

# ILLINOIS BOARD OF HIGHER EDUCATION

## Education Agency

**FY14 Headcount: 39**

<http://www.ibhe.org/>

### **Summary of Agency Operations**

The Board of Higher Education approves all new units of instruction, research, and public service, as well as new academic administrative units, for public colleges and universities in the state. The Board also undertakes periodic review of all existing units of instruction, research, and public service to advise the appropriate governing board whether such programs continue to be educationally and economically justified. Both of these activities are initiated at the campus or institutional level and reviewed by the appropriate governing board before being submitted to the Board staff for analysis and presentation to the Board of Higher Education.

The Board of Higher Education also has statutory responsibility to approve operating authority and degree-granting authority for certain independent and out-of-state institutions operating within the state of Illinois. In addition, the Board must approve all new degree programs proposed by those independent institutions established or beginning to offer degrees after August 14, 1961.

Moreover, the Board carries out ongoing reviews of those independent institutions operating and offering degrees under the Board's authorization to assure that the institutions maintain the conditions under which the original authority to operate or grant degrees was given. The Board has the power to revoke its authorization if an institution fails to sustain the conditions required by the initial approval to operate or grant degrees.

### **Internal Hiring**

#### **Agency positions subject to criminal history restrictions, by statute, regulation or agency policy**

None, per agency's report to the Task Force

#### **Statutory, regulatory, agency policy restrictions applicable to internal hiring**

None

#### **System of personnel administration**

By statute, the IBHE is considered to be a state agency in a limited number of situations (e.g., auditing). However, for the purposes of hiring employees, it is not considered a state agency. State Universities Civil Service System oversees the personnel administration for the non-exempt employees at public higher education agencies and institutions pursuant to the State Universities Civil Service Act (110 ILCS 70).

**Merit Board [100 ILCS 70/36b (3)]** The State Universities Civil Service System hereby created [110 ILCS 70/36b] shall be a separate entity of the State of Illinois and shall be under the control

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of a Board to be known as the University Civil Service Merit Board, and is hereinafter referred to as the Merit Board.

See Chapter IV of this report for more detail on this system of personnel administration and the discretionary criteria for the rejection or disqualification of applicants applying for positions at the public institutions of higher education and related agencies.

### **Criminal history record check procedures for internal hiring**

#### **1) Self-disclosure on application**

Not mentioned in the agency's report to the Task Force

#### **2) Background check review procedure**

Not specified in the agency's report to the Task Force

### **Exemption, waiver, or review mechanisms**

Not specified in the agency's report to the Task Force

### **Number of job applicants for agency positions who were subject to a criminal history records check in 2010-2011**

3 prior to February 2012

## **Occupational Licensing, Certification, Regulation**

### **Regulatory certificates issued by agency that are subject to criminal history restrictions**

Private business and vocational schools, particularly governing board members, owners, and senior administrators

### **Statutory restrictions on regulatory certificates**

#### **Private Business and Vocational Schools Act of 2012 [105 ILCS 426/35]**

Sec. 35. Institution and program approval criteria. Each entity seeking a permit of approval is required to demonstrate that it satisfies institution-approval criteria and that each program of study offered meets the program-approval criteria in this Act and any applicable rules. The following must be considered as part of, but not necessarily all of, the criteria for approval of institutions and the programs offered under this Act: (1) Qualifications of governing board members, owners, and senior administrators. At a minimum, **these individuals must be of good moral character and have no felony criminal record.**

**Restriction type:** Mandatory

**Restriction duration:** Not specified

### **Exemption, waiver, or review mechanisms for regulatory certificates**

**[105 ILCS 426/85] Violations under the Act.** f) Any person affected by a final administrative decision of the Board's Executive Director may have such decision reviewed judicially by the circuit court of the county wherein the person resides, or in the case of a corporation, wherein the registered office is located. If the plaintiff in the review proceeding is not a resident of this State, the venue shall be in Sangamon County. The provisions of the Administrative Review Law, and

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all amendments and modifications thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final administrative decisions of the Board's Executive Director. "Administrative decisions" has the same meaning as in Section 3-101 of the Code of Civil Procedure.

### **Employment Contracting**

#### **Administrative Code, Title 80, Subtitle A, Chapter VI, Part 250, Section 250.80 Status Appointments**

b) Contract Appointments.

1) Contract Appointments are made to positions in the System when such positions are covered by a contract between an employer served by the System and either: A) the State of Illinois, or an agency thereof, where the work performed is under the direct supervision and control of a member of the staff of the state agency, and on the premises of that agency; or B) any institution, agency, or organization, other than the State of Illinois or any agency thereof, where the work is required to be performed at locations away from the premises of the employing College or University or its immediate environs.

#### **Statutory, regulatory, agency policy restrictions applicable to contractual hiring**

None

### **Summary of Employment Restrictions from Agency Report**

The IBHE does not have any employment restrictions based on criminal records for (1) employment within the agency; (2) employment pursuant to contracts with the agency; and (3) employment in occupations that the agency licenses or provides certifications to practice.

The IBHE is responsible for administering a statutory restriction at facilities it regulates. Pursuant to Section 35 of the Private Business and Vocational Schools Act of 2012 [105 ILCS 426] the IBHE must consider the qualifications of governing board members, owners, and senior administrators. "At minimum, these individuals must be of good moral character and have no felony criminal record."

The IBHE currently employs 34 individuals and has requested three background checks during the two years prior to February 1, 2012.