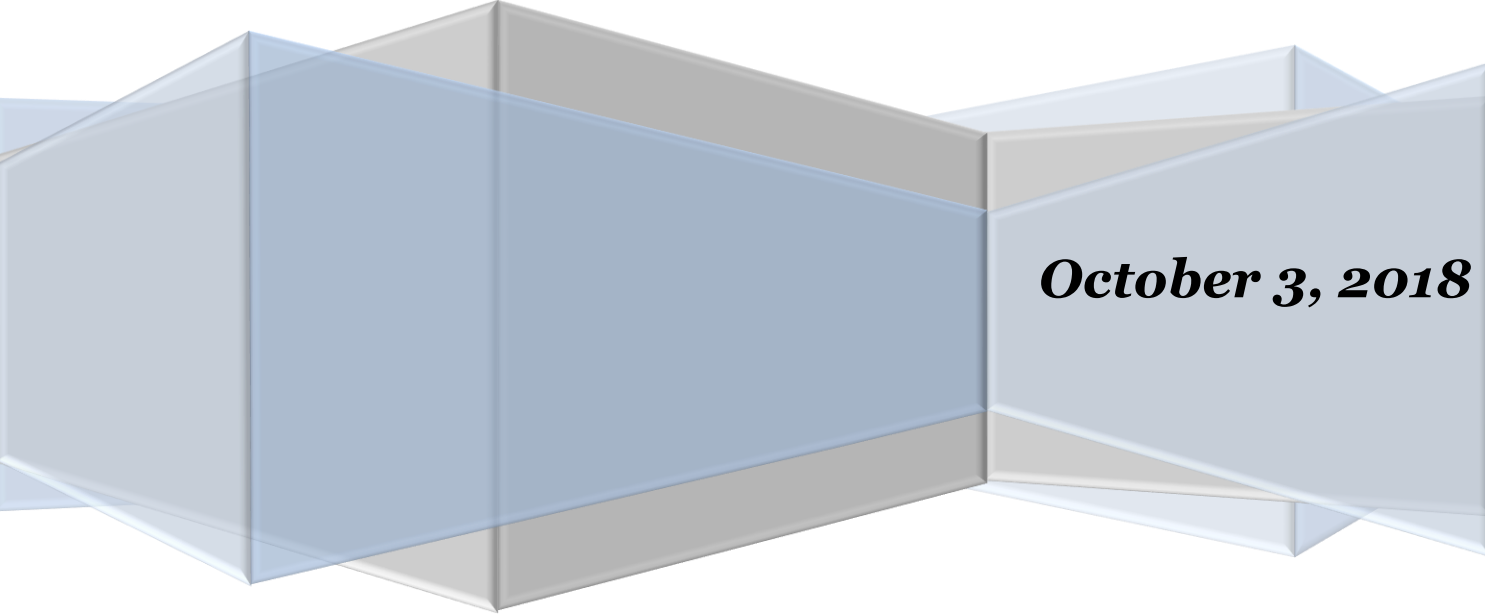




---

**SYSTEM RULES MANUAL OF THE  
ILLINOIS COMMUNITY COLLEGE BOARD**

---



***October 3, 2018***

**ADMINISTRATIVE RULES  
OF THE  
ILLINOIS COMMUNITY COLLEGE BOARD**  
*October 2018*

**TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER VII: ILLINOIS COMMUNITY COLLEGE BOARD  
PART 1501 ADMINISTRATION OF THE ILLINOIS PUBLIC COMMUNITY COLLEGE ACT**

<b>SUBPART A: ILLINOIS COMMUNITY COLLEGE BOARD ADMINISTRATION .....</b>	<b>1</b>
<i>Section 1501.101 Definition of Terms and Incorporations by Reference .....</i>	<i>1</i>
<i>Section 1501.102 Advisory Groups .....</i>	<i>2</i>
<i>Section 1501.104 Manuals.....</i>	<i>4</i>
<i>Section 1501.105 Advisory Opinions.....</i>	<i>4</i>
<i>Section 1501.106 Executive Director.....</i>	<i>4</i>
<i>Section 1501.108 Organization of ICCB .....</i>	<i>4</i>
<i>Section 1501.109 Appearance at ICCB Meetings .....</i>	<i>4</i>
<i>Section 1501.110 Appeal Procedure .....</i>	<i>5</i>
<i>Section 1501.113 Administration of Detachments and Subsequent Annexations .....</i>	<i>5</i>
<i>Section 1501.114 Recognition.....</i>	<i>6</i>
<b>SUBPART B: LOCAL DISTRICT ADMINISTRATION .....</b>	<b>7</b>
<i>Section 1501.201 Reporting Requirements.....</i>	<i>7</i>
<i>Section 1501.202 Certification of Organization .....</i>	<i>8</i>
<i>Section 1501.203 Delineation of Responsibilities.....</i>	<i>9</i>
<i>Section 1501.204 Maintenance of Documents or Information .....</i>	<i>9</i>
<b>SUBPART C: PROGRAMS .....</b>	<b>9</b>
<i>Section 1501.301 Definition of Terms .....</i>	<i>9</i>
<i>Section 1501.302 Units of Instruction, Research, and Public Service .....</i>	<i>13</i>
<i>Section 1501.303 Program Requirements .....</i>	<i>22</i>
<i>Section 1501.305 College, Branch, Campus, and Extension Centers.....</i>	<i>25</i>
<i>Section 1501.307 Cooperative Agreements and Contracts.....</i>	<i>26</i>
<i>Section 1501.308 Reporting Requirements.....</i>	<i>30</i>
<i>Section 1501.309 Course Classification and Applicability .....</i>	<i>30</i>
<i>Section 1501.310 Acceptance of Private Business Vocational School Credits by Community Colleges in Select Disciplines.....</i>	<i>34</i>

## TABLE OF CONTENTS *(continued)*

<b>SUBPART D: STUDENTS</b> .....	<b>37</b>
<i>Section 1501.402 Admission of Students</i> .....	37
<i>Section 1501.403 Student Services</i> .....	37
<i>Section 1501.404 Academic Records</i> .....	38
<i>Section 1501.405 Student Evaluation</i> .....	38
<i>Section 1501.406 Reporting Requirements</i> .....	38
<b>SUBPART E: FINANCE</b> .....	<b>39</b>
<i>Section 1501.501 Definition of Terms</i> .....	39
<i>Section 1501.502 Financial Planning</i> .....	41
<i>Section 1501.503 Audits</i> .....	41
<i>Section 1501.504 Budgets</i> .....	42
<i>Section 1501.505 Student Tuition</i> .....	42
<i>Section 1501.506 Published Financial Statements</i> .....	44
<i>Section 1501.507 Credit Hour Claims</i> .....	45
<i>Section 1501.510 Reporting Requirements</i> .....	49
<i>Section 1501.511 Chart of Accounts</i> .....	49
<i>Section 1501.516 Capital Renewal Grants</i> .....	51
<i>Section 1501.519 Special Initiatives Grants</i> .....	51
<i>Section 1501.520 Lincoln's Challenge Scholarship Grants</i> .....	52
<b>SUBPART F: CAPITAL PROJECTS</b> .....	<b>53</b>
<i>Section 1501.601 Definition of Terms</i> .....	53
<i>Section 1501.602 Approval of Capital Projects</i> .....	54
<i>Section 1501.603 State-Funded Capital Projects</i> .....	55
<i>Section 1501.604 Locally Funded Capital Projects</i> .....	64
<i>Section 1501.607 Reporting Requirements</i> .....	64
<i>Section 1501.608 Approval of Projects from 110 ILCS 805/3-20.3.01</i> .....	64
<i>Section 1501.609 Completion of Projects from 110 ILCS 805/3-20.3.01</i> .....	65
<i>Section 1501.610 Demolition of Facilities</i> .....	65
<b>SUBPART H: PERSONNEL</b> .....	<b>65</b>
<i>Section 1501.801 Definition of Terms</i> .....	65
<i>Section 1501.802 Sabbatical Leave</i> .....	65

**TABLE OF CONTENTS** *(continued)*

**TITLE 2: GOVERNMENTAL ORGANIZATION  
 SUBTITLE F: EDUCATIONAL AGENCIES  
 CHAPTER VIII: ILLINOIS COMMUNITY COLLEGE BOARD  
 PART 5175 PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION**

**SUBPART A: PUBLIC INFORMATION ..... 67**  
*Section 5175.20 Appearance at ICCB Meetings .....67*  
*Section 5175.30 Information Request .....67*  
*Section 5175.40 Minutes of Closed Sessions .....67*

**SUBPART B: RULEMAKING ..... 68**  
*Section 5175.140 ICCB Rules .....68*

**SUBPART C: ORGANIZATION ..... 68**  
*Section 5175.200 Organization of the Illinois Community College Board .....68*  
*Section 5175.210 Board Member Attendance by Means Other Than Physical Presence .....69*  
*Section 5175.220 Organization of ICCB Staff .....70*  
*Section 5175.APPENDIX A Organization Chart .....70*

**TITLE 2: GOVERNMENTAL ORGANIZATION  
 SUBTITLE F: EDUCATIONAL AGENCIES  
 CHAPTER VIII: ILLINOIS COMMUNITY COLLEGE BOARD  
 PART 5176 ACCESS TO RECORDS OF THE ILLINOIS COMMUNITY COLLEGE BOARD**

**SUBPART A: INTRODUCTION ..... 71**  
*Section 5176.100 Summary of Purpose .....71*  
*Section 5176.105 Definitions .....71*

**SUBPART B: CLASSIFICATION OF RECORDS ..... 73**  
*Section 5176.200 Records that Will Be Disclosed .....73*  
*Section 5176.205 Records that Will Be Withheld from Disclosure .....74*  
*Section 5176.210 Statutory Exemptions .....74*

**SUBPART C: PROCEDURES FOR REQUESTING RECORDS FROM THE BOARD ..... 74**  
*Section 5176.300 Submittal of Requests for Records .....74*  
*Section 5176.305 Information To Be Provided in Requests for Records .....75*  
*Section 5176.310 Requests for Records for Commercial Purposes .....75*  
*Section 5176.315 Records Maintained Online .....76*

**SUBPART D: BOARD RESPONSE TO REQUESTS FOR RECORDS ..... 76**  
*Section 5176.400 Timeline for Board Response .....76*  
*Section 5176.405 Requests for Records that the Board Considers Unduly Burdensome .....77*  
*Section 5176.410 Recurrent Requesters .....78*

**TABLE OF CONTENTS** *(continued)*

*Section 5176.415 Requests for Records that Require Electronic Retrieval*..... 78

*Section 5176.420 Denials of Requests for Records* ..... 79

*Section 5176.425 Requests for Review of Denials – Public Access Counselor* ..... 79

*Section 5176.430 Circuit Court Review* ..... 81

*Section 5176.435 Administrative Review* ..... 81

**SUBPART E: PROCEDURES FOR PROVIDING RECORDS TO REQUESTERS** ..... **81**

*Section 5176.500 Inspection and Copying of Records*..... 81

*Section 5176.505 Fees for Records* ..... 82

*Section 5176.510 Reduction and Waiver of Fees* ..... 83

*Section 5176.APPENDIX A Fee Schedule for Duplication and Certification of Records* ..... 84

**TITLE 4: DISCRIMINATION PROCEDURES**  
**CHAPTER XXXIX: ILLINOIS COMMUNITY COLLEGE BOARD**  
**PART 1050 AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE**

*Section 1050.10 Purpose*..... 85

*Section 1050.20 Definitions* ..... 85

*Section 1050.30 Procedure* ..... 86

*Section 1050.40 ADA Coordinator Level*..... 86

*Section 1050.50 Final Level*..... 86

*Section 1050.60 Accessibility* ..... 87

*Section 1050.70 Case-by-Case Resolution*..... 87

**TITLE 23: EDUCATION AND CULTURAL RESOURCES**  
**SUBTITLE A: EDUCATION**  
**CHAPTER II: BOARD OF HIGHER EDUCATION**  
**PART 1050 APPROVAL OF NEW UNITS OF INSTRUCTION, RESEARCH AND PUBLIC SERVICE AT PUBLIC INSTITUTIONS**

*Section 1050.10 Institutions Required to Receive Approval*..... 88

*Section 1050.20 Definitions* ..... 88

*Section 1050.30 Criteria for Approval* ..... 88

*Section 1050.40 Procedures of Obtaining Approval*..... 94

*Section 1050.50 Review of Existing Units of Instruction, Research and Public Service* ..... 102

*Section 1050.ILLUSTRATION A Map of Regions* ..... 102

**TABLE OF CONTENTS** *(continued)*

**TITLE 29: EMERGENCY SERVICES, DISASTERS, AND CIVIL DEFENSE  
 CHAPTER I: ILLINOIS EMERGENCY MANAGEMENT AGENCY  
 SUBCHAPTER C: ADMINISTRATION AND ORGANIZATION OF LOCAL POLITICAL SUBDIVISION EMERGENCY  
 SERVICES AND DISASTER AGENCIES  
 PART 305 ALL HAZARDS CAMPUS EMERGENCY PLAN AND VIOLENCE PREVENTION PLAN**

**SUBPART A: GENERAL..... 110**  
*Section 305.10 Purpose.....110*  
*Section 305.20 Definitions.....110*

**SUBPART B: GUIDELINES FOR THE CAMPUS EMERGENCY OPERATIONS PLAN ..... 112**  
*Section 305.30 Initial Analysis and Assessment .....112*  
*Section 305.40 Basic Plan Guidelines.....114*  
*Section 305.50 Campus Functional Annex Guidelines.....115*

**SUBPART C: GUIDELINES FOR THE CAMPUS VIOLENCE PREVENTION PLAN..... 120**  
*Section 305.60 Campus Violence Prevention Plan .....120*  
*Section 305.70 Campus Violence Prevention Committee.....121*  
*Section 305.80 Campus Threat Assessment Team.....121*

**SUBPART D: COORDINATION, SUBMISSION AND REVIEW GUIDELINES FOR CAMPUS  
 EMERGENCY OPERATIONS PLAN AND CAMPUS VIOLENCE PREVENTION PLAN ..... 122**  
*Section 305.90 Coordination, Submission and Review.....122*

**SUBPART E: TRAINING AND EXERCISE GUIDELINES ..... 122**  
*Section 305.100 Training .....122*  
*Section 305.110 Exercise Guidelines for the Campus Emergency Operations Plan and Campus Violence  
 Prevention Plan.....122*

**TITLE 2: GOVERNMENTAL ORGANIZATION  
 SUBTITLE E: MISCELLANEOUS STATE AGENCIES  
 CHAPTER VI: EXECUTIVE ETHICS COMMISSION  
 PART 1620 ORGANIZATION, INFORMATION, RULEMAKING AND HEARINGS**

**SUBPART G: GIFT BAN ..... 123**  
*Section 1620.700 Gift Ban.....123*

**SUBPART H: MISCELLANEOUS FILINGS..... 124**  
*Section 1620.820 Ex Parte Communications.....124*  
*Section 1620.825 Communications Related to Procurement.....125*  
*Section 1620.830 Designation of Ethics Officer .....129*

**TITLE 23: EDUCATION AND CULTURAL RESOURCES**  
**SUBTITLE A: EDUCATION**  
**CHAPTER VII: ILLINOIS COMMUNITY COLLEGE BOARD**

**PART 1501 ADMINISTRATION OF THE ILLINOIS PUBLIC COMMUNITY COLLEGE ACT**

**SUBPART A: ILLINOIS COMMUNITY COLLEGE BOARD ADMINISTRATION**

**Section 1501.101 Definition of Terms and Incorporations by Reference**

a) Definitions

"Act" means the Public Community College Act [110 ILCS 805].

"Board" means the Board of Trustees of an Illinois public community college district.

"Classification of Instructional Programs" or "(CIP)" means a taxonomic scheme that supports the accurate tracking and reporting of fields of study and program completion activity.

"College" means an Illinois public community college.

"Executive Director" means the executive officer and the executive secretary of the ICCB.

"ICCB" or "State Board" means the Illinois Community College Board.

"ICCB Grants" means funds appropriated by the State of Illinois to ICCB for community colleges.

"Student Member" means the member of ICCB who has been selected by ICCB's Student Advisory Committee. The student member has all the privileges of membership defined in Section 2-3 of the Act.

"Recognition Continued" means a status granted to a district that generally meets ICCB standards.

"Recognition Continued-with Conditions" means a status granted to a district that generally does not meet ICCB standards. A district is judged not to meet ICCB standards when one or more of the following conditions exist:

the district continues to be out of compliance with standards cited during the previous visit;

applicable standards are disregarded; and/or

the district is found to be out of compliance with significant applicable standards.

"Recognition Interrupted" is a status granted to a district that fails to meet ICCB standards within a specified period of time after being assigned a status of recognition continued-with conditions.

"Student Advisory Committee" or "SAC" means the ICCB student advisory committee created by Section 2-1 of the Act.

- b) Incorporation by Reference  
"Program Classification Structure", 2<sup>nd</sup> Edition (Technical Report 106) (1978). Collier, Douglas J. This document may be obtained from the National Center for Higher Education Management Systems (NCHEMS), 3035 Center Green Drive, Suite 150, Boulder CO 80301-2251 or from info@nchems.org. This incorporation by reference does not include any later editions or amendments.

### **Section 1501.102 Advisory Groups**

- a) Advisory Organizations. Independent organizations may be considered by the ICCB to be advisory upon petition to the State Board. Independent organizations so recognized by the ICCB as "advisory" will have the opportunity to bring matters before the ICCB during a regular ICCB meeting and will have an opportunity to provide advice to the ICCB on proposed rule and policy adoptions and matters of interest to community colleges. An advisory organization may have its recognition status withdrawn by action of the ICCB or by request of the organization. Advisory organization recognition may be granted by the ICCB at the request of an organization which meets the following criteria:
- 1) The organization exists independently of the ICCB and any individual college;
  - 2) A primary purpose of the organization is to deal with matters of systemwide importance; and
  - 3) Representatives of Illinois community college districts are included as voting members of the organization.
- b) Advisory Committees. Advisory committees to the ICCB may be authorized and appointed by the ICCB. Membership and terms of appointment shall be established at the time of authorization.
- c) Student Advisory Committee
- 1) Purpose. The purposes of this committee are to:



- A) Review proposed ICCB policies;
  - B) Inform the ICCB of systemwide issues that impact the education of community college students; and
  - C) Select the ICCB Student Member.
- 2) Membership. Each member of the Student Advisory Committee shall be the nonvoting student member of the local district board of trustees. In the case of multi-college districts, the student trustee of the district shall automatically be designated as the voting member for the individual college where he or she attends. If the student member of the local district board of trustees cannot serve and, for colleges that are part of a multi-college district not represented by the district's student member, the district's president or chief executive officer may designate a student as a voting member. No community college shall have more than one voting member per college. The ICCB Student Member will serve ex officio.
- 3) Officers. The Student Advisory Committee shall annually select the following officers from its membership to serve a one-year term: a Chair to conduct the meeting of the Committee; a Vice Chair to assist the Chair, to conduct the meeting if the Chair is absent, and to represent the SAC on the IBHE Student Advisory Committee; and a Recording Officer to record the minutes of all SAC meetings.
- 4) The Executive Director of ICCB shall call SAC meetings as necessary and notify each local district board of trustees at least 30 days in advance.
- 5) ICCB Meetings. The SAC report shall be given at regular ICCB meetings
- d) Selection of ICCB Student Member. The SAC will seek nominations for the ICCB Student Member from all Illinois public community colleges. A college district can nominate one candidate for this position. The nomination shall include information such as personal information (name and address), number of credit hours (current and expected), college and community activities, resume, letters of reference, and rationale for desiring the position. The ICCB Student Member shall be elected before June 1 by a majority vote of SAC members present from all nominations who meet ICCB student membership requirements as delineated in subsection (e).
- e) Membership Requirements of ICCB Student Member. The ICCB Student Member shall be enrolled in an Illinois public community college for a minimum course load of six semester or quarter credit hours during both the fall and spring semesters (fall/winter/spring quarters) for each term of his/her appointment. If the course load of the ICCB Student Member falls below the minimum credit hours, that member shall be replaced by a majority vote of the SAC members present at

the next SAC meeting.

- f) Length of Term of ICCB Student Member. The ICCB Student Member shall serve for a term of one year beginning on July 1 and expiring on June 30. No ICCB Student Member shall serve for more than two terms. Service during a partial term shall not be considered as one term.

#### **Section 1501.104 Manuals**

The Executive Director is authorized to develop and promulgate manuals for the purpose of administering ICCB rules.

#### **Section 1501.105 Advisory Opinions**

ICCB will provide advisory opinions regarding interpretation of the Act to community colleges upon request of the district's chief executive officer or Chair of the board and with the approval of the ICCB Chair and Executive Director. These opinions also will be provided to recognized advisory organizations upon request of the chair of each group, subject to the approval of the ICCB Chair and Executive Director.

#### **Section 1501.106 Executive Director**

The Executive Director shall perform all specific statutory responsibilities, administer the ICCB rules, and perform any other duties requested or delegated by the ICCB.

#### **Section 1501.108 Organization of ICCB**

The ICCB staff is organized into the following three (3) administrative divisions for the purpose of conducting the agency's business:

- a) Agency Division, which includes policy and rule administration, legislative, internal auditing, and overall supervision of ICCB functions.
- b) Operations Division, which includes finance and facilities, planning and research, and internal fiscal administration functions.
- c) Programs Division, which includes curricular, student services, and management information functions.

(Source: Former Section recodified to 2 Ill. Adm. Code 5175.30 at 8 Ill. Reg. 6032; new Section adopted at 8 Ill. Reg. 19383, effective September 28, 1984)

#### **Section 1501.109 Appearance at ICCB Meetings**

With at least seven (7) days prior written notice to the Chair or the Executive Director of the ICCB and with the concurrence of the Chair, a representative of any college or the public at large may bring matters to the attention of the ICCB or provide comment on matters already before the ICCB. The written notice requirement may be waived by the Chair.

**Section 1501.110 Appeal Procedure**

Any ICCB decision, not otherwise covered by a specific appeal procedure, may be appealed within thirty (30) days of the decision by submitting a written request for reconsideration of the decision to the ICCB Chair. The Chair shall review the request and place it on the agenda of the next regularly scheduled meeting of the ICCB. The appellant may make both oral and written presentations to the ICCB at the time the decision is reconsidered.

**Section 1501.113 Administration of Detachments and Subsequent Annexations**

- a) ICCB decisions concerning approval or disapproval of requested detachments and subsequent annexations are required by Section 6-5.3 of the Act to be based on the criteria of being *in the best interests of the schools in the general area and the educational welfare of the students residing within the territory*. These criteria are defined as follows:
  - 1) *In the best interests of schools* – The effect of the proposed annexation/new district formation on:
    - A) Reasonableness of cost to taxpayers of the territory being annexed to an existing community college district or becoming part of a new community college district, that is, whether the operating tax rate of the community college district exceeds the chargeback levy of the nondistrict territory;
    - B) Finances of the existing or new community college district, that is, the equalized assessed valuation of the nondistrict territory is examined to determine how much tax revenue will be generated for the community college district to which the nondistrict territory could annex; and
    - C) Enrollments of the existing district,
      - i) which community college the nondistrict territory students have been attending; and
      - ii) effect of additional enrollments when the nondistrict territory is annexed to a community college district.
  - 2) *Educational welfare of students* – The effect of the proposed annexation/new district formation on:
    - A) Program availability to students of the territory being annexed to an existing community college district, that is, will the program be more available to students should annexation be approved?
    - B) Physical access of students to the campus(es) of the existing or new community college district, that is, what is the distance and

time which the students must travel to attend?

- C) Cost to students to attend the existing or new community college district, that is, what are the tuition and fees and commuting costs associated with attending that community college district?
  - D) And participation by students in their normal economic, cultural, and social activities, that is, where do potential students shop, work, and attend religious and cultural events?
- b) In addition to the criteria identified in subsection (a), consideration will be given to the expressed wishes of local residents. The expression shall be in the form of signatures on a petition submitted in accordance with Section 6-5.3 of the Act.

### **Section 1501.114 Recognition**

- a) Recognition Provisions
  - 1) Recognition Status. A district will be granted a status of recognition continued, recognition continued – with conditions, or recognition interrupted.
  - 2) Effect of Recognition Continued. A district that has been granted the status of recognition continued will be entitled to receive ICCB grants for which it is otherwise entitled and eligible.
  - 3) Effect of Recognition Continued-With Conditions. A district that has been granted the status of recognition continued – with conditions will be entitled to receive ICCB grants for which it is otherwise entitled and eligible, but it will be given a specified time to resolve the conditions that led to its assignment to that status. A follow-up visit will be scheduled not sooner than three nor later than nine months after ICCB action on the assignment to determine the district's progress in resolving the conditions.
  - 4) Effect of Recognition Interrupted. A district that has been granted a status of recognition interrupted may apply for recognition when all requirements set forth by ICCB have been satisfied. A district on recognition interrupted status will have State funding suspended on a prorata, per diem basis for the period for that such status is in effect.
  - 5) Recognition Action. Recognition is considered to be continuous unless action is taken to interrupt it. The ICCB will act on the recognition status of a district at the meeting subsequent to the ICCB recognition report being received. A district that previously has not been granted a recognition status by the ICCB may apply for a recognition status at any time. A district that has the status of recognition continued shall apply for continuation of that status at least 30 days before a scheduled recognition

team visit.

- b) **Evaluation.** The ICCB staff recognition team will conduct an in-depth evaluation of a district at least once every 5 years. Additional or alternate focused evaluations may be conducted to review circumstances of alleged gross noncompliance with ICCB standards. The purpose of the evaluation will be to determine compliance with ICCB standards. The evaluation may include an on-site visit. No district will be granted a recognition status without having received a prior in-depth evaluation. A district will receive a draft report of the recognition team's findings no later than 30 days after the conclusion of the evaluation. The district will have 30 days to review the draft report, respond to compliance recommendations, and return the responses to ICCB. A final report will be presented to the ICCB at its next regularly scheduled meeting and will include the district's responses to the draft report's findings. Accompanying the final report will be the evaluating team's recommendation for recognition status.
- c) **Review and Appeal.** The ICCB may place a district on a recognition interrupted status for failure to meet ICCB standards after being granted a status of recognition continued – with conditions and receiving a follow-up evaluation if the district has not resolved the conditions within the stated time allowed. Any district whose recognition is interrupted may file a written request with the ICCB for a hearing on the decision in accordance with Section 1501.110. Pending the hearing and decision, any consequences of recognition interrupted will be suspended.
- d) **Recognition Standards.** The recognition standards by which a district will be evaluated for recognition purposes will be the applicable statutes within the Public Community College Act and applicable ICCB rules.

## **SUBPART B: LOCAL DISTRICT ADMINISTRATION**

### **Section 1501.201 Reporting Requirements**

Complete and accurate reports shall be submitted by the district/college to ICCB in accordance with ICCB requirements and on forms provided by ICCB, where applicable. Listed in this Section is the schedule of due dates indicating when items from the community colleges are due at the Illinois Community College Board Office:

- |            |   |
|------------|---|
| January 15 | • annual financial statements and notice of publication (see Section 1501.506)  |
| January 31 | • certificate of tax levy (see Section 1501.510(f))<br>• construction project status reports (see Section 1501.607(a))  |
| February 1 | • annual African American Employment Plan Survey (see Section 1501.308(b))<br>• annual Hispanic/Latino Employment Plan Survey (see Section 1501.308(b))<br>• annual Asian Employment Plan Survey (see Section 1501.308(b))<br>• annual Bilingual Needs and Bilingual Pay Survey (see Section 1501.308(b)) |

- February 15 • spring semester (2<sup>nd</sup> term) enrollment survey (see Section 1501.406(b))
- March 1 • annual Underrepresented Groups Report (see Section 1501.406(c))
- June 15 • annual faculty, staff salary and benefits data (see Section 1501.308(a))
- July 1 • Resource Allocation and Management Plan (RAMP/CC) (see Section 1501.510(a))
- July 15 • report of out-of-state extensions (see Section 1501.307(h)(4))  
• annual noncredit course enrollment (see Section 1501.406(d))
- August 1 • annual student enrollment and completion data (see Section 1501.406(a))  
• square footage and acreage (facility information) (see Section 1501.510(b))
- September 1 • budget and tax survey (see Section 1501.510(d))  
• program review report (see Section 1501.303(d)(6))  
• program review listing (see Section 1501.303(d)(6))  
• facilities data (see Section 1501.510(e) and 1501.607(c))  
• annual Student Identification data submission (see Section 1501.406(f))  
• annual report of student course information submission (see Section 1501.406(g))
- October 1 • fall semester enrollment data (see Section 1501.406(a))  
• fall semester enrollment survey (see Section 1501.406(b))
- October 15 • faculty, staff and salary data (see Section 1501.308(a))  
• fiscal year budget (see Section 1501.504)
- November 1 • summer graduate reporting (for the Integrated Postsecondary Education Data System Graduation Rate Survey) (see Section 1501.406(e))
- December 30 • external audit (see Section 1501.503(a))  
• annual instructional cost report (see Section 1501.510(c))  
• unexpended special initiative grant funds (see Section 1501.519(d))

30 days after the end of each term - credit hour claims (see Sections 1501.606(b) and Section 1501.507(a))

### **Section 1501.202 Certification of Organization**

Within five working days after the convening of the newly elected board or the new board as provided in Section 3-8 of the Act, the chair of the board of trustees shall certify in writing to the ICCB that the board of trustees has been organized. The certification shall include the name of the chair, vice chair, and the secretary and state the time and place of regular meetings. If the board, by resolution, establishes a policy for the terms of office to be one year, instead of the

normal two years, or provides for the election of officers for the remaining one year, a copy of this resolution shall also accompany the certification.

### **Section 1501.203 Delineation of Responsibilities**

The board and administration responsibilities shall be delineated as follows:

- a) The board shall serve as the policy-making body for the district and for all colleges within the district.
- b) Roles of the board and of the chief executive officer and administrative staff shall be delineated in board policies.
- c) Administration of the district/college shall be in accordance with policies of the board.

### **Section 1501.204 Maintenance of Documents or Information**

The district shall maintain the following documents or information:

- a) board policy manual;
- b) staff handbook(s) or copy of rules pertaining to faculty and administrative staff;
- c) organizational chart;
- d) college catalog or other written information on course listings, programs, admission requirements, grading system, financial aid, and graduation requirements; and
- e) student handbook or copy of rules pertaining to students.

## **SUBPART C: PROGRAMS**

### **Section 1501.301 Definition of Terms**

"Adult Basic Education" means basic skills courses designed to bring students to a competency of Grade 8 equivalency, including English as a Second Language.

"Adult Secondary Education" means courses designed to bring students to a competency of Grade 12 equivalency, including English as a Second Language, and the high school equivalency examination preparation.

"Associate Degree" means an award for satisfactory completion of a curriculum of 60 semester credit hours or more.

"Associate in Applied Science Degree" means an award for the satisfactory completion of a prescribed curriculum intended to prepare individuals for employment in a specific field.



"Associate in Arts Degree" means an award for the satisfactory completion of a prescribed curriculum intended to transfer to baccalaureate degree programs in one of the arts, humanities, or social or behavioral sciences or one of the professional fields with these disciplines as a base.

"Associate in Engineering Science Degree" means an award for the satisfactory completion of a prescribed curriculum intended to transfer to baccalaureate degree programs in engineering.

"Associate in Fine Arts Degree" means an award for the satisfactory completion of a prescribed curriculum intended to transfer to baccalaureate degree programs in one of the fine arts: art, music, or theater.

"Associate in General Studies Degree" means an award for the satisfactory completion of a curriculum that has been individually designed by mutual agreement between the student and his/her college-appointed advisor to meet the student's educational intent.

"Associate in Science Degree" means an award for the satisfactory completion of a prescribed curriculum intended to transfer to baccalaureate degree programs in one of the mathematical, biological, or physical sciences or one of the professional fields with these disciplines as a base.

"Baccalaureate/Transfer Education" means coursework intended to prepare individuals for transfer into a baccalaureate curriculum in a related field of study.

"Branch" means an administrative unit of a college that has a continuing educational mission and serves as a secondary instructional site for the college.

"Bridge Instruction" means coursework in adult education, remedial education, career and technical education, vocational skills education, or a combination of these types of education, to prepare individuals for entering credit courses and curricula.

"Campus" means an organized administrative unit of a college that has a continuing educational mission and serves as a primary instructional site for the college.

"Career and Technical Education" means organized educational programs of study that prepare students for employment in a specific field and should be aligned with related secondary and/or upper-division programs that require a common knowledge and skill set.



"Certificate" means an award for satisfactory completion of a series of courses or curriculum of less than 59 semester credit hours.

"General Certificate" means a noncredit award for satisfactory completion of a series of courses of 30 semester credit hours or less in adult basic education, adult secondary education, remedial education, vocational skills, or general studies.

"Occupational or Career and Technical Certificate" means a credit award for satisfactory completion of a prescribed curriculum intended to prepare an individual for employment in a specific field.

"College" means a district's administrative unit that is authorized by the Illinois Board of Higher Education to grant postsecondary-level degrees and certificates, is recognized by the ICCB, and provides a comprehensive program of instruction in accordance with Section 101-2(e) of the Act.

"Contact Hour" means instructional time based on a 50-60 minute clock hour of instructional activity that may include classroom, online, laboratory, clinical or work-based instruction or any combination of those instructional methods.

"Course" means a sequential presentation, through one or more instructional modes, of subject matter in a particular field to meet specific objectives within a designated time period, such as a semester or a quarter.

"Curriculum" means an approved unit of instruction consisting of a series of courses designed to lead to an associate degree or a certificate.

"District Curriculum" means a curriculum approved for offering within a district, on the basis of student interest, employment demand, and available resources within the district.

"General Studies Curriculum" means a curriculum designed to meet individual student goals, in the promotion of personal improvement and self-understanding.

"Regional Curriculum" means a curriculum approved for offering within a particular region of the State, on the basis of student interest and employment demand within the region. An institution holding authority to offer a regional curriculum shall not exclude additional districts, including those within the defined region or regional consortia of colleges, from requesting approval to offer the same curriculum in its district.

"Statewide Curriculum" means a curriculum approved for offering on the basis of student interest and employment demand statewide. An institution

holding authority to offer a statewide curriculum shall not exclude additional districts from requesting approval to offer the same curriculum statewide, regionally or in its district.

"Educational Agency" means an agency, corporation, or other defined legal entity that offers instruction.

"Electronic Exchange System" means an online tool for organizing ICCB proposals and tracking their status.

"Extension Center" means an instructional site for the college that is used for offering some of the college's courses and/or programs for a limited duration.

"Higher Learning Commission" or "HLC" means an independent corporation that serves as one of six regional institutional accreditors in the U.S. and accredits degree-granting post-secondary educational institutions in the North Central Region, which includes Illinois.

"Instructional Activity" means classroom, online, laboratory, clinical or work-based instruction or any combination of those instructional methods.

"Internship/Practicum" means a course of planned and supervised training that allows the application of theory to actual practice and prepares a student for working independently in a specific career. The internship/practicum generally occurs after the student has completed 12 credit hours. It takes place at a regular worksite and instruction/supervision is shared by a college instructor/supervisor and a qualified employee at the worksite. Clinical practicums take place in a hospital or other medical/health facility and require close supervision/instruction/monitoring by a qualified college instructor.

"Laboratory" means a course of planned and supervised training in which students learn new methods or principles through experimentation, observation, and/or practice. A lab class can occur at the beginning, middle, or end of a particular course of study and may be a specially equipped room designed for experimentation, observation, and/or practice on the college campus or at the worksite.

"Lecture" means a course presented in an oral or related format that allows for content to be discussed among class participants.

"PBVS Program of Study" means any of the programs listed in Section 10 of the Career and Workforce Transition Act [110 ILCS 151].

"Principal Site" means the official mailing address of the college.

"Private Business Vocational School" or "PBVS" means a non-degree granting institution that is regulated and approved by the Board of Higher Education under

the Private Business and Vocational Schools Act of 2012 [105 ILCS 426] and that is nationally accredited by an accreditor approved by the U.S. Department of Education.

"Public Service" means noncredit classes and other activities of an educational nature, such as workshops, seminars, forums, exhibits, and the provision of college facilities and expertise to the community, designed to be of service to the public.

"Remedial Education" means courses in computation, communication (that is, writing and speaking), and reading, designed to improve the competency of high school graduates, or those persons achieving high school equivalency through standardized testing, to the level necessary for placement into communication and mathematics courses required of first-year college students. Remedial courses reiterate basic skills that students were expected to have mastered before entry into postsecondary education.

"Research" means investigations or experiments to discover or interpret facts, to revise accepted theories, or to apply those revised theories.

"Secondary School" means a private or parochial secondary school, public secondary school district, or public unit school district.

"Unit of Instruction" means any one of the following:

An organized program of study consisting of a sequence of courses that results in the award to a student of a certificate or an associate degree.

Any existing organized program of study offered at a new geographical location outside of the college district.

Any organized administrative entity that would have a continuing instructional mission, including but not limited to a college, campus or branch.

"Unit of Research or Public Service" means a college's subdivision, such as a division, institute or center, that administers one or more research or public service programs.

"Vocational Skills Education" means courses designed to provide short-term job entry training, to upgrade the skills of persons already employed, or to review skills for career re-entry.

### **Section 1501.302 Units of Instruction, Research, and Public Service**

- a) Approval of New Units of Instruction. An application for approval of a proposed new unit of instruction shall be submitted to the ICCB on forms provided by

ICCB. The criteria for approval of new units of instruction, which also apply to existing programs offered by community colleges, are:

- 1) Mission and Objectives
  - A) The objectives of the unit of instruction are consistent with the mission of the college as set forth in Section 1-2(e) of the Act.
  - B) The objectives of the unit of instruction are consistent with what the title of the unit of instruction implies.
- 2) Academic Control
  - A) The design, conduct and evaluation of the unit of instruction are under the direct and continuous control of the college's established processes for academic planning and quality maintenance, and clear provision is made for ensuring a high level of academic performance of faculty and students.
  - B) The admission, course placement, and graduation requirements for the unit of instruction are consistent with the stated objectives of the unit of instruction and with Section 3-17 of the Act, when applicable.
- 3) Curriculum. The content of the curriculum ensures that the objectives of the unit of instruction will be achieved.
  - A) The range of total number of credit hours required for completion of an associate degree curriculum shall be within the following parameters:
    - i) For the Associate in Arts degree and the Associate in Science degree, a total requirement of not less than 60 semester credit hours nor more than 64 semester credit hours or the quarter credit hour equivalent;
    - ii) For the Associate in Fine Arts and the Associate in Engineering Science degree, a total requirement of not less than 60 semester credit hours nor more than 68 semester credit hours or the quarter credit hour equivalent;
    - iii) For the Associate in Applied Science degree, a total requirement of not less than 60 semester credit hours nor more than 72 semester credit hours or the quarter credit hour equivalent, except in such occupational fields in which accreditation or licensure by a state or national

organization requires additional coursework; and

- iv) For the Associate in General Studies degree, a total requirement of not less than 60 semester credit hours nor more than 64 semester credit hours or the quarter credit hour equivalent.
- B) An associate degree curriculum shall include a specific general education component consisting of coursework in communication, arts and humanities, social and behavioral sciences, and mathematics and science within the following parameters:
- i) For the Associate in Arts degree and the Associate in Science degree, the general education component required will represent at least 37 semester credit hours or the quarter hour equivalent for completion;
  - ii) For the Associate in Fine Arts degree, the general education component required will represent at least 25 semester credit hours or the quarter hour equivalent for completion;
  - iii) For the Associate in Engineering Science degree, the general education component required will represent at least 19 semester credit hours or the quarter hour equivalent for completion;
  - iv) For the Associate in Applied Science degree, the general education component required will represent at least 15 semester credit hour or the quarter hour equivalent for completion; and
  - v) For the Associate in General Studies degree, the general education component required will represent no less than 20 semester credit hours or the quarter hour equivalent for completion.
- 4) Faculty and Staff
- A) The academic preparation and experience of faculty and staff ensure that students receive education consistent with the objectives of the unit of instruction.
  - B) The involvement of faculty in the unit of instruction is sufficient to cover the various fields of knowledge encompassed by the curriculum, to sustain scholarship appropriate to the unit of instruction, and to ensure curriculum continuity.

- C) Support personnel, including counselors, administrators, clinical supervisors, and technical staff, have the educational background and experience necessary to carry out their assigned responsibilities.
- 5) Support Services
- A) Facilities, equipment, and instructional resources (e.g., laboratory supplies and equipment, instructional materials, computation equipment) necessary to provide quality instruction will be available and maintained.
  - B) Library holdings and acquisitions necessary to support quality instruction and scholarship are available, accessible and maintained.
  - C) Provision is made for the guidance and counseling of students, the evaluation of student performance, the continuous monitoring of progress of students toward their degree or certificate objectives, the placement of completers of the unit of instruction, and appropriate academic record keeping.
- 6) Financing
- A) The financial commitments to support the unit of instruction are sufficient to ensure that the stated objectives can be attained and that the faculty, staff and support services necessary to offer the unit of instruction can be acquired and maintained.
  - B) Projections of revenues necessary to support the unit of instruction are based upon supportable estimates of general revenue, student tuition and fees, private gifts, and/or governmental grants and contracts.
- 7) Public Information
- The information that the college provides to students and the public accurately describes: the unit of instruction offered; the objectives of the unit of instruction; length of the unit of instruction; residency requirements, if any; schedule of tuition, fees and all other charges and expenses necessary for completion of the unit of instruction; cancellation and refund policies; and such other material facts concerning the college and the unit of instruction as are likely to affect the decision of the student to enroll.
- 8) Accreditation and Credentialing

- A) Appropriate steps have been taken to ensure that accreditation of the proposed new unit of instruction will be granted in a reasonable time.
  - B) The proposed new unit will provide the skills required to obtain individual credentialing (certification, licensure, registration) needed for entry into an occupation as specified in the objectives of the proposed new unit of instruction.
- 9) Program Needs and Priorities
- A) The unit of instruction must be educationally and economically justified based on the educational priorities and needs of the citizens of Illinois and the college's district.
  - B) The unit of instruction meets a need that is not currently met by units of instruction that are offered by other institutions in the district.
- b) Approval of New Administrative Units of Research or Public Service. An application for approval of a proposed new administrative unit of research or public service shall be submitted to the ICCB on forms provided by ICCB. The criteria for approval of new administrative units of public service or research are:
- 1) The proposed new administrative unit shall be authorized by the board of trustees;
  - 2) The objectives of the proposed new administrative unit are consistent with the mission of the college (see 110 ILCS/ 1-2(e));
  - 3) The proposed new administrative unit shall meet a district's need to deliver a public service or research program which cannot be met through the district's current structure as indicated by an organizational chart;
  - 4) The proposed new administrative unit shall administer at least one public service or research program;
  - 5) The needs assessment demonstrates that the demand for the public service or research program to be administered by the proposed new unit shall be continuous for at least three years; and
  - 6) The district shall provide evidence that the resources for the facilities, equipment and materials, and staff necessary to provide a quality program or service shall be made available to the proposed new administrative unit.

- c) Withdrawal. An approved unit of instruction, public service, or research may be withdrawn by the college when it decides to suspend operation of the unit. The withdrawal request shall be submitted to ICCB through an electronic exchange system. Withdrawal of a curriculum will require reassignment of related courses.
  
- d) Reasonable and Moderate Extensions
  - 1) An approved unit of instruction, public service, or research may be modified or extended by the college within the parameters listed in subsections (d)(2) through (4). The college shall notify ICCB of the extensions on forms provided by ICCB.
  
  - 2) Reasonable and moderate extensions of previously approved units of instruction include:
    - A) The addition, modification or withdrawal of courses within an approved unit of instruction that does not alter the objectives of the unit of instruction.
  
    - B) A change in minimum credit hours for completion of an approved unit of instruction that does not affect the instructional level of the unit of instruction.
  
    - C) A change in title of an approved unit of instruction that does not indicate a different objective of the unit than that previously approved.
  
    - D) The creation of an option (major, concentration or specialization) within an approved unit of instruction in which:
      - i) the option created is within the same general academic discipline or occupational field as the previously approved unit of instruction;
  
      - ii) the option created within a previously approved associate degree curriculum shares a common core of first-year courses with the previously approved unit of instruction; and
  
      - iii) the option created does not substitute more than 15 semester credit hours of other courses for courses previously approved as part of an associate degree curriculum or cluster of closely related curricula, e.g., from the same four-digit CIP code or substitute more than 9 semester credit hours of other courses for courses previously approved as part of a certificate curriculum (or



closely related cluster) of 30 semester credit hours or more.

- E) The creation of certificate curricula from previously approved associate degree curricula and certificate curricula, including closely related curricula; e.g., from the same four-digit CIP code, providing no more than 6 semester credit hours are substituted for certificates of up to 30 semester credit hours or no more than 9 semester credit hours are substituted in certificates of 30 semester credit hours or more.
- F) The creation of certificate curricula of less than seven semester credit hours from previously approved associate degree curricula and certificate curriculum from the same two-digit CIP code.
- G) Modifications. An approved unit of instruction, public service or research may be modified by the colleges within the parameters listed in subsection (d). The college shall notify ICCB of the modifications through an electronic exchange system. Modifications to existing units of instruction include:
  - i) The addition, modification or withdrawal of courses within an approved unit of instruction that does not alter the objectives of the unit of instruction;
  - ii) A change in minimum credit hours for completion of an approved unit of instruction that does not affect the instructional level of the unit of instruction;
  - iii) A change in title of an approved unit of instruction that does not indicate a different objective of the unit than that previously approved; or
  - iv) A change in program/course classification code that does not alter the objectives of the unit of instruction.
- 3) Reasonable and moderate extensions of previously approved units of research or public service include units with an annual operating expenditure from whatever source of less than \$250,000 or an annual operating expenditure from state appropriations of less than \$50,000.
- 4) Reasonable and moderate extensions of previously approved units of administration include any administrative reorganization of a college.
- e) Approval in a Multi-College District. Approval of new units of instruction, research, or public service in a multi-college district will be for a specific college. Transfer of a unit to, or duplication of a unit by, other colleges within the district

constitutes a new unit requiring approval by the ICCB. However, up to 9 hours of a program approved at one college may be offered by any other college in the district at the option of the Board.

- f) Inactivation. When a college no longer offers an approved unit of instruction to additional new students, that unit of instruction shall be reported to the ICCB and shall be removed from the college catalog and other documents advertising the program offerings to the public. An inactive unit of instruction shall be maintained on the ICCB Curriculum Inventory File with the date that it became inactive for a period of at least 10 years. The effective date that a unit of instruction becomes inactive shall be determined by the college.
- g) Reactivation. A unit of instruction that has been inactivated by a college may be reactivated by submitting the materials outlined in subsection (a) for review and approval by ICCB.
  - 1) A unit of instruction that has been inactive for less than three years may be reactivated by the college once it has completed the following:
    - A) Obtained approval to reactivate the program from its chief executive administrator;
    - B) Obtained approval to reactivate the program from agencies that license, certify, or accredit the program, if appropriate; and
    - C) Submitted a request for reactivation and an updated copy of the curriculum to ICCB.
  - 2) A unit of instruction that has been inactive for three to 10 years may be reactivated by the ICCB Executive Director if the college has completed the following:
    - A) Obtained approval to reactivate the program from its chief executive administrator;
    - B) Obtained approval to reactivate the program from agencies that license, certify or accredit the program, if appropriate;
    - C) Demonstrated through local surveys or State labor market data that the labor market demand and supply shows a need for graduates of the program;
    - D) Conducted a review of the program with representatives from business and industry including on-site visits and advice regarding current technologies and equipment;

- E) Demonstrated, in accordance with subsections (a)(5) and (a)(6), that the college has adequate facilities, equipment and financial resources to offer a quality program;
  - F) Demonstrated, in accordance with Section 1501.303(f), that the college has available qualified faculty to provide the instruction for the program; and
  - G) Submitted a request for the reactivation and an updated copy of the curriculum to ICCB.
- 3) A unit of instruction that has been inactive for over 10 years may be reactivated by following the new unit approval process described in subsection (a).
- h) Discontinuation of Programs. The ICCB may discontinue programs that fail to reflect the educational needs of the area being served as follows:
- 1) Programs that do not meet standards of need, quality and cost effectiveness may be discontinued by the ICCB. This determination shall be made based on review and collective findings of information available to the ICCB through ICCB and Illinois Board of Higher Education program review, evaluation and productivity processes; the ICCB Management Information System; and other sources of pertinent information on the following criteria:
    - A) Program need, including educational priorities of the district, accessibility, credit hours generated, enrollments, completions, and labor market supply and demand.
    - B) Program quality, including job placement or education continuation, program content, academic control, faculty qualifications, and accreditation and credentialing.
    - C) Program costs, including adequacy of financial support and unit costs.
  - 2) ICCB will use special State-level analyses to identify programs that appear to be of questionable need, cost or quality based on State data. Programs identified through State-level analysis will be referred to the colleges to enable them to evaluate the programs in detail in their normal process and to obtain the results and comments from the local level.
  - 3) ICCB will notify college districts of programs being considered for discontinuation and shall grant the district 60 days to respond to concerns regarding the program in question before action by the Board. This

information shall be taken into account in determining if a program should be discontinued by the ICCB.

- 4) Once a program is discontinued by the ICCB and the appeal process is concluded, the college must inactivate the program by not enrolling any additional new students and develop a plan for an orderly discontinuation of the program for students currently enrolled. Programs discontinued by the ICCB may be reestablished by obtaining approval as a new unit of instruction under subsection (a).

### **Section 1501.303 Program Requirements**

- a) **Comprehensive Program.** The programs of a college shall be comprehensive and shall include: pre-baccalaureate, occupational, and general studies curricula, and public service programs.
- b) **Degrees and Certificates.** A college shall award associate degrees and certificates in accordance with units of instruction approved by ICCB. This authority is not extended to administrative units of the college.
- c) **Honorary Degrees.** Honorary degrees awarded by a board shall be limited to the associate degree.
- d) **Review and Evaluation of Programs.**
  - 1) A college shall have a systematic, collegewide program review process for evaluating all of its instructional, student services, and academic support programs at least once within a five-year cycle.
  - 2) The minimum review criteria for program review shall be program need, program cost, and program quality, as defined by each college.
  - 3) The review of academic disciplines, student and academic support, cross-disciplinary instruction (remedial education, adult education and vocational skills), and career and technical education shall be scheduled according to the published ICCB schedule. A college shall follow the published schedule set by ICCB that shows when each program will be reviewed during a five-year cycle. If a college seeks an exception to the published schedule, the college must receive written approval from ICCB.
  - 4) The five-year schedule of program review is determined through a combination of several factors, including but not limited to:
    - A) National trends that consider high need, high demand sectors;
    - B) Accreditation requirements in specific occupational areas;

- C) Areas that the agency has determined are in specific need of review based upon industry trends;
  - D) Feedback from local community colleges;
  - E) Changes in federal priorities, including specific updates to CIP classifications;
  - F) Other factors as appropriate.
- 5) ICCB may request the college to include special reviews of programs that have been identified as a result of State-level analyses, legislative resolutions, or Illinois Board of Higher Education policy studies by notifying the college of this request before January 1 of the year the special review is to be conducted.
  - 6) A college shall keep on file for ICCB recognition purposes a copy of the current program review process, its five-year schedule for program review, and complete reports of program reviews conducted during the past five years.
  - 7) A college shall submit to ICCB by September 1 each year a summary report of its previous year's program review results in a format designated by the ICCB and a copy of the current five-year schedule of program reviews. If an institution cannot meet this deadline, a written request for an extension shall be submitted to ICCB for approval.
- e) Academic Calendar.
- 1) A college shall operate on an academic calendar that provides at least two academic terms consisting of at least 15 weeks (at least 75 days of instruction each), three academic terms consisting of at least 10 weeks (at least 50 days of instruction each) or a different combination of academic terms consisting of at least 30 weeks (at least 150 days of instruction).
  - 2) The days of instruction prescribed in subsection (e)(1) shall include all days when there is a full schedule of classes and support services, but will exclude holidays, Saturdays, Sundays, and days scheduled exclusively for registration, orientation, collegewide placement or assessment testing, faculty workshops, and final examinations.
  - 3) Colleges may include terms during the summer or any other time during the year, in addition to the ones identified in subsection (e)(1).
  - 4) Courses/classes may be scheduled between academic terms, spanning academic terms, for a shorter time frame than the academic term, or for a longer time frame than the academic term, if the schedule provides sufficient duration and contact hours to meet the requirements in Sections 1501.309(b) and 1501.507(b)(10).

- 5) If an emergency such as a fire, flood, or strike makes it necessary for the college to shorten one of its academic terms, the college may request that the Executive Director approve a shorter term. In such cases, the length of the term may be shortened, but only to the extent that enables all courses to meet the contact hours specified in Section 1501.309(b).
  - 6) Colleges must have a plan in place to address modifications to the academic terms in the event of an emergency. This plan must be approved by the Board of Trustees.
- f) Preparation of Professional Staff. Professional staff shall be educated and prepared in accordance with generally accepted standards and practices for teaching, supervising, counseling and administering the curriculum or supporting system to which they are assigned. Such preparation may include collegiate study and professional experience. Graduate work through the master's degree in the assigned field or area of responsibility is expected, except in those areas in which the work experience and related training is the principal learning medium.
  - g) Library. A college shall maintain a library or learning resource center with a collection of reference works and other learning resources to meet the specific needs of its curricula and students. This collection shall be kept up to date through a planned program of acquisition and deletion.
  - h) Supplies and Equipment. Classrooms, laboratories, and shops shall be provided with equipment and supplies that are adequate for effective teaching and learning.
  - i) General Education. Organized curricula leading to an associate degree shall include general education courses designed to contribute to the liberal education of each student.
  - j) Apprenticeships. A college that participates in apprenticeships coordinated by the Office of Apprenticeship, U.S. Department of Labor and/or other programs related to business, industrial, or trade groups or organizations shall meet applicable federal, State, and local governmental rules, regulations, and guidelines.

#### **Section 1501.304 Statewide and Regional Planning**

- a) Program planning is based on an assessment of program needs within districts, regions, and the State as a whole. Program approval shall be based, in part, on the labor market and economic needs of the district or regional consortium of colleges requesting authority to offer specific curricula.
- b) Admission of Students to Regional Curricula. Regions, or regional consortia of colleges, may comprise a community college district and one or more adjacent districts; e.g., some or all surrounding districts or the regional university/community college consortium. A college that offers approved regional curricula shall admit qualified students from throughout the Region on the same priority basis as in-district students.

- c) Admission of Students to Statewide Curricula. A college that offers approved statewide curricula shall admit qualified students from throughout the State on the same priority basis as in-district students.

### **Section 1501.305 College, Branch, Campus, and Extension Centers**

- a) Approval of a New College. An application for approval for a proposed new college shall be submitted to ICCB on forms provided by ICCB. The criteria for approval of a new college are:
  - 1) The proposed college shall be authorized by the Board of Trustees.
  - 2) The proposed college shall meet educational needs that cannot be met within that area of the district as demonstrated by a needs assessment. The needs assessment shall include identification of all other educational institutions providing postsecondary education within a 30-mile radius of the proposed college, identification of student demand for postsecondary education by program area within the service area of the proposed college, a statement on how the establishment of the proposed college will impact the enrollments on these postsecondary educational institutions within a 30-mile radius of the proposed college, a statement on how the establishment of the proposed college will impact the current enrollments of the district's present colleges, and of student enrollments for the proposed college.
  - 3) The proposed college shall provide a comprehensive program of instruction as specified in Section 101-2(e) of the Act.
  - 4) The district shall certify that the resources for the facilities, equipment, instructional materials, library holdings, and faculty and staff necessary to provide quality instruction pursuant to Section 1501.302 shall be made available to the proposed college.
  - 5) The needs assessment substantiates that the student enrollment for the proposed college shall be at least 1,000 full-time equivalent students (30,000 semester credit hours) per year by the second full year of operation.
  - 6) The district shall have at least \$150 million of assessed valuation for each of its colleges, including the proposed college.
  - 7) The proposed college shall serve a population of at least 60,000 or a geographic area of at least three entire counties.
  - 8) The plans to obtain regional accreditation for the proposed college have been developed.

- b) Approval of a Branch or Campus. An application for approval of a proposed branch or campus shall be submitted to ICCB on forms provided by ICCB. The criteria for approval of a branch or campus are:
  - 1) The proposed branch or campus shall be authorized by the Board of Trustees.
  - 2) The proposed branch or campus shall meet educational needs that cannot be met in that area of the district as demonstrated by a needs assessment.
  - 3) The college shall certify that resources for facilities, equipment, instructional materials, library holdings, and faculty and staff necessary to provide quality instruction pursuant to Section 1501.302 shall be made available to the proposed branch or campus.
  - 4) The proposed branch or campus shall provide student and academic support services on site that are adequate pursuant to Section 1501.302 to support the curricula offered and the students in attendance at the branch or campus.
- c) To qualify for a grant of up to \$100,000 for the establishment of a college, campus or branch once approval has been granted by the ICCB, all of the following conditions must be met:
  - 1) The college, campus or branch shall meet the conditions specified in Section 3-12.2 of the Act.
  - 2) The college district shall request the ICCB to include the grant in its budget request submitted to IBHE and shall include a justification of the need and proposed use of the grant.
  - 3) Funds for the college, campus or branch shall have been appropriated.
- d) Extension Centers. An extension center located within the community college district is a reasonable and moderate extension of a college and may be established at the discretion of the district's Board of Trustees. An extension center located outside the community college district requires ICCB approval under Section 1501.307.

### **Section 1501.307 Cooperative Agreements and Contracts**

Cooperative agreements and contracts with other Illinois educational agencies and those out of state may be established for the purpose of providing more accessible instructional services to students and increasing efficiency in the use of educational resources, subject to the following conditions:

- a) A new unit of instruction to be offered by a community college solely through a cooperative agreement or contract with another educational agency is subject to approval by the ICCB as indicated in Section 1501.302.



- b) **Agreements with Secondary Schools.** If a community college enters into a cooperative agreement or contract with a secondary school to provide advanced or specialized secondary-level courses in either the academic or vocational field, the college shall charge the secondary school the per capita cost of offering such instruction, in which case the college shall not claim ICCB credit hour grants for these secondary school students, or the college shall charge the secondary school for secondary school student participation in accordance with a joint agreement between the college and the secondary school district under Section 10-22.20a of the School Code [105 ILCS 5/10-22.20a]. When charges are made pursuant to a joint agreement, credit hour grants may be claimed in accordance with Section 1501.507.
- c) **In-District Cooperative Agreements for Instruction.** A community college district may enter into in-district contractual arrangements to provide educational programs or services within its district for previously approved units of instruction upon approval by the ICCB. Copies of these contractual arrangements shall be kept on file at the district central administrative office and submitted to the ICCB. Criteria for the approval of in-district agreements for instruction shall be:
- 1) accessibility of instruction to students
  - 2) labor market need
  - 3) cost-effectiveness in providing instructional programs
- d) **Interdistrict Cooperative Agreements for Instruction.** A community college district may enter into interdistrict contractual arrangements with another community college district to enable its students to attend the other district's program(s)/course(s) upon approval by the ICCB.
- 1) Criteria for the approval of interdistrict agreements for instruction shall be:
    - A) accessibility of instruction to students
    - B) labor market need
    - C) comprehensiveness of available programs for students
    - D) cost-effectiveness in providing instructional programs
    - E) impact on regional and statewide programs
    - F) impact on programs at neighboring community college districts
  - 2) The curricula included in the cooperative agreement for instruction shall be listed in the catalog of the college that does not have the program but is making it available to its students through a contractual arrangement with another college. A copy of the listing shall be kept on file at the district central administrative office and submitted to the ICCB.

- 3) Interdistrict Cooperative Agreements may be entered into for courses and/or curricula offered through Illinois Community Colleges Online. The cooperative agreement may specify that the programs/courses will be approved as programs/ courses of the receiving district and will be included in the receiving district's Illinois Community College Board curricula and course master files as such. This agreement would allow the receiving institution to offer the program only through online delivery through the sending college. ICCB approval for such agreements will be based on the following:
  - A) a request for approval must be filed in a format specified by the ICCB;
  - B) the request must be accompanied by a draft cooperative agreement and a signed statement of agreement that the program/course will be offered only through online delivery and that both the sending and receiving institutions agree that the sending institution will be the institution of academic control of the course/curriculum;
  - C) the receiving institution must notify ICCB if and when the cooperative agreement is no longer operational so that the program/course can be removed from the approved ICCB program/course file.
- e) Out-of-District Cooperative Agreements for Instruction. A community college district may enter into contractual arrangements with other public or nonpublic institutions of higher education for the delivery of units of instruction upon approval by ICCB. Criteria for approval of out-of-district agreements for instruction shall be:
  - 1) accessibility of instruction to students
  - 2) labor market need
  - 3) comprehensiveness of available programs for students
  - 4) cost-effectiveness in providing instructional programs
  - 5) impact on regional and statewide programs
  - 6) impact on programs at neighboring community college districts
- f) Changes, revisions, or additions to cooperative agreements previously approved by the ICCB are reasonable and moderate extensions and must be reported to the ICCB prior to implementation.
- g) Extension of Curricula/Credit Courses into Another Community College District.
  - 1) A community college may extend previously approved credit courses into another community college district with approval of the other community college district.

- 2) A community college may extend previously approved curricula into another community college district upon approval of the ICCB. Criteria for approval shall be:
  - A) a request from the community college district in which the proposed extension is to be offered
  - B) labor market need
  - C) cost-effectiveness in providing instructional programs
  - D) adequacy of facilities and support services
  - E) impact on regional and statewide programs
  - F) impact on programs at neighboring community college districts
- 3) If a district in which military installations, correctional institutions, or other state or federal institutions are located elects not to provide previously approved units of instruction to these institutions, any other college may apply to the ICCB to do so. If more than one college applies, the ICCB will select a college using the following criteria:
  - A) The proximity of the college to the institution.
  - B) The availability at the college of the instructional units needed by the institution.
  - C) The cost of providing the instructional units for the institution.
  - D) The college's past experience in offering similar units of instruction.
- h) Extension of Curricula/Credit Courses Out of State. Curricula and credit courses offered at out-of-state locations (except for field trips and travel that are in conjunction with a course offered within the district) must have prior annual approval by the ICCB. A community college shall be granted approval to offer previously approved curricula and credit courses out of state provided that it meets the following criteria:
  - 1) A request for approval including information about the curricula and courses, location of the proposed extension, projected enrollments, and projected funding is submitted on forms provided by the ICCB.
  - 2) The college shall identify how the extension will be used by students to complete degree or certificate programs.

- 3) If the extension is offered for out-of-state students, the college shall submit a copy of a written request from the group desiring the service and assurance that no state or local tax monies will be used to provide such extensions.
- 4) The college shall submit annual reports of its out-of-state extensions for the past fiscal year, on forms provided by the ICCB, by July 15 of each year.
- 5) The college shall request approval of its out-of-state extensions, on forms provided by the ICCB, prior to May 15 for the fiscal year beginning on the next July 1.
- 6) Deletion, modification, or addition of courses and curricula offered at out-of-state extensions previously approved by the ICCB are reasonable and moderate extensions and must be reported to the ICCB.

### **Section 1501.308 Reporting Requirements**

A college shall submit the following specified items in a format prescribed by ICCB and according to the schedules indicated:

- a) Annual salary data and basic characteristics, including but not limited to sex, date of birth, ethnic classification, highest degree earned, tenure status, and employment or teaching areas, of the faculty and staff employed by the college as of October 1 shall be submitted on or before October 15 of each year. Fiscal year data shall be submitted on or before June 15.
- b) An annual African American Employment Plan Survey, Hispanic/Latino Employment Plan Survey, Asian Employment Plan Survey, and Bilingual Needs and Bilingual Pay Survey submitted on or before February 1. (See 5 ILCS 410.)

### **Section 1501.309 Course Classification and Applicability**

- a) **Course Classification.** Information on courses for which credit is to be awarded shall be submitted to ICCB through an electronic exchange system in order for the courses to be classified into appropriate instructional and funding categories and added to the college's Management Information System (MIS) Course Master File.
- b) **Course Credit Hour Determination**
  - 1) Credit hours for courses for which ICCB credit hour grants are to be claimed shall be determined on the basis of an expected 45 hours of combined classroom/laboratory and study time for each semester hour or 30 hours of that time for each quarter credit hour.
  - 2) **Lecture Courses.** Courses with students participating in lecture/discussion oriented instruction shall be assigned one semester credit hour or equivalent for each 15 classroom contact hours, at a minimum, of instruction per semester or equivalent. It is assumed that two hours of outside study will be

- invested for each classroom contact hour.
- 3) **Laboratory Courses.** Courses in which students participate in laboratory/clinical-laboratory oriented instruction shall be assigned one semester credit hour or equivalent for each 30-45 classroom contact hours, at a minimum, of instruction per semester or equivalent. It is assumed that one hour of outside study will be invested for each two laboratory contact hours.
  - 4) **Clinical Practicum courses.** Courses in which students participate in clinical practical experiences shall receive one semester credit hour or equivalent each 30-60 contact hours, at a minimum, per semester or equivalent. It is expected that one hour of outside study time will be invested for each two clinical practicum contact hours.
  - 5) **Internship Courses.** Courses in which students participate in nonclinical internship, practicum, or on-the-job supervised instruction shall receive one semester credit hour or equivalent for each 75-149 contact hours, at a minimum, per semester credit hour or equivalent.
- c) **Course Syllabus.** A syllabus shall be developed and maintained for a credit course and shall be available to the public and students upon request. A syllabus contains the description of the course, specific objectives of the course, a topical outline, and the method for evaluating student performance.
  - d) **Course Applicability.** All credit courses must be part of an approved unit of instruction (pursuant to Section 1501.302), and the approved unit of instruction for a course shall be indicated on the college's ICCB MIS Course Master File.
    - 1) **Lower-division Baccalaureate Courses.** Courses designed to meet lower-division baccalaureate degree requirements shall be applicable to associate transfer degrees. For each baccalaureate course offered, the college shall either obtain approval for the course to be listed as a statewide articulated transfer course by a general education or baccalaureate major panel of the Illinois Articulation Initiative or maintain current written articulation agreements or transfer equivalency documents with:
      - A) at least three Illinois public universities;
      - B) at least three baccalaureate degree-granting institutions to which a majority (51%) of the college's students transfer; or
      - C) one or more baccalaureate degree-granting institutions to which a majority (51%) of the college's students, majoring in the field for which the course is required, transfer.
    - 2) **Remedial Course Credit.** No remedial course credit shall be applicable to associate degrees designed for transfer to institutions granting baccalaureate degrees.

- 3) Adult Basic Education Course Credit. No adult basic education course credit applies to degrees or to certificates, except the Adult Basic Education Certificate.
  - 4) Adult Secondary Education Course Credit. No adult secondary or college preparatory education course credit applies to degrees or certificates, except the Adult Secondary Education Certificate.
  - 5) Career and Technical Education Course Credit. Courses designed to prepare individuals with a technical skill shall be applicable towards the requirements or electives for completion of an associate's degree (applied or transfer) or a career and technical education certificate.
  - 6) General Studies Course Credit. General studies course credit applies only to the Personal Development; Homemaking; Improving Family Circumstances; Intellectual and Cultural Studies; Community and Civic Development; and Health, Safety and Environment Certificates.
- e) Special Upper-Division Courses
- 1) A college may offer any course that is offered by a university, regardless of numbering system, if the university normally permits its own students to take the course as lower-division students. These courses will be eligible for ICCB grants, if they meet all other criteria.
  - 2) If at least three public universities in Illinois agree, or if a public university that is the principal recipient of transfers from the community college agrees, certain special courses taught at the upper-division level may be offered by a college and be eligible for ICCB grants, provided they meet all other criteria.
- f) Independent Study. Independent Study course credit shall not exceed 25 percent of the credit hour requirements for a student to earn an associate degree. The topic of an independent study course shall be listed on the student's permanent academic record.
- g) Internships. An internship experience for credit that is designed to provide the student an opportunity to put into practice the theories and techniques learned in the classroom/laboratory shall be applicable to an associate degree or certificate, provided at least 12 semester credit hours or equivalent in the corresponding curriculum are completed by the student before, or are taken by the student concurrently with, the experience.
- h) Courses Approved as Repeatable
- 1) Courses in which the content varies from term to term or from student to student (e.g., independent study, special topics, and internship courses) or in which a student is expected to gain increased depth of knowledge and skill through repetition shall, at the request of the college, be approved for repeatability under the following conditions:

- A) The number of times the course may be taken for credit does not exceed four times, or the semester or quarter equivalent, e.g., a single course can be taken one time and repeated no more than three times per student;
  - B) The method of determining the amount of credit to be awarded for each section of the course, for each term, or for each student is specified in the college's catalog, on the course syllabus, and on the course classification form, and the subject matter and number of credits for which the student enrolled is specified on the student's permanent academic record;
  - C) The college's catalog, the course syllabus, and the course classification form requesting approval of repeatability by the ICCB indicate the number of such credits that will apply to degree or certificate completion for a single course or a combination of related courses; and
  - D) The total number of credit hours for a single course or for a combination of related courses that are applicable to degree or certificate completion does not exceed the maximums established in subsection (b) governing credit hour determination, subsection (f) governing independent study, or Section 1501.507(b)(10) governing the maximum rate of credit hour production.
- 2) Vocational skill courses that must be retaken periodically by law for persons employed in an occupation or vocation to maintain employment shall, at the request of the college, be approved for repeatability beyond the limits described in subsection (h)(1)(A) under the following conditions:
- A) The content of the course is determined by law and does not change from one year to the next; and
  - B) A copy of the law (or regulation administering it) and a course syllabus accompany the course classification form requesting repeatability.
- 3) An adult basic, adult secondary, or a remedial education course that is organized into discrete modules and offered for variable credit shall, at the request of the college, be approved for repeatability under the following conditions:
- A) No discrete module is repeated more than three times;
  - B) The title of a module completed and the grade received is permanently recorded on the student's permanent academic record; and

- C) The content and number of credit hours for a discrete module is shown on the course syllabus and on the course classification form requesting approval of repeatability by the ICCB.
- 4) An adult basic, adult secondary or remedial education course that is not organized into discrete modules shall, at the request of the college, be approved for repeatability under the following conditions:
- A) The number of times the course may be taken for credit does not exceed four times, or the semester or quarter equivalent; e.g., a single course can be taken one time and repeated no more than three times per student.
  - B) The variety of skill levels included in the course and the methods used to accommodate individual differences based on an assessment of student skills is specified in the course syllabus; and
  - C) The course title and the grade received is permanently recorded on the student's academic record each time that the course is taken.

**Section 1501.310 Acceptance of Private Business Vocational School Credits by Community Colleges in Select Disciplines**

- a) Approval of Private Business and Vocational School Programs of Study. An application for approval of each proposed program of study eligible for credit transfer and acceptance shall be submitted to the ICCB on forms provided by the ICCB on or before July 1. The criteria for approval of PBVS programs of study eligible for community college credit acceptance are:
- 1) Program Goals and Objectives
    - A) The proposed PBVS program of study meets the goals for career and technical education or workforce preparation within the district and region.
    - B) The objectives of the PBVS program of study are consistent with what the title of the program of study implies.
  - 2) Academic Control
    - A) The PBVS has the capacity to develop, deliver and support the PBVS program of study.
    - B) The PBVS has established clear provisions for ensuring a high level of academic performance of faculty and students.
  - 3) Curriculum



- A) The content of the curriculum ensures that the objectives of the PBVS program of study will be achieved.
  - B) The PBVS has developed quality curricula that align with federal, State and local requirements, is responsive to the local workforce needs, and will prepare graduates with the appropriate level of skill to meet their educational goals.
  - C) The PBVS program curricula and community college coursework and curricula are aligned to ensure a smooth transition for students.
- 4) Faculty Qualifications. The academic preparation and experience of faculty and staff shall be consistent with Section 1501.303(f).
- 5) Program Needs
- A) A student's completion of the PBVS program of study satisfies employment requirements in the occupational field.
  - B) Labor market data for each PBVS program of study shows that the program is feasible and demonstrates evidence of labor market need.
- 6) Assessment and Evaluation
- A) Assessment plans demonstrate clear and appropriate program and student learning goals and have identified appropriate outcomes.
  - B) The PBVS utilizes continuous quality improvement to ensure the curricula remains rigorous and relevant; uses Assessment of Student Learning information and data to improve curricula; and includes educational, business and community partners in the improvement process.
- 7) Accreditation. The PBVS has successfully completed a full term of national accreditation without probation, without being denied accreditation, and without withdrawing an application.
- b) Application. Applications for approval of each PBVS program of study as eligible for credit transfer and acceptance shall have attached to them the following:
- 1) Evidence verifying that the PBVS is in good standing during the period of its national accreditation from an accreditor approved by the U.S. Department of Education.
  - 2) A Permit of Approval Certificate from the Illinois Board of Higher Education.
  - 3) A catalog description for each PBVS program of study as it appeared in the PBVS's catalog.

- 4) A curriculum chart for each PBVS program of study indicating the general education, career and technical education, work-based learning and elective requirements and options to complete the program.
  - 5) Individual course syllabi for each course that is part of the PBVS program of study.
- c) Credit Transfers. Credit transfers from the PBVS may be made only during the institution's verified accreditation period. A PBVS under review due to probation, that is denied accreditation, or withdraws an application for national accreditation shall not be approved by ICCB.
- d) Faculty Advisory Committee. The State Board may establish a faculty advisory committee, from the appropriate program disciplines, to assist ICCB staff with curriculum review of the PBVS programs of study.
- e) Additional Information Site Visit. In the case of a proposed PBVS program of study for which 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.
- f) Renewal. A PBVS shall submit a renewal application every 5 years following the approval by the State Board. A PBVS shall also submit a renewal application if curriculum changes are made to the approved PBVS programs of study.
- g) Appeal Process
- 1) All decisions of the State Board that result in non-approval of a PBVS or PBVS program of study shall be provided in writing in the form of a letter delivered by certified mail and shall specify the reason for the non-approval.
  - 2) All decisions of the State Board that result in non-approval may be appealed within 30 days after the written notification by submitting a written request for reconsideration of the decision to the ICCB Chair.
  - 3) The ICCB Chair shall review the request and place it on the agenda no later than 60 days after the conclusion of the 30-day appeal process.
  - 4) The appellant may make both oral and written presentations to ICCB at the time the decision is reconsidered.
- h) Acceptance of Credits
- 1) A community college district shall accept up to 30 credit hours from a PBVS that has been approved by the Board if a student has completed a PBVS program of study that is listed in Section 10 of the Career and Workforce Transition Act [110 ILCS 151] at that institution.

- 2) The community college may accept the credits as direct equivalent credits or prior learning credits, as determined by the college and consistent with the accrediting standards and requirements of the Board, the Higher Learning Commission, other State and national accreditors, and State licensing bodies, as appropriate.

#### **SUBPART D: STUDENTS**

##### **Section 1501.402 Admission of Students**

- a) **Students Whose Connection With a Secondary School is Severed.** Any student who is 16 or 17 years of age and has severed connection with a secondary school, as certified in writing by the chief executive officer of the secondary school in which the student has legal residence, is eligible to attend a college in accordance with policies of the Board. Courses taken by those students are eligible for ICCB grants.
- b) **Students Currently Enrolled in a Secondary School Program.** Students currently enrolled in a secondary school program may be accepted into college courses. If the courses are offered during the regular school day established by the secondary school or are offered for secondary school credit, prior approval of the chief executive officer of the secondary school must be received.
- c) **Admission of Students in Programs.** Students shall be admitted to instructional programs supported by State funds for which they are otherwise qualified without regard to race, religion, sex, ethnic origin, sexual orientation, disability, or membership in any profession, group, organization or association.
  - 1) **Designating Specific Sections.** Course enrollments shall be open to those individuals identified in this subsection (c). However, the nature of the instructional unit may make it desirable to offer specific sections for students with certain common backgrounds, experiences, and future aspirations.
  - 2) **Organizations' Standards Not Applicable.** While it is recognized that certain organizations, groups, fraternities and associations have standards that must be met to become employed in a particular field, those standards shall not be applicable to the continuing participation of students in college courses receiving ICCB grants.

##### **Section 1501.403 Student Services**

Student services including, but not limited to, advising and counseling, financial aid, and placement, shall be provided by the college in a manner convenient to students as defined below.

- a) **Advising and Counseling.** The college shall have a comprehensive and organized program of academic advising and career counseling.

- b) Financial Aid. The college shall provide a financial aid program, which provides students with information about and access to available financial support.
- c) Placement. The college shall provide job placement services for students.

#### **Section 1501.404 Academic Records**

The college shall maintain permanent academic records for each student and protect them against loss, damage, or unauthorized alteration.

#### **Section 1501.405 Student Evaluation**

A system of evaluating and recording student performance in courses shall be in effect as per district policies and shall be available for review.

#### **Section 1501.406 Reporting Requirements**

A college shall submit the items listed in this Section in a format prescribed by ICCB and according to the schedules indicated.

- a) Basic characteristics, including sex, date of birth, ethnic classification, and instructional area of enrollment, of each student enrolled in all courses offered for credit during each term within the following schedule:
  - 1) Students enrolled as of the end of the regular registration during the fall term shall be reported on or before October 1 of that year.
  - 2) Students enrolled and/or completing a certificate or degree program during the fiscal year shall be reported on or before August 1.
- b) Student headcount and full-time equivalent enrollments as of the end of regular registration for fall and spring/winter terms within the following schedule:
  - 1) Fall Term: On or before October 1
  - 2) Spring Semester On or before February 15
- c) An annual report on underrepresented groups submitted on or before March 1.
- d) An annual noncredit course enrollment data submission (N1) on or before July 15.
- e) Summer graduate reporting (for the Integrated Postsecondary Educational Data System Graduation Rate Survey) submitted on or before November 1.
- f) An annual Student Identification data submission on or before September 1.
- g) An annual course submission on or before September 1.

**SUBPART E: FINANCE****Section 1501.501 Definition of Terms**

"Annual Financial Statement" means an annual financial report and an annual program report that are required to be published by a district. An annual financial report includes a statement of revenues and expenditures, along with other basic financial data. An annual program report includes a narrative description of programs offered, goals of the district, and student and staff data.

"Attendance at Midterm" means a student is "in attendance at midterm" in a course if the student is currently enrolled in and actively pursuing completion of the course.

"Auditor" means a person who enrolls in a class without intent to obtain academic credit and whose status as an auditor is declared by the student, approved by college officials, and identified on college records before the end-of-registration date of the college for that particular term.

"Capital Renewal Grants" means State grants allocated proportionally to a community college district based on the latest fall on-campus nonresidential gross square feet of facilities as reported to ICCB. These grants are to be used for miscellaneous capital improvements such as rehabilitation, remodeling, improvement and repair; architect/engineer services; supplies, fixed equipment and materials; and all other expenses required to complete the work.

"Lincoln's Challenge Scholarship Grants" means scholarships provided to a community college for graduates of the Lincoln's Challenge Program is administered by the Illinois Department of Military Affairs.

"Midterm Class List Certification" means the college's process for certifying to ICCB students in attendance at the midterm as part of the proof that a student's credit hours are eligible for State funding. The district shall file with ICCB a document outlining the process (including but not limited to specific steps and/or procedures, steps for obtaining an electronic midterm certification signature, etc.) it follows as part of that certification and the district shall file an amended process any time changes are made, but not less than once every five years.

"Midterm Certification Signature" means midterm class lists obtained and maintained by the college that are manually signed and dated by faculty or electronic signature of the faculty.

If the college chooses to accept an electronic signature of faculty, then the college must include in the midterm class list certification process a written summary explaining what steps are in place that ensure:

Appropriate administrative and operational controls are in place to ensure faculty only have access to midterm class lists they teach;

Appropriate controls are in place to only allow an electronic signature at the midpoint of the class during a specified period (that is, one or two weeks before and one or two weeks after the midpoint of the class);

A faculty member's identity is authenticated and attributed to the midterm certification signature;

The integrity of the electronically signed midterm class list of a course section has been secured and verified; and

The college has the capability of generating signed printed midterm class lists that support the ICCB credit hour claim submission.

A final grade sheet electronic signatures process, if adopted, should be implemented in the same manner as the electronic midterm certification signature.

"Residency – Applicability Proof" means the college's processes, in accordance with Section 2-16.02 of the Act, for verifying to ICCB the residency status of its students as part of the proof that its credit hours are eligible to receive ICCB grants. The process shall include the methods for verifying residency as defined in the general provisions, special State provisions, and district provisions of this Section. A district shall file descriptions of any revisions to its process with ICCB before their implementation.

"Residency – General Provisions". The following provisions apply both to State and district residency definitions:

To be classified as a resident of the State of Illinois or of the community college district, a student shall have occupied a dwelling within the State or district for at least 30 days immediately before the date established by the district for classes to begin.

The district shall maintain documentation verifying State or district residency of students.

Students occupying a dwelling in the State or district who fail to meet the 30-day residency requirement may not become residents simply by attending classes at a community college for 30 days or more.

Students who move from outside the State or district and who obtain residence in the State or district for reasons other than attending the community college shall be exempt from the 30-day requirement if they demonstrate through documentation a verifiable interest in establishing permanent residency.

"Residency – District Provisions". Students shall not be classified as residents of the district where attending even though they may have met the general 30-day residency provision if they are:

federal job corps workers stationed in the district;

inmates of State or federal correctional/rehabilitation institutions located in the district;

full-time students attending a postsecondary educational institution in the district who have not demonstrated through documentation a verifiable interest in establishing permanent residency; or

students attending under a chargeback or contractual agreement with another community college.

"Residency – Special State Provisions". Students shall be classified as residents of the State without meeting the general 30-day residency provision if they are:

federal job corps workers stationed in Illinois;

members of the armed services stationed in Illinois;

inmates of State correctional/rehabilitation institutions located in Illinois; or

employed full time in Illinois.

"Special Initiatives Grants" means funds for conducting special initiatives activities. Special initiatives activities are based upon criteria specified in a grant agreement between the college or vendor and ICCB.

### **Section 1501.502 Financial Planning**

Financial planning for current and future operation shall provide for both a sound educational program and prudent use of public funds.

### **Section 1501.503 Audits**

- a) External Audits.
  - 1) A copy of the annual external audit shall be submitted electronically to ICCB on or before December 30 following the close of the fiscal year. If the audit cannot be completed by this date, the district may submit a request for extension of time to the Executive Director before November 15 following the close of the fiscal year. This request shall be with an explanation of the circumstances that cause the report to be delayed, along with an estimated date for submission.
  - 2) An audit report shall contain financial statements composed of the funds established in Section 1501.511, a comment on internal control, a comment on basis of accounting, uniform financial statements prepared using the modified accrual basis of accounting, a certificate of chargeback verification and a State



grant compliance section that includes a schedule of enrollment data, a proof of enrollment data, a description of the process for verifying residency status, a schedule of the district equalized assessed valuation, schedules for the restricted/special initiative grants distributed by ICCB and received by the district in the manner and format established by ICCB, and a schedule of federal financial assistance and related reports as prescribed by the federal Office of Management and Budget.

- 3) Each ICCB restricted or special initiatives grant shall verify that grant funds received by the district were expended in the manner designated by ICCB. ICCB shall designate allowable expenditures for each of the restricted or special initiatives grants to include, but not be limited to, salary and benefits, contractual services, materials, instructional and office equipment, staff development, and travel. The external audit shall include an auditor's report on compliance with State requirements, along with a balance sheet and a statement of revenues and expenditures based upon an understanding of the purpose of the grant, allowable expenditures, expenditure limitations, grant administrative standards, and transfer of funds, if applicable.
- b) Confirmation of ICCB Grants. To confirm district records, a district shall provide a copy of ICCB allocation of grants to its external auditor. External auditing firms can confirm allocations using the community college Operating Budget and Technical Appendix located on the ICCB website.

### **Section 1501.504 Budgets**

An electronic copy of the official district budget shall be filed with ICCB by October 15 of each year in the format prescribed by the ICCB. An electronic copy of amended budgets shall also be filed with ICCB within 30 days after their adoption. Colleges may develop a budget format for internal use that reflects their own individual organizational structures.

### **Section 1501.505 Student Tuition**

Each community college district will establish its own student tuition rates for in-district residents, in-State out-of-district residents, out-of-State residents, and out-of-country residents in accordance with the State policies prescribed in Section 6-4 of the Illinois Community College Act [110 ILCS 805/6-4] and in this Section.

- a) In-District Tuition. The local community college board of trustees may set the tuition rates for in-district residents within the following policies:
  - 1) The local community college board of trustees may set tuition rates for its in-district residents, including variable rates for each of its programs, terms, time of enrollment, courses, delivery method, or other identifiable grouping of courses, as long as the weighted average of the tuition for all credit courses, including adult education, is no more than 1/3 the college district's per capita cost. The method of calculating the per capita cost will be as prescribed in Section 6-2 of the Illinois Community College Act.



- 2) A public community shall permit senior citizens (as defined in 110 ILCS 990/1 (c) as persons 65 years or older whose annual household income is less than the threshold amount provided in Section 4 of the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistant Act) to enroll without the payment of tuition in regularly scheduled credit courses, other than credit courses designed specifically for senior citizens, provided that available classroom space exists and tuition paying students enrolled constitute the minimum number required for the course. Senior Citizen is defined as a person 65 years or older whose annual household income is less than the threshold amount provided in Section 4 of the “Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistant Act” (320 ILCS 25/4).
- b) Out-of-District Tuition. The local community college board of trustees may set the tuition rates for out-of-district residents living within Illinois within the following policies:
- 1) The college will use the calculation for out-of-district tuition for chargeback purposes as prescribed in Section 6-2 of the Illinois Community College Act. The depreciation rate used in the out-of-district tuition calculation for capital expenditures for equipment and temporary buildings shall be 12.5 percent each year for eight years and for permanent facilities 2 percent each year for 50 years.
  - 2) The college may use the variable tuition provision in Section 6-4 of the Illinois Community College Act to set market-driven out-of-district tuition rates for courses offered via Internet, correspondence, and other distance learning modes.
  - 3) The college may set the out-of-district tuition rates for adult basic education, adult secondary education, and English as a second language courses for students who do not meet eligibility requirements in 105 ILCS 5/10-22.20 of Illinois School Code.
  - 4) The college may charge in-district tuition to a student who is an out-of-district resident but who is employed for at least 35 hours per week by an entity located in the district or is enrolled in a course that is being provided under terms of a contract for services between the employing entity and the college.
  - 5) The college board of trustees may at its option charge in-district tuition to out-of-district residents who are attending an educational institution located within the college district.
  - 6) The college may enter into cooperative agreements for instruction with its neighboring districts for any or all of their programs to provide increased access to education for their students and may charge in-district tuition rates for students from any district within the cooperative agreement.

- 7) The college may set the out-of-district tuition rate for all other credit instruction offered by the college at a minimum of 1.5 times the highest in-district tuition rate of any of its neighboring contiguous Illinois community college districts.
- c) **Out-of-State Tuition.** The local community college board of trustees may set the tuition rates for out-of-state residents within the following policies:
- 1) The college may use the variable tuition provision specified in Section 6-4 of the Illinois Community College Act to set market-driven out-of-State tuition rates for courses offered via Internet, correspondence, and other distance learning modes.
  - 2) The college may set the out-of-State tuition rates for adult basic education, adult secondary education, and English as a second language courses for students who do not meet eligibility requirements in 105 ILCS 5/10-22.20 of the Illinois School Code.
  - 3) The college may charge in-district tuition to a student who is an out-of-State resident but who is employed for at least 35 hours per week by an entity located in the district or is enrolled in a course that is being provided under terms of a contract for services between the employing entity and the college.
  - 4) The community college board of trustees may at its option charge in-district tuition to students who are out-of-State residents but who are attending educational institutions within the college district.
  - 5) The college may set out-of-State tuition rates within interstate agreements for instruction with out-of-State institutions in accordance with the agreement, subject to approval by the ICCB.
  - 6) The college may set out-of-State tuition rates for all other credit instruction offered by the college at a minimum of 1.67 times its in-district tuition rate.
- d) **Out-of-Country Tuition.** The local community college board of trustees may set the tuition rates for out-of-country residents using the same policies as for out-of-State residents described in subsection (c) of this Section.

### **Section 1501.506 Published Financial Statements**

The Annual Financial Statement shall be published in at least one newspaper having general circulation within the district. If no such newspaper exists, then publications shall be made in 2 or more newspapers which together cover the district. This statement shall be published not later than December 31 following the close of the fiscal year. A copy shall be filed with ICCB on or before January 15 following the close of the fiscal year.

**Section 1501.507 Credit Hour Claims**

- a) Claims. Claims for credit hours shall be submitted within 30 days after the end of each term in a format used by ICCB.
- b) Course Requirements. Courses that produce credit hours eligible for ICCB grants shall satisfy the following requirements:
  - 1) Courses shall be offered for the number of credit hours for which they are approved by ICCB.
  - 2) Courses that have variable credit hours shall be claimed in specified increments only up to the maximum credit value approved for the course.
  - 3) Course data shall be posted to the permanent academic record of each student claimed.
  - 4) Courses shall be a part of units of instruction that have been approved by ICCB, or the courses must be authorized extensions of existing units of instruction.
  - 5) Courses shall have specific written objectives.
  - 6) A course outline shall be available for review by any student or citizen.
  - 7) Courses shall have a method of evaluating student performance that follows the adopted college grading system.
  - 8) Courses shall follow the adopted college policies on student tuition.
  - 9) The following categories of physical education courses shall be the only ones to produce eligible credit hours:
    - A) Elective physical education courses;
    - B) Required courses for majors and minors in physical education, recreational leadership, and related programs;
    - C) Physical education courses in teacher education programs as required by the State Educator Preparation and Licensure Board.
  - 10) Courses shall produce a maximum rate of one semester credit hour or equivalent per week. Requests for exceptions to this requirement may be submitted to ICCB. The criteria utilized by ICCB for exceptions shall include:
    - A) documentation of need for an intensified or accelerated schedule;
    - B) student population identified with testing and/or screening to indicate special needs and/or competencies;

- C) how courses are instructed, including schedule of classes, study time allotted for students, method of instruction and how students are evaluated;
  - D) time period of instructional activity and projected termination date;
  - E) procedures to evaluate the accelerated instructional activity.
- 11) Dual Credit courses offered by the college for high school students during the regular school day shall be college-level and shall meet the following requirements:
- A) State Laws and Regulations and Accreditation Standards. All State laws, ICCB regulations, accreditation standards specified by the North Central Association, and local college policies that apply to courses, instructional procedures and academic standards at the college apply to college-level courses offered by the college on campus, at off-campus sites, and at secondary schools. These policies, regulations, instructional procedures and academic standards apply to students, faculty and staff associated with these courses.
  - B) Instructors. The instructors for these courses shall be selected, employed and evaluated by the community college. They shall be selected from individuals with appropriate credentials and demonstrated teaching competencies at the college level. For transfer courses (1.1 PCS), these qualifications include a minimum of a Master's Degree with 18 graduate hours appropriate to the academic field of study or in the discipline in which they will be teaching. For CTE (1.2 PCS) courses, these qualifications include 2,000 hours of work experience and appropriate recognizable credentials, depending on the specific field.
  - C) Qualification of Students. Students accepted for enrollment in college-level courses must have appropriate academic qualifications, a high level of motivation and adequate time to devote to studying a college-level course. The students' course selections shall be made in consultation with high school counselors and/or principals and are restricted to students who are able to demonstrate readiness for college-level work, as determined by placement procedures consistent with those that would be used with college level students. The students shall meet all college criteria and follow all college procedures for enrolling in courses. Credit hours generated by freshman and sophomore students for dual credit courses are not eligible for reimbursement.
  - D) Placement Testing and Prerequisites. High school students enrolling in college-level courses must satisfy the same course placement tests or

course prerequisites as other college level students, when applicable, to assure that they are qualified and prepared.

- E) **Course Offerings.** Courses shall be selected from transfer courses that have been articulated with baccalaureate institutions in Illinois (see 23 Ill. Adm. Code 1501.309(d)) or from courses in ICCB approved certificate or associate in applied science degree programs.
  - F) **Course Requirements.** The course outlines utilized for these courses shall be the same as for courses offered on campus and at other off-campus sites and shall contain the content articulated with colleges and universities in the State. Course prerequisites, descriptions, outlines, requirements, learning outcomes and methods of evaluating students shall be the same as for on-campus offerings.
  - G) **Concurrent Credit.** The determination of whether a college course is offered for concurrent high school and college credit shall be made at the secondary level, according to the school's policies and practices of the district.
- c) **Student Requirements.** The following requirements shall apply to students who generate credit hours eligible for ICCB grants:
- 1) Students shall be certified by their instructors as being in attendance at midterm by including a certification statement on the midterm class roster, signed and dated by the instructor.
  - 2) Students who complete a course with a passing grade by the end of the term and who were not certified as being in attendance at midterm by the instructor shall be considered as having been in attendance at midterm.
  - 3) Students enrolled in variable entry/variable exit classes or short-term classes of less than eight weeks may be certified by their instructors as having been in attendance at midterm by including a certification statement on the final class roster, signed and dated by the instructor.
  - 4) Students shall be residents of the State of Illinois.
  - 5) Auditors or visitors in a course shall not produce eligible credit hours.
  - 6) Students who repeat enrollment in a course shall produce credit hours eligible for ICCB grants when one of the following conditions is met:
    - A) If the student completed the course the first time of enrollment with less than a grade of C (or equivalent) and if the student was claimed for funding, the student may enroll and be claimed in the course one additional time;

- B) If the student enrolled in the course previously and withdrew before completing the course, and if the student was claimed for funding, the student may enroll and be claimed in the course one additional time;
  - C) If a student completed the course previously and was claimed for funding, the student may be claimed for retaking the course if the student uses his/her option to retake the course tuition free under the college's educational guarantee program;
  - D) If the last time the student completed the course was at least four years previously, the student may be claimed for funding if the student repeats the course to upgrade his/her skills in that area; or
  - E) If a course has been approved by ICCB to be repeated, the student may repeat the course and be claimed as often as approved by ICCB.
- d) Exceptions. The following credits will not be eligible for ICCB funding:
- 1) Credit by examination;
  - 2) Military service credit for physical education;
  - 3) Transfer of credit earned at other institutions or in the armed forces;
  - 4) Proficiency examinations;
  - 5) Advanced placement credits;
  - 6) Other methods of program acceleration that do not include instruction.
- e) Midterm Class List Certification Requirements:
- 1) The midterm class lists' primary purpose shall be for certification of students' credit hours for State funding eligibility or ineligibility.
  - 2) The process must rely on the course section's instructor's assessment of the students' pursuit of successful completion at the midpoint of the class, as indicated by that instructor's midterm certification signature.
  - 3) The college shall document and communicate district requirements to faculty each semester.
  - 4) The college must be able to provide, upon request, a hardcopy midterm class list print out of each course section, submitted on ICCB credit hour claims, containing either a manual faculty signature or an authenticated electronic faculty signature for either ICCB or external audit purposes.

**Section 1501.510 Reporting Requirements**

A college shall submit the items listed in this Section in a format prescribed by ICCB and according to the schedules indicated.

- a) Resource Allocation and Management Plan (RAMP) data by July 1 of each year.
- b) Construction in progress and acreage by August 1 of each fiscal year.
- c) Annual Instruction Cost Report in a format prescribed by ICCB for the previous fiscal year by December 31 following the end of that fiscal year.
- d) A survey of local budget and tax extensions and collections by September 1 of each year.
- e) F3, F6, B3, and R3 facilities data submission to report existing space in use for educational purposes at the end of the fiscal year (June 30) by September 1 following the end of the fiscal year.
- f) Certificate of Tax Levy by January 31 of each year.

**Section 1501.511 Chart of Accounts**

- a) Community College Funds. The funds listed below or a subset of these funds shall be used for publicly reporting community college financial transactions. The local board of trustees may determine the distribution of unrestricted revenues among the operating funds, that is, the Education Fund; the Operations, Building and Maintenance Fund; and the Public Building Commission Operation and Maintenance Fund.
  - 1) Operating Funds.
    - A) Education Fund. Local property taxes for educational purposes shall be recorded as revenue in this fund.
    - B) Operations, Building and Maintenance Fund. Local property taxes for operations, building, and maintenance purposes shall be recorded as revenue in this fund.
    - C) Public Building Commission Operation and Maintenance Fund. Local property taxes for the operation and maintenance of college buildings leased from the Public Building Commission shall be recorded in this fund. Each agreement to operate and maintain property must be accounted for using a separate set of self-balancing accounts.
  - 2) Restricted Purposes Fund. This fund is to account for monies that have external restrictions regarding their use. Each of the restricted sources of revenue in this fund shall be accounted for separately using a group of self-balancing accounts.

- 3) Audit Fund. The audit tax levy shall be recorded in this fund. Monies in this fund shall be used only for the payment of auditing expenses.
- 4) Liability, Protection and Settlement Fund. The tort liability and Medicare insurance/FICA tax levies should be recorded in this fund. The monies in this fund and interest earned on assets shall be used only for the payment of tort liability, unemployment, worker's compensation insurance and/or claims, or the cost of participation in the federal Medicare/Social Security program.
- 5) Bond and Interest Fund. Revenues in this fund consist of property taxes for principal and interest bond payments. All principal and interest bond payments shall be expended from this fund. The debt service for each bond issue must be accounted for with a group of self-balancing accounts within the fund.
- 6) Public Building Commission Rental Fund. Local property taxes for the payment of lease obligations to the Public Building Commission shall be recorded in this fund. Each lease with the Public Building Commission shall be accounted for using a separate group of self-balancing accounts.
- 7) Operations, Building and Maintenance Fund (Restricted). This fund is used to account for funds which can be used only for site acquisition and construction and equipping of buildings. The monies in this fund shall not be permanently transferred or loaned to any other fund.
- 8) Building Bond Proceeds Fund. Proceeds from construction bonds shall be recorded in this fund. Each bond issue shall be accounted for using a separate group of self-balancing accounts.
- 9) Auxiliary Enterprises Fund. This fund is to account for those services for which a fee is being charged students and staff. Only monies that the institution has control of should be included in this fund. Each enterprise service where a fee is being charged should be accounted for using a separate group of self-balancing accounts.
- 10) Working Cash Fund. This fund shall be used to account for the proceeds of working cash bonds.
- 11) Trust and Agency Fund. This fund shall be used to receive and hold monies in which the district serves as a custodian or fiscal agent for another body.
- 12) Investment in Plant Account Group. This group of accounts shall be used to record the cost/value of plant assets.
- 13) Long-term Liabilities Account Group. This group of accounts shall be used to record liabilities that are payable beyond the current fiscal year.



- b) Program and Object Codes. The program and object codes (report structure) used by ICCB shall be used for publicly reporting community college financial transactions.

#### **Section 1501.516 Capital Renewal Grants**

- a) Districts may apply annually to ICCB for approval of capital renewal grant projects. Requests for ICCB approval of capital renewal grant projects shall be submitted using forms prescribed by ICCB.
- b) Expenditures of funds from this grant are limited to capital renewal projects that are within the scope of the definition of capital renewal grants contained in Section 1501.501.
- c) Funds received from this grant shall be accounted for in the Operations and Maintenance Fund (Restricted) (see Section 1501.511(a)(7)).
- d) Other sources of funding may be added to capital renewal grant funds to finance larger projects.
- e) Projects shall be designed and constructed to meet all applicable facilities codes as specified in Section 1501.603(g).
- f) Authority to approve capital renewal grant projects is delegated to ICCB or its Executive Director..

#### **Section 1501.519 Special Initiatives Grants**

- a) Allowable expenditures for special initiatives grants will be specified in the grant agreement between the college or vendor and ICCB.
- b) Special initiatives grant funds shall be accounted for in a restricted account.
- c) The community college district or other vendor shall file a report with ICCB in a format used by ICCB or in accordance with the grant agreement, detailing how the funds were used.
- d) Special initiatives grant funds shall be expended by the date specified in the grant agreement. If the grant agreement allows, goods and services for which funds have been obligated by the contract end date shall be received and paid for not later than 60 days after the grant agreement end date. Unexpended funds shall be returned to ICCB on or before December 31.
- e) Special initiatives grant funds not used in accordance with the terms specified in the grant agreement regardless of the amount shall be returned to ICCB within six months after receipt of the external audit report by ICCB or other identification of improper expenditures subsequently verified by ICCB.

**Section 1501.520 Lincoln's Challenge Scholarship Grants**

- a) Lincoln's Challenge Scholarship Grants shall be vouchered to community colleges.
- b) Students can qualify for their first Lincoln's Challenge Scholarship Grant if they meet the following criteria:
  - 1) Complete the Lincoln's Challenge program;
  - 2) Complete the GED;
  - 3) Enroll at one of the 48 Illinois public community colleges in a certificate or degree program the next semester following graduation (For example, the June Lincoln's Challenge graduates would have to enroll in college by the fall semester.);
  - 4) Carry an academic load of at least six credit hours in each fall and spring semester. Scholarships for the summer semester will be not awarded; and
  - 5) Present the "notification of award" letter signed by the President/CEO Executive Director of the Illinois Community College Board to the community college at the time of registration.
- c) The scholarship amount will be awarded up to \$1,000 per student per semester.
- d) The scholarship grants can be used to cover the cost of education, which includes tuition, books, fees and required educational supplies.
- e) The grant will only reimburse the college at the in-district tuition rate.
- f) In order to receive the reimbursement, colleges must submit vouchers during the semester the student is enrolled or payment cannot be guaranteed. The following information must be submitted to the ICCB for each student:
  - 1) Name;
  - 2) Social Security Number;
  - 3) Program of study;
  - 4) Course schedule (including credit hours);
  - 5) Costs broken out by tuition, fees, books, and required educational supplies; and
  - 6) ICCB initial or renewal approval letters. If a renewal, GPA and course completions from the previous semester are required.

- g) In order to remain qualified for a Lincoln's Challenge Scholarship Grant, each student must:
- 1) Submit GPA, course completion, and the letter of application to the Illinois Community College Board requesting continuation of the scholarship for the next semester. The letter must be postmarked by August 1 for application to the fall term and January 1 for application to the spring term.
  - 2) Comply with academic standards as defined by college policy. Exceptions to this subsection (g)(2), such as extenuating circumstances, shall be documented by ICCB staff and college contacts.
  - 3) Submit documentation showing successful completion of a minimum of 6 credit hours in the last semester and a GPA of 2.0 or higher.
- h) Students may be awarded scholarship funds for the fall and spring semesters of two successive years to be used toward the completion of a degree or certificate program.
- i) The number of scholarships awarded each year is contingent upon the amount of funds appropriated. The scholarships cannot be guaranteed to students even if all criteria are met. The distribution of available funds between new and renewed scholarships will be determined by the Illinois Community College Board to maximize use of the funds.

## **SUBPART F: CAPITAL PROJECTS**

### **Section 1501.601 Definition of Terms**

"Alter" means to remodel or modify a facility, without changing its original purpose or adding to its total dimensions, that would have been constructed differently had existing accessibility, energy conservation, or environmental protection laws, codes or standards (as specified in Section 1501.603(g)(2)) been in effect at the time of construction.

"Building efficiency" means the ratio of the total net assignable square feet (NASF) of a building, which includes the interior of classrooms, class laboratories, offices, study areas, libraries, special or general use areas, and supporting areas for each of these space types, to the total gross square feet (GSF) of a building, which includes circulation areas, custodial areas, mechanical areas and structural areas plus the NASF.

"Capital Project Design Phase" of a capital project means development of detailed architectural plans, specifications and cost estimates.

"Capital Project Needs Assessment" means the initial conceptualization and justification of the scope of the project.

"Credits" means capital project local contribution allowances certified by ICCB at its Board meeting on September 18, 1987.

"Facility" means any physical structure or entity that is necessary for the delivery of the district's programs and related services.

"Hazard" means a risk or peril resulting from unsanitary conditions, deficiencies in codes specified in Section 1501.603(g)(2), conditions increasing the risk of fire, or conditions otherwise endangering human life to a degree greater than normal.

"Licensed Architect or Engineer" means an architect or engineer licensed by or registered with the Illinois Department of Financial and Professional Regulation.

"Locally Funded" means a capital project funded totally from local district bond issues, local district operating funds, federal grants, foundation or other grants, gifts, student fees, or any non-state appropriated source.

"Maintenance Project" means a project that keeps a facility or asset in efficient operating condition, preserves the condition of the property, or restores property to a sound state after prolonged use.

"Primary Site" means any site constituting a campus as defined in Section 1501.301.

"Repair" means rehabilitate or return a facility to its original condition after damage or deterioration, without changing its original purpose or adding to its total dimensions, when the condition of the facility poses a hazard to individuals or threatens the structural integrity of the facility.

"Scope" means the parameters of the project, primarily the physical dimensions of the project and the function of space included within the project.

"Secondary Site" means any location where the district maintains a permanent presence, but does not meet the criteria of a primary site.

"State-Funded" means a capital project partially or fully funded with a State appropriation.

"Structural Defect/Deficiency Project" means a capital project that has a defect or deficiency directly attributable to inadequate design or construction, or defective construction materials.

### **Section 1501.602 Approval of Capital Projects**

- a) Requests for approval of State-funded capital projects shall be submitted to ICCB on the forms prescribed by ICCB.
- b) An updated District Site and Construction Master Plan shall be filed with ICCB by July 1 of the year in which the district undergoes its recognition evaluation. The purpose of the plan is to apprise ICCB of possible primary site new construction and secondary site acquisition/construction plans for the next five years throughout the district. The plan should be updated, as needed, to ensure that any project submitted for approval has been reflected in the district plan on file with ICCB at least two months prior to submission of the project. Any primary site new construction or

secondary site acquisition/construction projects must be reflected in the plan in order to receive consideration for approval. The plan, at a minimum, shall consist of a map of the district showing the location of all facilities owned by the district or leased for a period exceeding five years and a narrative describing the district's:

- 1) Current permanent facilities where additions are planned.
- 2) General plans for future site acquisition or acquisition/construction of permanent facilities either on the primary site or secondary sites. The location may be identified in terms of the general geographic area within the district.
- 3) Proposed schedule for acquiring additional sites, constructing additions to existing facilities, or acquiring/constructing new permanent facilities.
- 4) The intended use of all proposed site acquisitions and facility acquisition/construction.

### **Section 1501.603 State-Funded Capital Projects**

- a) Projects Eligible to Receive State Funds. State funds may be requested for capital projects, both those to be purchased and those to be constructed, as defined in this subsection (a). The funds shall be requested before construction and may include or consist of architectural and engineering fees associated with the project. These projects shall consist of:
  - 1) Buildings, Additions, and/or Structures (including fixed equipment). Types of buildings that may be included are:
    - A) Administration and student personnel services facilities;
    - B) Central utility facilities;
    - C) Classrooms;
    - D) Fine and applied arts classrooms and laboratories;
    - E) Libraries;
    - F) Occupational technical, and semi-technical laboratories, shops and classrooms;
    - G) Other structures used for the operation and maintenance of the campus;
    - H) Physical education instructional facilities;
    - I) Science laboratories and related science facilities; and

- J) Student areas appropriate to the needs of a commuter institution, including food services, lounge areas, study areas, storage lockers, child care facilities, and facilities for student activities such as newspaper editing and student government.
  - 2) Land.
  - 3) Movable Equipment.
  - 4) Utilities (those beyond a five foot perimeter of buildings).
  - 5) Remodeling or Rehabilitation of Existing Facilities. These projects include provision for:
    - A) Access for students with disabilities;
    - B) Emergency repairs (including construction defects/deficiencies);
    - C) Energy conservation; and
    - D) Programmatic changes.
  - 6) Site Improvements.
    - A) Clearance;
    - B) Drainage;
    - C) Earth movement;
    - D) Finish grading, seeding, landscaping;
    - E) Other work required to make land usable as a building site;
    - F) Parking; and
    - G) Streets and walkways.
  - 7) Planning. A building project may be divided into sub-projects with planning funds (architect or engineering fees) requested for one fiscal year and construction funds requested in a subsequent year.
- b) Application Criteria for New Construction Projects at the Primary Site. In order for capital projects for new construction to be considered for State funding, the following requirements shall be met:
- 1) Certification of local board approval of the projects requested shall be provided.

- 2) Certification shall be provided that funds or credits are available to provide the local share of the cost of the projects in accordance with Articles IIIA and V of the Act.
  - 3) Certification shall be provided that a suitable construction site is available. Suitability is determined through a site feasibility study and a Capital Development Board technical evaluation. The feasibility study shall address, at a minimum, the following:
    - A) The location of the site in relation to geography and population of the entire district and in relation to sites of the district's other colleges;
    - B) The impact on the surrounding environment, including the effect of increased traffic flow;
    - C) Accessibility to the site by existing and planned highways and/or streets;
    - D) Cost of development of the site in relation to topography, soil condition and utilities;
    - E) Size of the proposed site in relation to projected student population (as determined by census data) and land cost;
    - F) The number, location and characteristics (type of terrain, geography, roadway access, and suitability of the site for building purposes) of alternative sites considered; and
    - G) The location of the site in relation to existing institutions of higher education.
  - 4) Requests for site acquisition shall include a local board of trustees authorization to purchase the site, a copy of the feasibility study, a local board of trustees resolution that local funds are available, a copy of the Capital Development Board evaluation, three appraisals of the property, and a written request for ICCB approval in addition to the information requested in the Resource Allocation and Management Plan/Community Colleges (RAMP/CC).
  - 5) Evidence of need for the space requested shall be provided either on a general enrollment basis as specified in subsection (e)(1)(C) or a specific program need basis as specified in subsection (e)(1)(D).
  - 6) The project shall be within the mission of a community college as set forth in Section 1-2(e) of the Act.
- c) Application Criteria for Remodeling and Rehabilitation Projects. Projects to remodel and rehabilitate a facility shall require submittal of the following:

- 1) An application on forms prescribed by ICCB;
  - 2) Certification of local board approval of the projects requested;
  - 3) Certification that funds or credits are available to provide the local share of the projects in accordance with Articles IIIA and V of the Act;
  - 4) A summary detailing the effects of the remodeling on space usage (classrooms, laboratories, offices, etc.); and
  - 5) A justification statement regarding the need to remodel.
- d) Application Criteria for Secondary Site Projects. Projects for the acquisition/construction of a new site and/or structure for purposes other than a primary site facility and projects for acquisition of sites and/or structures adjacent to the primary site shall require submittal of the following:
- 1) A resolution by the local board of trustees stating that:
    - A) Local funds or credits are available to provide the local share of the projects in accordance with Articles IIIA and V of the Act; and
    - B) The programs offered have been approved by ICCB and Illinois Board of Higher Education (IBHE) or approval of these stated programs by those boards is pending.
  - 2) Copies of at least two appraisals of the property.
  - 3) Proof that the condition of the facility is not a threat to public safety. This shall include tests of structural integrity, asbestos, toxic materials, underground storage tanks, and other hazardous conditions. (Findings regarding the existence of these hazards shall not prevent the procurement of the site/structure but the knowledge of the hazardous condition and any costs incurred in correcting the condition shall be incorporated into the total cost of procuring the facility.)
  - 4) Identification of the location of the site and its relationship to the main campus, community college facilities in contiguous districts, and other higher education facilities in contiguous districts.
  - 5) Identification of all estimated costs associated with the purchase and any subsequent construction and/or rehabilitation of the site/structure.
- e) Project Priority Criteria. All projects must meet requirements as stated in Sections 5-3 and 5-4 of the Act. Capital project priorities will be established within the categories named in subsection (a) of this Section according to the following criteria:



- 1) New Facilities: The acquisition of buildings/ additions/structures through construction of new facilities or purchase of existing facilities includes planning, qualifying fixed and moveable equipment as necessary to support the new facility, land acquisition required for the facility, and any site improvements or utility work necessary to support the facility. All requests for new facilities must meet the criteria specified in either subsection (b) for new construction at a primary site or subsection (d) for secondary site projects. The following criteria will be considered in establishing priorities for new facilities:

A) Type of space to be constructed (in priority order):

- i) Instructional, study, office and student areas (all weighted equally):

- Instructional space, including basic classrooms, lecture halls, seminar rooms and other rooms used primarily for scheduled instruction, both credit and noncredit. These rooms may contain multimedia or telecommunications equipment. Space used as classroom service, that is, projection rooms, telecommunication control booths, closets, etc., are included (FICM Codes 110-115). Instructional space also includes laboratory facilities, both class and open, used for instructional purposes and service areas that serve as an extension of the activities of the laboratory (FICM Codes 210-255).
- Study areas, including all library facilities, any rooms or areas used by individuals at their convenience, general learning labs, and any service areas necessary to support the activities of these rooms (FICM Codes 410-455).
- Office facilities that provide work areas to support the academic, administrative, and service functions of the colleges. Also includes rooms such as student counseling rooms and testing areas, staff conference rooms, file rooms, and break rooms (FICM Codes 310-355).
- Student service areas include general use facilities such as child care facilities (FICM Codes 640 and 645), food service facilities (FICM Codes 630 and 635), lounge facilities (FICM Codes 650 and 655), merchandise areas such as bookstores, student supply stores, or ticket outlet services (FICM Codes 660 and 665), and rooms

used for recreation and amusement (FICM Codes 670 and 675). Meeting rooms used by the institution or the general public for a variety of nonclass meetings also are included (FICM Codes 680 and 685).

- ii) Support areas, including central administrative computer and telecommunications rooms, maintenance shops, garages, warehouses, and storage facilities (FICM Codes 710-765).
  - iii) Assembly areas, including theaters, auditoriums, arenas, exhibition rooms, and concert halls, used primarily for general presentations or performances (FICM Codes 610-625). Includes areas that serve as an extension of the activities in that facility.
  - iv) Physical education areas used for physical education instructional programs and intercollegiate and recreational activities. Includes areas such as gymnasiums, athletic courts, swimming pools, and other special use athletic facilities (FICM Codes 520, 523, and 525). (Does not include specific classrooms more appropriately classified under FICM Code series 100.)
  - v) Special use facilities not included elsewhere, such as armory, armory services, media production services, clinics, etc. (FICM Codes 510, 515 and 530-590).
- B) Core Campus Considerations. Priorities will be assigned to colleges that do not have adequate core campus components in place. A core campus generally consists of classrooms, laboratories, student services, day care, learning resources/library, business and industry training services, and facilities to support high enrollment programmatic areas.
- C) Space Criteria/Considerations.
- i) Utilization of Existing Space. Priorities will be assigned so that the higher utilization rate generated by weekly instructional hours for credit and noncredit courses offered at permanent locations owned by the college (college holds title, lease purchase, or purchasing contract for deed), the higher the priority that will be assigned. Instructional hours are defined as those enrollments generated by students taking credit and noncredit courses.
  - ii) Space per Student. Requests for space will be assigned priorities so that the less existing permanent space per student available at facilities owned by the college (college holds title,

lease purchase, or contract for deed), the higher the priority assigned to the project.

- D) Program Considerations. Consideration will be given to the need for special facilities based on the programs to be housed in the requested facilities. Priorities will be assigned so that the greater the need for special facilities, the higher the priority. Criteria evaluated for need will include (not in priority order), but not be limited to:
- i) Documented need as evidenced by the college's accountability and productivity reviews;
  - ii) Labor market demand for completers of the program (as indicated by current manpower data);
  - iii) Unavailability of special facilities needed for the program; and
  - iv) Other special needs or measures as described in the program justification statement submitted by the college with the project request.
- 2) Remodeling or Rehabilitation of Existing Facilities. Remodeling or rehabilitation projects will be evaluated on structural considerations and/or programmatic considerations and core campus considerations, if applicable to project. Requests for remodeling or rehabilitation projects must meet the criteria specified in subsection (c). The following criteria will establish the order of remodeling/rehabilitation projects:
- A) Structural Considerations (in priority order).
- i) Those projects that will reduce physical health and safety hazards to the student body and staff (e.g., structural defects/deficiencies, accessibility modifications);
  - ii) Overall condition of space and/or other structural integrity considerations;
  - iii) Those projects that will result in financial and/or natural resource savings (e.g., energy conservation); and
  - iv) Those projects that will result in the development of more efficient utilization of existing space.
- B) Program Considerations. Consideration will be given to the need for remodeling or rehabilitation of facilities based on the programs to be housed in the facilities. Priorities will be assigned so that the greater the need for remodeling or rehabilitation, the higher the priority.

Criteria evaluated for need will include (not in priority order), but not be limited to:

- i) Documented need as evidenced by the college's accountability and productivity reviews;
  - ii) Labor market demand for completers of the program (as indicated by current manpower data);
  - iii) Unavailability of special facilities needed for the program; and
  - iv) Other special needs or measures as described in the program justification statement submitted by the college with the project request.
- C) Core Campus Considerations. Priorities will be assigned to colleges that demonstrate the need for remodeling or rehabilitation of existing core campus components due to either structural integrity issues or increased demand for services. A core campus generally consists of classrooms, laboratories, student services, day care, learning resources/library, business and industry training services and facilities to support high enrollment programmatic areas.
- 3) Land. Requests for State funds for land purchases not related to new facilities acquisition will be evaluated based on the need to support existing campus facilities and services. Requests must meet applicable criteria specified in subsection (b) for land purchases at the primary site or subsection (d) for secondary site projects.
  - 4) Utilities. Utilities projects (beyond a five foot perimeter of buildings) not related to new facility acquisition will be evaluated based on the need to support existing campus facilities and services.
  - 5) Site Improvements. Site improvements not related to new facilities acquisition will be evaluated in conjunction with the facilities to which they relate and other demonstrated need.
  - 6) Additional consideration may be given to the priority ranking of a project if it had previous ICCB approval for planning or construction.
- f) Changes in budget and/or scope to approved construction projects shall be submitted for approval according to the following criteria:
- 1) Changes in budget/scope totaling five percent or less of the approved project budget/scope shall be reconciled at the completion of the project and submitted to ICCB for information purposes.

- 2) When changes in the project budget/scope have reached five percent, any subsequent change modifying the budget/scope of the project shall require approval by the ICCB Executive Director, prior to expenditure of funds on the additional work. The criteria the ICCB Executive Director will use for approving changes in the project budget/scope will be the same as are listed in this Section.
- g) Construction Standards. The standards listed in this subsection shall be applied in the design and construction of facilities.
- 1) Building Efficiency. Campuswide building efficiency should be at least 70 percent. However, individual buildings may be below this level if they are high-rise (four or more floors), include a large number of small classrooms and/or labs, or if a large portion of the building is designed for custodial or mechanical purposes to serve the entire campus.
  - 2) Facilities Codes. All construction, remodeling and rehabilitation of facilities shall be in compliance with the following standards:
    - A) All incorporations by reference refer to the standards on the date specified and do not include any additions or deletions subsequent to the date specified:
      - i) International Building Code, 2015 Edition (International Code Council, 4051 W. Flossmoor Rd., Country Club Hills, Illinois 60478-5795).
      - ii) International Mechanical Code, 2015 Edition (International Code Council, 4051 W. Flossmoor Rd., Country Club Hills, Illinois 60478-5795).
      - iii) National Electrical Code, NFPA 70, 2014 Edition (National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169-7471).
      - iv) National Fire Protection Association 101, Life Safety Code, 2003 Edition (National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169-7471).
    - B) Illinois administrative rules that are referenced in this Part are:
      - i) Illinois Plumbing Code (77 Ill. Adm. Code 890).
      - ii) Illinois Accessibility Code (71 Ill. Adm. Code 400) or the 2010 Americans with Disabilities Standards for Accessible Design (28 CFR 35 and 36), whichever is more stringent.
      - iii) Fire Prevention and Safety (41 Ill. Adm. Code 100).

- iv) Illinois Energy Conservation Code (74 Ill. Adm. Code 600).
- C) Any local building codes that may be more restrictive than the codes listed in this subsection (g)(2).
- 3) State of Illinois Building Related Requirements. To assist the architect in determining which statutes and rules might be applicable to a project, the Capital Development Board (CDB) has assembled a Directory of Illinois Construction-Related Statutes and Rules that lists statutory requirements relative to State construction. CDB also maintains a List of Codes Used Throughout the State of Illinois by City or County. Both resources are available on CDB's website (<http://www.illinois.gov/cdb/business/codes/Pages/BuildingCodesRegulations.aspx>).

### **Section 1501.604 Locally Funded Capital Projects**

All locally funded capital projects shall meet the same codes or standards listed in Section 1501.603(g)(2).

### **Section 1501.607 Reporting Requirements**

A college shall submit the items listed in this Section in a format prescribed by ICCB and according to the schedules indicated:

- a) Progress reports (as of December 31) of all construction projects by January 31 of each year.
- b) Course resource data (S6 and S7) showing the facilities used by a course offered for credit during the fall term within 30 days after the end of the term. Facility identifiers, building identifiers, and room identifiers reported in the course resource data should match identifiers that will be reported in the F3, F6, B3, and R3 records at the end of the current fiscal year.
- c) An inventory of its facilities and an update of this inventory annually by September 1 immediately following the end of the fiscal year. This facilities data (F3, F6, B3, and R3 records) shall be submitted in the format designated by ICCB and shall represent existing facilities in service at June 30 of the fiscal year just ended.
- d) Course resource data (N6) for a non-credit offering (N1) showing the facilities used for each non-credit course offered during the fall term by August 15 following the end of the current fiscal year. Facility identifiers, building identifiers, and room identifiers reported in the N6 records should match identifiers that will be reported in the F3, F6, B3 and R3 records at the end of the current fiscal year.

### **Section 1501.608 Approval of Projects from 110 ILCS 805/3-20.3.01**

Projects proposed for construction under Section 3-20.3.01 of the Act shall meet the criteria listed in this Section.

- a) A proposed project shall meet the definition of "alter" or "repair" in Section 1501.601.
- b) A proposed project shall meet the definition of "facility" in Section 1501.601 and be owned by the district or leased where the district has assumed the obligation to make alterations or repairs.
- c) A proposed project shall not be considered a maintenance project.
- d) Projects to repair facilities shall be to correct a hazard.
- e) A proposed project shall have an estimate by a licensed architect or engineer and, if financed through bonds in accordance with Article IIIA of the Act, shall be estimated to cost no more than \$4,500,000, unless otherwise stated in statute. A project may have several component parts if these components clearly relate to the same objective.
- f) A proposed energy conservation project shall provide an estimated "pay back" of eight years or less as certified by a licensed architect or engineer.
- g) A project shall meet the codes specified in Section 1501.603(g)(2).
- h) If project costs are financed through bonds as referenced in subsection (e), all bonds for those purposes may not exceed \$4,500,000 in the aggregate at any one time unless otherwise stated in statute.

### **Section 1501.609 Completion of Projects from 110 ILCS 805/3-20.3.01**

When completed, a project shall be certified by a licensed architect or engineer as having been constructed within the budget and having met applicable plans, codes and specifications.

### **Section 1501.610 Demolition of Facilities**

A district may demolish a facility owned by the district.

## **SUBPART H: PERSONNEL**

### **Section 1501.801 Definition of Terms**

"Sabbatical Leave" means a leave of absence granted by the Board of Trustees to eligible employees to provide opportunities for those employees to engage in activities aimed at developing the employees professionally and improving their abilities to perform their contractual responsibilities.

### **Section 1501.802 Sabbatical Leave**

Any Board of Trustees policy providing for sabbatical leave for its employees shall contain the

following provisions:

- a) A statement of purpose and/or objectives;
- b) A description of the types of leaves (e.g., professional development, project, exchange) that may be granted;
- c) A statement of employee eligibility;
- d) A procedure for making application;
- e) A listing of criteria used in evaluating applications;
- f) A procedure for selection;
- g) A statement of limitations concerning the granting of leave (e.g., how many employees in a given year and subject to what, if any, financial limitations);
- h) A schedule of compensation, if any, to be granted and for what period;
- i) A statement of employee obligations (e.g., reporting requirements, returning to work after the leave); and
- j) Other conditions the Board believes may affect the employee-employer relationship as a result of a leave being granted.



**TITLE 2: GOVERNMENTAL ORGANIZATION**  
**SUBTITLE F: EDUCATIONAL AGENCIES**  
**CHAPTER VIII: ILLINOIS COMMUNITY COLLEGE BOARD**  
**PART 5175 PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION**

**SUBPART A: PUBLIC INFORMATION**

**Section 5175.20 Appearance at ICCB Meetings**

- a) Persons desiring to address the Board shall make a written request to the Executive Director at least five business days prior to the meeting, provided that, with respect to any emergency meeting, the person desiring to address the Board shall make a written request at least one business day prior to the date of the emergency meeting. Any request to address the Board must include the name, telephone number or e-mail contact information, and street address of the person requesting to address the Board. The request shall also include the name and street address of the college, organization or group to be represented by the person, if any, and a description of the topic to be presented.
- b) The written notice requirement may be waived by the Chair.
- c) The Chair (or other presiding officer) may impose appropriate time limits on presentations or public comments. The presiding officer's decision to limit a presentation or comment shall be based on criteria including, but not limited to, the total time available for the Board's deliberations, the number of persons seeking to appear before the Board, and the potential for redundancy in the comments being presented.
- d) All presenters are encouraged to submit their presentations in writing.

**Section 5175.30 Information Request**

Any person seeking information or wishing to make a request of the Illinois Community College Board (ICCB) may do so by contacting the ICCB Executive Director at 401 East Capitol Avenue, Springfield, Illinois 62701.

**Section 5175.40 Minutes of Closed Sessions**

The Board will review its closed session minutes in March and September of each year to determine if those minutes, or part of those minutes, may be released as public documents. The Board Chair and Vice-Chair, prior to the March and September meetings, will review the minutes of all closed sessions conducted during the previous six months and make a recommendation for action to the Board based on the relevant provisions of the Public Community College Act [110 ILCS 805], the Freedom of Information Act [5 ILCS 140], and the Open Meetings Act [5 ILCS 120].

**SUBPART B: RULEMAKING****Section 5175.140 ICCB Rules**

- a) Initiation of new or amended rules or the repeal of existing rules will begin at the direction of the Board or its Executive Director, or when required by State statute or court decision.
- b) The public and advisory organizations may propose the development, amendment or repeal of a rule by writing to the ICCB Executive Director at 401 East Capitol Avenue, Springfield, Illinois 62701. The written statement should cite the specific rule to be amended or repealed or should state proposed specific language for a new rule. Reasons for the proposal shall be included.
- c) Proposed new rules, amendments or repealers will be presented as information at an open public meeting of the Board prior to publication in the Illinois Register.
- d) Following presentation to the Board, proposed rules, amendments or repealers will be published in the Illinois Register. During the 45-day First Notice period, interested persons or agencies may provide public comment.
- e) Proposed new rules, amendments or repealers that have met the requirements for public input will be presented to the Board for approval. Thereafter, the Board shall direct the Executive Director or his or her designee to submit proposed rules, amendments or repealers for review by the Joint Committee on Administrative Rules (JCAR) during the Second Notice period.
- f) At the end of the Second Notice period, if no objections are received from JCAR, ICCB may adopt the rules or any modifications in accordance with the Illinois Administrative Procedure Act (IAPA) [5 ILCS 100]. If ICCB receives an objection from JCAR during the Second Notice period, the Executive Director shall present the objection to the Board at its next meeting for consideration.
- g) The Executive Director may, without Board approval, promulgate emergency and preemptory rules in accordance with the IAPA. Emergency and preemptory rules shall be presented as information to the Board at its next regularly scheduled meeting.

**SUBPART C: ORGANIZATION****Section 5175.200 Organization of the Illinois Community College Board**

- a) The Illinois Community College Board was created by the Illinois Public Community College Act. Board members are appointed by the Governor with the advice and consent of the Senate, with the exception of one student member appointed by the Student Advisory Committee (see 110 ILCS 805/2-1).

- b) The Governor designates one member of the Board, other than the student member, to serve as Chair (see 110 ILCS 805/2-3).
- c) The Vice-Chair shall be elected by a vote of the Board for an annual term beginning July 1. An election for Vice-Chair shall occur before the end of June each year at a regular Board meeting.
- d) The Chair of the Board presides at Board meetings. The Vice-Chair shall preside at all meetings in the absence of the Chair. In the absence of the Chair and Vice-Chair, a member designated by the Chair shall preside for that meeting only.
- e) To the extent practicable, the Board shall convene at least four times per year. The annual meeting schedule shall be adopted by the Board at its last meeting of the fiscal year for the following calendar year. The meeting calendar shall be posted on ICCB's website. All Board meetings shall be conducted in accordance with Section 1.01 of the Open Meetings Act.
- f) A special meeting to discuss matters that require consideration or action before the next regularly-scheduled meeting of the Board may be called by the Chair, by the Vice-Chair in the event the Chair is unavailable, or upon written notice signed by at least three members of the Board. All Board members shall be provided with written notice of the time, purpose and location of any special meeting at least five days before the date of the meeting (see 110 ILCS 805/2-3). Matters for consideration at a special meeting are limited to those matters described in the notice.
- g) Six members of the Board constitutes a quorum. All official acts of the Board require a majority vote in a meeting at which a quorum is present, except that *approval of a new unit of instruction, research, or a public service for a community college shall require the approval of a majority of all members of the Board* [110 ILCS 805/2-3].
- h) Members of the Board serve without compensation, but shall be reimbursed for expenses incurred in performing their duties, in accordance with the rules and guidelines of the Higher Education Travel Control Board (80 Ill. Adm. Code 2900).

#### **Section 5175.210 Board Member Attendance by Means Other Than Physical Presence**

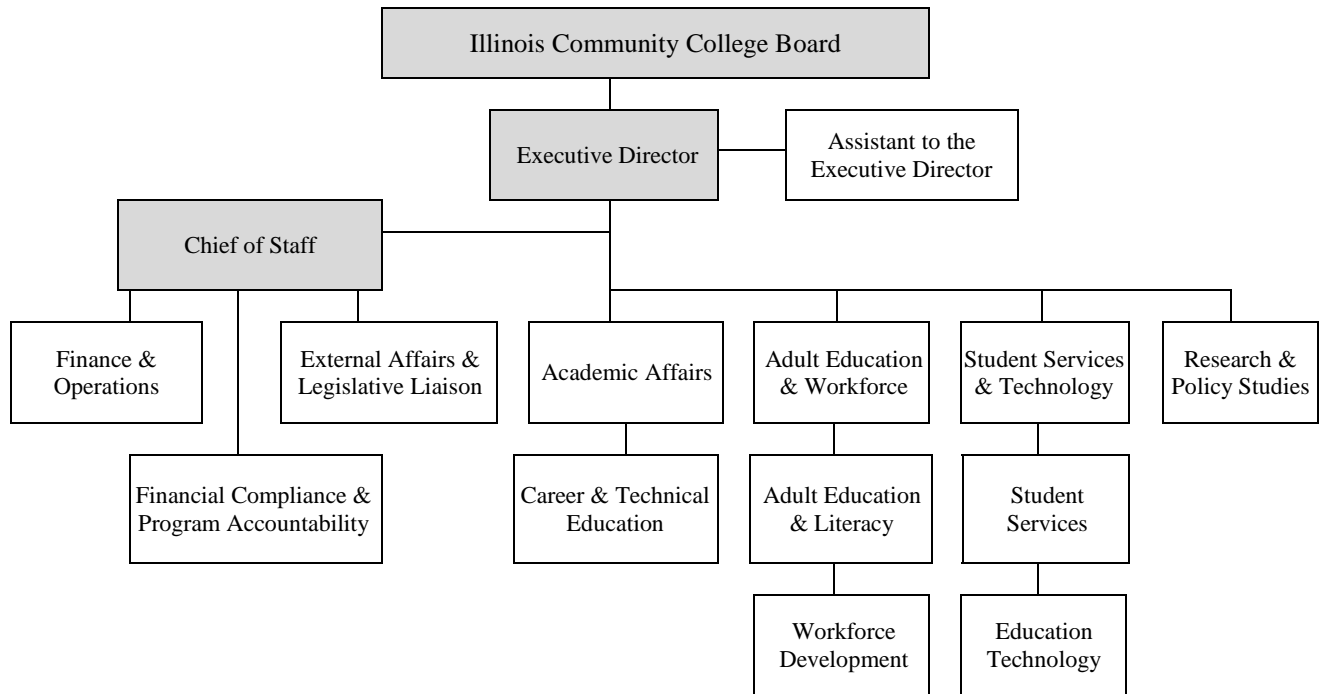
- a) If a quorum of the members of the Board or any committee of the Board is physically present for a meeting, as required by Section 2.02 of the Illinois Open Meetings Act, a majority of the Board or committee of the Board, as the case may be, may allow a physically absent member to attend the meeting by video or audio conference if the member is prevented from physically attending because of the following:
  - 1) Personal illness or disability;

- 2) Employment purposes or the business of the ICCB; or
  - 3) Family or other emergency.
- b) Any Board member wishing to attend a meeting by other means shall notify the Board Secretary before the meeting unless advance notice is impractical.

**Section 5175.220 Organization of ICCB Staff**

The Board is supported by a staff headed by an Executive Director. The organizational structure is illustrated by function on the chart in Appendix A.

**Section 5175.APPENDIX A Organization Chart**



**TITLE 2: GOVERNMENTAL ORGANIZATION**  
**SUBTITLE F: EDUCATIONAL AGENCIES**  
**CHAPTER VIII: ILLINOIS COMMUNITY COLLEGE BOARD**  
**PART 5176 ACCESS TO RECORDS OF THE ILLINOIS COMMUNITY COLLEGE BOARD**

**SUBPART A: INTRODUCTION**

**Section 5176.100 Summary of Purpose**

- a) This Part states the policy of the Illinois Community College Board (Board) for making its records available for reasonable public inspection while, at the same time, protecting legitimate interests in confidentiality.
- b) This Part:
  - 1) Establishes the following classifications for records in the Board's possession:
    - A) Records that shall be disclosed; and
    - B) Records that shall be withheld from disclosure;
  - 2) Contains the procedures by which requesters may obtain records in the Board's possession; and
  - 3) Contains the procedures for claiming and determining that records submitted to the Board are exempt from disclosure.

**Section 5176.105 Definitions**

Terms not defined in this Section shall have the same meaning as in the Freedom of Information Act [5 ILCS 140]. The following definitions are applicable for purposes of this Part:

"Act" means Public Community College Act [110 ILCS 805].

"Board" means the Illinois Community College Board as established by the Act.

*"Commercial purpose" means the use of any part of a record or records, or information derived from records, in any form for sale, resale, or solicitation or advertisement for sales or services. For purposes of this definition, requests made by news media and non-profit, scientific, or academic organizations shall not be considered to be made for a "commercial purpose" when the principal purpose of the request is:*

*to access and disseminate information concerning news and current or passing events;*

*for articles or opinion or features of interest to the public; or*

*for the purpose of academic, scientific, or public research or education.  
(Section 2(c-10) of FOIA)*

*"Copying" means the reproduction of any record by means of any photographic, electronic, mechanical, or other process, device or means now known or hereafter developed and available to the Board. (Section 2(d) of FOIA)*

"Executive Director" means the executive officer of the Board.

"FOIA" means the Freedom of Information Act [5 ILCS 140].

"Freedom of Information Officer" or "FOI Officer" means an individual or individuals responsible for receiving and responding to requests for public records.

*"News media" means a newspaper or other periodical issued at regular intervals, news service in paper or electronic form, radio station, television station, television network, community antenna television service, or person or corporation engaged in making news reels or other motion picture news for public showing. (Section 2(f) of FOIA)*

*"Person" means any individual, corporation, partnership, firm, organization or association, acting individually or as a group. (Section 2(b) of FOIA)*

*"Private information" means unique identifiers, including a person's Social Security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person. (Section 2(c-5) of FOIA)*

"Public Access Counselor" means an individual appointed to that office by the Attorney General under Section 7 of the Attorney General Act [15 ILCS 205].

*"Public body" means all legislative, executive, administrative, or advisory bodies of the State, State universities and colleges, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees or commissions of this State, any subsidiary bodies of any of the foregoing, including but not limited to committees and subcommittees thereof, and a School Finance Authority created under Article 1E of the School Code [105 ILCS 5]. (Section 2(a) of FOIA)*

*"Records" means all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, electronic communications, recorded information and all*

*other documentary materials pertaining to the transaction of public business, regardless of physical form or characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of or under the control of the Board. (Section 2(c) of FOIA)*

*"Recurrent requester" means a person that, in the 12 months immediately preceding the request, has submitted to the same public body a minimum of 50 requests for records, a minimum of 15 requests for records within a 30-day period, or a minimum of 7 requests for records within a 7 day period. For the purposes of this definition, requests made by news media and non-profit, scientific, or academic organizations shall not be considered in calculating the number of requests made in the time periods, in this definition when the principal purpose of the requests is to access and disseminate information concerning news and current or passing events, for articles of opinion or features of interest to the public, or for the purpose of academic, scientific, or public research or education. For the purposes of this definition, "request" means a written document (or oral request, if the public body chooses to honor oral requests) that is submitted to a public body via personal delivery, mail, telefax, electronic mail, or other means available to the public body and that identifies the particular public record the requester seeks. One request may identify multiple records to be inspected or copied. (Section 2(g) of FOIA)*

"Requester" is any person who has submitted to the Board a written request, electronically or on paper, for records.

*"Unwarranted invasion of personal privacy" means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information. (Section 7(1)(c) of FOIA)*

## **SUBPART B: CLASSIFICATION OF RECORDS**

### **Section 5176.200 Records that Will Be Disclosed**

Upon request meeting the requirements of this Part, the Board shall disclose to the requester all records requested except that it shall not disclose certain records as provided in Section 5176.205 or 5176.210. Records covered under this Section shall include, but are not limited to:

- a) *Records of funds. All records relating to the obligation, receipt and use of public funds of the Board are records subject to inspection and copying by the public. (Section 2.5 of FOIA)*
- b) *Payrolls. Certified payroll records submitted to the Board under Section 5(a)(2) of the Prevailing Wage Act [820 ILCS 130] are records subject to inspection and copying in accordance with the provisions of FOIA; except that contractors' and employees' addresses, telephone numbers, and Social Security numbers will be redacted by the Board prior to disclosure. (Section 2.10 of FOIA)*



- c) *Criminal history records. The following documents maintained by the Board pertaining to criminal history record information are records subject to inspection and copying by the public pursuant to FOIA:*
- 1) *Court records that are public;*
  - 2) *Records that are otherwise available under State or local law; and*
  - 3) *Records in which the requesting party is the individual identified, except as provided under Section 7(1)(d)(vi) of FOIA. (Section 2.15(b) of FOIA)*
- d) *Settlement agreements. All settlement agreements entered into by or on behalf of the Board are records subject to inspection and copying by the public, provided that information exempt from disclosure under Section 5176.205 or 5176.210 may be redacted. (Section 2.20 of FOIA)*

### **Section 5176.205 Records that Will Be Withheld from Disclosure**

- a) For exemptions from FOIA that are stated in FOIA, see Section 7(1) of the Act.
- b) *A record that is not in the possession of the Board but is in the possession of a party with whom the Board has contracted to perform a governmental function on behalf of the Board, and that directly relates to the governmental function and is not otherwise exempt under FOIA, shall be considered a record of the Board for purposes of Subpart C. (Section 7(2) of FOIA)*

### **Section 5176.210 Statutory Exemptions**

For exemptions from FOIA that are stated in other statutes, see Section 7.5 of the Act.

## **SUBPART C: PROCEDURES FOR REQUESTING RECORDS FROM THE BOARD**

### **Section 5176.300 Submittal of Requests for Records**

- a) Any request for public records should be submitted in writing to the FOI Officer at the Board.
- b) The Board has one FOI Officer located in the Springfield office.
- c) Contact information for each FOI Officer can be found online at [www.Illinois.gov/Pages/FOIAContacts](http://www.Illinois.gov/Pages/FOIAContacts).
- d) FOIA requests may be submitted via mail, e-mail, fax, or hand delivery. Requests should be mailed or hand delivered to:

Illinois Community College Board  
401 E. Capitol Avenue



Springfield IL 62701-1711  
Attn: FOI Officer

- e) E-mailed requests should be sent to iccbfoia@iccb.state.il.us, contain the request in the body of the e-mail, and indicate in the subject line of the e-mail that it contains a FOIA request. Faxed FOIA requests should be faxed to 217/524-4981, Attn: FOI Officer.

### **Section 5176.305 Information To Be Provided in Requests for Records**

A request for records should include:

- a) The complete name, mailing address and telephone number of the requester;
- b) As specific a description as possible of the records sought. Requests that the Board considers unduly burdensome or categorical may be denied. (See Section 3(g) of FOIA and Section 5176.405 of this Part.);
- c) A statement as to the requested medium and format for the Board to use in providing the records sought: for example, paper, specific types of digital or magnetic media, or videotape;
- d) A statement as to the requested manner for the Board to use in providing the records sought: for example, inspection at Board headquarters or providing paper or electronic copies;
- e) A statement as to whether the requester needs certified copies of all or any portion of the records, including reference to the specific documents that require certification; and
- f) A statement as to whether the request is for a commercial purpose.

### **Section 5176.310 Requests for Records for Commercial Purposes**

- a) *It is a violation of FOIA for a person to knowingly obtain a record for a commercial purpose without disclosing that it is for a commercial purpose if requested to do so by the Board. (Section 3.1(c) of FOIA)*
- b) *The Board shall respond to a request for records to be used for a commercial purpose within 21 working days after receipt. The response shall:*
  - 1) *Provide to the requester an estimate of the time required by the Board to provide the records requested and an estimate of the fees to be charged, which the Board may require the person to pay in full before copying the requested documents;*
  - 2) *Deny the request pursuant to one or more of the exemptions set out in Section 5176.205 or 5176.210;*

- 3) *Notify the requester that the request is unduly burdensome and extend an opportunity to the requester to attempt to reduce the request to manageable proportions; or*
- 4) *Provide the records requested.* (Section 3.1(a) of FOIA)
- c) *Unless the records are exempt from disclosure, the Board shall comply with a request within a reasonable period considering the size and complexity of the request, and giving priority to records requested for non-commercial purposes.* (Section 3.1(b) of FOIA)

### **Section 5176.315 Records Maintained Online**

- a) *Notwithstanding any provision of FOIA to the contrary, a public body is not required to copy a public record that is published on the public body's website. The public body shall notify the requester that the public record is available online and direct the requester to the website where the record can be reasonably accessed.*
- b) *If the person requesting the public record is unable to reasonably access the record online after being directed to the website pursuant to subsection (a), the requester may resubmit his or her request for the record stating his or her inability to reasonably access the record online, and the public body shall make the requested record available for inspection or copying as provided in Section 3 of FOIA.* (Section 8.5 of FOIA)

## **SUBPART D: BOARD RESPONSE TO REQUESTS FOR RECORDS**

### **Section 5176.400 Timeline for Board Response**

- a) *Except as stated in subsection (b) or (c), the Board will respond to any written request for records within 5 business days after its receipt of the request. Failure to comply with a written request, extend the time for response, or deny a request within 5 business days after its receipt shall be considered a denial of the request. If the Board fails to respond to a request within the requisite periods in this subsection (a) but thereafter provides the requester with copies of the requested records, it will not impose a fee for those copies. If the Board fails to respond to a request received, it will not treat the request as unduly burdensome as provided under Section 5176.405.* (Section 3(d) of FOIA) A written request from the Board to provide additional information shall be considered a response to the FOIA request.
- b) *The time limits prescribed in subsection (a) may be extended for not more than 5 business days from the original due date for any of the following reasons:*
  - 1) *The requested records are stored in whole or in part at locations other than the office having charge of the requested records;*

- 2) *The request requires the collection of a substantial number of specified records;*
  - 3) *The request is couched in categorical terms and requires an extensive search for the records responsive to it;*
  - 4) *The requested records have not been located in the course of routine search and additional efforts are being made to locate them;*
  - 5) *The requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure under Section 7 or 7.5 of FOIA or should be revealed only with appropriate deletions;*
  - 6) *The request for records cannot be complied with by the Board within the time limits prescribed by subsection (a) without unduly burdening or interfering with the operations of the Board; or*
  - 7) *There is a need for consultation, which shall be conducted with all practicable speed, with another public body or among two or more components of a public body having a substantial interest in the determination or in the subject matter of the request. (Section 3(e) of FOIA)*
- c) *The person making a request and the Board may agree in writing to extend the time for compliance for a period to be determined by the parties. If the requester and the Board agree to extend the period for compliance, a failure by the Board to comply with any previous deadlines shall not be treated as a denial of the request for the records. (Section 3(e) of FOIA)*
- d) *When additional time is required for any of the reasons set forth in subsection (b), the Board will, within 5 business days after receipt of the request, notify the person making the request of the reasons for the extension and the date by which the response will be forthcoming. Failure to respond within the time permitted for extension shall be considered a denial of the request. If the Board fails to respond to a request within the time permitted for extension but thereafter provides the requester with copies of the requested public records, it may not impose a fee for those copies. If the Board issues an extension and subsequently fails to respond to the request, it will not treat the request as unduly burdensome under Section 5176.405. (Section 3(f) of FOIA)*

#### **Section 5176.405 Requests for Records that the Board Considers Unduly Burdensome**

- a) *The Board will fulfill requests calling for all records falling within a category unless compliance with the request would unduly burden the Board, there is no way to narrow the request, and the burden on the Board outweighs the public interest in the information. Before invoking this exemption, the Board will extend to the requester an opportunity to confer with it in an attempt to reduce the request to manageable proportions. (Section 3(g) of FOIA) The amended request must be in writing.*

- b) If the Board determines that a request is unduly burdensome, *it shall do so in writing, specifying the reasons why it would be unduly burdensome and the extent to which compliance will so burden the operations of the Board. The response shall be treated as a denial of the request for information.* (Section 3(g) of FOIA)
- c) *Repeated requests from the same person for records that are unchanged or identical to records previously provided or properly denied under this Part shall be deemed unduly burdensome.* (Section 3(g) of FOIA)

#### **Section 5176.410 Recurrent Requesters**

- a) *Notwithstanding any provision of this Part to the contrary, the Board will respond to a request from a recurrent requester, as defined in Section 5176.105, within 21 business days after receipt. The response shall:*
  - 1) *provide to the requester an estimate of the time required by the Board to provide the records requested and an estimate of the fees to be charged, which the Board may require the person to pay in full before copying the requested documents;*
  - 2) *deny the request pursuant to one or more of the exemptions set out in this Part;*
  - 3) *notify the requester that the request is unduly burdensome and extend an opportunity to the requester to attempt to reduce the request to manageable proportions; or*
  - 4) *provide the records requested.*
- b) *Within 5 business days after receiving a request from a recurrent requester, the Board will notify the requester that the Board is treating the request as a recurrent request, of the reasons why the Board is treating the request as a recurrent request, and that the Board will send an initial response within 21 business days after receipt in accordance with subsection (a). The Board will also notify the requester of the proposed responses that can be asserted pursuant to subsection (a).*
- c) *Unless the records are exempt from disclosure, the Board will comply with a request within a reasonable period considering the size and complexity of the request.* (Section 3.2 of FOIA)

#### **Section 5176.415 Requests for Records that Require Electronic Retrieval**

- a) A request for records that requires electronic retrieval will be treated the same as any other request for records, with the same timeline and extensions as allowed for other records.
- b) The Board will retrieve and provide electronic records only in a format and medium that is available to the Board.

**Section 5176.420 Denials of Requests for Records**

- a) The Board will deny requests for records when:
  - 1) Compliance with the request would unduly burden the Board, as determined pursuant to Section 5176.405, and the requester has not reduced the request to manageable proportions; or
  - 2) The records are exempt from disclosure pursuant to Section 7 or 7.5 of FOIA or Section 5176.205 or 5176.210 of this Part.
- b) The denial of a request for records must be in writing.
  - 1) The notification shall include a description of the records denied; *the reason for the denial, including a detailed factual basis for the application of any exemption claimed; and the names and titles or positions of each person responsible for the denial* (Section 9(a) of FOIA);
  - 2) *Each notice of denial shall also inform the person of the right to review by the Public Access Counselor and provide the address and phone number for the Public Access Counselor* (Section 9(a) of FOIA); and
  - 3) *When a request for records is denied on the grounds that the records are exempt under Section 7 or 7.5 of FOIA, the notice of denial shall specify the exemption claimed to authorize the denial and the specific reasons for the denial, including a detailed factual basis and a citation to the supporting legal authority* (Section 9(b) of FOIA).
- c) A requester may treat the Board's failure to respond to a request for records within 5 business days after receipt of the written request as a denial for purposes of the right to review by the Public Access Counselor.
- d) If the Board has given written notice pursuant to Section 5176.400(d), failure to respond to a written request within the time permitted for extension may be treated as a denial for purposes of the right to review by the Public Access Counselor.
- e) *Any person making a request for records shall be deemed to have exhausted his or her administrative remedies with respect to that request if the Board fails to act within the time periods provided in Section 5176.400.* (Section 9(c) of FOIA)

**Section 5176.425 Requests for Review of Denials – Public Access Counselor**

- a) *A person whose request to inspect or copy a record is denied by the Board may file a request for review with the Public Access Counselor established in the Office of the Attorney General not later than 60 days after the date of the final denial. The request for review shall be in writing, be signed by the requester, and include a copy of the request for access to records and any response from the Board.* (Section 9.5(a) of FOIA)

- b) *A person whose request to inspect or copy a record is made for a commercial purpose may not file a request for review with the Public Access Counselor. A person whose request to inspect or copy a record was treated by the Board as a request for a commercial purpose may file a request for review with the Public Access Counselor for the limited purpose of reviewing whether the Board properly determined that the request was made for a commercial purpose. (Section 9.5(b) of FOIA)*
- c) *Within 7 business days after the Board receives a request for review from the Public Access Counselor, the Board shall provide copies of records requested and shall otherwise fully cooperate with the Public Access Counselor. (Section 9.5(c) of FOIA)*
- d) *Within 7 business days after it receives a copy of a request for review and request for production of records from the Public Access Counselor, the Board may, but is not required to, answer the allegations of the request for review. The answer may take the form of a letter, brief, or memorandum. The Public Access Counselor shall forward a copy of the answer to the person submitting the request for review, with any alleged confidential information to which the request pertains redacted from the copy. (Section 9.5(d) of FOIA)*
- e) *The requester may, but is not required to, respond in writing to the answer within 7 business days and shall provide a copy of the response to the Board. (Section 9.5(d) of FOIA)*
- f) *In addition to the request for review, and the answer and response to the request, if any, a requester or the Board may furnish affidavits or records concerning any matter germane to the review. (Section 9.5(e) of FOIA)*
- g) *A binding opinion from the Attorney General shall be binding upon both the requester and the Board, subject to administrative review under Section 5176.435. (Section 9.5(f) of FOIA)*
- h) *If the Attorney General decides to exercise his or her discretion to resolve a request for review by mediation or by a means other than issuance of a binding opinion, the decision not to issue a binding opinion shall not be reviewable. (Section 9.5(f) of FOIA)*
- i) *Upon receipt of a binding opinion concluding that a violation of FOIA has occurred, the Board will either take necessary action immediately to comply with the directive of the opinion or shall initiate administrative review under Section 5176.435. If the opinion concludes that no violation of FOIA has occurred, the requester may initiate administrative review under Section 5176.435. (Section 9.5(f) of FOIA)*
- j) *If the Board discloses records in accordance with an opinion of the Attorney General, the Board is immune from all liabilities by reason thereof and shall not be liable for penalties under FOIA. (Section 9.5(f) of FOIA)*



- k) *If the requester files suit under Section 5176.430 with respect to the same denial that is the subject of a pending request for review, the requester shall notify the Public Access Counselor. (Section 9.5(g) of FOIA)*
- l) *The Attorney General may also issue advisory opinions to the Board regarding compliance with FOIA. A review may be initiated upon receipt of a written request from the Executive Director of the Board or the Board's Chief Legal Counsel, which shall contain sufficient accurate facts from which a determination can be made. The Public Access Counselor may request additional information from the Board in order to assist in the review. If the Board relies in good faith on an advisory opinion of the Attorney General in responding to a request, the Board is not liable for penalties under FOIA, so long as the facts upon which the opinion is based have been fully and fairly disclosed to the Public Access Counselor. (Section 9.5(h) of FOIA)*

### **Section 5176.430 Circuit Court Review**

A requester also has the right to file suit for injunctive or declaratory relief in the Circuit Court for Sangamon County or for the county in which the requester resides, in accordance with the procedures set forth in Section 11 of FOIA.

### **Section 5176.435 Administrative Review**

*A binding opinion issued by the Attorney General shall be considered a final decision of an administrative agency, for purposes of administrative review under the Administrative Review Law [735 ILCS 5/Art. III]. An action for administrative review of a binding opinion of the Attorney General shall be commenced in Cook County or Sangamon County. An advisory opinion issued to the Board shall not be considered a final decision of the Attorney General for purposes of this Section. (Section 11.5 of FOIA)*

## **SUBPART E: PROCEDURES FOR PROVIDING RECORDS TO REQUESTERS**

### **Section 5176.500 Inspection and Copying of Records**

- a) The Board may make available records for personal inspection at the Board's headquarters office located at 401 E. Capitol Avenue, Springfield, or at another location agreed to by both the Board and the requester. No original record shall be removed from State-controlled premises except under constant supervision of the agency responsible for maintaining the record. The Board may provide records in duplicate forms, including, but not limited to, paper copies, data processing printouts, videotape, microfilm, audio tape, reel to reel microfilm, photographs, computer disks and diazo.
- b) *When a person requests a copy of a record maintained in an electronic format, the Board shall furnish it in the electronic format specified by the requester, if feasible. If it is not feasible to furnish the records in the specified electronic format, then the Board shall furnish it in the format in which it is maintained by the Board, or in paper format at the option of the requester. (Section 6(a) of FOIA)*

- c) A requester may inspect records by appointment only, scheduled subject to space availability. The Board will schedule inspection appointments to take place during normal business hours, which are 8:30 a.m. to 5:00 p.m. Monday through Friday, exclusive of State holidays. If the requester must cancel the viewing appointment, the requester shall so inform the Board as soon as possible before the appointment.
- d) In order to maintain routine Board operations, the requester may be asked to leave the inspection area for a specified period of time.
- e) The requester will have access only to the designated inspection area.
- f) Requesters shall not be permitted to take briefcases, folders or similar materials into the room where the inspection takes place. A Board employee may be present during the inspection.
- g) The requester shall segregate and identify the documents to be copied during the course of the inspection.

#### **Section 5176.505 Fees for Records**

- a) In accordance with Section 5176.510, unless a fee is otherwise fixed by statute, the Board will provide copies of records and certifications of records in accordance with the fee schedule set forth in Appendix A.
- b) *In calculating its actual cost for reproducing records or for the use of the equipment of the Board to reproduce records, the Board will not include the costs of any search for and review of the records or other personnel costs associated with reproducing the records.* (Section 6(b) of FOIA)
- c) In order to expedite the copying of records that the Board cannot copy, due to the volume of the request or the operational needs of the Board, in the timelines established in Section 5176.400, the requester may provide, at the requester's expense, the copy machine, all necessary materials, and the labor to copy the public records at the Board headquarters in Section 5176.500, or at another location agreed to by both the Board and the requester. No original record shall be removed from State-controlled premises except under constant supervision of the agency responsible for maintaining the record.
- d) Copies of records will be provided to the requester only upon payment of any fees due. *The Board may charge the requester for the actual cost of purchasing the recording medium, whether disc, diskette, tape, or other medium, but the Board will not charge the requester for the costs of any search for and review of the records or other personnel costs associated with reproducing the records.* (Section 6(a) of FOIA) Payment must be by check or money order sent to the Board, payable to "Treasurer, State of Illinois".
- e) If a contractor is used to inspect or copy records, the following procedures shall apply:



- 1) The requester, rather than the Board, must contract with the contractor;
  - 2) The requester is responsible for all fees charged by the contractor;
  - 3) The requester must notify the Board of the contractor to be used prior to the scheduled on-site inspection or copying;
  - 4) Only Board personnel may provide records to the contractor;
  - 5) The Board must have verification that the requester has paid the Board, if payment is due, for the copying of the records before providing the records to the contractor; and
  - 6) The requester must provide to the Board the contractor's written agreement to hold the records secure and to copy the records only for the purpose stated by the requester.
- f) *The Board may charge up to \$10 for each hour spent by personnel in searching for and retrieving a requested record. No fees shall be charged for the first 8 hours spent by personnel in searching for or retrieving a requested record. The Board may charge the actual cost of retrieving and transporting public records from an off-site storage facility when the public records are maintained by a third-party storage company under contract with the Board. If the Board imposes a fee pursuant to this subsection (f), it must provide the requester with an accounting of all fees, costs, and personnel hours in connection with the request for public records. The provisions of this subsection (f) apply only to commercial requests. (Section 6(f) of FOIA*

#### **Section 5176.510 Reduction and Waiver of Fees**

- a) *Fees may be reduced or waived by the Board if the requester states the specific purpose for the request and indicates that a waiver or reduction of the fee is in the public interest. In making this determination, the Board will consider the following:*
  - 1) *Whether the principal purpose of the request is to disseminate information regarding the health, safety, welfare or legal rights of the general public; and*
  - 2) *Whether the principal purpose of the request is personal or commercial benefit. For purposes of this subsection (a), "commercial benefit" shall not apply to requests made by news media when the principal purpose of the request is to access and disseminate information regarding the health, safety, welfare or legal rights of the general public. (Section 6(c) of FOIA)*
- b) *In setting the amount of the waiver or reduction, the Board will take into consideration the amount of materials requested and the cost of copying them. (Section 6(c) of FOIA)*
- c) The Board will provide copies of records without charge to federal, State and municipal agencies, Constitutional officers and members of the General Assembly,

and not-for-profit organizations providing evidence of good standing with the Secretary of State's Office.

- d) *Except to the extent that the General Assembly expressly provides, statutory fees applicable to copies of records when furnished in a paper format will not be applicable to those records when furnished to a requester in an electronic format. (Section 6(a) of FOIA)*

### **Section 5176.APPENDIX A Fee Schedule for Duplication and Certification of Records**

TYPE OF DUPLICATION	FEE (PER COPY)
Paper copy from original, up to and including 50 copies of black and white, letter or legal sized copies	No charge
Paper copy from original, in excess of 50 copies of black and white, letter or legal sized copies	\$.15/page
Paper copy from microfilm original	\$.15/page
Microfilm diazo from original	\$.50/diazo
VHS video copy of tape	Actual cost of the reproduction
Audio tape copy of tape	Actual cost of the reproduction
CD ROM disk	Actual cost of the reproduction
Photograph from negative	Actual cost of the reproduction
Blueprints/oversized prints	Actual cost of the reproduction
Paper copies in color or in a size other than letter or legal	Actual cost of the reproduction
Certification fee	\$1.00/record

NOTE: Expense for delivery other than by First Class U.S. Mail must be borne by the requester.

**TITLE 4: DISCRIMINATION PROCEDURES**  
**CHAPTER XXXIX: ILLINOIS COMMUNITY COLLEGE BOARD**

**PART 1050 AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE**

**Section 1050.10 Purpose**

- a) This Americans With Disabilities Act Grievance Procedure (Procedure) is established pursuant to the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.) ("ADA"), and specifically Section 35.107 of the Title II regulations (28 CFR 35), requiring that a grievance procedure be established to resolve grievances asserted by qualified individuals with disabilities. Should any individual desire to review the ADA or its regulations to understand the rights, privileges, and remedies afforded by it, please contact the ADA Coordinator.
- b) In general, the ADA requires that each program, service, and activity offered by the Board, when viewed in its entirety, be readily accessible to and usable by a qualified individual with disabilities.
- c) It is the intention of the Board to foster open communications with all individuals requesting readily accessible programs, services and activities. The Board encourages supervisors of programs, services and activities to respond to requests for modifications before they become grievances.

**Section 1050.20 Definitions**

"Board" is the Illinois Community College Board.

"Complainant" is an individual with a disability who files a Grievance Form provided by the Board under this procedure.

"ADA Coordinator" is the chief human resource officer of the Board who is responsible for the coordination of efforts of the Board to comply with and carry out its responsibilities under Title II of the ADA, including investigation of grievances filed by complainants. The ADA Coordinator for the Board may be contacted at 401 E. Capitol Ave., Springfield IL 62701 or by telephone at 217-785-0123. (See 28 CFR 35.107.)

"Disabilities" has the meaning ascribed in the Americans With Disabilities Act.

"Grievance" is any complaint under the ADA by an individual with a disability who meets the essential eligibility requirements for participation in or receipt of the benefits of a program, activity or service offered by the Board, and believes he or she has been excluded from participation in, or denied the benefits of, any program, service, or activity of the Board or has been subject to discrimination by the Board.

"Grievance Form" is the form prescribed for use in filing a grievance pursuant to this Part. It includes information such as the complainant's name, address and telephone

number; the nature of the grievance, including the date, time and place of the incident; and any witnesses.

### **Section 1050.30 Procedure**

- a) Grievances must be submitted in accordance with procedures established in 1050.40 and 1050.50, in the form and manner described and within the specified time limits. It is mutually desirable and beneficial that grievances be satisfactorily resolved in a prompt manner. Time limits established in this procedure are in calendar days, unless otherwise stated, and may be extended by mutual agreement in writing by the complainant and the reviewer at the ADA Coordinator and Final Levels.
- b) A complainant's failure to submit a grievance, or to submit or appeal it to the next level of procedure within the specified time limits, shall mean that the complainant has withdrawn the grievance or has accepted the Board's last response given in the grievance procedure.
- c) The Board shall, upon being informed of the individual's desire to make a formal grievance, instruct the individual on the process of filing the grievance.

### **Section 1050.40 ADA Coordinator Level**

- a) If an individual desires to file a formal written grievance, the individual shall promptly, but no later than 180 days after the alleged discrimination, submit the grievance to the ADA Coordinator in writing on the Grievance Form. The Grievance Form must be completed in full to receive proper consideration by the ADA Coordinator.
- b) Upon request, assistance shall be provided by the Board to complete the Grievance Form.
- c) The ADA Coordinator, or his or her representative, shall investigate the grievance and, if the grievance is found to be valid, shall make reasonable efforts to resolve it. The ADA Coordinator shall provide a written response to the complainant and the Executive Director within 15 business days after receipt of the Grievance Form.

### **Section 1050.50 Final Level**

- a) If the grievance has not been resolved at the ADA Coordinator Level to the satisfaction of the complainant, the complainant may submit a copy of the Grievance Form and Designated Coordinator's response to the Executive Director of the Board for final review. The complainant shall submit these documents to the Executive Director, together with a short written statement explaining the reasons for dissatisfaction with the Designated Coordinator's written response, within five business days after receipt by the complainant of the Designated Coordinator's response.

- b) Within 15 business days, the Executive Director shall appoint a three-member panel to review the grievance at the Final Level. One member so appointed shall be the designated chairperson. The panel shall schedule a review of the grievance, which shall commence no later than 15 business days after the last member of the panel is appointed.
- c) The complainant shall be afforded an opportunity to appear before the panel and shall have a right to appoint a representative to appear on his or her behalf. The panel shall review the ADA Coordinator's written response and may conduct interviews and seek advice as it considers appropriate.
- d) Upon agreement of at least two of the panel members, but not later than 15 business days after the review described in subsection (b), the panel shall make a recommendation in writing to the Executive Director as to the proper resolution of the grievance. All such recommendations shall include reasons for the recommendations and shall bear the signatures of the concurring panel members. A dissenting member of the panel may make a signed recommendation to the Executive Director.
- e) Within 15 business days after receipt of recommendations from the panel, the Executive Director shall approve, disapprove or modify the panel recommendations; render a decision on that recommendation in writing; state the basis for his or her action; and cause a copy of the decision to be served on the parties. The Executive Director's decision shall be final. If the Executive Director disapproves or modifies the panel recommendations, written reasons for the disapproval or modification shall be included in the Executive Director's written decision.
- f) The Grievance Form, the ADA Coordinator's response, the statement of the reasons for dissatisfaction, the recommendation of the panel, and the decision of the Executive Director shall be maintained in accordance with the State Records Act [5 ILCS 160] or as otherwise required by law.

### **Section 1050.60 Accessibility**

The Board shall ensure that all stages of the procedure are accessible to and usable by individuals with disabilities.

### **Section 1050.70 Case-by-Case Resolution**

Each grievance involves a unique set of factors that includes, but is not limited to: the specific nature of the disability; the essential eligibility requirements, the benefits to be derived, and the nature of the service, program or activity at issue; the health and safety of others; and whether an accommodation would constitute a fundamental alteration to the program, service or activity, or cause undue hardship for the Board. Accordingly, termination of a grievance at any level, whether through the granting of relief or otherwise, shall not constitute a precedent on which any other complainants should rely.

**TITLE 23: EDUCATION AND CULTURAL RESOURCES**  
**SUBTITLE A: EDUCATION**  
**CHAPTER II: BOARD OF HIGHER EDUCATION**

**PART 1050 APPROVAL OF NEW UNITS OF INSTRUCTION,  
RESEARCH AND PUBLIC SERVICE AT PUBLIC INSTITUTIONS**

**Section 1050.10 Institutions Required to Receive Approval**

- a) *The Board of Trustees of the University of Illinois, the Board of Trustees of Southern Illinois University, the Board of Trustees of Chicago State University, the Board of Trustees of Eastern Illinois University, the Board of Trustees of Governors State University, the Board of Trustees of Illinois State University, the Board of Trustees of Northeastern Illinois University, the Board of Trustees of Northern Illinois University, the Board of Trustees of Western Illinois University, or the Illinois Community College Board, and the campuses under their governance or supervision shall not hereafter undertake the establishment of any new unit of instruction, research or public service without the approval of the Board.*
- b) *The term "new unit of instruction, research or public service" includes the establishment of a college, school, division, institute, department or other unit in any field of instruction, research or public service not theretofore included in the program of the institution, and includes the establishment of any new branch or campus. The term does not include reasonable and moderate extensions of existing curricula, research, or public service programs which have a direct relationship to existing programs; and the Board may, under its rulemaking power, define the character of such reasonable and moderate extensions. [110 ILCS 205/7]*

**Section 1050.20 Definitions**

"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.

"Annual listing of changes" means the annual notification to the Board of one or more of the following:

Addition of an externally funded research or public service activity labeled as a center or institute because of grant requirements. The activity is temporary, not formally organized, and has no continuous mission.

Change in a degree title (e.g., the name of a discipline or major without changes in objectives or content, such as the change from "medical technology" to "clinical laboratory sciences").

Change in the name of an administrative (including departments), research or public service unit.

Elimination, temporary suspension or phase-down of an existing board-approved program.

Reorganization, restructuring, consolidation, elimination and other changes of existing administrative (including departments), research or public service units that do not result in an increase in subunits.

Creation of a certificate program in a field in which there is a previously approved degree program (e.g., undergraduate certificates at Levels 1 and 2 from a prior approved bachelor's program; post-baccalaureate certificates at Level 5 from a prior approved master's program).

Creation of a joint degree program from two previously approved programs.

"Board" refers to the Board of Higher Education.

"Board of Control" means one of the following:

The Board of Trustees of the University of Illinois, the Board of Trustees of Southern Illinois University, the Board of Trustees of Chicago State University, the Board of Trustees of Eastern Illinois University, the Board of Trustees of Governors State University, the Board of Trustees of Illinois State University, the Board of Trustees of Northeastern Illinois University, the Board of Trustees of Northern Illinois University, the Board of Trustees of Western Illinois University, the Illinois Community College Board, or the campuses under their governance or supervision.

"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 transcripts certifying the satisfactory completion of undergraduate, post-baccalaureate or graduate organized program of study at an institution.

"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 established by the institution, including prior learning assessment, laboratory work, 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 program of study of at least one year beyond the secondary school level. It shall include, but not be limited to, the following: certificate, associate, bachelor, post-baccalaureate certificate, master, post-master certificate, doctor's degree – professional practice (degree required for entry into specific profession such as law or medicine), and doctor's degree – research and scholarship.

"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 Board approved region within which the institution's original campus would have been located had the regions existed at that time.

"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 branch" or "new campus" means a new site that houses a full range of instruction, as well as administrative and support services.

A "branch" is an administrative unit of an institution that has a continuing educational mission and serves as a secondary instructional site for the institution.



A "campus" is an organized administrative unit of an institution that has a continuing educational mission and serves as a primary instructional site for the institution.

A "new branch" or "new campus" is characterized by the following criteria: the site offers courses in educational programs leading to a degree, certificate or other recognized educational credential; it is permanent in nature; it has its own faculty and administrative or supervisory organization; and has its own budgetary and hiring authority.

"New instructional location" means an additional out-of-region instructional site separate from a branch or campus at which 50 percent or more of a program is offered, but that otherwise does not meet the definition of a new branch or campus. A new location does not constitute a new branch or campus unless the site meets the other criteria in the definition of a branch or campus. For programs that are currently authorized by the Board, institutions may request a reasonable and moderate extension request to add the program to an out-of-region new instructional location.

"New geographical location" is also known as "out-of-region". Both "new geographical location" and "out-of-region" sites are those sites located outside of the region within which the institution's original campus would have been located had the regions existed at that time.

"New unit of instruction" means one or more of the following:

Any new organized program of study beyond the secondary school level that results in the formal award of a degree to a student.

Any organized program of study beyond the secondary school level that is offered at a new geographical location and results in the award to a student of an existing degree (i.e., one that is currently granted by the institution).

Any new formally organized administrative entity that would have a continuing instructional mission, including but not limited to a campus, branch, college, school, department or division.

"New unit of instruction, research or public service" includes the establishment of a college, school, division, institute, department or other unit in any field of instruction, research or public service not previously included in the program of the institution, and includes the establishment of any new branch or campus. The term does not include reasonable and moderate extensions of existing curricula, research, or public service programs that have a direct relationship to existing programs; the Board may, under its rulemaking power, define the character of reasonable and moderate extensions. [110 ILCS 205/7]

"New unit of public service" means any new formally organized administrative entity that would have a continuing public service mission, including but not limited to a school, department, division, institute or center.

"New unit of research" means any new formally organized administrative entity that would have a continuing research mission, including but not limited to a school, department, division, institute or center.

"Notice of intent" or "NOI" means the filing of intent for a new program or unit by the institution that is seeking certificate or degree granting authority. 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.

"Reasonable and moderate extension" or "RME" means one or more of the following:

An addition of a unit supported primarily through external funding, including the establishment of a grant-funded center. When approved under this category, the unit would hold approval through the period of external funding and would not require additional approval unless the external funding was no longer available. The university would not commit to maintain the unit if the external funding was lost and the university would report elimination of the center through the annual listing process provided to the Board.

Creation of a new formally organized research or public service unit that has a temporary mission of up to five years. (Criteria for continuation and a date for submission and request for permanent approval should accompany the RME.)

Creation of a certificate program in a field or at a level in which there is not a previously approved degree program at that level or a higher level.

Creation of a new program that results from the reorganization or restructuring of the curricular elements of an existing program that have over time evolved into separate and distinct programs (e.g., split into two or more autonomous programs, or options have evolved into separate programs).

Reclassification of a program resulting from incremental changes or consolidation of two or more degree programs into a single program with a change of the Classification of Instructional Programs (CIP) developed by the National Center for Educational Statistics.

Changes in degree designation at the same level (e.g., B.A. to B.F.A., B.B.A. to B.S., M.A. to M.S., or D.B.A. to Ph.D.).

Creation of an out-of-region degree program. As much as possible the proposed program should be functionally equivalent to the existing program offered on campus, including

curriculum, faculty qualifications, instructional technology, and library resources. The program must have effective student support systems. "Region" refers to a geographical area within which an institution may operate a unit of instruction, research and public service 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;

"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.

### **Section 1050.30 Criteria for Approval**

The Board of Higher Education will evaluate new units of instruction, research or public service by applying the following criteria:

- a) Criteria Applicable to All Units of Instruction, Research and Public Service
  - 1) Mission and Objectives
    - A) The objectives of the unit of instruction, research or public service are consistent with the mission of the college or university.
    - B) The objectives of the unit of instruction, research or public service are consistent with what the unit title implies.
  - 2) Academic Control

The design, conduct and evaluation of the unit of instruction, research or public service are under the direct and continuous control of the sponsoring institution's established processes for academic planning and quality maintenance.
  - 3) Faculty and Staff
    - A) The academic preparation and experience of faculty and staff ensure that the objectives of the unit of instruction, research or public service are met.
    - B) The academic preparation and experience of the faculty and staff, as evidenced by level of degrees held, professional experience in the field of study and demonstrated knowledge of the field, ensure that they are able to fulfill their academic responsibilities. 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 degree 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 by the Board for professional experience, equivalent training and other qualifications; however, except in extraordinary circumstances, these should prove the exception and not the rule in meeting faculty qualification requirements.
- C) The involvement of faculty in the unit of instruction, research or public service is sufficient to cover the various fields of knowledge encompassed by the unit, to sustain scholarship appropriate to the unit, and to assure curricular continuity and consistency in student evaluation.
- D) 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.
- E) Support personnel, including but not limited to counselors, administrators, clinical supervisors, and technical staff, that are directly assigned to the unit of instruction, research or public service, have the educational background and experience necessary to carry out their assigned responsibilities.
- 4) 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.
- 5) Financial
- A) The financial commitments to support the unit of instruction, research or public service are sufficient to ensure that the faculty and staff and support services necessary to offer the unit of instruction, research or public service can be acquired and maintained.
  - B) Projections of revenues necessary to support the unit of instruction, research or public service are based upon supportable estimates of state appropriations, local tax support, student tuition and fees, private gifts, and/or governmental grants and contracts.
- 6) Statewide Needs and Priorities
- A) The unit of instruction, research or public service is educationally and economically consistent with the educational priorities and needs of the State of Illinois.
  - B) The unit of instruction, research or public service meets a need that is not currently met by existing institutions and units of instruction, research or public service.
- b) Criteria Applicable Only to Units of Instruction
- 1) Curriculum
- A) The caliber and content of the curriculum must assure that the objectives of the unit of instruction will be achieved.
  - B) The breadth and depth of the curriculum must be consistent with what the title of the unit of instruction implies.
  - C) The admission and graduation requirements for the unit of instruction must be consistent with the stated objectives of the unit of instruction.
  - D) 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 degree 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 has 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.

- E) Appropriate steps shall be taken to ensure that programmatic accreditation needed for licensure or entry into a profession as specified in the objectives of the unit will be sought in a reasonable amount of time and will be maintained throughout the life of the program.
- F) Degree programs must meet the following credit hour requirements:
- 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.
  - iv) Doctor's degree – Professional Practice requires the 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.

- G) Provision must be made for guidance and counseling of students, evaluations of student performance, continuous monitoring of progress of students toward their degree objectives and appropriate academic record keeping.
- H) 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 these 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.
  - ii) The success rate 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.
- I) 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.
  - 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) The success rate 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.
- J) 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:

- 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 shall be adequately informed of the nature and expectations of on-line learning.
  - vii) Assessments of student learning, especially exams, take place in circumstances that include definite 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.
- 2) Program Information
- A) The information the institution provides for students and the public shall include the following:
    - i) An accurate description of the unit of instruction, including its objectives, length and residency requirements if any;

- ii) Schedule of tuition, fees, and all other charges and expenses necessary for completion of the unit of instruction, and cancellation and refund policies;
  - iii) Student rights and responsibilities;
  - iv) A statement regarding the transferability of college credits, including the fact that the decision to accept transfer credits is determined by the receiving institutions;
  - v) 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;
  - vi) Evidence of arrangements for the transfer of courses or credits or both to institutional counterparts, when these arrangements exist; these arrangements are also known as articulation agreements;
  - vii) A statement of the institution's most recent graduation rates and the number of graduates and enrollments as provided by the institution to the Integrated Postsecondary Education Data System (IPEDS) and any submissions of data to satisfy Board reporting requirements; and
  - viii) Other material facts concerning the institution and the unit of instruction as are likely to affect the decision of the student to enroll.
- B) The information listed in subsection (b)(2)(A) shall be available to prospective students prior to enrollment and shall be included in the institution's catalog of programs.
- 3) Accreditation and Licensure  
Appropriate steps shall be taken to assure that professional accreditation needed for licensure or entry into a profession as specified in the objectives of the unit of instruction is maintained or will be granted in a reasonable period of time.
- c) Institutions Exempt from Approval
- 1) Institutions offering a Board approved degree program at another site within the same region shall not be required to apply for additional Board approval.
  - 2) Institutions offering a degree program at the University Center of Lake County or the Quad-Cities Graduate Center shall not be required to apply for additional Board approval when offering degree programs approved for their

home campus. For these institutions, center approval is required and the center shall be treated as part of their home campus, provided the center has notified the Board of its approval of the new degree program.

- 3) Institutions offering a Board approved degree program through mediated instruction shall not be required to apply for additional Board approval.
- 4) Institutions offering temporary programs meeting the following criteria shall not be required to apply for Board approval:
  - A) The unit of instruction is approved for offering in-region, and the academic standards of the in-region unit are maintained at the out-of-region site; and
  - B) The out-of-region unit of instruction is offered under contract to a single business, service organization, or government agency and enrollment is restricted to employees of the contracting business, employees or members of the organization or agency, or, in the case of a regional office of education, to the employees of public school districts within the region; and
  - C) The contractual arrangement assures that the out-of-region unit of instruction is self-supporting; that is, no State resources are required to support it; and
  - D) The out-of-region unit of instruction is offered to a single group of entering students for a single cycle not to exceed three years. Should the institution wish to continue the unit of instruction at the out-of-region site beyond the single cycle, the institution must submit an application for Board of Higher Education approval.
- 5) Additional Board approval is not required for Board approved institutions offering:
  - A) Programs or courses on federal military bases exclusively to base personnel and their family members;
  - B) Clinical or practice sites that are utilized as a part of Board approved degree programs;
  - C) Dual credit courses to Illinois high school students. This does not exclude institutions from annual reporting and evidence of compliance with the Dual Credit Quality Act [110 ILCS 27]; or
  - D) Programs or courses inside public correctional facilities.

**Section 1050.40 Procedures of Obtaining Approval**

- a) Approval of the Board of Control
  - 1) Applications for new units of instruction, research and public service will be reviewed by the appropriate board of control. Upon approval by the appropriate board of control, the institution shall submit to the Board a completed notice of intent on the form provided by the Board. The notice of intent shall include the degree and program name, region located, description of the program, demographics of the intended students, estimated enrollment and contact person. The notice of intent may be submitted prior to or simultaneously with the request for approval. Notices of Intent shall be publicly posted by the Board for no less than 30 days prior to any Board action on the application.
  - 2) The institution requesting permission to offer new units of instruction, research or public service will complete the application as provided by the Board and submit the completed form to the Board.
  - 3) If the appropriate board of control determines that the proposed unit is a reasonable and moderate extension rather than a new unit, the institution will so inform the Board. If the Board does not concur in this determination, the institution shall submit an application requesting approval of the new unit of instruction, research or public service to the Board.
  - 4) Community colleges may be deemed compliant with subsections (a)(1), (2) and (3) by participating in a comparable approval process required by the Illinois Community College Board.
- b) Approval by the Illinois Board of Higher Education  
Upon determining that the Criteria for Approval are met, the Board will approve the establishment of the new unit of instruction, research or public service, and will so inform the appropriate board of control by letter from its executive director. This letter shall constitute formal authority to establish the new unit of instruction, research or public service.

**Section 1050.50 Review of Existing Units of Instruction, Research and Public Service**

*The Board of Higher Education is authorized to review, periodically, all existing programs of instruction, research and public service at the State universities and colleges and to advise the appropriate board of control if the contribution of each program is not educationally and economically justified. [110 ILCS 205/7]*

- a) Units of Instruction Approved after December 23, 2008
  - 1) Third Year Progress Report  
Three years after approval of a new program, the institution shall provide a program progress report to the Board as part of the institution's annual report.

The third year progress report shall describe the institution's performance in meeting program objectives and show where any improvements are necessary. The placement of a program in voluntary temporary suspension will not negate the requirement of submitting a third year progress report.

- 2) Third Year Status as Determined by the Institution
  - A) Program in Good Standing: The institution is meeting the program objectives as outlined in the original application that was submitted during the program approval process.
  - B) Program Flagged for Review: The institution is not meeting the program objectives as outlined in the original application that was submitted during the program approval process. In that event, the institution shall flag the program for review and shall submit a plan for improvement. The plan will outline the steps to be taken, benchmarks indicating adequate progress, and a timeline indicating step completion and/or benchmark achievement points.
  - C) Additional Requirement for Programs in which State Licensure is Required for Employment in the Field: 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, the institution shall report the program as flagged for review.
- 3) Upon completion of the third year progress report or the annual interim report required for programs flagged for review:
  - A) If the program is in good standing, the institution will add the program to the eight-year program review cycle as provided in subsection (b).
  - B) If the program has been flagged for review, the institution shall submit annual interim reports until the status of good standing is achieved. A flagged program will no longer be considered a Board approved program beyond the fifth anniversary of its original approval. If no required annual interim report is submitted for a flagged program, the Board will interpret the absence of an annual interim report as an indication that the institution has terminated the program and the program will no longer be considered a Board approved program.
  - C) Annual interim reports on flagged programs shall:
    - i) Delineate actions taken to resolve the issues or improve the program;

- ii) Identify areas for further action or improvement; and
    - iii) Describe how the program will be monitored to ensure continued improvement until the next review.
  - D) An institution may request approval to place a program in voluntary temporary suspension. That status does not negate the requirement for submitting annual interim reports and does not negate the limitation of five years duration as a program flagged for review.
- 4) Community Colleges  
Community colleges may be deemed compliant with the program review process by participating in a comparable review required by the Illinois Community College Board. This will not abrogate the Board of Higher Education's authority to request reviews of community college programs.
- b) Existing and newly approved units of instruction that have been identified as being in good standing will be reviewed on an eight-year cycle.
  - 1) Eight-year Program Review Process  
Programs deemed to be in good standing will be reviewed by the institution on a staggered eight-year cycle, with the institution determining the schedule for individual programs, but requiring that each program be reviewed at least once every eight years. Each institution will implement a program review process that best meets its unique needs and that is consistent with Board requirements as contained in this subsection (b) for the eight-year cycle. Institutions have the discretion to use findings from specialized program accreditations and other reviews as the basis of the program review as long as the findings are not more than two years old. When an existing report or review is to be used, the institutions will inform the Board of the process prior to the review. While the institution is responsible for developing its unique program review procedures, it shall include, at a minimum, the following components:
    - A) A statement of program goals and intended learning outcomes;
    - B) An end- or near-end-of-program assessment of student learning, in addition to course-by-course assessments;
    - C) Multiple performance measures, if necessary, that reflect the uniqueness of academic programs and disciplines;
    - D) Feedback from key stakeholders (e.g., current students, alumni, employers and graduate schools);
    - E) Evidence of a formal feedback or improvement mechanism (i.e., a regular review process in place) and that the results are used to improve curriculum, instruction and learning;

- F) Improvements to its capacity to efficiently and effectively deliver programs using technological innovation and comprehensive data systems; and
  - G) Findings and recommendations for improvement, suspension or closure.
- 2) Status Report
- A) Upon the conclusion of the eight-year review, the institution shall provide to the Board a summary report that contains, at a minimum, the following:
    - i) Description and assessment of any major changes in the program, including changes in the discipline or field, student demand, societal needs, institutional context for offering the degree, and other elements appropriate to the discipline;
    - ii) Major findings and recommendations, including evidence of student learning outcomes and identification of opportunities for program improvement;
    - iii) Actions taken since the last review, including instructional resources and practices, and curricular changes; and
    - iv) Actions to be taken as a result of this review, including changes in instructional resources and practices, curriculum and assessment of student learning.
  - B) The institution shall determine the status of the program. A program may be in one of three categories: in good standing; flagged for review; or under temporary suspension.
- 3) Community Colleges
- Community colleges may be deemed compliant with the eight-year program review cycle by participating in a comparable review required by the Illinois Community College Board. This will not abrogate the Board of Higher Education's authority to request reviews of community college programs.
- c) Units of instruction that have been reviewed as part of an eight-year review process and are not considered to be in good standing will be reviewed annually beginning December 23, 2008.
- 1) Programs Flagged for Review
- If the program has been flagged for review, the institution shall submit annual interim reports until the status of good standing is achieved, but the program will no longer be considered a Board approved program beyond the fifth

anniversary of the year the program was flagged for review. If no required annual interim report is submitted for a flagged program, the Board will interpret the absence of an annual interim report as an indication that the institution has terminated the program and the program will no longer be considered a Board approved program. Annual interim reports on flagged programs shall:

- A) Delineate actions taken to resolve the issues or improve the program;
- B) Identify areas for further action or improvement; and
- C) Describe how the program will be monitored to ensure continued improvement until the next review.

2) Programs Placed in Temporary Suspension Status

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.

3) Community Colleges

Community colleges may be deemed compliant with the review process by participating in a comparable review required by the Illinois Community College Board. This will not abrogate the Board of Higher Education's authority to request reviews of community college programs.

4) 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.

5) 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 award 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, at which time the hold will continue until the Board decision is made.

6) Voluntary Relinquishing of Approval

- A) Institutions may voluntarily relinquish their approvals for units of instruction, research or public service, and for reasonable and



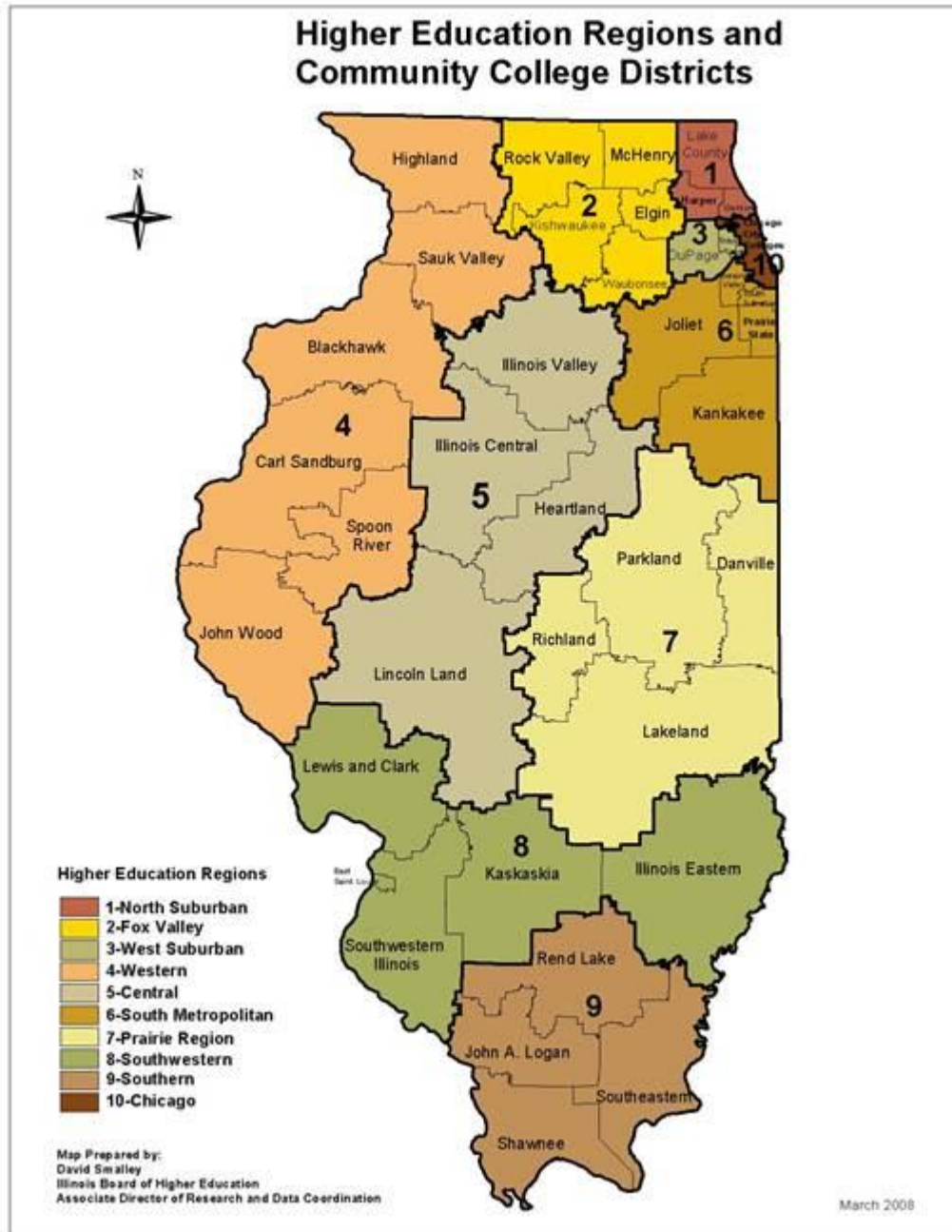
moderate extensions. The voluntary relinquishment shall be in writing and does not require a hearing or any other Board action to be effective.

- B) Institutions relinquishing approval 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.
- 7) Institutional Closure and Teach Out  
An institution that is closing one or more units shall send to the Board the following:
- A) Notice Required
    - i) Notice of the closure immediately by email or certified mail;
    - ii) The name, address and telephone number of the person who will be responsible for closing arrangements;
    - 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.
  - B) Teach-Out Plan
    - i) After December 31, 2017, when a Board approved educational institution proposes to discontinue its operation, that institution shall cause to be created a teach-out plan 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) A school shall have written plans designed to protect the contractual rights of its students and graduates in the event the school closes or undergoes a change of status (e.g., if the

school 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 school's closing, the school shall file a plan to ensure that the school'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 private institution shall be filed with the Board prior to any student transfer. Prior to approving the school'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 a school proposes to discontinue its operations, the chief administrative officer of the school 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.
  - iii) The institution must release any holds on student records before operation is discontinued and the records are transferred.

Section 1050.ILLUSTRATION A Map of Regions



**TITLE 29: EMERGENCY SERVICES, DISASTERS, AND CIVIL DEFENSE**  
**CHAPTER I: ILLINOIS EMERGENCY MANAGEMENT AGENCY**  
**SUBCHAPTER C: ADMINISTRATION AND ORGANIZATION OF LOCAL POLITICAL**  
**SUBDIVISION EMERGENCY SERVICES AND DISASTER AGENCIES**

**PART 305 ALL HAZARDS CAMPUS EMERGENCY PLAN AND VIOLENCE PREVENTION PLAN**

**SUBPART A: GENERAL**

**Section 305.10 Purpose**

Pursuant to the Campus Security Enhancement Act of 2008, each higher education institution is required to develop a National Incident Management System-compliant all hazards emergency response plan and an inter-disciplinary and multi-jurisdictional campus violence prevention plan. This Part provides guidelines for the creation, review, training and exercise of each higher education institution's Campus All-Hazards Emergency Response and Violence Prevention Plan.

**Section 305.20 Definitions**

"Act" means the Campus Security Enhancement Act of 2008 [110 ILCS 12].

"Campus" means any higher education facility that offers post-secondary education, including an annex or satellite campus away from the main campus, that includes, but is not limited to, rented classrooms in a commercial building or at a secondary school.

"Campus Emergency Operations Center" or "CEOC" means a location where policy and strategic management decisions are made during a disaster or disaster exercise.

"Campus Emergency Operations Plan" or "CEOP" means the written plan of a higher education institution describing the organization, mission and functions of the higher education institution and supporting services for responding to and recovering from disasters/emergencies and for violence prevention.

"Campus Incident Command" means a system that combines facilities, equipment, personnel, procedures and communications to operate within a common organizational structure and that designates responsibility for the management of assigned resources to effectively accomplish stated campus goals and objectives.

"Campus Incident Commander" means the individual responsible for the management of all campus incident command operations as provided for by law.

"Campus Incident Command Post" means the location at which the primary command functions for the CEOP are executed.

"Campus Violence Prevention Plan" or "CVPP" means the written plan of a higher education institution describing the creation of multi-disciplinary and multi-jurisdictional violence prevention strategies, including formation of a Campus

Violence Prevention Committee and implementation of a Campus Threat Assessment Team to address aberrant, dangerous or threatening behavior on campus.

"Concept of Operations" means the overall approach of the higher education institution to the preparation and management of a disaster/emergency, including response efforts and how the higher education institution will implement the concepts and procedures of an incident command system.

"Disaster" *means an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural or technological cause, including but not limited to fire, flood, earthquake, wind, storm, hazardous materials spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, extended periods of severe and inclement weather, drought, infestation, critical shortages of essential fuels and energy, explosion, riot, hostile military or paramilitary action, or acts of domestic terrorism.* [20 ILCS 3305/4]

"Emergency Management" means the efforts of the higher education institutions to develop, plan, analyze, conduct, provide, implement and maintain programs for disaster/emergency mitigation, preparedness, response and recovery.

"Emergency Services and Disaster Agency" or "ESDA" means the *agency by this name, by the name emergency management agency or by any other name that is established by ordinance within a political subdivision to coordinate the emergency management program within that political subdivision and with private organizations, other political subdivisions, the State and federal governments.* [20 ILCS 3305/4]

"Exercise" means a planned event realistically simulating a disaster/emergency, conducted for the purpose of evaluating the higher education institution's coordinated emergency management capabilities, including, but not limited to, testing emergency operations plans.

"Full-Scale Exercise" means a time-pressured exercise of a minimum of six functions of the emergency operations plan, involving strategic and tactical decision making, including the direction and control function, activating the emergency operations center and incident command post and deploying responders, equipment and resources to the field.

"Functional Exercise" means a time-pressured exercise of a minimum of four functions of the emergency operations plan, involving strategic and tactical decision making, including the direction and control function, activating the emergency operations center or the incident command post, or both.

"Higher Education Institution" means *a public university, a public community college, or an independent, not-for-profit or for-profit higher education institution located in this State.* [110 ILCS 12/20(a)]

"IBHE" means the Illinois Board of Higher Education.

"ICCB" means the Illinois Community College Board.

"IEMA" means the Illinois Emergency Management Agency.

"National Incident Management System" or "NIMS" means the comprehensive, national approach to incident management that is applicable at all jurisdictional levels and across functional disciplines. It provides a consistent nationwide template to enable all government, private-sector, and nongovernmental organizations to work together during domestic incidents. (See Homeland Security Presidential Directive-5.)

"Preparedness" means actions taken and programs and systems developed prior to a disaster/emergency to support and enhance response to and recovery from a disaster.

"Recovery" means restoration actions and programs associated with recovering from a disaster/emergency, including, but not limited to, academic recovery, physical/structural recovery, business/fiscal recovery and psychological/emotional recovery for students and campus personnel.

"Response" means the actions taken to address the immediate and short-term effects of a disaster/emergency.

"Table Top Exercise" means a low stress, non-time-pressured, discussion based exercise of a minimum of four functions of the emergency operations plan, including the direction and control function.

"Threat Assessment" means a process of evaluating the actions and conduct of individuals, and the circumstances surrounding those actions and conduct, to uncover any facts or evidence that indicate that violence is likely to be carried out. A threat assessment should occur when a person (or persons) threatens or induces others to commit a violent act or engages in behavior that appears to threaten "targeted violence".

"Targeted Violence" means an incident of physical violence in which both the perpetrator and targets are identified or identifiable prior to the incident.

## **SUBPART B: GUIDELINES FOR THE CAMPUS EMERGENCY OPERATIONS PLAN**

### **Section 305.30 Initial Analysis and Assessment**

To begin the planning process and in conjunction with the annual review and updates, as provided in Subpart D, the higher education institution should perform all of the following tasks:

- a) Conduct an all hazard analysis for the higher education institution.

- 1) Identify all hazards, including natural, man-made and technological. The following should be included:
    - A) Severe weather
    - B) Fire
    - C) Bomb threats or the discovery of suspicious items
    - D) Structural failure or loss of utility service
    - E) Mass casualty event
    - F) Release of hazardous materials (indoor/outdoor)
    - G) Use of weapons/hostage situations/active shooter
    - H) Public health emergency
    - I) Earthquakes
    - J) Nuclear power plant accidents, where applicable
    - K) Cyberthreat;
  - 2) Profile hazards, considering frequency, magnitude, intensity, location, spatial extent, duration, seasonal patter, speed of onset and availability of warning, using historical data, scientific methods or other sources; and
  - 3) Compare and prioritize risks of the hazards identified.
- b) Assess vulnerabilities within the higher education institution.
- 1) Collect demographic data (such as daily population patterns, traffic patterns, seasonal population changes, special needs populations) to determine potential consequences of identified hazards on people and community functions.
  - 2) Collect structural inventory data (including data on critical facilities, residential, commercial and industrial structures, lifelines, and transportation) to determine potential consequences of identified hazards on community functions, property and sites of potential secondary hazards.
- c) Assess response capabilities of the higher education institution, identify shortfalls in response capabilities and develop strategies to alleviate shortfalls, such as memorandums of understanding, mutual aid agreements or Good Samaritan agreements.
- d) In analyzing and assessing the CEOP, higher education institutions may include, but not be limited to, the designated campus public safety officer, the campus emergency



planning team, the campus emergency management director, local mental health community providers, local first responder agencies and ESDAs, county or major municipal emergency managers, or other persons deemed appropriate.

### **Section 305.40 Basic Plan Guidelines**

- a) The CEOP should have a foreword that includes:
  - 1) A document signed and dated by the president or most senior level administrator of the higher education institution approving the plan.
  - 2) A register for recording changes and entering change dates.
  - 3) A distribution list of the plan recipients, indicating whether complete plans or specific portions were distributed. Specifically this item should address the method of providing the CEOP to the campus community.
  - 4) A table of contents listing all Sections of the plan.
- b) The CEOP should have a Basic Plan Overview detailing the higher education institution's approach to emergency operations, including:
  - 1) A general purpose statement of the CEOP.
  - 2) A list of assumptions used in developing the plan.
  - 3) A concept of operations Section, including, but not limited to, how the higher education institution will implement the concepts and procedures of a recognized incident command system (e.g., NIMS).
  - 4) Identification of the line of succession, by title and position (with up to two alternates), of who will implement the plan, direct emergency response and recovery, and provide leadership, authority and responsibility.
  - 5) A description of the functions and responsibilities assigned to each organization, including private and volunteer organizations or groups, in support of emergency response and recovery operations in the higher education institution. This information may also be exhibited in a chart or matrix designating who has primary and support responsibilities.
  - 6) Maps, or references to maps pertinent to emergency operations planning for the higher education institution and including, but not limited to, locating fixed hazards.
  - 7) An attachment, if applicable, containing written mutual aid agreements, memorandums of understanding (MOUs), and other written agreements affecting the emergency response and recovery functions of the higher education institution.



- 8) Procedures detailing how the higher education institution will request outside assistance in a disaster, such as assistance from the ESDA or IEMA, or both.
- 9) Citations to the legal authorities for emergency operations, including, but not limited to, ordinances.
- 10) Assignment of responsibility for plan maintenance, review, evaluation and updating.

### **Section 305.50 Campus Functional Annex Guidelines**

- a) The CEOP should include an annex addressing how the higher education institution will perform each of the following functions:
  - 1) Direction and Control – What means the higher education institution will use to direct and control activities during and following disaster/emergency situations.
  - 2) Communications – How information will be exchanged among responders, administrative officials, teachers and students and other interested persons during and after a disaster/emergency situation.
  - 3) Warning/Disaster/Emergency Information – How the public and campus community will be warned and instructed regarding actual or threatened hazards through the public media or other means.
  - 4) Public Information – The means, organization and process by which a higher education institution will provide timely, accurate and useful information and instructions to the community throughout a disaster/emergency. It includes information disseminated to the public through the media and other information sources on what is happening, what the response organization is doing, and what the public should do for its safety. The higher education institution should address the circumstances of special needs populations, including limited English proficiency populations.
  - 5) Disaster Intelligence/Damage Assessment/Recovery Planning – The means the higher education institution will use to identify, collect, analyze and disseminate information on the extent and impact of the disaster and those plans for recovery and restoration of operations.
  - 6) Evacuation/Shelter-in-Place/Lockdown – The movement of people to a safe area from an area believed to be at risk, when disaster/emergency situations necessitate that action.
  - 7) Mass Care – Actions taken to ensure appropriate services are provided at a mass care facility, including, but not limited to, providing temporary shelter, food, medical care, clothing and other essential life support needs to people displaced from their homes because of a disaster situation.

- 8) Health and Medical – The activities associated with providing health and medical services in emergencies and disasters, including emergency medical, hospital, public health, environmental health and mental health services.
  - 9) Mortuary Services – Activities including the collection, identification and care of human remains; determining the cause of death; inventorying and protecting deceased's personal effects; and locating and notifying the next of kin.
  - 10) Resource Management – The process of managing people, equipment, facilities, supplies and other resources to satisfy the needs generated by a disaster. This includes the management of volunteer response teams and spontaneously responding volunteers.
- b) Each campus functional annex identified by subsection (a) should individually address:
- 1) The purpose of the function.
  - 2) A description of situations that trigger implementation of the function.
  - 3) A description of assumptions that apply to the function.
  - 4) The concept of operations for the function.
  - 5) Assignment of responsibility for annex maintenance, review and updating.
- c) In addition to subsection (b), the Campus Direction and Control annex should also:
- 1) Describe the direction and control relationship of tasked organizations, including:
    - A) The command structure – specifically who will be in charge during disaster/emergency response operations.
    - B) The authorities of, and limitations on, key response personnel such as the on-scene Campus Incident Commander.
    - C) How disaster/emergency response organizations will be notified when it is necessary to respond.
    - D) The means that will be used to obtain, analyze and disseminate information (for decision making, requesting assistance, reporting, etc.).
    - E) The relationship between the CEOC and the Campus Incident Command Post.

- 2) List the organizations that are tasked with specific direction and control responsibilities and describe those responsibilities. Include the assignment of responsibility for:
  - A) Reporting to the CEOC when activated.
  - B) Coordinating press releases among response organizations.
  - C) Managing the primary and alternate CEOCs.
  - D) Maintaining a significant events log.
  - E) Removing debris.
- d) In addition to subsection (b), the Campus Communications annex should also:
  - 1) Describe the total emergency communications system used for communication among all groups and individuals involved in the higher education institution's response to a disaster/emergency.
  - 2) Describe the primary and backup communication methods and personnel.
  - 3) Identify the organization assigned to coordinate all communication activities.
  - 4) List the organizations that are tasked with specific communications responsibilities and describe those responsibilities.
  - 5) Identify the representative from each tasked organization who will report to the CEOC when activated.
  - 6) Describe plans for notification of next-of-kin and the establishment, on or in the vicinity of campus, of a Family Assistance Center to address the needs of next-of-kin of deceased or seriously injured students, faculty or staff.
- e) In addition to subsection (b), the Campus Warning/Disaster/Emergency Information annex should also:
  - 1) Identify the methods used to provide warning/disaster/emergency information for the public and special populations, including limited English proficiency populations.
  - 2) Identify the locations of outdoor warning/disaster/emergency information devices and define the geographical areas covered.
  - 3) Describe the specific warning/disaster/emergency information responsibilities assigned to the tasked organizations.
  - 4) Identify the department or agency responsible for activating public warning/disaster/emergency information systems.

- f) In addition to subsection (b), the Campus Public Information annex should also:
  - 1) Assign a person to be the Campus Public Information Officer (CPIO) responsible for coordinating information gathering and production, rumor control, public inquiries, and media relations.
  - 2) Designate a facility or site as the public information center.
  - 3) List the organizations that are tasked with specific public information responsibilities and describe those responsibilities.
  - 4) Assign a public information representative to report to the CEOC when activated.
  - 5) Identify a facility or site for the Joint Information Center during major incidents on campus.
- g) In addition to subsection (b), the Campus Disaster Intelligence/Damage Assessment/Recovery Planning annex should also:
  - 1) List the organizations that are tasked with specific disaster intelligence/damage assessment/recovery planning responsibilities and describe those responsibilities.
  - 2) Assign a disaster intelligence/damage assessment/recovery planning representative to report to the CEOC when activated.
- h) In addition to subsection (b), the Campus Evacuation/Shelter-in-Place/Lockdown annex should also:
  - 1) List the organizations that are tasked with specific evacuation/shelter-in-place/lockdown responsibilities and describe those responsibilities.
  - 2) Identify the department, agency or organization responsible for coordinating all transportation resources planned for use in an evacuation.
- i) In addition to subsection (b), the Campus Mass Care annex should also:
  - 1) List the organizations that are tasked with specific mass care responsibilities and describe those responsibilities, including:
    - A) Identification of the department, agency or organization responsible for determining the need to open shelter.
    - B) Identification of the department, agency or organization responsible for disaster/emergency mass feeding operations.

- C) Identification of the department, agency or organization responsible for providing health and/or medical care, including mental health services, at shelter and/or congregate care facilities.
- 2) Assign a mass care representative to report to the CEOC when activated.
  - 3) Identify the mass care representative who will coordinate press releases with the CPIO.
- j) In addition to subsection (b), the Campus Health and Medical Services annex should also:
- 1) List the organizations and individuals that are tasked with responsibilities for providing disaster/emergency health and medical services and describe those responsibilities, including:
    - A) Identification of the department, agency or organization responsible for arranging crisis counseling for emergency workers.
    - B) Identification of the department, agency or organization responsible for sanitation services.
  - 2) Assign a health and medical services representative to report to the CEOC when activated.
  - 3) Identify the department, agency or organization responsible for providing post-incident mental health care.
- k) In addition to subsection (b), the Campus Mortuary Services annex should also:
- 1) List the organizations and individuals that are tasked with mortuary services responsibilities and describe those responsibilities.
  - 2) Describe how mortuary services will be expanded during a mass casualty incident, if necessary.
- l) In addition to subsection (b), the Campus Resource Management annex should also:
- 1) List the organizations and individuals that are tasked with resource management responsibilities and describe those responsibilities. Include identification of who will organize, manage, coordinate and distribute the donations of money, goods and labor received from individual citizens and volunteer groups during a disaster/emergency.
  - 2) Inventory the resources available, such as emergency supplies and equipment maintained for the campus community to use during a disaster/emergency.

- 3) Assign a resource management representative to report to the CEOC when activated.
- m) The higher education institution may include additional functional annexes in the CEOP as determined by the higher education institution to be necessary for the emergency management efforts of the higher education institution in the event of a disaster, including, but not limited to, the following functions: search and rescue, law enforcement, public works, transportation, energy management, animal welfare, legislative relations, aviation operations and/or others.

### **SUBPART C: GUIDELINES FOR THE CAMPUS VIOLENCE PREVENTION PLAN**

#### **Section 305.60 Campus Violence Prevention Plan**

- a) Pursuant to the Act, each higher education institution is required to develop an interdisciplinary and multi-jurisdictional Campus Violence Prevention Plan (CVPP).
- b) The CVPP should have a foreword that includes:
  - 1) A document signed and dated by the president or most senior level administrator of the higher education institution approving the plan.
  - 2) A register for recording changes and entering change dates.
  - 3) A distribution list of the plan recipients, indicating whether complete plans or specific portions were distributed. Specifically, this item should address the method of providing the CVPP to the campus community.
  - 4) A table of contents listing all Sections of the plan.
- c) The body of the CVPP should include:
  - 1) Integration of existing campus programs and policies that deal with associated issues (e.g., workplace violence, suicide prevention, anti-bullying, stigma reduction, sexual assault prevention);
  - 2) Incorporation of violence prevention strategies into related policies and/or procedures;
  - 3) Encouragement of zero tolerance policy statements that reaffirm violence prevention strategies; and
  - 4) Development and implementation of a Campus Violence Prevention Committee and Campus Threat Assessment Team.

**Section 305.70 Campus Violence Prevention Committee**

- a) Pursuant to the Act, each higher education institution is required to develop and implement a Campus Violence Prevention Committee (CVPC). The CVPC should be tasked with implementing the CVPP.
- b) The CVPC should determine the committee structure and the individuals responsible for education and prevention of violence on campus.
- c) Participants from faculty, campus administration, student affairs, law enforcement, human resources, counseling services, residence life, county or major municipal emergency managers and others deemed appropriate are recommended for the CVPC.

**Section 305.80 Campus Threat Assessment Team**

- a) Pursuant to the Act, each higher education institution is required to develop and implement a Campus Threat Assessment Team. The team should conduct threat assessments, address aberrant, dangerous, or threatening behavior on campus and provide guidance and best practices for preventing violence and providing supportive services.
- b) The team should consist of faculty, law enforcement, human resources, legal counsel, and mental health professionals. It may also include other persons and organizations deemed appropriate to a particular circumstance.
- c) The team should create a written threat assessment policy that provides:
  - 1) Guidance to students, faculty and staff about how to recognize, address and report aberrant and threatening behavior;
  - 2) Identify individuals that will have access to information;
  - 3) Use a fact-based assessment process to investigate threats, actions or conduct that may lead to targeted violence and determine situation specific response action plans;
  - 4) Access a range of support services for students, faculty and staff that includes mental health services, crisis management and comprehensive services for victims, whether provided on campus or by accessing community resources; and
  - 5) Requirements for protecting the privacy of persons providing information to and subject to scrutiny by the threat assessment team.
- d) All areas of the campus community should be required to cooperate with requests from the threat assessment team relative to successfully monitoring any threatening behavior.

- e) The team should meet regularly to provide post-incident assessments and evaluate the effectiveness and response to incidents on a case or aggregate basis.

**SUBPART D: COORDINATION, SUBMISSION AND REVIEW GUIDELINES FOR CAMPUS  
EMERGENCY OPERATIONS PLAN AND CAMPUS VIOLENCE PREVENTION PLAN**

**Section 305.90 Coordination, Submission and Review**

- a) The CEOP and CVPP should be coordinated with the local ESDA. Where the CEOP and/or CVPP cannot be coordinated with ESDA capabilities, the IEMA Regional Office should provide guidance to help identify resources. Upon completion of the CEOP and CVPP by the higher education institution, a copy of each should be provided to the local ESDA, IEMA Regional Office, and either IBHE or ICCB, as appropriate.
- b) Each higher education institution should conduct an annual review and update. The review and update should include the components in Subparts B and C.
- c) The campus administrators responsible for the execution of the CEOP and CVPP should participate in the review. Participation by the director of campus public safety, campus emergency planning team, local mental health provider, local first responder agency, county or major municipal emergency manager, and other persons deemed appropriate by the higher education institution is recommended.
- d) If amendments are deemed appropriate by the higher education institution, those amendments should be coordinated with the local ESDA. A copy of the amendments should be provided to the local ESDA, IEMA Regional Office, and either IBHE or ICCB, as appropriate.

**SUBPART E: TRAINING AND EXERCISE GUIDELINES**

**Section 305.100 Training**

Pursuant to the Act, each higher education institution shall conduct training on its CEOP and CVPP annually. Training should include all administrators, faculty, staff, students and any other members of the campus community so they are familiar with key components of the CEOP and CVPP.

**Section 305.110 Exercise Guidelines for the Campus Emergency Operations Plan and Campus Violence Prevention Plan**

- a) Pursuant to the Act, each higher education institution shall conduct an annual exercise of its CEOP and CVPP. This requirement should be in coordination with the local ESDA and can be satisfied with a full scale, functional or tabletop exercise.
- b) CEOP and CVPP exercises should be conducted to examine the objectives identified in this Part.



**TITLE 2: GOVERNMENTAL ORGANIZATION  
SUBTITLE E: MISCELLANEOUS STATE AGENCIES  
CHAPTER VI: EXECUTIVE ETHICS COMMISSION**

**PART 1620 ORGANIZATION, INFORMATION, RULEMAKING AND HEARINGS**

**SUBPART G: GIFT BAN**

**Section 1620.700 Gift Ban**

For purposes of further defining exceptions to the Gift Ban [5 ILCS 430/10-15], the Commission defines the following terms:

- a) "Educational materials and missions" are those materials and missions that:
  - 1) have a close connection to the recipient officer's or employee's State employment or the mission of the agency or office;
  - 2) predominately benefit the public and not the employee or officer; and
  - 3) are approved by the agency's ethics officer in advance of the mission or receipt of the materials, if practicable. If it is not practicable to obtain advance approval, the mission and materials shall be reported to the agency's ethics officer as soon as practicable and shall contain a detailed explanation of why approval could not be obtained in advance. The following items may be accepted without ethics officer approval:
    - A) Single copies of academic or professional publications or software in the employee's or officer's area of responsibility or field of study.
    - B) Waiver of conference registration fees for officers or employees serving as conference speakers, committee members or invitees of the conference host.
- b) Travel Expenses
  - 1) "Travel expenses for a meeting to discuss State business" are those expenses that:
    - A) have a close connection to the recipient officer's or employee's State employment;
    - B) predominately benefit the public and not the employee or officer;
    - C) are for travel in a style and manner in character with the conduct of State business; and

- D) are approved by the agency's ethics officer in advance of the travel, if practicable. If it is not practicable to obtain advance approval, the travel shall be reported to the agency's ethics officer as soon as practicable and contain a detailed explanation of why approval could not be obtained in advance.
- 2) For site visits, "travel expenses for a meeting to discuss State business" are those expenses that:
  - A) are related to site visits necessary as part of a purchasing or product review process, satisfy subsections (b)(1)(A) and (C), and are disclosed in a monthly summary report to the agency ethics officer; or
  - B) for purposes of satisfying the requirement of prior ethics officer approval, are travel, meals or lodging paid for by a prohibited source related to fundraising activities conducted by State university development officers or employees; are disclosed in a monthly summary report to the university ethics officer; and are reimbursable, whenever practicable, to the recipient officer's or employee's agency and not directly to the recipient officer or employee.

#### **SUBPART H: MISCELLANEOUS FILINGS**

##### **Section 1620.820 Ex Parte Communications**

- a) Any State officer or employee who receives an ex parte communication from a non-interested party as excluded by Section 5-50(b-5) and Section 5-50(d) of the State Officials and Employee Ethics Act [5 ILCS 5-50(b-5) and (d)] or an ex parte communication from any person that imparts or requests material information or makes a material argument regarding an agency's rulemaking pursuant to Section 5-165 of the Illinois Administrative Procedure Act [5 ILCS 100/5-165] shall report this communication within 7 days to his or her agency's ethics officer.
- b) *Any ethics officer who receives a report of ex parte communications described in subsection (a) shall forward the report to the Commission within seven days. The report shall include:*
  - 1) *all written ex parte communications, including all written responses to the communications;*
  - 2) *a memorandum prepared by the ethics officer containing:*
    - A) *the nature and substance of all oral ex parte communications;*
    - B) *the identity and job title of the person to whom each communication was made;*

- C) *all responses made and the identity and job title of the person making each response;*
  - D) *the identity of each person from whom the written or oral ex parte communication was received and the date of receipt;*
  - E) *the individual or entity represented by that person;*
  - F) *any action the person requested or recommended; and*
  - G) *any other pertinent information.* [5 ILCS 430/5-50(c)]
- c) Communications regarding matters of practice and procedure as described in Section 10-60(d) of the Illinois Administrative Procedure Act [5 ILCS 100/10-60(d)] are not considered ex parte communications for the purposes of this Part.
- d) For reporting of ex parte communications under Section 5-165 of the IAPA, repetitive, bulk public comment (e.g., form letters, petitions) may be reported in the following manner.
- 1) Identification of the persons and or entity that authored the comment (if known), with address and phone number;
  - 2) Identification of any other entities in support of or opposition to the rulemaking and of the comment received by the agency;
  - 3) Provision of a sample of the public comment and, where different form letters are used, a sample of each;
  - 4) Submission of a tabulation of the number of persons supporting/opposing each type of public comment received by the agency; and
  - 5) Retention by the agency of all comments received.
- e) Reports received under this Section shall be considered by the Commission for possible action pursuant to Section 20-15(2) of the Act. Reports received by the Commission shall be maintained in accordance with the State Records Act [5 ILCS 160].

#### **Section 1620.825 Communications Related to Procurement**

- a) Unless otherwise specified in this Section, *any written or oral communication received by a State employee who, by the nature of his or her duties, has the authority to participate personally or substantially in the decision to award a State contract and that imparts or requests material information or makes a material argument regarding potential action concerning an active procurement matter, including but not limited to, an application, a contract or a project, shall be reported to the Procurement Policy Board, and, with respect to the Illinois Power Agency, by the*

- initiator of the communication, and may be reported also by the recipient. [30 ILCS 500/50-39(a)]*
- 1) As soon as practicable, but in no event more than 30 days after receipt of the communication or the first in a series of related communications described in subsection (b), the State employee shall report the communication to the Procurement Policy Board in accordance with the Board's rules.
  - 2) Notwithstanding the requirements of subsection (a), as soon as practicable, but in no event more than 30 days after receipt of a communication described in subsection (b), the initiator of a communication received by an employee of the Illinois Power Agency shall also report, and the recipient of the communication may report, the communications to the Procurement Policy Board in accordance with the Board's rules.
  - 3) *No trade secrets or other proprietary or confidential information shall be included in any communication reported to the Procurement Policy Board. [30 ILCS 500/50-39(b)]*
- b) A communication must be reported if it is material, regarding a potential action, relating to an active procurement matter, and not otherwise excluded from reporting.
- 1) Materiality
    - A) *"Material information" is information that a reasonable person would deem important in determining his or her course of action. It is information pertaining to significant issues, including, but not limited to, price, quantity and terms of payment or performance. [30 ILCS 500/50-39(g)]*
    - B) *A "material argument" is a communication that a reasonable person would believe was made for the purpose of influencing a decision relating to a procurement matter. It does not include general information about products, services or industry best practices, or a response to a communication initiated by an employee of the State for the purpose of providing information to evaluate new products, trends, services or technologies. [30 ILCS 500/50-39(g)]*
    - C) In determining whether a communication is material, the State employee must consider:
      - i) whether the information conveyed is new or already known to the State agency (or repeated or restated privately) and other participants in the communication; and
      - ii) the likelihood that the information would influence a pending procurement matter.

- 2) A "potential action" is one that a reasonable person would believe could affect the initiation, development or outcome of a procurement matter.
  - 3) *"Active procurement matter" means a procurement process beginning with the requisition or determination of need by an agency and continuing through the publication of an award notice or other completion of a final procurement action, the resolution of any protests, and the expiration of any protest or Procurement Policy Board review period, if applicable. The Chief Procurement Officer may designate a document for an agency to use in documenting a determination of need. "Active procurement matter" also includes communications relating to change orders, renewals or extensions. [30 ILCS 500/50-39(g)] "Procurement processes" includes the processes of procuring specific goods, supplies, services, professional or artistic services, construction, leases of real property (whether the State is the lessor or lessee), or capital improvements, and includes master contracts, contracts for financing through use of installment or lease-purchase arrangements, renegotiated contracts, amendments to contracts, and change orders. Active procurement matters include:*
    - A) drafting, reviewing or preparing specifications, plans or requirements, including determining the method of source selection;
    - B) drafting, reviewing or preparing any Invitations for Bid, Requests for Information, Requests for Proposals, sole source procurement justifications, emergency procurement justifications or selection information;
    - C) evaluating bids, responses and offers, other communications among an evaluation team and any technical advisors to the team relating to the evaluation of a procurement not yet awarded;
    - D) letting or awarding a contract;
    - E) resolving protests;
    - F) determining inclusion on prequalification lists or prequalification in general;
    - G) identifying potential conflicts of interest or voiding or allowing a contract, bid, offer or subcontract for a conflict of interest;
    - H) allowing a conflict or subcontract pursuant to Section 50-60 of the Illinois Procurement Code [30 ILCS 500]; and
    - I) determining, drafting, preparing, executing, denying or approving change orders or the renewal or extension of an existing contract.
- c) This Section does not apply to the following communications:

- 1) *Statements by a person publicly made in a public forum. However, communications made in a public forum, if made again privately, must be reported;*
- 2) *Statements regarding matters of procedure and practice, such as format, the number of copies required, the manner of filing, and the status of a matter;*
- 3) *Communications regarding the administration and implementation of an existing contract, except communications regarding change orders or the renewal or extension of an existing contract.*
- 4) *Statements made by a State employee to:*
  - A) *the State employee's agency head;*
  - B) *other employees of that agency;*
  - C) *employees of the Executive Ethics Commission; or*
  - D) *an employee of another State agency who, through the communication, is either:*
    - i) *exercising his or her experience or expertise in the subject matter of the particular procurement in the normal course of business, for official purposes, and at the initiation of the purchasing agency or the appropriate State Purchasing Officer; or*
    - ii) *exercising oversight, supervisory or management authority over the procurement in the normal course of business and as part of official responsibilities.*
- 5) *Unsolicited communications providing general information about products, services or industry best practices, before those products or services become involved in a procurement matter.*
- 6) *Communications received in response to procurement solicitations pursuant to the Illinois Procurement Code, including, but not limited to, vendor responses to a Request for Information, Request for Proposal, Request for Qualifications, Invitation for Bid or a small purchase, sole source or emergency solicitation, or questions and answers posted to the Procurement Bulletin to supplement the procurement action, provided that the communications are made in accordance with the instructions contained in the procurement solicitation, procedures or guidelines.*
- 7) *Communications that are privileged, protected or confidential under law.*

- 8) *Communications that are part of a formal procurement process as set out by statute, rule or the solicitation, guidance or procedures, including, but not limited to, the posting of procurement opportunities, the processes for approving a procurement business case or its equivalent, fiscal approval, submission of bids, the finalizing of contract terms and conditions with an awardee or apparent awardee, and similar formal procurement processes. [30 ILCS 500/50-39(a)]*
- d) Notwithstanding any exemption provided in subsection (c), a State employee must report any communication that imparts or requests material information or makes a material argument regarding a potential action concerning an active procurement matter if that communication attempts to influence through duress, coercion or the direct or indirect offer or promise of anything of value to any person or entity in consideration for any benefit or preference in the procurement process.
- e) Notwithstanding any exemption provided in subsection (c), a State employee must report any communication that imparts or requests material information or makes a material argument regarding a potential action concerning an active procurement matter if the employee reasonably believes the communication was made for any improper purpose, including, but not limited to, providing an improper benefit, monetary or non-monetary, to any person or entity.
- f) This Section does not apply to communications concerning procurements that are exempt from the Illinois Procurement Code.
- g) For purposes of this Section, "State employee" means:
- 1) any person employed full-time, part-time or pursuant to a personal services contract and whose employment duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed;
  - 2) any appointed or elected commissioner, trustee, director or board member of a board of a State agency; or
  - 3) any other person appointed to a position in or with a State agency, regardless of whether the position is compensated.
- h) For purposes of this Section, "public forum" includes any meeting that satisfies the notice requirements contained in Section 2.02 of the Open Meetings Act [5 ILCS 120/2.02], but also includes other public events that are advertised and generally open to the public. A meeting may be a public forum even if a reasonable fee is required, such as educational seminars and conferences.

### **Section 1620.830 Designation of Ethics Officer**

*Each officer and the head of each State agency under the jurisdiction of the Executive Ethics Commission shall designate an ethics officer for the officer or State agency [5 ILCS 430/20-23].*

- a) The designation of the ethics officer shall be in writing and shall be forwarded to the Executive Ethics Commission and to the appropriate Executive Inspector General.
- b) The Executive Ethics Commission and the appropriate Executive Inspector General shall be notified in writing of the ethics officer's name, business address, telephone number and e-mail address within 30 days after the appointment of a new ethics officer.