific Degrees procedure under the 1961 Act.

#### 1) Annual Report

Each authorized institution shall file annually with the Board its current catalogs.

#### 2) Reviews

The staff of the Board may conduct reviews and/or visitations of authorized institutions and/or their degree programs as necessary for the implementation of the statute. This may include a review in the fifth year of a new degree program's existence. Board staff may review the degree program, in cooperation with institutional staff, to verify the institution's implementation and maintenance of the conditions that were presented in its applications and that formed the basis upon which the authorizations were granted. The fifth year review may also include information on improvements in the institution's capacity to efficiently and effectively deliver degree programs using technological innovation and comprehensive data systems. In the case of a program in which State licensure is required for employment in the field, a program can be found to be in good standing if the institution is able to provide evidence that program graduates are eligible to take the appropriate licensure examination and pass rates are maintained as specified in the objectives of the unit of instruction. If there is no such evidence, approval of the program may be withdrawn by the Board.

#### 3) Complaints Concerning Institutional Degree Practices

The staff of the Board may initiate an investigation in response to written or oral information suggesting that changes have occurred in the conditions under which Authorization to Operate and/or Award Specific Degrees was given. During the investigation, there may be a temporary hold placed on the institution's applications to

the Board for new program approvals and other programs. The hold will be for a specified period of time not to exceed six months, unless the Board begins the process for revocation as provided in subsection (b)(5), at which time the hold will continue until the Board decision is made.

#### 4) Temporary Suspension of Program

An institution may place any approved program on temporary suspension after receiving Board approval. The institution shall provide an annual status report to the Board on any program under temporary suspension status. The Board will consider a program placed on temporary suspension status to be terminated if an annual status report is not received or if no reinstatement request is received within the first five years after the program was placed on temporary suspension. An institution may petition for reinstatement during the five-year period.

#### 5) Revocation of Operating and/or Degree-Granting Authority

##### A) Grounds for revocation include:

- i) Failure to permit any duly authorized representative of the Board to enter upon the premises of the institution and to inspect or otherwise examine the institution and its books, papers or other records.
- ii) Failure to maintain the conditions under which the institution and/or its degrees were authorized.
- iii) Failure to offer degrees or instruction for one continuous 12-month period.
- iv) Abandonment of the institution.

##### B) Procedures for Revocation

- i) Following the Board staff investigation of the institutional degree practices, the staff may recommend to the Board revocation of the Authorization to Operate and/or Award Specific Degrees.
- ii) If the Board votes to revoke the Authorization to Operate and/or Award Specific Degrees, the institution may request a hearing. The Board shall not be required to schedule a hearing and has the option to waive a hearing if the institution has not operated for one continuous 12-month period or the institution has been abandoned; even in these cases, however, the Board shall be required to revoke the authority at a public hearing at which any opponent who is injured or impacted by the revocation must be given the opportunity to be heard.
- iii) The Board shall designate a Hearing Officer who shall schedule and conduct a hearing.
- iv) The Hearing Officer shall make a written report of findings and recommendation to the Board, which shall make a final determination and shall notify the institution of its decision.

v) Following a Board decision to revoke the Authorization to Operate and/or Award Specific Degrees, the letter of authorization shall be rendered invalid.

vi) At any time after revocation, the Board may restore an Authority to Operate and/or Award Specific Degrees.

vii) A closed institution shall arrange for its student records to be maintained in a safe and suitable place as determined by the Board (such as another like kind of institution or the Board).

**Credits**

(Source: Amended at 33 Ill. Reg. 78, effective December 23, 2008)

Current through rules published in the Illinois Register Volume 41, Issue 52, December 29, 2017.

**23 ILAC § 1030.80, 23 IL ADC 1030.80**

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# EXHIBIT D

**ITEM DEFERRED TO  
FUTURE BOARD  
MEETING**

Item #IV-4  
March 13, 2018

**RECOMMENDATION OF HEARING OFFICER RE:  
POSSIBLE REOVCAION OF OPERATING AND  
DEGREE GRANTING AUTHORITY –  
NORTHWEST SUBURBAN COLLEGE OF  
BASIC AND ALLIED HEALTH SCIENCES**

**Submitted for:** Action.

**Summary:** Item IV-4 presents the hearing officers recommendations from the March 6, 2018, hearing on the Possible Revocation of Operating and Degree Granting Authority for Northwest Suburban College of Basic and Allied Health Sciences.

**Action Requested:** That the Illinois Board of Higher Education approve the hearing officers recommendations from the March 6, 2018, hearing on the Possible Revocation of Operating and Degree Granting Authority for Northwest Suburban College of Basic and Allied Health Sciences as presented in Item IV-4.

*Please note: As of the agenda mailing date (March 2, 2018), Item IV-4 could not be finalized until after the March 6, 2018, hearing on this matter. We will have this information available in a supplemental item to be distributed prior to the March 13, 2018, Board meeting.*



STATE OF ILLINOIS  
BOARD OF HIGHER EDUCATION

**RECOMMENDATION OF HEARING OFFICER RE:  
POSSIBLE REOVCATION OF OPERATING AND  
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**ILLINOIS BOARD OF HIGHER EDUCATION**

**V.**

**NORTHWESTERN SUBURBAN COLLEGE  
OF BASIC AND ALLIED HEALTH SCIENCES**

**HEARING OFFICER'S DECISION ON MOTIONS TO RECONSIDER**

This Matter coming before the Hearing Officer on the Illinois Board of Higher Education's (the "IBHE Staff") Motion to Reconsider and Northwestern Suburban College of Basic and Allied Health Sciences' ("NWSC") Motion to Reconsider the Hearing Officers Findings and Recommendations, issued on April 13, 2018. Those findings recommended that the Illinois Board of Higher Education revoke degree-granting authority for NWSC's baccalaureate-level degree in biology and associate-level degrees in physical therapy assisting, but to allow NWSC to continue granting degrees in associate-level Biology. While both sides proffer arguments in their favor, ultimately the Hearing Officer finds none so persuasive as to change the findings and recommendations.

**ANALYSIS**

**THE IBHE STAFF'S MOTION TO RECONSIDER**

The IBHE staff argue that Section 1030.80 of Title 23 of the Illinois Administrative Code (the "Code") sets out a mandatory requirement that the Board revoke an institution's operating and degree-

granting authority when that institution loses accreditation.<sup>1</sup> Examining the Code’s plain language and structure, as well as its intent, the Hearing Officer finds that the revocation powers granted in 1030.80 are discretionary. Because the Illinois Administrative Code has the force and effect of law, the rules of statutory construction apply to interpreting its provision. *People v. Montalvo*, 2016 IL App (2d) 140905, ¶ 18. In determining the plain language of a statute, a tribunal must “consider the statute in its entirety, keeping in mind the subject it addresses and the intent of the legislature in enacting the statute.” *Lawler v. Univ. of Chicago Med. Ctr.*, 2017 IL 120745, ¶ 12. Here, we will first look into the statute’s wording and form. Section 1030.80(b)(5)(A), upon which the IBHE staff base their argument, is part of the section 1030.80 entitled “Maintenance of Authorization to Operate and/or Grant Degrees under the 1961 Act”. 23 Ill. Adm. Code § 1030.80. Section (5) of 1030.80 is entitled “Revocation of Operating and/or Degree-Granting Authority”. *Id.* at 1030.80(b)(5)Subsection (A) states that “Grounds for revocation include:” Here we have two indications that the listed grounds are not mandatory. The first is the use of the word “Grounds”. “Grounds” is defined as “as basis of ... action ... “ See <https://www.merriam-webster.com/dictionary/ground>. Setting out grounds, therefore, does not speak to a duty, but of a choice. Second, the legislator’s use of the word “include” indicates that the list of enumerated grounds is illustrative, and not exhaustive. See *People v. Perry*, 224 Ill.2d 312, 331 (2007). This means that there are other possible grounds for revocation, not listed. If we accept the IBHE staff’s argument that the loss of accreditation, one example in an open sea of possibilities, leads to mandatory revocation, we must then accept that an unspecified number of other, unlisted conditions also must lead to mandatory revocation. Furthermore, looking back at Section (5) “Revocation of Operating *and/or* Degree-Granting Authority” necessitates the exercise of discretion as the Code does not indicate when each class of

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<sup>1</sup> The IBHE requested hearing on 1030.30(a)(2)(B), not 1030.80(b)(5)(A)(vi), as the IBHE’s motion suggests. Nevertheless, the Hearing Officer accepts the IBHE staff’s argument because of the substantial notice given NWSC regarding the grounds under which revocation was sought and the open-ended language adopted in 1030.80(b)(5), discussed *infra*.

revocation would be appropriate. *See* 23 Il. Adm. Code 1030.80(b)(5). If the legislature had intended such an extreme course of action, it could have used phrasing indicating mandatory action including words such as “shall” or “must”. However, since the legislature did not use such words, the Hearing Officer finds that the legislature cannot have intended such an extreme and ambiguous implementation of the Code.

Looking at the context of 1030.80(b)(5)(A), we find further support for finding the Board’s powers are discretionary. The very next section, 1030.80(b)(5)(B), supplies Procedures for Recommendation. Subsection (B)(i), the provision immediately following 1030.80(b)(5)(A), states that “the staff may *recommend* to the Board revocation...” *Id.* at 1030.80(b)(5)(B)(i) (emphasis added). In the next subsection, the Code reads “*If* the Board *votes* to revoke. . .” *Id.* at 1030.80(b)(5)(B)(ii) (emphasis added). If the Board had no discretion, the Board would have no right to vote, nor would the staff need to recommend revocation as it would be automatic upon a hearing officer’s finding of fact. Section (B)(iv) similarly tasks a hearing officer with making a recommendation to the Board and Section (B)(v) references a Board *decision* to revoke. *Id.* at 1030.80(b)(5)(B)(iv) and (v). A *decision* requires choice, which would not be available if the statute had set out *mandatory* requirements. The contextual language of Section 1030.80 of the Code lends itself most clearly to a determination that the Board may *decide* to revoke and is not compelled to do so by law.

Additionally, adopting the interpretation suggested by the IBHE staff would lead to absurd results. A Hearing Officer should avoid statutory interpretations that lead to absurd results. *See Du Page County Election Comm'n v. State Bd. of Elections*, 345 Ill. App. 3d 200, 208, (2d Dist. 2003). As NWSC points out in its response, if section 1030.80(b)(5) were mandatory, then 1030.80(b)(5) would require revocation for any instance in which an institution failed to maintain any condition that was present when it was authorized. 23 Il. Adm. Code § 1030.80(b)(5)(A)(ii). Given that an institution is required to

submit its faculty and management lists to obtain approval, a simple change in personnel would also trigger mandatory revocation. Likewise, if an institution changed its address, the Board would have no choice but to revoke operating authority. As such changes in personnel or location would have no detrimental effect with regards to the purposes of the Academic Degree Act or the Private Colleges Act, the Hearing Officer finds that section 1030.80(b)(5) of the Code provides the Board discretionary authority to revoke approval on the basis of loss of accreditation.

The IBHE staff further argue that revocation should be mandatory because continuous accreditation is essential to fulfil the purpose of the Academic Degree Act. The Act is designed to protect the public from fraudulent, unqualified educational institutions. While accreditation is clearly an important part in fulfilling this mandate, accreditation status is clearly not a *sine qua non* for operating and degree-granting authority. First, section 1030.30(a)(7)(vii), which provides guidelines for course catalogs, states that if an institution is not accredited, it “must prominently state this in its advertising and published materials.” *Id.* at 1030.30(a)(7)(vii). Further, section 1030.30(a)(16) implies that some operation without accreditation is acceptable since it only requires new institutions to have a 5-year plan to achieve accreditation in order to obtain operational and degree-granting approval. Further, the Board has the discretion to extend that 5-year period, which suggests that, as long as other requirements are met, the barrier posed by lack of accreditation is a flexible one. *Id.* at §1030.30(a)(16). Likewise, section 1030.30(c)(3), which sets out guidelines for a five-year review, states that lack of accreditation is a grounds for revocation, but, if the Board does not revoke, the “institution shall clearly and appropriately state in all promotional materials and advertisements and on its webpage that it is not accredited.” *Id.* at § 1030.30(c)(3). Furthermore, the United States Department of Education, whose goals with regards to universal accreditation mirror those of the IBHE, granted all institutions who lost accreditation when ACICS lost its accreditation-granting authority 18-months to obtain alternative

accreditation. This leniency from one of the IBHE's administrative partners indicates that in special circumstances some leeway is acceptable. Therefore, the Hearing Officer finds that accreditation is not so vital that the Code deprives the Board of its exercise of discretion when deciding whether to revoke.

For its part, NWSC argues that the hearing officer may not consider loss of accreditation under 1030.80(b)(5) because it was not listed as grounds for revocation in the Hearing Notice. Rather, the IBHE listed 1030.30(a)(2)(B), which concerns criteria for an initial grant of approval. NWSC also notes that at the time the hearing was sought, 1030.80(b)(5) did not list "loss of accreditation" as one of the grounds for revocation. However, as noted above, the same open-ended construction that makes 1030.80(b)(5) so clearly discretionary also leaves (and left, as of the day the hearing was requested) the Board room to revoke authority for reasons unlisted. Even if the IBHE sought a hearing under an inapplicable section of the Code, the Hearing Officer finds that the Hearing Notice and—the explanatory letter sent in response to NWSC's request for clarification—gave NWSC adequate notice that the IBHE was seeking revocation based on loss of accreditation, which, in turn, section 1030.80(b)(5) allows through its open-ended language. Furthermore, NWSC showed that it had received that notice insofar as it tailored its defense by admitting that it had lost accreditation and proffering arguments responsive to revocation on that basis. To alter the Hearing Officer's findings on that basis would simply invite a duplicative hearing, which would ultimately arrive at the same findings.

Finally, the IBHE staff argue that the Hearing Officer may not consider evidence or materials not introduced at the hearing. The thrust of the IBHE staff's argument, though not supported by any concrete argument, suggests that it has been prejudiced by the utilization of evidence pertaining to NWSC's ACICS appeal not introduced in the hearing. However, it was the IBHE who provided the Hearing Officer with the preliminary materials which included the NWSC appeal. Therefore, the Hearing Officer finds that no prejudice exists and that the IBHE staff have not raised any issue in their

motion sufficient to merit reconsideration of the findings and recommendations.

### **NWSC'S MOTION TO RECONSIDER**


Northwest Suburban College argues that the Hearing Officer should reconsider its findings and recommendations because it has new evidence for consideration. The purpose of a motion to reconsider is to bring to the tribunal's attention a change in the law, an error in the court's previous application of existing law, or newly discovered evidence that was not available at the time of the hearing. *People v. \$280,020 U.S. Currency*, 372 Ill. App. 3d 785, 791 (1st Dist. 2007). NWSC proffers as new evidence its subsequent efforts to obtain baccalaureate accreditation from a new accrediting body, the Accrediting Bureau of Health Education Schools (ABHES). However, as this is new evidence, not newly discovered evidence as required by case law, NWSC's subsequent activities are outside the scope of a motion to reconsider.

Therefore, the Hearing Officer still recommends that the Board revoke NWSC's baccalaureate degree-granting authority. NWSC's new evidence should not be considered because the IBHE staff has not had a chance to contest the evidence or examine its veracity. Proper admission of this new evidence would require another hearing, which the Hearing Officer finds to be unnecessary. The "new evidence" is responsive to the findings and recommendations. As such, the Hearing Officer will not reconsider on its basis because it would disrupt the hearing process and constitute an overreach of authority. First, NWSC could indefinitely delay all findings by responding to the reasoning put forward by the Hearing Officer. Further, the Hearing Officer's sole purpose is to find and present pertinent facts and findings on an issue to the Board. Second, by responding to NWSC's post-hearing developments and altering his recommendations, the Hearing Officer would be overstepping his authority and allowing NWSC to circumvent the IBHE staff, whose proper role is the administration of private colleges. Ultimately, it is in the best interest of all parties to obtain finality in these issues, as NWSC cannot obtain accreditation

until the Board has either allowed it to continue granting degrees or reauthorized it to do so after revocation.

WHEREFORE, the Hearing Officer denies both the Illinois Board of Higher Education and the Northwestern Suburban College of Basic and Allied Health Sciences' Motions to Reconsider and affirms his initial findings and recommendations.

Respectfully Submitted,

  
By: Joseph Cavanaugh, Hearing Officer

Date: June 13, 2018



STATE OF ILLINOIS  
BOARD OF HIGHER EDUCATION

**APPOINTMENT OF HEARING OFFICER  
PERTAINING TO THE POTENTIAL REVOCATION OF  
OPERATING AND DEGREE GRANTING AUTHORITY  
OF AN INDEPENDENT INSTITUTION**

In 1979, the Illinois Board of Higher Education (IBHE) was assigned responsibility to administer “The Private College Act” (100 ILCS 1005/1 et. seq.) and “The Academic Degree Act” (110 ILCS 1010/1 et. seq.), two regulatory statutes governing the operation and degree-granting activity of private colleges and universities in the state of Illinois. Under these statutes and the rules to implement these statutes, postsecondary degree-granting institutions that were established after July 17, 1945, require approval from the IBHE to operate, and institutions established after 1961 require approval to operate and grant degrees.

In authorizing institutions to operate and grant degrees, the Board stipulates that approval is subject to maintenance of the conditions that were presented by the institution in its application and formed the basis upon which the specific authorizations were granted. The failure of an institution to maintain conditions of approval or conditions substantially equivalent to the conditions of approval constitutes grounds for revocation of authorizations as defined in Section 1030.80 of the rules to administer the statutes. Procedures for revocation as outlined in Section 1030.80 include the designation of a Hearing Officer who will schedule and conduct a hearing.

**Northwest Suburban College of Basic and Allied Health Sciences**  
**5999 South New Wilke Road, Building 400**  
**Rolling Meadows, IL 60008**  
**President: Dr. M. T. AliNiazee**

**Institutional Background and History**

Northwest Suburban College of Basic and Allied Health Sciences (NWSC or the College) is an independent, not-for-profit institution located in Rolling Meadows, Illinois. NWSC was established in 2008 and received authorization to operate in the North Suburban region through IBHE in 2010. The College is currently approved to offer an Associate in Biology and Bachelors of Science degrees in Biology and Chemistry. In addition to approval as a degree-granting institution, the College is approved to offer non-degree programs through the Private Business and Vocational Schools division of IBHE. Since June of 2016, IBHE staff have been working with the College on accreditation and administrative capacity issues. The College has been unable to maintain compliance with IBHE requirements for institutional accreditation, despite frequent communication and site visits from IBHE staff.

**Institutional Accreditation**

*1030.80(b)(5)(A) Grounds for revocation include the following: (ii) Failure to maintain the conditions under which the institution and/or its degrees were authorized and (iii) Failure to offer degrees or instruction for one continuous 12-month period.*

In preparation for communication to be sent to institutions regarding the possible removal of recognition by the U.S. Department of Education (ED) for the Accrediting Council of Independent Colleges

and Schools (ACICS), IBHE staff reviewed ACICS-accredited Illinois institutions and programs. This review revealed that NWSC, though IBHE-approved for associate- and baccalaureate-level programs, was only listed on the ACICS site as accredited for one associate-level degree. IBHE staff immediately reached out to NWSC for clarification. Staff also reached out to ACICS to inquire as to the status of these unlisted programs. The institution responded and indicated that they were unaware of the requirement to receive accreditor approval before offering new degree programs. The institution was told by IBHE staff to remove references to the degrees from the school's website. The College assured IBHE that they would submit these programs for accreditor approval as soon as possible.

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The College's implementation of programs without accreditor approval prompted a show cause directive for the College from ACICS on February 28, 2017. In response to this directive, the College chose not to renew their accreditation with ACICS, but instead to allow their accreditation to expire on December 31, 2017. This decision by the College prompted another focused site visit by the IBHE Deputy Director of Academic Affairs. The deputy director reviewed the planned accreditation timelines with institutional leadership and found that there was a strong possibility that the institution would experience a lapse in accreditation at the end of 2017. He informed NWSC administrators that IBHE administrative rules do not permit a gap in accreditation, even if the College is in the process of moving toward accreditation with another appropriate body. Despite the College's decision to allow their accreditation to expire, ACICS moved ahead with processes to suspend the College's accreditation and withdrew their approval by suspension on August 9, 2017. The College filed an appeal of this suspension and the U.S. Department of Education placed NWSC on Heightened Cash Monitoring 2 status due to accreditation issues. The ACICS suspension prompted yet another site visit from IBHE staff in September 2017. This site visit focused on accreditation and administrative issues and reiterated the IBHE requirement around continuous accreditation. The College's appeal of their accreditation suspension by ACICS was denied on November 16, 2017, and was effective immediately. Consequently, NWSC was without accreditation on November 16, 2017. This loss of institutional accreditation resulted in the College being out of compliance with the IBHE requirements for maintenance of operating authority and the IBHE staff recommendation for revocation of approval to operate and grant degrees in the state of Illinois.

As noted above, four site visits were conducted by IBHE staff with the institution over the past year. All four of these site visits, and several follow-up communications from IBHE staff, emphasized the requirement of continuous accreditation in order to maintain operating authority in Illinois. The inability of the College to remain in compliance with their accreditor regarding program offerings and the lapse in institutional accreditation reveals an absence of the administrative capacity necessary to operate and grant degrees. Pursuant to these findings, IBHE staff recommend the appointment of a hearing officer to proceed to schedule and conduct a hearing pertaining to the potential revocation of the Authorizations to Operate and Grant Degrees for Northwest Suburban College of Basic and Allied Health Sciences.

## **Staff Conclusion**

The staff has determined that Northwest Suburban College of Basic and Allied Health Sciences and its degree programs do not meet the criteria in Sections 1030.30 and 1030.60 of the rules to implement The Academic Degree Act (110 ILCS 1010) and the Illinois Board of Higher Education policies pertaining to assessment and accreditation for licensure.

*Having considered staff findings and recommendations and pursuant to its authority under the rules to implement The Academic Degree Act, the Illinois Board of Higher Education hereby approves the appointment of a hearing officer to conduct a hearing relating to the possible revocation of operating authority for Northwest Suburban College of Basic and Allied Health Sciences. The hearing officer shall make a recommendation regarding revocation to the Board at a future Illinois Board of Higher Education meeting.*