



September 3, 2010

VIA FEDERAL EXPRESS & EMAIL
(info@impachawaii.edu)

Dr. Kwan Jay Cho, Director
International Mid Pac College
1311 Kapiolani Blvd., Suite 400
Honolulu, HI 96814

***Re: Reaccreditation Denied
(Appealable, Not a Final Action)
ACCET ID # 1184***

Dear Dr. Cho:

This letter is to inform you that, at its August 2010 meeting, the Accrediting Commission of the Accrediting Council for Continuing Education & Training (ACCET) voted to deny reaccreditation to International Mid Pac College, located in Honolulu, Hawaii.

The decision was based upon a careful review and evaluation of the record, including the institution's Analytic Self-Evaluation Report (ASER), the on-site visit team report (visit conducted January 25-26, 2010), and the institution's response to that report, dated March 10, 2010. It is noted that the Commission originally considered the institution's application for reaccreditation at its April 2010 meeting. At that time, the Commission voted to defer consideration for one cycle, directed that the institution submit an interim report, and placed the institution on show cause due to grave concerns relative to Standard II-A, Governance, Standard VIII-A, Student Progress, and Standard VIII-B, Attendance. It further directed that a two-person unannounced visit take place during the August 2010 review cycle, which was conducted on May 12, 2010, with a report of its findings subsequently forwarded to the institution, to which the institution submitted a response on June 21, 2010, along with a cover letter and various exhibits responsive to the interim report directive in the May 12th letter, which was dated June 25, 2010. While a number of the weaknesses cited in the January 25-26, 2010, team report resulted in the Commission's determination that the institution had not demonstrated compliance with respect to ACCET standards, policies, and procedures relative to the specific findings, it issued the show cause with a directive for a follow-up, on-site team visit to ensure a thorough and confident understanding of those findings in conjunction with the March 25 complaint letter from an alleged but anonymous IMPAC staff member offering compatible concerns. Accordingly, the Commission concludes the following:

1. Standard II-A: Governance

The institution failed to demonstrate that its senior management team has responsibly maintained an effective framework of policies and procedures that ensures integrity and effectiveness of the institution relative to statutory, regulatory, and accreditation

requirements. It is noted that the January 2010 team report cited non-compliance with federal and ACCET regulatory requirements, including those related to transfers, refunds, attendance, and make-up work. The institution's response to the January visit report was brief and limited to restrictions previously placed on transfers and reference to revising its refund policy to be compliant with ACCET Document 31.ESL. The team noted in the May 12, 2010, visit report that the transfer policy had not been remedied and revised as claimed in the response to the January report. In the revised (February 2010) IMPAC Management Handbook, under the heading "Transferring out of IMPAC", such transfers require the completion of a transfer form and an appointment with the Director of Studies or Administrative Coordinator "eight weeks before the date [the student] would like to transfer." Further, the report cited an example of the continuing pattern of restricted transfers on the basis of missed classroom hours in the case of student Y. Inoue, who was being forced to complete 30 hours of the 91 hours he had missed before the transfer would be allowed. Further, the practice of one hour of tutoring equaling five hours of missed instruction, previously cited in the January 2010 team report under Standard VIII-B – Attendance, was stated by the institution as having been suspended, but Mr. Inoue was subject to a one-for-three hour ratio requirement as part of the required make-up time before being allowed to transfer out of IMPAC. No explanation was offered for this continued violation of regulations contrary to representations made to the Commission in the response to the January team report submitted on March 10, 2010. In addition, the team found, with regard to the institution's refund policies, that it continues to apply at least one restrictive practice contrary to any reasoned interpretation of ACCET refund policy consistent with the need to be fair and equitable, which is the institution's policy to collect pre-paid tuition for the semester following a requested 12 week vacation and that "the tuition that is pre-paid for the following term is non-refundable. Finally, the team found, based on a complaint from a staff "whistleblower" (dated March 25, 2010) for which the Commission directed the unannounced team to investigate, all three students named in the complainant were found to have SEVIS Transfer Histories dating back to at least 2003 (students Park and Yi) and 2005 (student Masuura) with transfers back and forth from another local school. It was found that this pattern appeared in a number of other student files viewed in SEVIS, and further, that each of those students was transferred into IMPAC at the lowest (400) placement level despite prior progress through the 800 level plus two or more years of a higher level TOEFL class. Student Yi had a record indicating "severe learning difficulties" matched by persistent year after year failure to show any academic progress during this extended period of time at the lowest placement levels. No explanation was offered for students Park or Masuura, and the observation about the Yi case was essentially a statement of sympathy for the student's wishing to stay in the USA.

The institution indicated in its response that its Management Handbook and Student Catalog have been revised to reflect "simplified procedures for transferring out of the school." The entire policy, under the heading "Transferring out of IMPAC", is as follows: "If you would like to transfer to another school, please complete the Intent to Transfer Form (see admissions office)." This minimally instructive policy does not provide any detail as to how the process would be carried out, and no documentation was provided in the response to

evidence the systematic and effective implementation of the policy, which might have served to clarify and demonstrate how the policy is carried out in practice. The response narrative indicated that, “[p]er this revised policy, [...] students will no longer need to speak with the Director of Studies eight weeks before the date of transfer,” which offers no clarification on the actual implementation of the policy. The institution’s response also asserts that, “[d]espite several explanations on the part of the Director of Studies during [the] visit on May 12,” ACCET has misinterpreted the make-up policy as a 3:1 ratio based upon one cited example, and offered the explanation that the Director of the institution, after an appeal from the student (Y. Inoue), reduced the number of required make-up hours from 91 to 30. It noted that, after ACCET’s January visit, the ratio was reduced to 1:1, and that the case of Y. Inoue was an exception in which the Director “pardoned” 61 hours of the 91 that the student had missed. To demonstrate the new 1:1 ratio, warning letters and receipts for make-up tutoring, at the 1:1 ratio, were provided as an exhibit to the response for two students. The response noted that this decision concerning Mr. Inoue was a “mistake” that was made in the belief that the student needed to make up the missed time in order not to lose his F1 status, and that this “was an exceptional case” because of the large amount of missed time and the student’s appeal. While it is true that one student does not constitute a pattern, the Commission noted that granting an appeal to a student who was so egregiously in violation of the institution’s attendance policy while under scrutiny from ACCET for issues relative to attendance, reflects seriously poor judgment and disregard for both federal regulation and ACCET standards, and begs the obvious question why the student was not terminated. Further, no documentation was submitted to evidence the granting of this appeal to the student, casting the decision as one that was arbitrary rather than guided by written policy and procedure.

Relative to student T. Yi, who suffers from a “severe learning disability,” the institution’s response indicated that it was the Director’s “compassion for Tok U Yi” that “led him to make decisions that he now acknowledges were mistakes.” The response further indicated that the student “continues to register for classes despite his learning disability because he would be too afraid to live here on an F1 visa without following the rules,” as he cannot adjust his immigration status if he is not attending school without paying a penalty. The response also noted that “[i]t was only logical for IMPAC to place him into the 400 level upon his return to IMPAC in Q2-10, as his English skills will never progress beyond a beginner level.” The Director states that he felt honored that Mr. Yi chose his school over others and accepted the request to return, “despite his return being “problematic.” The Commission notes that allowing a student to fail a level over and over again shows dubious compassion and, more seriously, demonstrates a lack of compliance with ACCET standards regarding student academic progress.

The response stated that the institution has begun implementation of “a self-imposed three-year limit” on students’ stays at the institution and that this decision “was IMPAC’s choice.” The response noted that the institution “has been working to insure that students who have been studying here for over three years be informed that they must leave.” The institution noted that this self-imposed limit is a demonstration that it is “proactive: and is working to

“avoid situations like, for example, students who stay here too long.” The response included seven letters, dated either June 9 or 10, 2010, informing students of the new three-year limit and that they must seek education elsewhere or return to their home country. No documentation of transfers out or terminations in SEVIS for these students was provided, and, given the past pattern (8-10 years), of over-extended stays with little regard for satisfactory academic progress, the Commission rejected the institution’s response based on the record to date.

2. Standard VIII-A: Student Progress

The institution failed to demonstrate that it uses effective means to assess and record the progress of participants or that it utilizes sound written policies and procedures to implement the institution’s requirements for satisfactory academic progress.

It is noted that the January 2010 team report cited the failure to consistently offer the appropriate level of instruction for students in the Intensive English Proficiency Program (IEPP), and that students were placed in levels beyond their current academic capabilities. The institution responded to the January report that new students who place into levels not open at the time, “will: 1) be advised that a level corresponding best to their level might be found at another school or 2) that IMPAC can provide 15 to 25 hours of free tutoring to help them better integrate the level that is available...” The May 12, 2010, unannounced team reviewed advertising materials which contained information pertaining to proficiency levels offered and found that they did not provide instructive details of actual offerings, noting that a prospective student would not know from these materials that only levels 400 through 800 were being offered. Further, the student handbook described eight proficiency levels, which also appear to be noted on the Korean-language version of the institution’s website. Both the January and May 2010 teams found examples of students who were enrolled in the 400-level course when they should have been enrolled in a 100-300 level course.

In addition, the May 2010 team report included data for five students (students Park, Yi, Matsuura, Wada, and Ono) who had been studying at the institution for between 48 and 61 months. The examples also show multiple transfers after seven, five and four years and in the case of the three names cited in the complaint, transfers out at the beginning of 2010 and then back into the institution prior to the May 2010 visit, effectively “resetting” the clock for a new three-year limit, as confirmed by the team in discussions with the owner during an interview. The team also found, during its review of records, students who advanced to the next level even though they had failed the previous level, repeated levels many times even though they had clearly achieved the minimum requirements for advancement, advanced two levels because the next level was not offered, or completed the highest levels (800 or TOEFL) and were re-admitted into the program at the lowest level 400. These students were found to be in violation of their student status because they were not making “normal progress” as required by ACCET and by federal regulations for F-1 students. The team report noted that the owner explained that he feels very passionate about helping students who simply want to “be here”. As noted above, the institution instituted a self-imposed, three-

year maximum program length, based on the time it takes to complete one level (six months) times the number of levels (400, 500, 600, 700, 800, and TOEFL).

The team further found that the actual lowest level offered was the 400 level, and beginners who score at levels 100 to 300 during the placement test were placed in level 400. The team noted that the new placement policy of offering private tutoring, as noted above, did not specify the time frame in which tutoring has to be completed, who is responsible for determining the number of tutoring hours needed, guidelines for determining when a tutoring student is ready to progress to level 400, the means by which students are informed of the tutoring policy, and the institution's rationale for offering only 15-25 hours to make up for one to three proficiency levels that take six months each. It should be noted that the team found that 24 weeks (6 months) to complete one proficiency level was excessive based upon its interview with the Director of Studies and a review of course materials. Two students were enrolled at the school since the January visit who were placed below level 400. One had left by the time of the May 2010 visit, while the other was in level 400 at the time of the visit, but attendance and grades were unavailable for either student, and there was no documentation of any free tutoring.

The institution's response to not offering lower levels as advertised began with an explanation of the case of student Seung Won Lee, who was cited in the January team report as having been placed into level 100 but started in level 300, and subsequently failed levels 400A, 500B, and 600A. The response to the January team report noted that he was sent a letter telling him he would have to transfer to another school or go to his home country because he had been enrolled for three years. The response to the May report indicated that, despite poor attendance and behavior, he was permitted to remain at the institution based upon promises to improve his behavior and attendance. The response noted that the Director "was concerned that, after dismissal from IMPAC, he would have lost his F1 status and remained here illegally anyway because his family is all here in Hawaii." The response indicated that the Director "felt that it was better for the student to maintain his F1 status by staying at IMPAC, even if it meant being lax with him about the rules." The director, per the response, "recognizes that this was a mistake" but he "did not want the student to find himself in the position of being an illegal immigrant, a problematic social issue in the USA." The response clearly indicates that the institution took no action relative to this case, whether based upon his poor attendance, failing grades, or his length of study. Given the differences in the narrative of the two responses, the Commission questions the institution's claims relative to the disposition of Mr. Lee. Further, the institution's admission to having made "a mistake" in this case, as well as in the cases of other students noted in the response, indicates a continued pattern of disregard for ACCET standards relative to student progress and attendance.

The response to the May 2010 report noted that the 400 level classes is "for all intents and purposes" the beginning level course, and that there has not been a demand for a 100 or 200 class since 2006, noting that most students come with a minimal level of skill. A copy of the scope and sequence chart of the 400-level text was provided as an exhibit to show that the

content is beginner level, and the response noted that it has renamed its proficiency levels “to better reflect the content of each level.” It also noted that, while it has not always been viable for the institution to offer all proficiency levels, it has, for a year, been able to offer all levels from 400 through TOEFL. The response also argued that enrolling students in the 400 level when they placed lower was never the norm but that the ACCET report pictured it as such. However, beyond the table provided, no evidence of the new course names in actual use was provided, and it is unclear how the new framework corresponds to the old, failing to assuage the Commission’s concerns that students are not being placed in a level appropriate to their abilities.

In addition, the institution included exhibits showing that the two students referenced in the May 2010 report as having placed below level 400 but were placed in that level “have done fine in the 400 level class.” The response further noted that the students cited in the report “did not all fail,” and it reiterated that the problem “no longer exists and we accept that it was not best practice, which is why we made the necessary changes to eliminate the problem.” However, no indication of the actual level these students placed into was provided and grade information was given for only one student. A brief comment was given on a June 21, 2010, memo, stating that Yun Hyeong Cho was progressing in class and participating appropriately. Further, indicating two cases of students who were put in levels higher than those indicated by their placement tests and were successful in no way mitigates the seriousness of the problem for other students who did fail when in that situation, including Seung Won Lee noted above, and the anemic assurance that the problem has been corrected by now consistently offering levels 400 through 800 does not provide the evidence needed by the Commission of systematic and effective implementation of the new level framework and appropriate placement of students.

The institution indicated that it has stopped offering the free tutoring that had been implemented after ACCET's visit in January 2010. It also noted that “no leniency will be allowed for unexcused absences over the 40 hour allowance,” outlining a policy of warning letters and providing sample copies for several students. In addition, the institution referenced the examples of students Maiko Yamada, and Seung Hyun Baek, who were able to skip a level and move up after successfully proving their ability by taking the level tests. The response noted them as examples of “students who were seeking to challenge themselves...” The response further noted that “at no time in the past did ACCET impose a stricter attendance policy on IMPAC and neither did ACCET withhold accreditation despite the much more lenient attendance policy being in place.” The Commission notes that the attendance policy has not changed, but remains at allowing 40 missed hours in a term, and that this was never the issue with attendance. Rather, the concern rested with allowing make-up work at a 5:1 ratio, which the institution stopped allowing and provided documentation to that effect, but it also provided the example cited above of reducing the number of required hours rather than terminate a student out of “compassion”, further demonstrating to the Commission that the institution remains out of compliance with ACCET standards, policies and procedures.

Regarding the five students cited above (Park, Matsuura, Yi, Wada, and Ono) who had been enrolled at the institution for 48-61 months, with multiple transfers in and out of other local schools, the institution noted that its Management Handbook and Student Catalog had been revised to reflect the three-year limit, referenced previously in this letter, and both the interim report and the response included copies of the letters sent to the students referenced in the May 2010 team report, plus two additional examples. The response noted that “this three-year limit was a recent decision, decided upon in January 2010, with [the January 2010 ACCET team’s] guidance,” and implemented in the second quarter of 2010. However, no documentation, such as that provided for Say Keang Ly, of transfer out or return home, nor any SEVIS information, was provided to demonstrate that the students have indeed left the institution.

The institution argued in its response that “[...] ACCET refuses to admit that students on F-1 visas are not all seeking academic success for themselves. It is nonetheless a reality in language schools, including IMPAC. Our students are here for many reasons.” It further argued that “[i]t is not legally required by the federal government that IMPAC verify whether a student is in the country for academic pursuits, even if that is what they declare to government officials at the embassy in their country.” The Commission notes that it has never stipulated that the institution be an immigration enforcement agent. However, the institution’s argument is ludicrous, since it is an academic institution, whose mission is “to provide its student with a solid base of English communication skills...” Placing students inappropriately, allowing students to stay in the same level for months, allowing students who competed the highest level to come back as a transfer in at the lowest level, promoting students who fail a level, and permitting students to remain enrolled despite attendance and/or behavior issues, do not support that mission. While students may have ulterior motives for enrolling at a school, it is not the school’s role to facilitate these motives. Rather, it is expected of an accredited institution that it will systematically and effectively implement its written policies and procedures in compliance with ACCET standards, which, from the information in the team report and interim report, has not been demonstrated.

3. Standard VIII-B: Attendance

The institution failed to demonstrate that its written attendance policies and procedures are followed to ensure that student participation and preparation are consistent with the expected performance outcomes of the course or program.

It is noted that the January 2010 team report cited the institution’s failure to enforce its own attendance policy and that such policy itself was not compliant with ACCET requirements. The former related to a lack of enforcement of probation or termination for students falling below 80% attendance (missing more than 40 hours in a term). The latter issue was specifically in regard to a make-up requirement for students who miss more than the allowed 40 hours, wherein one hour of paid tutorial would serve to offset five hours of missed classes. The institution’s March 10, 2010 response to the January team report cited “positive changes” in student attendance following the revision of its attendance policy after the

January team visit. The May 2010 team found a consistent pattern of activity and documentation to indicate the institution regularly records and monitors student attendance, but noted that enforcement of its attendance policy was often inconsistent and was, at times, lacking. The team noted that the institution's handbook stated "...if a student misses more than 40 hours in one term they will not be eligible to transfer, even if they have done makeup lessons," which the team noted is a violation of SEVP regulations. Such restrictions had been previously cited in the January team report and indicated by the institution in its March 10th response to "no longer exist." However, it was noted that the revised policy was still not being followed in the case of student Inoue, who was told to transfer while simultaneously being restricted from doing so because a condition set up by the Director that required 30 hours of the 91 missed to be made up before being allowed to transfer. The May 2010 team found no record to indicate that any student who missed over 40 hours of class in one term had been placed on probation or ultimately dismissed from the school, as stated in the policy.

The institution noted in its response that it is small and has a small staff, and that the former Director of Studies and the Assistant Director of Studies both also teach. In addition, the Director of Studies left to work overseas in February 2010, and, "[i]n the transition, some of the changes that were to be made to the Management Handbook and to the Student Catalog were not completed." The response also noted that the example of student Inoue was an anomaly and should not be viewed as the norm. Relative to the lack of documentation of any attendance probation or dismissals, the response indicated that the make-up lesson policy has been in place as of the second quarter of 2010, so there have been no examples of any probation or termination, and that the make-up work policy would be eliminated in the third quarter, so there might possibly be students on probation or dismissals in the second half of 2010. The response also noted that the institution "has been known to terminate students for other reasons," citing the case of Say Keang Ly, who was terminated for not returning to the next term, essentially an attendance issue. The handwritten note on the SEVIS Student Information page provided as an exhibit shows a term start date of April 5, 2010, and the termination date of May 20, 2010. Copies of two emails, dated April 12 and April 29, were also submitted, warning the student of termination if she did not return. The Commission notes that the decision to terminate student Ly took 45 days, which is a poor example to support that the institution is strict in its application of policy and procedure. Overall, the number of exceptions and "mistakes" is unacceptable to the Commission and shows a continued pattern of disregard for the institution's and ACCET's policies and procedures. Further, the documentation provided over two responses was insufficient to evidence the effective implementation and observable results of stated corrections and revisions which can only be demonstrated in practice over time with supporting evidence to date.

Since denial of reaccreditation is an adverse action by the Accrediting Commission, the institution may appeal the decision. The full procedures and guidelines for appealing the decision are outlined in Document 11, Policies and Practices of the Accrediting Commission, which is available on our website at www.accet.org.

If the institution wishes to appeal the decision, the Commission must receive written notification no later than fifteen (15) calendar days from receipt of this letter, in addition to a certified or cashier's check in the amount of \$5,000.00, payable to ACCET, for an appeals hearing. This notification must be accompanied by an affidavit signed by an authorized representative of the institution indicating that a Notice of Status of Accreditation notifying interested parties of the Commission's adverse action has been disseminated to new enrollees and posted in conspicuous places at the institution to include, at minimum, the admissions office and student lounge or comparable location. In addition, the institution must submit a written teach-out plan that is in accordance with ACCET Document 32 – Closing/Teach-Out Policy.

In the case of an appeal, a written statement, plus six (6) additional copies regarding the grounds for the appeal, saved as **PDF documents and copied to CD-ROMs**, must be submitted to the ACCET office within sixty (60) calendar days from receipt of this letter. The institution may provide clarification of and/or new information regarding conditions at the institution relating to the findings of non-compliance up to the time of the Commission's decision, but not thereafter. A timely request for an appeal will extend the institution's accredited status until a final decision on the appeal is rendered by the Accrediting Commission; otherwise, the institution's accreditation will expire fifteen (15) days from receipt of this letter. In the event of a final determination of denial of accreditation, the institution is precluded from making application for accreditation for a minimum of one (1) year from the date of such final action.

It remains our hope that the accreditation evaluation process has served to strengthen your institution's commitment to and development of administrative and academic policies, procedures, and practices that inspire a high quality of education and training for your students.

Sincerely,

An electronic signature of Roger J. Williams, consisting of a stylized cursive script in black ink. Below the signature, the words "ELECTRONIC SIGNATURE" are printed in a small, blue, sans-serif font.

Roger J. Williams
Executive Director

RJW/sef

c: Mr. Louis Farrell, Director, SEVP, Department of Homeland Security
(louis.farrell@dhs.gov)