

November 11, 2015

Dr. Barbara Gellman-Danley
President, Higher Learning Commission
230 South LaSalle Street, Suite 7-500
Chicago, IL 60604-1411

Dear Dr. Gellman-Danley:

Thank you for the opportunity to respond to the Higher Learning Commission's Report of an Advisory Visit to College of DuPage. We are very appreciative to you and the Board of Trustees for granting us additional time to prepare this response, and we realize you had no obligation to do so. In this response we would like to correct a number of errors of fact in the evaluation team report, as well as provide you and the HLC Board of Trustees with additional information on actions the College has already taken to address the substantive findings in the report. We appreciate your consideration of this response prior to the HLC Board of Trustees taking any action in regard to College of DuPage's accreditation status.

A. Errors of Fact in the Advisory Team Report

1. Related to Core Component 2.A: The report (page 23) states "Charges for alcohol at the College's fine dining establishment, the Waterleaf, in connection with administrative and board gatherings were (as confirmed by senior administration during the team's visit) in violation of board policy and administrative procedure in most circumstances..." The current Board Policy Manual was completely revised in 2009, and since that time there has been no Board Policy prohibiting the use of College funds to pay for alcohol. So at the time of the charges for alcohol at the Waterleaf, there was no violation of Board Policy as the evaluation team claims. The Board has since corrected this issue as explained later in this response.
2. Related to Core Component 2.A: The report states on pages 23 & 24 that "During an interview with the internal auditor, the team was advised that a contract with Hurricane Graphics was entered into after the contract deadline. According to the internal auditor, this contract was therefore invalid. Yet, despite knowledge of this clear violation, the contract was still accepted by the College." This statement is not correct as written. Our internal auditor did discuss the issue of Hurricane Graphics with the reviewers and they had a copy of the internal audit report he issued to Dr. Breuder on 2/9/15. The internal auditor told the team what the report stated, i.e. that aspects of the RFP process did not appear to be in compliance

with the College's procedures so he advised that Dr. Breuder get a legal opinion as to whether the College should have accepted the proposal. Without that predicate legal opinion, the internal auditor, a non-attorney, did not believe he was authorized to issue a formal legal opinion that the contract was therefore invalid as a matter of law. Also, the reviewers state that the College, via the Board, accepted the proposal after knowing there were issues with the RFP, but that is also not true as written, in that the internal auditor performed his review of this contract in early 2015 and discovered the possible issue with accepting a proposal that was received after the deadline, but did not discover this issue until after the time when the College had already provided notice of acceptance of the proposal. In other words, at the time of acceptance, the Board did not yet possess the internal auditor's opinion that there was a problem.

3. Related to Core Component 2.A: The team reported "there was an internal audit of the SLEA credits but the report only stated that the Illinois Community College Board (ICCB) approved the change, which was not entirely accurate as revealed in an interview with the Executive Director of the ICCB". This statement is not correct. The internal auditor did discuss the SLEA issue with the reviewers and they had the memoranda issued to Dr. Breuder on 4/27/15 and 4/28/15. However, there was no audit performed of the SLEA activities. Dr. Breuder limited the scope of the internal auditor's role solely to serving as the liaison to ICCB during their visit on 4/27/15. The memoranda the internal auditor prepared were limited by Dr. Breuder to conveying to Dr. Breuder what Ellen Andres, Chief of Staff at ICCB had told him at the conclusion of their visit. The internal auditor had already informed Dr. Breuder of that conversation verbally; Dr. Breuder subsequently asked him to put it in writing in the form of a memo.
4. Related to Core Component 3.A: On page 36 the report states "The ICCB Executive Director referred to the non-credit SLEA program converting to criminal justice credits as a Prior Learning Program, but cautioned that ICCB is still conducting a targeted audit. The College's Vice President for Academic Affairs likewise referred to it as Prior Learning Program credit." SLEA submitted a request for additional credit hours based on students being concurrently registered in a number of courses. We have never attempted to justify this credit as credit for prior learning.
5. Related to Core Component 3.A: On page 38 the report states "Because College of DuPage is enrolling SLEA cadets in criminal justice courses, they are counted as students." The report then goes on to refer to the cadets as "students" with the quotation marks, implying that we are falsely categorizing them as actual students. In fact, though, all individuals enrolled in College programs are counted as students, whether they take classes for credit or for non-credit.
6. Related to Core Component 5.B: On page 43, the report states "Senior administration (and particularly the Vice President for Academic Affairs) noted that faculty "owned" the College and that the faculty's primary interest were their "own benefits and money." The VPAA states that she was misquoted. When asked who owns the curriculum, she recalls saying "the faculty", but she was not asked and did not say

they owned the College, nor does she believe she said or otherwise attempted to imply that faculty were only interested in their “own benefits and money”.

7. Related to Core Component 5.B: On page 44, the report states “Specifically, the College has not permitted the faculty to participate substantially in the development and implementation of curriculum.” This unqualified statement by the evaluation team is grossly inaccurate. The College develops and implements curriculum in accordance with the Guide to Curriculum Development. This document clearly states that “Full time faculty are responsible for curriculum development. Faculty and academic administrators collaborate to review, evaluate, and update the curriculum and oversee initiation, design, development, modification, and discontinuance of courses and programs.” In addition, the Contractual Agreement between the Board of Trustees and the COD Faculty Association states that duties of faculty include “develop and update courses in existing degree/ certificate programs” and “perform a significant role in developing and evaluating all of the institution’s educational programs.” If the College did not follow this contractual requirement, the recourse for the faculty is to file a grievance. There is no pending grievance currently related to this issue.

Based on these errors of fact, we respectfully ask that you and the HLC Board reconsider the evaluation team’s determination that we do not meet Core Component 2.A and 5.B, as the determination was made on incorrect information about our College as a whole.

B. Actions Taken by College of DuPage in Response to the Substantive Findings

Related to Core Component 1.D and 2.C:

At a Special Meeting of the College of DuPage Board of Trustees, conducted on November 5, 2015, the Board approved several measures specifically designed to address concerns and criticisms raised by the evaluation team. Those concerns generally related to disharmony among the Trustees, a lack of training and orientation for Trustees, interference by the Board with College operations that should be delegated to the administration, as well as new policies ensuring appropriate dissemination of privileged information to and among the Board members. At the November 5, Special Meeting, the Board voted to organize a retreat in which all members will participate and also to establish an augmented, comprehensive orientation program for all new members of the Board to allow the Board to more effectively conduct business for the good of the College.

Based on the actions as detailed above, we respectfully request that the HLC Board finds that College of DuPage fully meets Core Component 1.D and 2.C.

Related to Core Component 2.A:

1. The evaluation team points out that the College currently has no ethics training program for the faculty, administrators, and staff. Upon receipt of the evaluation team report on October 15 the administration immediately identified a comprehensive ethics training program provided by Workplace Answers, which currently provides other training programs for College of DuPage. The ethics training is specifically for institutions of higher education and it will be tailored to address our specific policies and procedures. All administrators, faculty, and staff, both full- and part-time, will be required to complete this training by April 1, 2016 and then on a biennial basis thereafter.
2. The report cites the issue with an apparent case of deliberate fraud undertaken by an employee who had a supervisor who did not properly oversee the employee. The supervisor was the second signer on all the questionable purchases, but did not appear to actively review paperwork. Both of these individuals no longer work for the College. Certainly at least one of these individuals did not operate with integrity, but it isn't accurate to conclude the entire College does not meet Core Component 2.A. from this incident. One outside investigation concluded that the College in general acted quickly and appropriately once the actions were discovered. To the extent internal controls in response to the evidence of fraud were not put in place by the responsible employee, such employee has been terminated. The interim Controller and interim CFO have improved the internal controls based on lessons learned from this experience. This isolated action by one employee and inadequate response by a now-former employee does not support the reviewers' conclusion that the College going forward does not meet Core Component 2.A., particularly given the subsequent remedial measures taken.
3. Regarding the alleged improper reimbursement for alcohol at the Waterleaf, it was pointed out previously that the evaluation team erroneously believed all alcohol expenditures were in violation of an express Board Policy. Regardless, the Board on April 30, 2015 resolved to suspend all such reimbursements and/or efforts to avoid internal controls via house accounts or their functional equivalent (whether on or off campus) for trustees, administration, faculty and staff alike. Waterleaf has been converted to a purely instructional operation, and the only alcohol now available there is the wine that is served in conjunction with instructional class meals. The president who oversaw the creation of the Waterleaf has been terminated by the Board. The interim CFO and interim Controller have improved the controls for purchasing and reporting of auxiliary units based on lessons learned from the Waterleaf experience. Further, the Board enacted Board Policy 10-45, which prohibits internal funds transfers from, e.g., the education fund to auxiliary units without advance approval from the Board.
4. Regarding potential conflicts of interest in awarding contracts to vendors with ties to the College or the College Foundation, it was pointed out earlier that the evaluation team erroneously believed that there was an instance where the Board knowingly accepted a contract while knowing it had been submitted after the contract deadline. In addition, when awarding contracts the College adheres to Section 3-27.1 of

the Illinois Community College Act. *The Act does not prohibit entering into a business relationship with a Foundation Board member, or prohibit a Foundation Board member from responding to a bid for supplies, materials or work.* To date, both the College and the Illinois Auditor General's office investigation into this issue remains ongoing. Regardless, the Purchasing Department is now requiring vendors to disclose potential conflict relationships in their bids, including with any individuals or entities associated with College of DuPage, including relationships with the Foundation. Further, certain Board professional services contracts that had involved members of the Foundation Board have ceased. The Board passed Board Policy 10-65, which places expenditures online which will further make it easier to detect possible conflicts that might otherwise escape notice and/or which a vendor may have deliberately concealed. In the past six months, no further allegations have been raised regarding improper business relationships between the Board and the Foundation Board or its members.

5. Regarding the violation of Board Policy in the investment of College funds in the Illinois Metropolitan Investment fund, the individuals responsible for this violation have been terminated. Similar to the radio station incident, this was the action of individual employees and once the new leadership at the College became aware of this action, the employees were put on leave and eventually terminated. Again, it isn't accurate to conclude the entire College does not meet Core Component 2.A., particularly going forward, based on the actions of individuals who have since been terminated.
6. Regarding the issue that the internal auditor reported only to the (recently terminated) president, the Board has created Board Policy 5-220, which establishes a Board Audit Committee. The internal auditor now has a dual reporting role to both the acting interim president and the Board Audit Committee. Moreover, both the Financial and Purchasing departments have proactively sought to review and educate staff on procedures and further enhance compliance with such procedures within the institutional culture, to ensure adherence to existing policies and procedures.

Based on the errors cited previously and the subsequent strong and decisive actions as detailed above, we believe the conclusion drawn by the evaluating team was based on an inaccurate view of the College's operations, and that the issues cited above have all been fully remediated. Therefore, we respectfully request that the HLC Board finds that College of DuPage fully meets Core Component 2.A.

Related to Core Components 3.A and 4.A:

All the statements of evidence in the evaluation team's report related to these two Core Components are directly related to the awarding of credits for the Suburban Law Enforcement Academy (SLEA) and the consideration of the SLEA program as an academic program. In order to remove any doubt about the appropriateness of awarding credit to SLEA cadets, College of DuPage has ceased the awarding of any academic credit to SLEA cadets, effective October 29, 2015. The program has been moved from the educational unit to the auxiliary unit, completely

separating it from all academic processes and approvals. Likewise, the College is committed to ensuring, going forward, that no Continuing Education classes (e.g., Carpenter's Apprenticeship; Pharmacy Technician; Real Estate) will be associated with or otherwise "cross-walked" to academic credit outside the existing Guide to Curriculum Development, the Contractual Agreement between the Board of Trustees and the COD Faculty Association, and without faculty support.

Since the only statements of evidence provided by the evaluation team regarding Core Components 3.A and 4.A involved the awarding of academic credits to the SLEA cadets, our decisions to discontinue this practice and to move the SLEA program from the educational unit to the auxiliary unit fully remediates this issue in its entirety and we respectfully request that the HLC Board finds that College of DuPage fully meets Core Components 3.A and 4.A.

Related to Core Component 5.B:

1. Regarding the issue of the May, June and July financial statements not being presented to the Board, the interim CFO and interim Controller were in highly unusual circumstances; and were obligated to behave in accordance with their own professional standards regarding making public representations regarding the institution to the Board. Both have resolved the reporting format in a way that provides the necessary financial information to the Board in a more understandable and complete format, and all financial statements through October have been presented to the Board as is required by Board Policy.
2. Regarding the issue of the investment transactions contrary to Board Policy, that issue has been resolved as explained earlier. In addition, the Board has issued an RFP for an independent investment firm to manage the institutional portfolio, rather than delegate this responsibility to existing staff. This action will result in more safeguards against improper financial actions by our employees.
3. Regarding the issues related to SLEA, those issues have been fully remediated as explained earlier.
4. Regarding the issue of the faculty holding an unfavorable view of the Continuing Education (CE) division, members of the faculty have expressed concerns with the CE division offering non-credit courses that compete with their credit courses. CE staff members have been meeting with the faculty to discuss conflicts and reasonable solutions to the CE department's desire to serve students in a non-credit venue and the faculty's desire to maintain their academic curriculum according to College standards. Examples of where tension has occurred include music, health sciences, and computer science. One of the issues raised by faculty is the practice of CE offering a certificate of completion for certain modules of a program. The concern is that these may be confused with the certificates awarded in the credit programs. CE staff has not been purposely competing with academic programs, and they have met with several departments to discover ways to eliminate overlap and encourage transitions from non-credit to the credit programs.

Regardless, the CE division has recently agreed to stop offering certificates of completion in order to work more cooperatively with the academic programs.

5. Regarding the issue that the faculty asserted that the “next level down in the hierarchy have not addressed concerns raised in the vote of no confidence” in the previous president, the current acting interim president and academic administrators have worked with the president of the Faculty Senate and other faculty representatives to collaborate on a number of actions, such as:

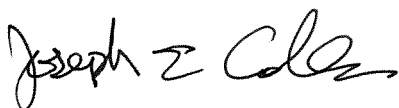
- elevating the Shared Governance Council (SGC) to a prominent role in institutional decision-making;
- re-establishing a prominent role for the SGC in the College’s strategic planning process;
- re-establishing the Quality Improvement Council, consisting of the SGC and the Institutional Effectiveness Council, to oversee the AQIP Action Project selection and implementation;
- conducting a series of Friday meetings with key faculty and administrators to discuss the faculty concerns expressed on our employee satisfaction (PACE) survey;
- enacting all the recommendations of the PACE group;
- expanding membership in the Constituency Leaders monthly meetings;
- revising the faculty communications meeting to include faculty-elected representatives from the Faculty Senate;
- settling a number of grievances, complaints, five Faculty Administrator Review Board appeals, and an unfair labor practice charge in an amicable agreement with the Faculty Association;
- meeting with the Welfare Committee of the Faculty Association to hold some frank discussions about the future of the College and to discuss our pre-grievance process in order to resolve issues before the formal grievance process begins (it should be noted that no grievance have been filed yet under the new administration, so there is evidence of issues being resolved collaboratively);
- working with the president of the Faculty Senate to plan a facilitated retreat between faculty and administration to work on resolving our differences;
- agreeing in principle to adding memoranda of understanding to the current agreement regarding compensation for program review, compensation for certain forms of learning communities, and the tenured faculty evaluation process;
- establishing a regular monthly meeting between five faculty senators and five academic administrators;
- the charging of the Instruction Committee to resolve issues of concern to the Vice President of Academic Affairs and faculty;
- the creation of task forces to examine issues with parking and the hiring of retirees; and
- a general approach to being communicative, cooperative and collaborative in our actions.

These changes won't produce overnight resolution of all outstanding issues and concerns, but the previous style of management has been replaced with a more democratic, open style. Over time we believe this will resolve many of the issues raised by our faculty in the July visit with the evaluation team.

Based on the errors cited previously and the subsequent strong and decisive actions as detailed above, we believe the conclusion drawn by the evaluating team was partially based on an inaccurate view of the College's operations, and that the issues cited above have all been remediated or are in the process of being remediated, particularly as to faculty relationships. Therefore, we respectfully request that the HLC Board finds that College of DuPage fully meets Core Component 5.B.

College of DuPage has been a participant in the AQIP program since its inception. We were in the first group of colleges to receive accreditation under the AQIP model in 2008. Last spring we had our Quality Checkup Site Visit at the end of our second cycle under AQIP, and the evaluation team found that the College met all Core Components fully and completely. Based on a number of articles written about the College, the HLC sent an Advisory Team to investigate. We take the concerns the HLC raised with the utmost seriousness. We appreciate that the HLC has recognized the unusual circumstances that have occurred which prompted increased HLC oversight, including the advisory team visit. We hope that the HLC will recognize that in a matter of a few short months the College has likewise taken extraordinary steps in response. In addition, under new College leadership, most of the other issues, such as the lack of ethics training and the SLEA credit concern, have been quickly and effectively remediated. The issues that remain are all being addressed in complete cooperation between our Board, the administrators, the staff, and the faculty. I appreciate the opportunity to provide this additional information for the HLC Board to consider as it deliberates on and decides any potential action affecting the accreditation status of College of DuPage.

Sincerely,

A handwritten signature in black ink that reads "Joseph E. Collins". The signature is written in a cursive, flowing style.

Joseph E. Collins, Ph.D.

Acting Interim President

College of DuPage