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March 11, 2019

***Via electronic mail***

Ms. Sylvia Rosa-Casanova  
Director, Private Postsecondary Education  
SCHEV  
James Monroe Building  
101 North Fourteenth Street  
Richmond, VA 23219

Re: 2018 SCHEV Audit Findings

Dear Ms. Rosa-Casanova:

Please be advised that this firm has been retained to respond to the audit findings and letter dated February 8, 2019 to Virginia International University (“VIU”).

That letter recommended that the Council authorize steps to “revoke” VIU’s certificate to operate in Virginia, based upon certain findings of non-compliance, including two “repeat findings” from an earlier (2014) audit. As the letter noted, the Council can also authorize alternatives under 8 VAC 40-31-200 to ensure compliance, including allowing VIU to maintain its current certification status, while curing any past findings.

My office has prepared an exhaustive response to the 2018 audit, which addresses every area of concern. I am forwarding a **draft** to you today, without delay, to show how seriously we view the allegations. I am also including an Executive Summary which boils down our defenses/explanations to three (3) pages. Please have that distributed to the Council along with a copy of this letter.

Let me speak plainly. VIU has been in operation for 20 years and is a well-recognized institution in Fairfax County. It has a significant physical presence on Rte. 29, just minutes from the County Government Center. It employs 40 staff members and 81 adjunct faculty, of which 64 are active for the Spring 2019 session, and provides an education currently to 280 students. Every year, its Graduation ceremony at George Mason University attracts hundreds of attendees, including local politicians.

Revoking the certification (or changing it to “conditional”) would be devastating, as it would effectively close the school by prohibiting it from (i) enrolling new students or (ii) graduating existing students. No school can survive those limitations.

Letter to Ms. Sylvia Rosa-Casanova  
March 11, 2019  
Page 2 of 3

I have spoken with my client about solutions. We recommend the following: effective at the end of this term on April 27, 2019, VIU will close down its on-line program and simply continue as a “bricks and mortar” institution from its Fairfax campus, utilizing the infrastructure we have built to create 2,979 graduates to date.

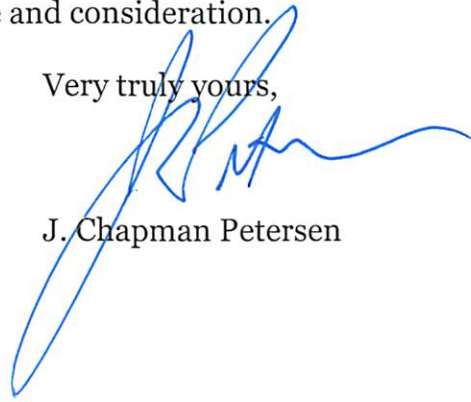
The current on-line program is small (approx. 30 students), yet its failings took up 75% of the 2018 audit findings. SCHEV has noted that these classes lack “peer-to-peer” interaction as well as effective faculty oversight. That has led to issues with plagiarism, grade inflation and deficits in overall academic quality. *See* February 8 letter. While we are prepared to address all these audit issues formally, the bottom line is that the on-line program is not worth the damage to the rest of VIU.

We prefer to continue forward without it.

I look forward to discussing all these matters with the Council when we appear on March 18. I am also enclosing a letter from President Isa Sarac which includes his own personal observations regarding this unfortunate situation.

I thank you again for your time and consideration.

Very truly yours,



J. Chapman Petersen

jcp  
Enclosures as stated  
cc: Isa Sarac, Ph.D.



March 11, 2019

State Council of Higher Education for Virginia  
Committee on Academic Affairs  
101 N. 14<sup>th</sup> Street, 10<sup>th</sup> Floor  
James Monroe Building  
Richmond, VA 23219

Dear Committee Members,

Thank you for taking the time to read the Executive Summary Virginia International University's response to the Private Postsecondary Education Team's audit of our institution on August 14-16, 2018. Upon completion of the audit site visit, I was very concerned and saddened by the findings our institution received, especially with regard to the online education offerings at our institution. As the President and founder of VIU, the level of quality that was showcased in that audit, was not up to the level of education that I have dreamed of providing our students with since the founding of our school in 1998. Since the visit, we have restructured the area overseeing distance education, replacing and letting go of many staff and both full-time and adjunct faculty members. Upon the departure of the SCHEV Audit Team, I directed that the Department of Quality Assurance immediately conduct a thorough review of the online courses in order to corroborate the preliminary findings handed down by SCHEV's audit team. The QA Department uncovered many of the issues that SCHEV reported on, and as such, we began planning for heightened standards and setting deadlines for our distance education and academic affairs teams to ensure that we were providing a quality product.

Throughout the fall semester, the QA team reported little improvement in the online courses, and so the restructuring took place. At present, we have implemented many new policies and procedures to ensure that we are providing the best quality education possible to our student body. We have cut down drastically on the number of online course offerings, with only 10 courses being offered online today. This enables us to adequately monitor courses and work with faculty to ensure that appropriate interaction is taking place. We have taken additional steps to overhaul the way that online courses are reviewed, added in an additional quality monitoring system for plagiarism, required full adoption of the VIU Policy on Academic Integrity, retrained **all** faculty on Academic Integrity, Plagiarism, and online course facilitation, and now require that **all** written work is submitted through the Learning Management System (Canvas), so that it is run through a plagiarism detection software called TurnItIn, enabling us to be better equipped to hold those who break the code of Academic Excellence accountable, as well as the faculty who do not enforce the policy. Regardless, we are also prepared to wind down the online program if it stands in the way of VIU continuing as a fully certified SCHEV institution.

It is my sincere hope that you allow us to prove to you that we are a worthy institution, and that we want to be part of the solution and work with the State Council on combating these issues at VIU and helping to create and drive policy that will be able to combat these academic violations at other institutions across the Commonwealth.

Sincerely,

A handwritten signature in blue ink, appearing to read "Isa Sarac", is written over a light blue horizontal line.

Isa Sarac, PhD  
President  
Virginia International University



## VIU Audit Response<sup>1</sup> (Executive Summary)

### Preamble

VIU should be permitted to respond comprehensively to SCHEV's initial findings, as detailed in SCHEV's own online guidelines, prior to any decision to begin the process of de-certification. Enforcing new process guidelines ratified on January 14, 2019 would (1) implement a process retroactively for an audit conducted on August 14-16, 2018 and (2) substantially deprive VIU of its ability to respond.

It is premature to revoke or place conditions on VIU's certificate to operate. If SCHEV decides to do so, VIU is entitled to an informal hearing under the Administrative Process Act to determine the merits of the allegations. Following an informal fact finding, VIU is entitled to a formal hearing. (§ 2.2-4000 et seq.).

SCHEV's 2010 audit of VIU in its written form revealed no findings of non-compliance and SCHEV commended VIU for its excellence in admissions and record-keeping. In 2014, the audit report detailed four findings of non-compliance (some of which were relatively minor). However, VIU was able to provide a follow-up response which satisfactorily resolved all such findings. In 2018, SCHEV waited for six months to provide VIU with audit findings and then simultaneously moved to revoke VIU's certificate to operate, providing no opportunity for conciliatory resolution.

Changing VIU's certificate to "conditional" (not allowing the school to enroll new students or confer degrees) or revoking its certificate would be a *de facto* death penalty and would cause current VIU students to bear the loss, while removing a tangible "bricks and mortar" institution from the local community. Taking such action against VIU would also run contrary to SCHEV's stated mission of improving enrollment and completion rates for minorities. To mitigate damaging externalities and ensure consistency with past practice, VIU is entitled to a presumption of survivability.

### (1) Instructor Qualification

The individual subject, Mr. [REDACTED], was evaluated for qualification to teach MBA courses at the end of 2017, by an individual who is no longer employed by VIU. Mr. [REDACTED] holds a doctoral degree from an accredited university, which qualified him to teach legal courses. (8VAC40-31-140(D)(4)). Although VIU had the opportunity to demonstrate that Mr. [REDACTED]'s professional achievements and competencies in the healthcare field qualified him to teach healthcare courses, VIU deferred to SCHEV's findings and resolved that it would not allow Mr. [REDACTED] to teach any classes at VIU. Even prior to receiving the audit results, Mr. [REDACTED]'s services as an adjunct faculty member were discontinued. He is not a professor at VIU as of the Spring 2019 semester.

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<sup>1</sup> The following is an Executive Summary of the complete response of VIU to the 2018 audit findings. The complete response will include detailed explanation of each charge and the response.

## (2) Admissions Documentation

VIU strictly enforces its policy on and maintains records of English proficiency. For all students noted in the audit findings, VIU is able provide documentation of either (1) completion of an accredited English as a Second Language (“ESL”) course or (2) completion of education in the United States. Since the 2018 audit, VIU has created an internal form that reflects the type of English proficiency documentation provided by the student, for inclusion in each student file; this form will provide for expedient access of English proficiency records.

VIU formally evaluates each student for program eligibility using their foreign transcript, and records equivalency determinations in each student file. The DOE recognizes the admitting school as competent to evaluate foreign degrees and does not prescribe a uniform process for evaluation. VIU has invested in its staff to ensure they are trained and certified to complete these evaluations. VIU follows the generally accepted World Education Services (“WES”) standard on evaluation of foreign degrees and utilizes the American Association of Collegiate Registrars and Admissions Officers (“AACRO”) Electronic Database for Global Education (“EDGE”) system to determine the United States degree equivalency. For transfer courses towards an ongoing degree, VIU requires external evaluations from reputable evaluators, as regulated by the National Association of Credential Evaluation Services (NACES).

For all students noted in the audit findings, VIU was able to find and provide documentation that none of the students were enrolled in prerequisite undergraduate courses simultaneously with graduate courses. Additionally, for each student noted in the audit findings, VIU provided (1) a transcript from the foreign institution and (2) an explanation of any prerequisites deemed satisfied, together as proof of qualification to enroll in a master’s program.

## (3) Registrar Qualifications

When the subject staff, Ms. [REDACTED] was promoted to Registrar in 2010, the Virginia Administrative Code did not contain administrative personnel requirements. VIU cannot be retroactively punished for not following a qualification standard that did not exist at the time of her promotion.

SCHEV has not questioned Ms. [REDACTED]’s education, experience, or training at any point during the past nine years, as she operated as a registrar. In fact, SCHEV reviewed her credentials and deemed her qualified during the 2014 audit. Her credentials have not changed since that time, aside from amassing an additional four years of experience.

At the time of her hire as Registrar, Ms. [REDACTED] was (1) properly experienced and educated **and** (2) received relevant training during her tenure. On par with or exceeding other collegiate registrars, Ms. [REDACTED] has both a bachelor’s and a master’s degree. Further, like the majority of collegiate registrars, she came into the position of Registrar through promotion from another administrative position in the registrar’s office. In her prior positions at VIU, she assisted with admissions, enrollment, and maintaining

student records. SCHEV cannot be contending that the majority of collegiate registrars are unqualified based on working their way up through an institution.

Shortly after her promotion to Registrar, Ms. [REDACTED] received WES Graduate Admissions Training and WES Undergraduate Admissions Training at the WES Conference in New York City. Following the first year, Ms. [REDACTED] completed various trainings in academic record-keeping. VIU will assign whatever remedial training is necessary in order to fulfill the dictates of the state regulations.

#### (4) Financial Records

VIU conforms to a uniform tuition refund policy, as recommended by SCHEV. For all students noted in the audit findings, VIU provided (1) a detailed explanation of the transaction in question and (2) financial statements supporting the explanation. To date, all overpayments have been reconciled. (The comprehensive response will cover this in greater detail). The bulk of SCHEV's allegations on this topic simply required additional clarification from VIU's finance department, to explain the transactions evinced on the students' financial statements.

#### (5) Online Courses

Based on SCHEV's determination that VIU's current online course offerings are deficient, VIU has offered to terminate its distance education program, effective immediately with the upcoming Summer 2019 semester. *See* Petersen letter of March 11, 2019 attached hereto. VIU has used lessons learned during review of its online program to make proactive changes to all its course offerings and internal operations.

For example, VIU has created a mandatory minimum class size policy, to facilitate peer-to-peer interaction. All students are now required to acknowledge the policy on academic integrity. All instructors are now required to complete an LMS training that includes modules on academic integrity and plagiarism. Instructors not meeting the VIU standard for teaching are subject to termination. Moving forward, the Quality Assurance department will conduct plagiarism detection audits for all current courses using TurnItIn.com. If plagiarism is detected, the student will be given a zero on the assignment; faculty will also be held accountable by facing at least academic warning, up to termination for not detecting plagiarism. VIU also implemented a new policy, which requires faculty to submit their syllabus (complete with required texts and resources) to the program chair for approval, prior to the start of the semester.

Additionally, although alleged in the 2018 audit findings, VIU does not admit students with poor command of the English language. VIU requires proof of English proficiency in the form of (1) a TOEFL or IELTS score, (2) proof of education in the United States, or (3) completion of an accredited ESL program. Additionally, VIU currently offers a Writing, Research, & Media Center ("WRMC") to support students' development of research, writing, and multiliteracy skills. VIU offers frequent workshops on writing mechanics and the APA format and is committed to continuing to enforce its English proficiency requirements.