

Simmons, Vicki AVED:EX

From: Rogers, Dorothy AVED:EX
Sent: Tuesday, February 24, 2015 12:59 PM
To: Simmons, Vicki AVED:EX
Subject: FW: One other item re: Senior University Inc./Rutherford

Importance: High

From: Goyan, Paul AVED:EX
Sent: Friday, July 29, 2005 1:09 PM
To: Rogers, Dorothy AVED:EX
Subject: FW: One other item re: Senior University Inc./Rutherford
Importance: High

-----Original Message-----

From: Jennifer Bradshaw [<mailto:jbradshaw@pctia.bc.ca>]
Sent: Friday, July 29, 2005 9:29 AM
To: Goyan, Paul AVED:EX
Cc: Jim Wright; Stephen Siblock
Subject: One other item re: Senior University Inc./Rutherford
Importance: High

Paul~

One other item I thought worth mentioning - when I was reviewing their financial statements dated July 31, 2004, I noted that their revenue was reflected as follows:

Income:

Tuition Fees -	\$ 30,205.00
Other Revenue -	\$311,180.00

There was no clarification in any of the notes to indicate what "other revenue" was supposed to be, so I wrote to Mr. Hassam on July 21, 2005 and asked for clarification. I received a letter from Mr. Cecil Sherwood, Director of Special Projects, on July 28, 2005 and he said that "Our company Senior University Inc., provides management, administration and consultancy services to a number of Learning Institutions based in various parts of the world. The 'other revenue' item reflects revenue derived from these activities."

Thought it might be worth mentioning.

Sincerely,

Jen Bradshaw
Registration Officer
PCTIA

Page 2 redacted for the following reason:

Not Responsive

Not Responsive

In the other case, Rutherford College is run by the wife of a gentleman who for years ran a diploma mill in BC called Senior University, whose home campus was a PO box in Wyoming. I was able to close Senior U. in 2000 when we required out of country degree granting institutions to be accredited. Now we find that Rutherford College appears to be nothing more than a front for Rutherford University. If you go to www.rutherford.edu , which is the Rutherford University site, you will find under contact information that the Rutherford University Center and Business Office is located in suite 202 - 849 Front Street, Evanston, Wyoming, USA 82930. Tel. 307 444-2129

However, ALL CORRESPONDENCE is to be sent to: Rutherford University, 200
- 2900 Simpson Road, Richmond BC V6X 2P9, tel: 1 800 939 7822, which is the address for Rutherford College. Since Rutherford University appears to be operating illegally in BC, I will leave it to you to be in touch with them, but would ask that you copy us in on correspondence so we can follow up as necessary with the College.

Please let me know your availability, and we'll give you a call.

Thanks,

Jim

Not Responsive



Director's Correspondence

Branch Day Copy
Branch File Copy
Author Copy _____
Branch Circ. Copy

March 14, 2006

Our File: 60120-01/Gen

Registered Mail

Dr. William Weston, President
Rutherford University
200-2900 Simpson Rd
Richmond BC V6X 2P9

Dear Dr. Weston:

This letter is regarding Rutherford University providing a program leading to a degree and making use of the word "university" through its office in Vancouver, British Columbia.

On November 7, 2003, new legislation was brought into force in British Columbia called the *Degree Authorization Act* (DAA). The DAA requires private and out-of-province public institutions to obtain consent of the British Columbia Minister of Advanced Education if they wish to do any of the following in British Columbia:

- grant or confer a degree;
- provide a program leading to a degree to be conferred by a person inside or outside British Columbia;
- advertise a program offered in British Columbia leading to a degree to be conferred by a person inside or outside British Columbia;
- sell, offer for sale, or advertise for sale or provide by agreement for a fee, reward or other remuneration, a diploma, certificate, document or other material that indicates or implies the granting or conferring of a degree; and,
- directly or indirectly make use of the word "university" or any derivation or abbreviation of the word "university" to indicate that an educational program is available.

The full text of the DAA can be found at:

http://www.qp.gov.bc.ca/statreg/stat/D/02024_01.htm

... /2

Ministry of Advanced Education

Private Institutions and
Developmental Programs Branch
Post Secondary Education Division
PO Box 9177 Stn Prov Govt
Victoria BC V8W 9H8

Telephone: (250) 387-6166
Facsimile: (250) 356-8851

Rutherford University's website indicates that it has an office in Canada, located in Richmond, British Columbia, which is also the contact address for Rutherford College (see attached).

If Rutherford University wishes to maintain an office in British Columbia, it will need to apply for consent of the Minister under the Act, both for advertising and providing degree programs, as well as for use of the word "university." Information on the requirements for obtaining consent under the Act can be found at:

<http://www.aved.gov.bc.ca/degree-authorization/>

If Rutherford University does not apply for consent or alternatively, close its British Columbia office within two month's of today's date, the Ministry will take steps to prevent further contraventions of the *Degree Authorization Act*. If you have any questions, please do not hesitate to contact me directly.

Sincerely,



Paul Goyan
Director

Attachment

pc: Dr. Abdul S. Hassam, Chancellor and University Dean
Rutherford University, and
President, Rutherford College

Mr. Jim Wright, Registrar
Private Career Training Institutions Agency



Rutherford University
Wyoming, USA

USA Office: 849 Front Street, Suite 202
Evanston, Wyoming USA 82930 Tel: (307) 444 - 2129

May 16, 2006

Sent by fax to 250 356-8851. Original sent by mail.

Mr. Shell Harvey,
Ministry of Advanced Education
Private Institutions and
Developmental Programs Branch
Post Secondary Education Division
P.O. Box 9177 Stn. Prov Govt
Victoria, British Columbia,
Canada V8W 9H8

Dear Mr. Harvey,

I refer to your recent telephone conversation with Mr. Cecil Sherwood. We have reviewed carefully the letter received from Mr. Paul Goyan. As you are aware, we did have an appointment to see him unfortunately this was cancelled s.22

As advised to you by Mr. Cecil Sherwood, in May 2001 the Executive Director of PPSEC wrote to me advising that we could no longer continue to offer on- site programs to residents of British Columbia. In the same letter he advised that we could continue to serve the needs of students enrolled with us at that time until they completed their contracted program of study.

I would now like to clarify our position relative to the activity of the "University".

1. It is not our intention at this juncture to apply for authority to operate in British Columbia.
2. As to the reference of the University office in Richmond, British Columbia, it has now been removed from our website and from all printed material.
3. The University, does not now, nor will it in the future, solicit or enroll any students in British Columbia.

If there are any issues you wish to discuss please contact the writer or Mr. Cecil Sherwood.

Yours truly,

Dr. Abdul Hassam
Chancellor and University Dean
Wyoming, USA

Simmons, Vicki AVED:EX

From: Rogers, Dorothy AVED:EX
Sent: Tuesday, February 24, 2015 4:25 PM
To: Simmons, Vicki AVED:EX
Subject: FW: Rutherford University (Wyoming) Rutherford College (British Columbia)

-----Original Message-----

From: Brown, Susan B AVED:EX
Sent: Friday, June 16, 2006 4:51 PM
To: Rogers, Dorothy AVED:EX; Bell, Cheryl L AVED:EX
Subject: FW: Rutherford University (Wyoming) Rutherford College (British Columbia)

Cheryl/Dorothy -- for info and action as required.

-----Original Message-----

From: Hull, Deborah AVED:EX
Sent: Fri, June 16, 2006 4:49 PM
To: 'Yves Beaudin'
Cc: Brown, Susan B AVED:EX
Subject: RE: Rutherford University (Wyoming) Rutherford College (British Columbia)

Hi Yves,

I'm fine and hope you are too. Thanks for forwarding this information (I think!). By cc of this email I'll alert the director responsible for degree granting and private institutions to this, so that she can take the appropriate action.

Thanks again,

Deb

-----Original Message-----

From: Yves Beaudin [<mailto:y.beaudin@cmecc.ca>]
Sent: Fri, June 16, 2006 3:48 PM
To: Hull, Deborah AVED:EX
Subject: Rutherford University (Wyoming) Rutherford College (British Columbia)

Hi Deborah,

It has been some time since we last communicated. I hope all is well with you. I thought you might be interested in seeing this article from Jackson, Wyoming - Friday, June 16, 2006. Go to <http://www.jacksonholestartrib.com/articles/2006/06/16/news/wyoming/64fd130474331fc68725718e00807663.txt>

The "institution" has an address in British Columbia <http://64.233.167.104/search?q=cache:bMzpmu-m5WUJ:www.rutherford.edu/contact.cfm+site:www.rutherford.edu+canada&hl=fr&ct=clnk&cd=1>

Rutherford College is listed in PCTIA <http://www.rutherfordcollege.ca/> but not accredited by PCTIA

Compare the programs between the two - it is interesting!!!

Rutherford University Wyoming <http://www.rutherford.edu/programs.cfm>

Rutherford College <http://www.rutherfordcollege.ca/lowbandwidth/programs.cfm>

This is even better: (a description of a program in both entities)

1) Rutherford College 3. Consciousness Studies & Sacred Traditions Individualized diploma Programs Go to http://www.rutherfordcollege.ca/fields/fields_CSST.html

2) Rutherford University 3. School of Consciousness Studies & Sacred Traditions Individualized Degree Programs Go to http://www.rutherford.edu/fields/fields_CSST.html

The only difference between these two programs is that one offers "Individualized Degree Programs" in Wyoming and the other "Individualized Diploma Programs" in British Columbia. The content is the same.

Now that they are closing shop in Wyoming I wonder where they will try to set up shop next?

Yves

Yves E. Beaudin

National Coordinator / Coordonnateur national Canadian Information Centre for International Credentials (CICIC) Centre d'information canadien sur les diplômes internationaux (CICDI)

95 St. Clair West, Suite 1106 Toronto, Ontario M4V 1N6

Tel/tél: (416) 962-8100 Ext./poste 242

Fax/télec: (819) 682-9874

E-mail/Courriel: y.beaudin@cmecc.ca

[<http://www.cicic.ca/>]

[<http://www.cmecc.ca/>]

[<http://www.canalliance.org/>]

Gateway to Recognition of Academic and Professional Qualifications [<http://www.enic-naric.net/>] [<http://www.enic-naric.net/members.asp?country=Canada>]



Bob Riley
Governor

Alabama Commission on Higher Education

Mailing Address: P.O. Box 302000 □ Montgomery, Alabama 36130-2000
Delivery Address: 100 North Union Street □ Montgomery, Alabama 36104-3702
www.ache.state.al.us
Telephone: (334) 242-1998 □ ATTN: 220-1998 □ Fax: (334) 242-0268

July 10, 2006

Mr. Cecil Sherwood, Program Director
Rutherford University
Suite 200, 2900 Simpson Road
Richmond, BC, Canada V6X249

Dear Mr. Sherwood:

We have reviewed the proposal received from Rutherford University on May 20, 2006 to offer baccalaureate, master and doctoral level programs in Alabama. We regret to inform you our findings indicate that the rigor of the curriculum and the resources to support the curriculum do not meet the Commission's standards. Permission to offer the proposed programs is denied. If you have any questions regarding this decision, do not hesitate to contact Dr. Elizabeth French (334-242-2179).

Sincerely,

Gregory G. Fitch, Ph.D.
Executive Director

cc: Ms. Jackie Sexson
Ms. Jane Turnham
Dr. Elizabeth French



Bob Riley
Governor

Alabama Commission on Higher Education

Mailing Address: P.O. Box 302000 □ Montgomery, Alabama 36130-2000
Delivery Address: 100 North Union Street □ Montgomery, Alabama 36104-3702
www.ache.state.al.us
Telephone: (334) 242-1998 □ ATTN: 220-1998 □ Fax: (334) 242-0268

July 27, 2006

Mr. Cecil Sherwood, Program Director
Rutherford University
Suite 200, 2900 Simpson Road
Richmond, BC, Canada V6X249

Dear Mr. Sherwood:

This letter is to inform you that we received your additional materials in support of your request of 22 July to revisit your application. As you are aware, your application was reviewed and denied.

The process of review and evaluation is designed to ensure the integrity of programming. The review and evaluation process does not provide for an analysis of component parts submitted as an accumulative process, but as a whole.

Therefore, I regret to inform you that the practice with respect to proposals receiving a negative recommendation may be considered only after an elapsed one year period. At the appropriate time, a complete application for all programs must be submitted.

I wish you the best in your efforts. If you have any questions, please do not hesitate to contact Dr. Elizabeth French (334) 242-2179.

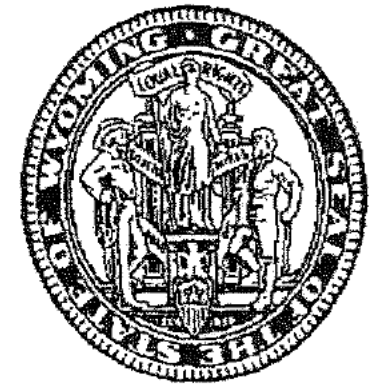
Sincerely,

Gregory G. Fitch, Ph.D.
Executive Director

GGF/mp

cc: Ms. Jackie Sexson
Dr. Elizabeth French

PRIVATE SCHOOL LICENSE
(POST SECONDARY EDUCATION INSTITUTIONS)



Senior University

IS A LICENSED SCHOOL

THIS IS TO CERTIFY THAT THE ABOVE NAMED SCHOOL LOCATED AT
200-2900 Simpson Rd, Richmond, BC, Canada V6X-2P9

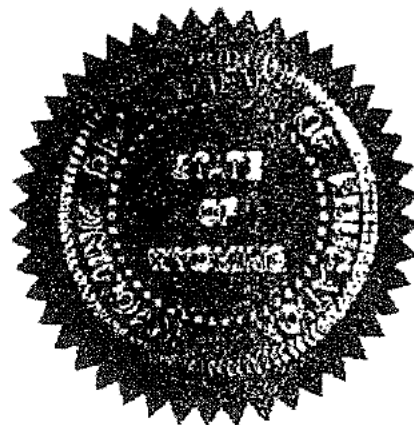
MEETS THE MINIMUM STANDARDS FOR LICENSURE PURSUANT TO
THE PRIVATE SCHOOLS LICENSING ACT, W.S. 21-2-401 ET. SEQ.

06-136-30


Number

JUNE 30, 2006

Expiration Date



IN WITNESS WHEREOF, is affixed the seal
of the Wyoming State Board of Education
this 19th day of June 2006.


STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

MacLean, Madeline AVED:EX

From: Rogers, Dorothy AVED:EX
Sent: Tuesday, April 24, 2007 1:09 PM
To: Simmons, Vicki AVED:EX
Subject: FW: Next Course

From: Brown, Susan B AVED:EX
Sent: February 23, 2007 9:13 AM
To: Rogers, Dorothy AVED:EX
Subject: FW: Next Course

Dorothy -- note we've been bcc'd on a note re Rutherford. Would be good if we could find out where the Registrar email is "housed".

From: Laberge, Shelly A AVED:EX
Sent: Thu, February 22, 2007 7:03 PM
To: Brown, Susan B AVED:EX
Subject: FW: Next Course

I have no idea why I received this, note, it's cc to rutherford????!!

From: Chris Sherwood [mailto:
Sent: Wed 21/02/2007 6:06 PM
To: s.22
Cc: registrar@rutherford.edu
Subject: Next Course

Hi s.22

Nusri passed me your email. I confirm that taking the course in Relationships/Couple and Family Counselling meets the Program requirements. I have substitute instead of Behaviour Disorders as I felt it would more beneficial to the Group.
Best Regards,
Cecil

Free Alerts : Be smart - let your information find you !
<http://alerts.live.com/Alerts/Default.aspx>

Nichols, Beth AVED:EX

From: Jim Wright <jwright@pctia.bc.ca>
Sent: Friday, April 27, 2007 1:35 PM
To: Simmons, Vicki ALMD:EX
Subject: RE: Rutherford College

Thanks, Vicki. It's a very similar ad. The one we have is identified as being Clearmind Vancouver.

Jim

From: Simmons, Vicki AVED:EX [mailto:Vicki.Simmons@gov.bc.ca]
Sent: Friday, April 27, 2007 12:35 PM
To: Jim Wright
Subject: RE: Rutherford College

Hi Jim,

I found the connection between Rutherford University and Clearmind International and an advertisement that may be what you received from the student.

<http://www.clearmindtoronto.com/prac.html>

The PDF advertisements/brochures on accessible on the left under **Additional Prac Flyers**
Vicki

Vicki Simmons, Policy Analyst
Policy and System Quality Branch
1st Floor, 835 Humboldt St
PO Box 9177 Stn Prov Govt
Victoria BC V8W 9H8
Phone: (250) 356-2067
Fax: (250) 356-8851

From: Jim Wright [mailto:jwright@pctia.bc.ca]
Sent: April 27, 2007 10:46 AM
To: Rogers, Dorothy AVED:EX
Cc: Simmons, Vicki AVED:EX
Subject: RE: Rutherford College

Dorothy:

The following information is drawn from the Annual Verification of Registration Information received from Rutherford College on February 26, 2007:

Legal Business name: Senior University Inc.
Operating Name: Rutherford College
Ownership Type: Incorporated Company (#442925)

Operating Address: 200 -2900 Simpson Road
Richmond BC V6X 2P9

Telephone: 604 244-7754
Fax: 604 244-9952

They list the "Contact Person" as Ms. Nusrat Hassam, Vice President and Registrar, but almost all interaction for the past couple of years has been with Cecil Sherwood, Program Director.

Ownership/Management Information:

Dr. Abdul Hassam

s.22

Role: Owner

Ms. Nusrat Hassam

s.22

Role: Owner

They list their current programs as follows:

- # 1: Adult Continuing Education
Duration: 12 months
Tuition: \$1,500
- # 2: Advanced Diploma in Applied Business Studies – Yr 1
Duration: 12 months
Tuition: \$9,600
- # 3: Advanced Diploma in Applied Business Studies – Yr 2
Duration: 6 months
Tuition: \$4,800
- # 4: Advanced Diploma in Counselling Psychology – Yr 1
Duration: 12 months
Tuition: \$9,600
- # 5: Advanced Diploma in Counselling Psychology – Yr 2
Duration: 6 months
Tuition: \$4,800
- # 6: Certificate in Applied Business Studies – Yr 1
Duration: 12 months
Tuition: \$5,000
- #7: Certificate in Applied Business Studies – Yr 2
Duration: 12 months
Tuition: \$5,000
- #8: Certificate in Counselling Psychology – Yr 1
Duration: 12 months
Tuition: \$5,000
- #9: Certificate in Counselling Psychology – Yr 2
Duration: 12 months
Tuition: \$5,000

- # 10: Contemporary Arabic and Islamic Studies
Duration: 12 months
Tuition: \$5,900
- # 11: Diploma in Applied Business Studies – Yr 1
Duration: 12 months
Tuition: \$5,000
- # 12: Diploma in Applied Business Studies – Yr 2
Duration: 12 months
Tuition: \$5,000
- # 13: Diploma in Counselling Psychology – Yr 1
Duration: 12 months
Tuition: 6,250
- # 14: Diploma in Counselling Psychology – Yr 2
Duration: 12 months
Tuition: \$6,250
- # 15: Indiv. Pro. School of Arts & Sciences – Yr 1 Written comment on turn-around verification form:
Duration: 12 months "deleted 3.20.07, as per change form"
Tuition: \$7,500

Other programs deleted in '07 included Indiv. Prog. School of Arts & Sciences – Yr 2; Indiv. Prog. School of Arts & Sciences –Yr 3; Indiv. Prog. School of Consciousness Studies and Sacred traditions, Yrs 1, 2 and 3.

In my review of the Rutherford U. files, I see that at least some of the Rutherford University letters of acceptance are signed by Ms. Nusri Kassam, M. Ed., Vice President and Registrar. Obviously the similarities with Ms. Nusrat Hassam, Vice President and Registrar of Rutherford College are quite apparent. Some of her signatures have an obvious "K" for Kassam, but others look more like an "H". The President of Rutherford University in January 2005 was William I. Weston, J.D. Ph.D.

Copies of Rutherford University Enrollment Contracts that we have, direct students to send all correspondence to "Rutherford Administration Office #200-2900 Simpson Road, Richmond, BC V6X 2P9, Tel: 604 244-7754". A call to that number this morning went unanswered, but the answering machine message, in a voice that I believe was Cecil Sherwood's, welcomed me to Rutherford Information, and invited me to leave a message.

Another dimension I happened upon is that several of the Rutherford University students say they have been taking courses through Clearmind International Institute, which is located in Langley, and is registered with PCTIA to offer "Practitioners Training", Levels 1, 2 and 3, each of which is 8 months in duration. One of the RU students sent us an undated Clearmind Vancouver advertisement which reads in part: "Earn a B.A. in Applied Transpersonal Psychology . . . Program runs October 2005 through June 2006 at Springbrooke Retreat Center Langley . . . Degree completed by distance learning through Rutherford International University (www.sfiu.edu) Wyoming, USA. Board certified: ABMPP and ABDA"

The course outline for Clearmind International Institute Inc's Practitioner's Training Level I reiterates that "Practitioners Training I, II, and III is offered through Rutherford University as an internationally accredited B.A. or M.A. degree program . . ." The outline also references, "The M.A. program through Stratford University International . . ." This is of interest because when Senior University was barred from operating in BC in May 2001, they briefly changed their operating name to Senior College, and then changed it again in 2003/04 to Stratford International College. When I Google "Stratford International University", I get a cross-listing for Rutherford University.

So, it appears that we should broaden the scope of the investigation to include Clearmind with Rutherford.

Jim

From: Rogers, Dorothy AVED:EX [mailto:Dorothy.Rogers@gov.bc.ca]
Sent: Thursday, April 26, 2007 12:00 PM
To: Jim Wright
Cc: Simmons, Vicki AVED:EX
Subject: Rutherford College

Hi Jim,

Could you please provide me with the names that you have on file regarding the ownership and PCTIA contact information regarding Rutherford College. We are currently compiling our information regarding Rutherford University and the connections of people.

When you did the inspection, the documents that list both the Rutherford University and Rutherford College acceptance letters, they were both signed by a Nusri Kassam. There appears to be another person who is listed in the registry for Rutherford College as Nusrat Hassam. I suspect that the two may be the same person. I recall that you were not able to enter the College in the time of inspection. Who was the person you dealt with at that time?

Dorothy

Dorothy Rogers
Manager
Policy and System Quality Branch
Ministry of Advanced Education
Tel: 250/387-6298
<mailto:Dorothy.Rogers@gov.bc.ca>

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300 - 5172 Kingsway
Burnaby, BC V5H 2E8

www.pctia.bc.ca

Tel: 604-660-4400
Fax: 604-660-3312



Fax

To: Vicki Simmons	From: Jim Wright
Fax: 250 356-8851	Date: May 11, 2007
Phone:	Pages: 4
Re: Rutherford	Cc:

☐ Urgent ☐ Per Your Request ☐ Please Reply ☐ For Information Only

• NOTICE: This fax is intended to be a private communication between the person(s) listed on this cover page. If you have received this fax in error, please contact the sender immediately.

The attached correspondence links Cecil Sherwood, Rutherford College's Program Director, to Rutherford U. See particularly the email of May 25, 2005. The fax number he gives the applicant for the MA program is Rutherford College's fax number.

Private Career Training Institutions Agency

Debbie Roche

Rutherford #24

From: s.22
 Sent: Monday, April 23, 2007 11:36 PM
 To: Info PCTIA
 Cc: s.22
 Subject: Rutherford College
 Follow Up Flag: Follow up
 Flag Status: Completed
 Attachments: LOA.pdf; receipt.pdf

I
 Responded
 May 2 to
 her friend's
 May 7th email

Dear Sir/ Madam

My name is s.22 and I applied to study in Rutherford College for summer semester (15th Sep 2006). Unfortunately I couldn't get the student visa. In this college, Mr. Cecil Sherwood asked me to pay \$1000 as a deposit and then they send me the LoA (letter of Admission). He mentioned that the total fee of program is \$14,400 but we wrote in your LoA that you paid one semester fee which is \$7200. One of my friends s.22 faced this problem exactly same as me before my application and when s.22 asked for refund, with delay and lots of difficulties finally they paid \$750 (with 25% deduction from \$1000). From August 2006 I asked for my money through e-mails and telephone and now Mrs. Nuzri wants to pay me \$525 from \$1000 without any reasonable statement. (All documents are attached as the pdf files) Thus, I would like to ask you as an institution which accredit colleges and register them, help me in this matter and prevent for more future problems with using your name. At the end, I should mention that my friend s.22 is authorized to follow up this matter.

Thank you so much for your consideration.

Best regards

s.22

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5/3/2007

MacLean, Madeline AVED:EX

From: Rogers, Dorothy AVED:EX
Sent: Wednesday, May 16, 2007 8:31 AM
To: Simmons, Vicki AVED:EX; Brown, Susan B AVED:EX
Subject: FW: Scanned image from Sharp copier at Reception
Attachments: AR-M550N_20070515_113501.pdf

FYI

-----Original Message-----

From: Jim Wright [<mailto:jwright@pctia.bc.ca>]
Sent: Wednesday, May 16, 2007 7:41 AM
To: Rogers, Dorothy AVED:EX; Debbie Lovett
Subject: FW: Scanned image from Sharp copier at Reception

Dorothy and Debbie:

Please find attached an electronic copy of all of the correspondence between Cecil Sherwood and the international student who was applying to Rutherford University in 2006 (I faxed you a few pages earlier). It provides an illustration of how they are using Rutherford College's letters of acceptance to convince CIC that the student is coming to Canada to study at a recognized institution.

Jim

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail.

s.22

From: s.22
Sent: Monday, July 10, 2006 10:04 PM
To: s.22
Subject: Fw: MA Thesis Proposal

----- Original Message -----

From: s.22
To: faculty@rutherford.edu
Cc: s.22
Sent: Monday, July 10, 2006 10:03 PM
Subject: MA Thesis Proposal

Hi Cecil,

As per our discussion on Monday, here is my first draft of my thesis proposal and outline. I'm certainly looking forward to revisions, ideas, thoughts and concerns with your consultation as well as my own as I develop my project. I am really looking forward to it, I feel very excited to work on this. It has taken me a bit of time to put together, also considering the books I have chosen to read in support of the project. I hear that you need to approve those. I understand I have 5 book reports to do. Reports right, not reviews?

I will type out here what I have filled in the blanks that was on the pamphlet papers from Rutherford I received at the beginning of the year.

Areas of Interest/Specialization

s.22

Area to Explore as Thesis (beginning thoughts)

s.22

Areas of gaps in knowledge/skills

s.22

How Will I Address these gaps? What assistance do I need?

7/11/2006

s.22

Program Structure/DRCP

s.22

Reading Already Done

s.22

What I would Like to Read and report on in DRCP:

s.22

I look forward to your correspondence Cecil. I look forward to setting timelines for the completion of my remaining book reports, and further developing (or altering) my plans for the thesis.

Sincerely,

s.22

Clearmind Int/Rutherford University








7/11/2006








MacLean, Madeline AVED:EX








From: Simmons, Vicki AVED:EX
Sent: Friday, May 11, 2007 9:29 AM
To: XT:Wright, Jim CASE:IN
Cc: Rogers, Dorothy ALMD:EX
Subject: Information Package Materials - Senior University Inc.



Hi Jim,

Attached are all the electronic documents included in the package sent to Debbie Lovett. I have included link below to webpages that I sent to Debbie as well. I will fax you the remaining contents of the package this morning. Also included in Debbie's packages was the information we received from PCTIA regarding student correspondence and records discussed yesterday.

 WyomingFilingI...  BACKGROUND...  CAMPhD.doc  clearmind_prac_...  Hassam response
- May 16 06.pd...  Lead
Academic.doc  PhDIntegrative...

 prac_info.jpg  Rutherford
University Corp...  Senior-U-2002-...  Senior-U-2003-...  Senior-U-2003-...  Senior-U-2004-...  Senior-U-2005-...

 Senior-U-2006-...  Senior-U-2006-...  Senior-U-2006-...  Senior-U-2006-...  Senior-U-2006-T...  Weston -
Rutherford.pdf  Clearmind
Vancouver New...

 FW: Rutherford
University  Connections.xls

Nusri Hassam teaches at Capilano College: <http://www.capcollege.bc.ca/ce/north-shore/instructors.html#H>
As well as being an instructor for the Silbury School in BC: <http://www.silbury.ca/staff.html>
Abdul Hassam is also listed as an advisor on the Board of the Silbury School: <http://www.silbury.ca/boardadvisors.html>

Corbiz Consultancy - claims to be accredited by Rutherford University: <http://www.corbiz.com.my/aboutus/index.html>
<http://www.corbiz.com.my/aboutus/rutherford.html>
<http://www.corbiz.com.my/accreditation/index.html>

Clearmind: <http://www.clearmindtoronto.com/prac.html>

LEAD Training Centre: <http://www.lead.edu.my/senior.asp>
See photo image on right side of page under Admissions Requirement listing Senior University International, British Columbia: <http://www.lead.edu.my/>

Many of the faculty affiliated with Rutherford (Senior) University have links to or received degrees from Columbia Pacific University (now closed on suspicions that it was a degree mill): <http://www.cpuniv.us/faqs.htm>

Dr. Gordon Ko - advertising a PhD program in Toronto by Rutherford University - registrants are directed to contact Rutherford College in Richmond BC: http://www.musclepainrelief.ca/html/calendar_publications.html (PDF brochures attached)

Dr. Evelyn Voyageur - President of the Native and Inuit Nurses Association of BC received her PhD from Senior University in BC: http://findarticles.com/p/articles/mi_qa3911/is_200307/ai_n9269079
<http://www.health.gov.bc.ca/ndirect/nacbc.html>

<http://www.thembadirectory.com/DL/canada/of122.htm>

Vicki Simmons, Policy Analyst
Policy and System Quality Branch
1st Floor, 835 Humboldt St
PO Box 9177 Stn Prov Govt
Victoria BC V8W 9H8
Phone: (250) 356-2067
Fax: (250) 356-8851

BACKGROUND:

Rutherford College

Rutherford College currently operates out of a campus in Richmond, British Columbia and is incorporated under the name Senior University Inc. (see Attachment 1).

Rutherford College (previously operating as Senior University) was one of the original registrants when the Private Post-secondary Education Commission (PPSEC) was established in 1992. Rutherford College is currently a registered institution with the Private Career Training Institutions Agency (PCTIA) that replaced the PPSEC in 2003.

The PPSEC General Directives were amended in 2000 requiring out-of-country degree-granting institutions to be accredited in their home jurisdictions. Senior University was not accredited in the United States and was advised by PPSEC that they would have to cease operations in British Columbia. They subsequently changed their name to Senior College and now operate as Rutherford College.

In March 2006, PCTIA suspended Rutherford College's registration because they did not cooperate with a PCTIA inspection. When PCTIA Institution Officers visited Rutherford College to do a site visit, Rutherford College executive staff would not allow the site visit and subsequently delayed the inspection for a number of different reasons. Its registration was reinstated in May 2006 after the College allowed PCTIA Inspectors to conduct their site visit and examine their records.

Rutherford University

Rutherford University is an institution that operated out of Wyoming until June 2006. Rutherford University Inc. is still registered as a corporate entity with the State of Wyoming's Business Division. The corporation is registered with the same mailing address as Senior University Inc.'s corporate officers in British Columbia.

On March 14, 2006, a letter was sent by Ministry staff to Rutherford University advising them that in order to continue operating in British Columbia, Rutherford University would have to apply for Ministerial consent under the DAA or close its operations in the province (see Attachment 2).

... /2

On May 16, 2006, in response to a telephone conversation between Mr. Shell Harvey, former Acting Director of the Policy and System Quality Branch and Mr. Cecil Sherwood, an employee at Rutherford University, Rutherford University wrote to the Ministry clarifying that they did not at that time, nor would they in the future, solicit to enrol any students in British Columbia (see Attachment 3).

The State of Wyoming changed its laws regarding licensing of private post-secondary schools as of July 1, 2006. As a result, Rutherford University would have had to become accredited or be a candidate for accreditation in order to retain its license to operate. Rutherford University closed its Wyoming office effective midnight June 15, 2006. However, the Rutherford University website still references the Wyoming address as its United States Corporate Office (see Attachment 4) and Rutherford University, Inc. is still registered as a corporate entity in the State of Wyoming (see Attachment 5). It currently characterizes itself as an online institution based out of Swaziland.

DISCUSSION:

Rutherford College currently offers a three-year diploma program in Counselling Psychology and Applied Business Studies. PCTIA staff has indicated to the Ministry that they believe the curriculum and level of training provided in this three-year program is essentially the same as degree requirements for similar programs at Rutherford University. As Rutherford College has not gone through the DAA approval process it cannot provide or advertise to provide degree programs, or use the term “university.”

PCTIA was able to obtain copies of documents from a student who started at Rutherford College in 2005. The documents include a fax acceptance letter from Rutherford **University** dated October 28, 2005, admitting her into the “Bachelor of Arts (B.A.) Degree Program in the School of Health and Human Services in Transpersonal Psychotherapy and Counselling”, a “three-year program” (see Attachment 6).

This student and two others told PCTIA that the students were called in to sign new contracts “for tax purposes” which read Rutherford College instead of Rutherford University, and that this move was apparently generated from the knowledge that PCTIA was going to be coming in to do an inspection (see notes on PCTIA’s suspension above).

Rutherford University’s website when it was based out of Wyoming (which has been changed since they have closed their Wyoming Office) made reference to “University facilities in Richmond BC.” These references are still made on two other websites of training centres in Malaysia advertising that they are “licensed” by Rutherford University – LEAD Training Centre and Corbiz Consultancy (see Attachment 7). Rutherford University’s current website also contains a student testimonial that refers to Senior University as an institution in British Columbia (see Attachment 8).

... /3

On April 24, 2007, Ministry staff discovered an online brochure advertising a Ph.D. Program in Integrative Medicine offered by Rutherford University in Toronto, Ontario in October, 2006. The brochure directs potential registrants to contact Rutherford University's Program Coordinator in Richmond, British Columbia. The address given is that of Rutherford College (see Attachment 9).

Rutherford University has been an institution of interest in the Canadian and American media for some time. When the new legislation went into effect in the State of Wyoming in 2006, the State Board of Education acknowledged that Rutherford University was under investigation for non-compliance with state regulations (see Attachment 10 for media publications). The principal officers and directors of both corporate entities of Senior University Inc. (Rutherford College) and Rutherford University Inc. are identical. Abdul Hassam is registered as the President and Director and Nusrat Hassam is registered as the Secretary of both corporations. Both corporations are registered under the same Vancouver address with both the British Columbia Corporate Registry and the State of Wyoming Business Division. Abdul Hassam is the Chancellor and University Dean of Rutherford University (Swaziland). The Vice-President and Registrar for Rutherford University (Swaziland) is listed as a Nusri Kassar, but the academic credentials and biographical sketch are identical to Nusrat Hassam. Nusri Hassam is also listed as an instructor at Capilano College, whose bio identifies her as currently holding the positions of Vice-President and Registrar, Rutherford College (British Columbia).

Under section 6 of the DAA, the Minister has the authority to appoint inspectors to determine whether a person has failed to comply with the Act or the regulations. Rutherford College has not gone through the DAA approval process and therefore cannot provide or advertise to provide degree programs, or use the term "university". PCTIA has determined that a second investigation of Rutherford College is warranted under the *Private Career Training Institutions Act*. Based on the information above, Ministry and PCTIA staff have reason to suspect that Rutherford College is acting as a "front" for Rutherford University, and providing unauthorized degrees and degree programs from British Columbia.

Ministry solicitors have provided advice that there is sufficient evidence to warrant an inspection of Rutherford College, and that there is nothing to preclude this inspection from being carried out jointly with the PCTIA.



Rutherford University
Wyoming, USA

USA Office: 849 Front Street, Suite 202
Evanston, Wyoming USA 82930 Tel: (307) 444 - 2129

May 16, 2006

Sent by fax to 250 356-8851. Original sent by mail.

Mr. Shell Harvey,
Ministry of Advanced Education
Private Institutions and
Developmental Programs Branch
Post Secondary Education Division
P.O. Box 9177 Stn. Prov Govt
Victoria, British Columbia,
Canada V8W 9H8

Dear Mr. Harvey,

I refer to your recent telephone conversation with Mr. Cecil Sherwood. We have reviewed carefully the letter received from Mr. Paul Goyan. As you are aware, we did have an appointment to see him unfortunately this was cancelled s.22

As advised to you by Mr. Cecil Sherwood, in May 2001 the Executive Director of PPSEC wrote to me advising that we could no longer continue to offer on- site programs to residents of British Columbia. In the same letter he advised that we could continue to serve the needs of students enrolled with us at that time until they completed their contracted program of study.

I would now like to clarify our position relative to the activity of the "University".

1. It is not our intention at this juncture to apply for authority to operate in British Columbia.
2. As to the reference of the University office in Richmond, British Columbia, it has now been removed from our website and from all printed material.
3. The University, does not now, nor will it in the future, solicit or enroll any students in British Columbia.

If there are any issues you wish to discuss please contact the writer or Mr. Cecil Sherwood.

Yours truly,

Dr. Abdul Hassam
Chancellor and University Dean
Wyoming, USA



MAY 11 2007

Our Ref. 59969
File: 60120-20/RUTH

Ms. Deborah K. Lovett, QC
Lovett & Westmacott
Barristers and Solicitors
417 - 645 Fort St
Victoria BC V8W 1G2

Dear Ms. Lovett:

In the exercise of my authority under section 6 of the *Degree Authorization Act*, SBC 2002, c.24, I hereby appoint you an inspector to conduct an inspection of Senior University Inc., operating as Rutherford College, for the purposes of determining whether Senior University Inc. (Rutherford College) has failed to comply with the *Degree Authorization Act* or the regulations to that Act.

You are to investigate and determine whether Senior University Inc. (Rutherford College), under section 3(1) and (2) of the *Degree Authorization Act*, has directly or indirectly:

- 3(1) (a) granted or conferred a degree without consent;
- (b) provided a program leading to a degree to be conferred inside or outside British Columbia without consent;
- (c) advertised a program offered in British Columbia leading to a degree to be conferred by a person inside or outside British Columbia without consent;
- (d) sold, offered for sale, advertised for sale or provided by agreement for a fee, reward or other remuneration, a diploma, certificate, document or other material that indicated or implied the granting or conferring of a degree without consent;
- 3(2) made use of the word "university" or any derivation or abbreviation of the word "university" to indicate that an educational program was available, from or through the person without consent.

... /2

Ministry of
Advanced Education

Office of the Minister

Mailing Address:
PO Box 9059 Stn Prov Govt
Victoria BC V8W 9E2

Location:
Parliament Buildings
Victoria

In conducting the inspection you may exercise the powers set out in section 6(3) of the *Degree Authorization Act*, without restriction.

The appointment is for a term of six weeks and you are to submit a report of your findings to my office on or before June 18, 2007. The terms of payment are as set out in Schedule A attached to this letter. The term of the appointment and the maximum amount to be paid to you under Schedule A are not to be exceeded unless prior approval is obtained and a formal amendment to this appointment is made.

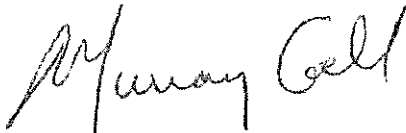
The following documents are attached:

- (a) letter dated March 14, 2006 from Ministry staff to the President of Rutherford University;
- (b) letter dated May 16, 2006 from Rutherford University in response to the Ministry's letter;
- (c) British Columbia Corporate Registry documentation on Senior University Inc.;
- (d) State of Wyoming Business Division documentation on Rutherford University Inc.; and,
- (d) an information package compiled by Ministry staff.

Should you require information, I refer you to Ms. Susan Brown, Director of the Policy and System Quality Branch, who may be reached at (250) 387-6193.

I thank you for agreeing to accept this appointment and look forward to receiving your report.

Sincerely,



Murray Coell
Minister

Attachments

pc: Susan Brown, Director
Policy and System Quality Branch

MacLean, Madeline AVED:EX

From: Brown, Susan B AVED:EX
Sent: Wednesday, July 11, 2007 9:58 AM
To: XT:Wright, Jim CASE:IN
Cc: Simmons, Vicki ALMD:EX
Subject: Meeting with Minister re Rutherford

Importance: High

Hi Jim -- we got time with the Minister this afternoon to brief him on the Rutherford inspection report. At that time, we will discuss with him the next steps, including sharing the severed version of the report with the Hassams for response prior to public release and prior to a final decision by the Minister on next steps. We are taking the letter to the Hassams for Minister's signature today so that would go out this afternoon. Do you have an email address for the Hassams specifically so that we can send the letter and report electronically as well as couriering a copy? They will be given until 4:30 pm on July 18 to respond.

We will also discuss with him the fact that you are using the report for your final determination respecting Rutherford College under the PCTI Act.

I'll touch base with you after the meeting.

Susan Brown
Director
Policy and System Quality
Ministry of Advanced Education
PO Box 9177 Stn Prov Govt
Victoria BC V8W 9H8
Phone: (250) 387-6193
Cell: s.17
Fax: (250) 356-8851
Email: Susan.B.Brown@gov.bc.ca

Nichols, Beth AVED:EX

From: AVED Minister AVED:EX
Sent: Thursday, July 12, 2007 8:31 AM
To: 'hermes@rutherford.edu'
Cc: XT:Wright, Jim CASE:IN; Brown, Susan B ALMD:EX
Subject: Rutherford College - Report

Importance: High

Attached please find an urgent letter from the Minister. Original to follow via courier.



Office of the Honourable Murray Coell
Minister of Advanced Education
Ph: (250) 356-2771 / Fax: (250) 356-3000



JUL 11 2007

Our Ref. 60486
File #: 60120-20/RUTH

Dr. Abdul Hassam, President
Senior University Inc.
200 - 2900 Simpson Rd
Richmond BC V6X 2P9

Dear Dr. Hassam:

I am in receipt of the final report on the inspection of Senior University Inc., operating as Rutherford College, carried out by Ms. Deborah Lovett, Q.C., the inspector I appointed under section 3(1) and (2) of the *Degree Authorization Act*.

Before I make any final determinations on further action and before I release the report publicly, I would like to provide you with an opportunity to respond to the report. To this end, I would request that you review the report and provide me with your written response no later than 4:30 pm July 18, 2007.

As Rutherford College is a registered institution with the Private Career Training Institutions Agency (PCTIA), this report will be shared with the PCTIA to determine if further action is to be taken regarding Rutherford College under Section 12 of the *Private Career Training Institutions Act*.

This report is forwarded to you on the condition that it may not, in whole or in part, be copied, reproduced, or distributed by Senior University Inc., Rutherford College or any officer, director, employee or agent acting on its behalf. This report is the property of the Minister of Advanced Education and, as such, must remain confidential and is not subject to disclosure by anyone other than my office.

Sincerely,

Murray Coell
Minister

Enclosure

pc. Ms. Susan Brown, Policy and System Quality Branch
Mr. Jim Wright, Registrar, Private Career Training Institutions Agency

Ministry of
Advanced Education

Office of the Minister

Mailing Address:
PO Box 9059 Stn Prov Govt
Victoria BC V8W 9E2

Location:
Parliament Buildings
Victoria



Rutherford College

July 31, 2007


Secretary of Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Mr. Secretary:

We are required by the British Columbia Ministry of Advanced Education to inform you that Rutherford College and Rutherford University in British Columbia by BC law are not permitted to:

- a) Grant or confer degrees in British Columbia;
- b) Offer a program in British Columbia leading to a degree to be conferred either inside or outside British Columbia

Yours sincerely,



Abdul S. Hassam
President
Senior University Inc.
dba Rutherford College



Rutherford College

July 31, 2007

Program Coordinator
Wyoming Department of Education
2300 Capital Avenue
Hathaway Building Second Floor
Cheyenne, WY 82002-0050

Dear Sir,

We are required by the British Columbia Ministry of Advanced Education to inform you that Rutherford College and Rutherford University in British Columbia by BC law are not permitted to:

- a) Grant or confer degrees in British Columbia;
- b) Offer a program in British Columbia leading to a degree to be conferred either inside or outside British Columbia

Yours sincerely,

Abdul S. Hassam
President
Senior University Inc.
dba Rutherford College



Rutherford College

July 31, 2007

Ministry of Education
Govt. of Swaziland
P.O. Box 39
Mbabane, Swaziland

Dear Sir,

We are required by the British Columbia Ministry of Advanced Education to inform you that Rutherford College and Rutherford University in British Columbia by BC law are not permitted to:

- a) Grant or confer degrees in British Columbia;
- b) Offer a program in British Columbia leading to a degree to be conferred either inside or outside British Columbia

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Abdul S. Hassam'.

Abdul S. Hassam
President
Senior University Inc.
dba Rutherford College

#200- 2900 Simpson Road, Richmond B.C. Canada V6X 2P9

08/03/07 FRI 13:03 [TX/RX NO 5053]



Rutherford College

July 31, 2007

Jane Tipping
Clearmind (Toronto)
134 Bingham Ave
Toronto ON M4E 3R3

Dear Ms. Tipping:

We are required by the British Columbia Ministry of Advanced Education to inform you that Rutherford College and Rutherford University in British Columbia by BC law are not permitted to:

- a) Grant or confer degrees in British Columbia;
- b) Offer a program in British Columbia leading to a degree to be conferred either inside or outside British Columbia

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Abdul S. Hassam'.

Abdul S. Hassam
President
Senior University Inc.
dba Rutherford College

#200- 2900 Simpson Road, Richmond B.C. Canada V6X 2P9

08/03/07 FRI 13:03 {TX/RX NO 5053}



Rutherford College

July 31, 2007

Duane O'Kane
Clearmind
22778 72nd Ave
Langley, B.C. Canada
V2Y 2K3

Dear Mr. O'Kane:

We are required by the British Columbia Ministry of Advanced Education to inform you that Rutherford College and Rutherford University in British Columbia by BC law are not permitted to:

- a) Grant or confer degrees in British Columbia;
- b) Offer a program in British Columbia leading to a degree to be conferred either inside or outside British Columbia

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Abdul S. Hassam'.

Abdul S. Hassam
President
Senior University Inc.
dba Rutherford College

#200- 2900 Simpson Road, Richmond B.C. Canada V6X 2P9

08/03/07 FRI 13:03 [TX/RX NO 5053]



Rutherford College

July 31, 2007

Prof. Dr. YAP Thoo Chai
Corbiz Consultancy Sdn Bhd
18-19, Wisma Zelan, Bandar Tun Razak
56000 Kuala Lumpur, Malaysia

Dear Sir,

We are required by the British Columbia Ministry of Advanced Education to inform you that Rutherford College and Rutherford University in British Columbia by BC law are not permitted to:

- a) Grant or confer degrees in British Columbia;
- b) Offer a program in British Columbia leading to a degree to be conferred either inside or outside British Columbia

Yours sincerely,

Abdul S. Hassam
President
Senior University Inc.
dba Rutherford College

#200- 2900 Simpson Road, Richmond B.C. Canada V6X 2P9

08/03/07 FRI 13:03 [TX/RX NO 5053]



Rutherford College

July 31, 2007

Lead Academic Sdn Bhd
45-8 & 47-8, The Boulevard, Mid Valley City,
Lingkaran Syed Putra, 59200 Kuala Lumpur.

Dear Sir,

We are required by the British Columbia Ministry of Advanced Education to inform you that Rutherford College and Rutherford University in British Columbia by BC law are not permitted to:

- a) Grant or confer degrees in British Columbia;
- b) Offer a program in British Columbia leading to a degree to be conferred either inside or outside British Columbia

Yours sincerely,

Abdul S. Hassam
President
Senior University Inc.
dba Rutherford College

#200- 2900 Simpson Road, Richmond B.C. Canada V6X 2P9

08/03/07 FRI 13:03 [TX/RX NO 5053]



Rutherford College

July 31, 2007

Erickson College Head Office
2021 Columbia Street,
Vancouver, BC, Canada, V5Y 3C9

Dear Sir,

We are required by the British Columbia Ministry of Advanced Education to inform you that Rutherford College and Rutherford University in British Columbia by BC law are not permitted to:

- a) Grant or confer degrees in British Columbia;
- b) Offer a program in British Columbia leading to a degree to be conferred either inside or outside British Columbia

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Abdul S. Hassam'.

Abdul S. Hassam
President
Senior University Inc.
dba Rutherford College

#200- 2900 Simpson Road, Richmond B.C. Canada V6X 2P9

08/03/07 FRI 13:03 [TX/RX NO 5053]



Rutherford College

July 31, 2007

Hampton College
40 Moore Road
Durban 4001

Dear Sir,

We are required by the British Columbia Ministry of Advanced Education to inform you that Rutherford College and Rutherford University in British Columbia by BC law are not permitted to:

- a) Grant or confer degrees in British Columbia;
- b) Offer a program in British Columbia leading to a degree to be conferred either inside or outside British Columbia

Yours sincerely,

Abdul S. Hassam
President
Senior University Inc.
dba Rutherford College

#200- 2900 Simpson Road, Richmond B.C. Canada V6X 2P9

08/03/07 FRI 13:03 [TX/RX NO 5053]

MacLean, Madeline AVED:EX

From: Rogers, Dorothy AVED:EX
Sent: Thursday, August 16, 2007 7:54 AM
To: Pearce, Deborah A PAB:EX
Cc: Loughran, Tony D AVED:EX; Thiessen-Wale, Katherine AVED:EX; Simmons, Vicki AVED:EX
Subject: FW: Rutherford

FYI

From: Jim Wright [<mailto:jwright@pctia.bc.ca>]
Sent: Thursday, August 16, 2007 7:23 AM
To: Rogers, Dorothy AVED:EX
Cc: Melody Hainsworth; Debbie Roche
Subject: Rutherford

Hi Dorothy:

In response to your voice message, there are about 20 students currently registered with Rutherford in what we believe to be a Rutherford business diploma program. These are all international students, primarily from India. Rutherford's lawyer claims these students have not been promised a degree upon completion of the College program.

For any students registered with Rutherford University in a degree program, we will not regard them as being eligible for a PCTIA tuition refund. This may get complicated in situations where degree bound students (like those from Clearmind) are registered with both the College and the University.

Please give me a call if you need any further information.

Jim

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail.

Nichols, Beth AVED:EX

From: Simmons, Vicki AVED:EX
Sent: Monday, September 17, 2007 10:51 AM
To: 'Liliana Hernandez'
Subject: RE: Rutherford University
Attachments: Hassam - Letter to Wyoming Dept of Education.pdf

Hi Lily,

FYI. Attached is the copy of the letter we received from Rutherford College/University addressed to the Wyoming Department of Education. If by chance you have received it, please let us know.

Thanks,
Vicki Simmons

Vicki Simmons, Policy Analyst
Policy and System Quality Branch
1st Floor, 835 Humboldt St
PO Box 9177 Stn Prov Govt
Victoria BC V8W 9H8
Phone: (250) 356-2067
Fax: (250) 356-8851

From: Liliana Hernandez [<mailto:lherna@educ.state.wy.us>]
Sent: Thursday, August 30, 2007 2:19 PM
To: Simmons, Vicki AVED:EX
Subject: RE: Rutherford University

Hi Vicki,

Again I apologize for the delayed response. I have been looking in the files to see if I could find anything that referred to either one of those titles. At this time I still have not found anything regarding a school with either one of those names. As yet we have not received a letter in the past month regarding that school. Would it have been under any other name or could it have been placed with a letterhead that differentiates from the titles that you gave me??

I will continue looking to see if anything within our archives shows the Rutherford name. If you need anything else, please feel free to contact me. Again thank you for being patient.

Lily Hernandez

From: Simmons, Vicki AVED:EX [<mailto:Vicki.Simmons@gov.bc.ca>]
Sent: Thursday, August 30, 2007 1:03 PM
To: Liliana Hernandez
Subject: RE: Rutherford University

Hi Lily,

I haven't heard from the unit director as yet so I wanted to check in to see if there is any further information for us regarding our inquiry.

Thank you,
Vicki Simmons

Vicki Simmons, Policy Analyst
Policy and System Quality Branch
1st Floor, 835 Humboldt St
PO Box 9177 Stn Prov Govt
Victoria BC V8W 9H8
Phone: (250) 356-2067
Fax: (250) 356-8851

From: Liliana Hernandez [<mailto:lherna@educ.state.wy.us>]
Sent: Monday, August 20, 2007 6:57 AM
To: Simmons, Vicki AVED:EX
Subject: RE: Rutherford University

Thank you Vicki. Again I apologize for the delays. We have had some emergency matters arise and it seems to be taking us a bit longer than usual to respond to people. I will print this out and have our unit director review and answer your question. Thank you again.

Lily

Liliana Hernandez

Executive Assistant to
Kay Post, Unit Director
Standards, Assessment and Accountability Unit
Wyoming Department of Education
2020 Grand Avenue, Suite 500
Laramie, WY 82070
(307) 777-5292

From: Simmons, Vicki AVED:EX [<mailto:Vicki.Simmons@gov.bc.ca>]
Sent: Thursday, August 16, 2007 3:07 PM
To: Liliana Hernandez
Cc: Kay Post
Subject: Rutherford University

Hi Lily,

I am following up on my phone call to Kay Post regarding Rutherford University. Rutherford University (formerly called Senior University International) operated out of the state of Wyoming as a degree-granting institution until the middle of 2006. They are still registered as a corporation in the state of Wyoming under the name Rutherford University Inc.

The Ministry of Advanced Education in British Columbia recently directed the principals of Rutherford University to notify a number of jurisdictions and affiliated institutions that they are not permitted to grant or confer degrees or programs

leading to a degree either inside or outside British Columbia. The Wyoming Department of Education was one of these jurisdictions.

I am following up with you to ensure that you have received this letter to determine if Rutherford University has met these conditions. They provided us with a copy of a letter dated July 31, 2007 addressed to:

Program Coordinator
Wyoming Department of Education
2300 Capital Avenue
Hathaway Building Second Floor
Cheyenne, WY 82002-0050

I look forward to hearing from you as to whether your department has received the original letter.

Thank you for your assistance.

Sincerely,
Vicki Simmons

Vicki Simmons, Policy Analyst
Policy and System Quality Branch
1st Floor, 835 Humboldt St
PO Box 9177 Stn Prov Govt
Victoria BC V8W 9H8
Phone: (250) 356-2067
Fax: (250) 356-8851



Rutherford College

July 31, 2007

Program Coordinator
Wyoming Department of Education
2300 Capital Avenue
Hathaway Building Second Floor
Cheyenne, WY 82002-0050

Dear Sir,

We are required by the British Columbia Ministry of Advanced Education to inform you that Rutherford College and Rutherford University in British Columbia by BC law are not permitted to:

- a) Grant or confer degrees in British Columbia;
- b) Offer a program in British Columbia leading to a degree to be conferred either inside or outside British Columbia

Yours sincerely,


Abdul S. Hassam
President
Senior University Inc.
dba Rutherford College

#200- 2900 Simpson Road, Richmond B.C. Canada V6X 2P9

08/03/07 FRI 13:03 [TX/RX NO 5053]

Nichols, Beth AVED:EX

From: Simmons, Vicki AVED:EX
Sent: Monday, September 17, 2007 11:31 AM
To: 'ps@education.gov.sz'
Subject: Senior University Inc. (dba Rutherford University and Rutherford College)

To whom it may concern,

The Ministry of Advanced Education in British Columbia recently directed the principals of Senior University Inc. (dba Rutherford University and Rutherford College) to notify a number of jurisdictions and affiliated institutions that they are not permitted to grant or confer degrees or programs leading to a degree either inside or outside British Columbia. The Swaziland Ministry of Education was one of these jurisdictions.

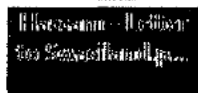
I am following up with you to ensure that you have received this letter to determine if Senior University Inc. (dba Rutherford University and Rutherford College) has met these conditions. They provided us with a copy of a letter dated July 31, 2007 (attached) addressed to:

Ministry of Education
Govt. of Swaziland
PO Box 39
Mbabane, Swaziland

I look forward to hearing from you as to whether your department has received the original letter.

Thank you for your assistance.

Sincerely,
Vicki Simmons



Vicki Simmons, Policy Analyst
Policy and System Quality Branch
1st Floor, 835 Humboldt St
PO Box 9177 Stn Prov Govt
Victoria BC V8W 9H8
Phone: (250) 356-2067
Fax: (250) 356-8851



Rutherford College

July 31, 2007

Ministry of Education
Govt. of Swaziland
P.O. Box 39
Mbabane, Swaziland

Dear Sir,

We are required by the British Columbia Ministry of Advanced Education to inform you that Rutherford College and Rutherford University in British Columbia by BC law are not permitted to:

- a) Grant or confer degrees in British Columbia;
- b) Offer a program in British Columbia leading to a degree to be conferred either inside or outside British Columbia

Yours sincerely,

Abdul S. Hassam
President
Senior University Inc.
dba Rutherford College

#200- 2900 Simpson Road, Richmond B.C. Canada V6X 2P9

08/03/07 FRI 13:03 [TX/RX NO 5053]

Simmons, Vicki ALMD:EX

From: Simmons, Vicki AVED:EX
Sent: Monday, September 17, 2007 12:47 PM
Subject: Senior University Inc. (dba Rutherford University and Rutherford College)
Attachments: Hassam - Letter to Swaziland.pdf



Hassam - Letter to
Swaziland.p...

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1st Floor, 835 Humboldt St
PO Box 9177 Stn Prov Govt
Victoria BC V8W 9H8
Phone: (250) 356-2067
Fax: (250) 356-8851

MacLean, Madeline AVED:EX

From: Brown, Susan B AVED:EX
Sent: Tuesday, October 2, 2007 7:05 PM
To: Rogers, Dorothy AVED:EX; Simmons, Vicki AVED:EX
Subject: Fw: Rutherford Reconsideration
Attachments: Reconsideration request Oct 2 2007.pdf

Am sharing for your info. Vicki you may want to chat with Jim about this as well as with Tony Loughran and Tony Fraser. Thanks.

----- Original Message -----

From: Jim Wright <jwright@pctia.bc.ca>
To: Nazeer T. Mitha <nmitha@harrisco.com>
Cc: Brown, Susan B AVED:EX
Sent: Tue Oct 02 08:07:45 2007
Subject: Rutherford Reconsideration

Naz:

The attached is a request from Rutherford's lawyer, Mark Perry, for reconsideration of the decision to cancel the institution's registration.

s.13

s.13 The decision to cancel Rutherford's registration was sent to Dr. Hassam on August 14, 2007, and the faxed copy of the reconsideration request was received on October 1, 2007.

Would you please give me a call at 604 660-3366 so we can discuss how best to respond.

Thanks,

Jim

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail.

MacLean, Madeline AVED:EX

From: Brown, Susan B AVED:EX
Sent: Wednesday, October 10, 2007 3:41 PM
To: Loughran, Tony D AVED:EX; Fraser, Anthony AG:EX; Barnes, Natalie AG:EX; Rogers, Dorothy AVED:EX; Simmons, Vicki AVED:EX
Subject: FW: Rutherford reconsideration
Attachments: Letter to Mark G Perry October 9 2007.pdf

FYI

From: Jim Wright [<mailto:jwright@pctia.bc.ca>]
Sent: Wednesday, October 10, 2007 3:27 PM
To: Cotie, Kate L AVED:EX; Brown, Susan B AVED:EX
Subject: Rutherford reconsideration

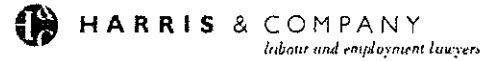
FYI

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail.

Nazeer T. Mitha
Direct No. 604 891 2223
nmitha@harrisco.com
Our file 003184.022

October 9, 2007

By Fax



Kerr Redekop Leinburd & Boswell
Barristers & Solicitors
410-1333 West Broadway
Vancouver, BC V6H 4C1

Attention: Mark G. Perry

14th Floor Bentall 5 T 604 684 6633
550 Burrard Street F 604 684 6632
Vancouver, B.C. info@harrisco.com
Canada V6C 2B5 harrisco.com

Dear Sirs and Mesdames:

Re: Rutherford College

We are legal counsel for the Private Career Training Institutions Agency (the "Agency") and have been instructed to reply to your letter of September 28, 2007.

In your letter, you request a Reconsideration of the Agency's decision of August 14, 2007 to cancel the registration of Rutherford College. Unfortunately, your application is outside the time limit provided for under the *Private Career Training Institutions Act* (the "Act") for making such a request. Section 10 of the Act provides as follows:

10 (1) A person who is affected by any of the following decisions under this Act may request, within 30 days of receiving written notice of a decision, a reconsideration of the decision by the registrar:

(c) the suspension or cancellation of registration or accreditation.

As a statutory body, the Agency has no jurisdiction to act outside an express restriction on its power to reconsider its own decisions. For the foregoing reasons, we are instructed by the Agency's Registrar, Mr. Jim Wright, to deny your application for Reconsideration.

Please contact the writer should you have any questions or concerns.

Yours very truly,
Harris & Company

Per:

A handwritten signature in black ink, appearing to read 'NTM', with a long, sweeping horizontal line extending from the end of the signature.

Nazeeh T. Mitha

NTM/sam

cc Client

General/003184.022/168437.1

November 22, 2007

File: 60120-20/RUTH

Attention: Ms. Laurel Ballard, Supervisor - Accountability Team
Wyoming Department of Education
Standards, Assessment and Accountability Unit
2020 Grand Ave, Suite 500
Laramie WY 82070
USA

Dear Ms. Ballard:

Re: Status of Rutherford University in Wyoming

This letter is in regards to the current status of Rutherford University in the State of Wyoming.

We understand that Rutherford University was initially registered as a corporation in Wyoming as Senior University of Canada and subsequently changed its name to Senior University Inc., then Stratford International University, Inc. and then more recently, Rutherford University Inc.

In July 2006, the State of Wyoming changed its laws regarding the licensing of private post-secondary institutions and at that time, we understand that the Wyoming Department of Education (WDE) was investigating Rutherford University for non-compliance with State regulations. In May 2006, it appears that the WDE withdrew its complaint and Rutherford University agreed to remove their Wyoming address from their website and close their Wyoming office effective June 15, 2006 (see attached). Currently, Rutherford University is reporting that it is headquartered in Swaziland but continues to list a Wyoming address for Graduate Services.

You may be aware that in November 2003, legislation was brought into force in British Columbia called the *Degree Authorization Act* (DAA). The DAA requires all private and out-of-province public institutions to obtain consent from the Minister of Advanced Education if they wish to advertise, grant or offer degrees in British Columbia. The full text of the DAA can be found at http://www.qp.gov.bc.ca/statreg/stat/D/02024_01.htm.

... /2

Rutherford University has neither applied for nor obtained consent from the Minister under the DAA. As such, Rutherford University does not have authority to advertise, grant or offer degrees in British Columbia.

The Ministry is currently looking into whether Rutherford University is operating in British Columbia in contravention of the DAA. The Ministry requested Rutherford University to remove all references to operations in British Columbia from their website. We have received information that leads us to believe that Rutherford University is continuing to hold itself out to students in British Columbia as having authority in the State of Wyoming to grant degrees. As of November 2007, the Rutherford University website (<http://www.rutherford.edu/contact.cfm>) still lists the following contact information:

USA Office: Graduate Services, Rutherford University Inc.
617 - 724 Front Street
Evanston, WY USA 82930

In order to pursue this issue further, we would appreciate any information you could provide us with as to the status of Rutherford University in Wyoming and let us know what actions the State of Wyoming has taken, or will be taking, against Rutherford University.

If you have any questions regarding this letter, please do not hesitate to contact me by email at: PSQ@gov.bc.ca or by telephone at (250) 387-6166.

Sincerely,



Susan Brown, Director
Policy and System Quality Branch
Ministry of Advanced Education

Attachment

Nichols, Beth AVED:EX

From: Simmons, Vicki AVED:EX
Sent: Wednesday, January 23, 2008 8:49 AM
To: Rogers, Dorothy AVED:EX; Barnes, Natalie AG:EX; Fraser, Anthony AG:EX
Cc: Loughran, Tony D AVED:EX; Brown, Susan B AVED:EX
Subject: RE: Rutherford University

Wyoming phoned this morning with a status update - they are sending a cease and desist letter to RU stating that if they do not remove references to a location or presence in Wyoming, they will seek to prosecute.

Vicki Simmons, Policy Analyst
Policy and System Quality Branch
1st Floor, 835 Humboldt St
PO Box 9177 Stn Prov Govt
Victoria BC V8W 9H8
Phone: (250) 356-2067
Fax: (250) 356-8851

From: Rogers, Dorothy AVED:EX
Sent: Tuesday, January 22, 2008 5:14 PM
To: Barnes, Natalie AG:EX; Fraser, Anthony AG:EX
Cc: Loughran, Tony D AVED:EX; Simmons, Vicki AVED:EX; Brown, Susan B AVED:EX
Subject: FW: Rutherford University

FYI - regarding Rutherford in Wyoming.

From: Simmons, Vicki AVED:EX
Sent: Tuesday, January 22, 2008 9:06 AM
To: Rogers, Dorothy AVED:EX
Subject: FW: Rutherford University

Hi Dorothy,

I spoke with the new person in charge of private school licensing for the Wyoming Department of Education today, Samantha Hayes. She confirmed that she received our letter requesting information on the status of Rutherford University in Wyoming. Currently the file is with the Wyoming AG's office for evaluation on possible action the state might be taking against them for still claiming and advertising a location in Wyoming. She agreed that we can refer any inquiries to her regarding RU's status in Wyoming and will keep us posted if or when any action is taken.

Thanks,
Vicki

Vicki Simmons, Policy Analyst
Policy and System Quality Branch
1st Floor, 835 Humboldt St
PO Box 9177 Stn Prov Govt
Victoria BC V8W 9H8
Phone: (250) 356-2067
Fax: (250) 356-8851

From: Simmons, Vicki AVED:EX
Sent: Monday, January 21, 2008 8:48 AM
To: 'balla@educ.state.wy.us'
Subject: Rutherford University

Hi Ms. Ballard,

I am following up on a letter that was sent to your attention from the Ministry of Advanced Education in British Columbia in November 2007. We had requested information on the current status of Rutherford University in Wyoming and whether the WDE has taken or will be taking any action against the institution.

I look forward to hearing from you soon.

Sincerely,
Vicki Simmons

Vicki Simmons, Policy Analyst
Policy and System Quality Branch
1st Floor, 835 Humboldt St
PO Box 9177 Stn Prov Govt
Victoria BC V8W 9H8
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Our Ref. 61940
File #: 60120-20/RUTH

Dr. Abdul Hassam, President
Nobel College of Advanced Education Inc.
(formerly Senior University Inc.)
dba Rutherford University
5290 Willow St
Vancouver BC V5Z 3R9

Dear Dr. Hassam:

I am following up on the inspection of Senior University Inc., operating as Rutherford College/University (Rutherford) under the *Degree Authorization Act* (DAA) on May 17, 2007.

The report provided evidence that Rutherford is operating in contravention of the DAA. On July 27, 2007, a letter was sent to Mr. Mark G. Perry, as Rutherford's counsel, stating that we were prepared to refrain from seeking an injunction or publicly releasing the report if certain conditions were met and evidence provided to the Ministry. On August 2, 2007, Mr. Perry responded that Rutherford was prepared to adhere to the conditions set out and supplied evidence that Rutherford was in the process of meeting some of these conditions.

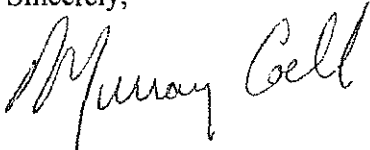
To date, Rutherford has not taken action on many of these agreed upon conditions, including but not limited to, evidence that all students, faculty, affiliated institutions and authorities in other jurisdictions have been notified in writing and via Rutherford's website (www.rutherford.edu) that Rutherford does not have authority to offer, grant or confer degrees in British Columbia.

The Ministry has also received several inquiries from Rutherford students and other parties, within British Columbia and internationally, suggesting that Rutherford and its partners continue to report its presence and authority to operate in British Columbia.

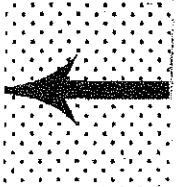
... /2

This letter is to notify you that I will be releasing the attached factual synopsis of the status of the investigation and notifying all regulatory authorities in jurisdictions that have a connection to Rutherford to inform them of Rutherford's status in British Columbia. The report has also been shared with the Ministry of Attorney General to review for any potential legal action under the DAA.

Sincerely,



Murray Coell
Minister



Attachment

pc. Ms. Susan Brown, Director
Policy and System Quality Branch

Mr. Jim Wright, Registrar
Private Career Training Institutions Agency

Simmons, Vicki AVED:EX

6020-201 Rutherford

From: Simmons, Vicki AVED:EX
Sent: Wednesday, April 16, 2008 10:20 AM
Subject: Rutherford University

Attachments: Senior University Inc. (dba Rutherford University and Rutherford College)

To whom it may concern,

Please see attached message from the Ministry of Advanced Education in British Columbia Canada. This message was sent to the Ministry of Education, Government of Swaziland in September 2007 regarding Rutherford University.

To date we have not received a response from the Ministry of Education. Recently an article appeared in the Netherlands that referenced Mr. Percy Simelane, government spokesperson in the Prime Minister's Office, commenting on Rutherford University's status in Swaziland

(http://www.ad.nl/buitenland/2213915/Zelfs_de_minister_van_Onderwijs_in_Swaziland_weet_van_niets.html). From the translation it is unclear as to the status of Rutherford University in Swaziland.

Given that the Prime Minister's Office is aware of the situation, we thought it prudent to resend the attached message to Mr. Simelane's attention and request confirmation of the status of Rutherford University in Swaziland.

Thank you for your assistance.



Senior University
Inc. (dba Ru...

Vicki Simmons, Policy Analyst
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1st Floor, 835 Humboldt St
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Victoria BC V8W 9H8
Phone: (250) 356-2067
Fax: (250) 356-8851

Nichols, Beth AVED:EX

From: Simmons, Vicki AVED:EX
Sent: Wednesday, April 16, 2008 10:32 AM
To: 'sec-tocab@realnet.co.sz'
Subject: Rutherford University

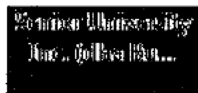
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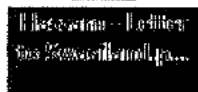
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Rutherford College

July 31, 2007

Ministry of Education
Govt. of Swaziland
P.O. Box 39
Mbabane, Swaziland

Dear Sir,

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- a) Grant or confer degrees in British Columbia;
- b) Offer a program in British Columbia leading to a degree to be conferred either inside or outside British Columbia

Yours sincerely,

Abdul S. Hassam
President
Senior University Inc.
dba Rutherford College

#200- 2900 Simpson Road, Richmond B.C. Canada V6X 2P9

08/03/07 FRI 13:03 [TX/RX NO 5053]

417-645 Fort Street, Victoria, B.C. V8W 1G2
Telephone 250.480.7481
Fax 250.480.7455
Web lwpubliclaw.ca

**Lovett
& Westmacott**
Barristers, Solicitors Mediators

Deborah K. Lovett QC*
*Personal Law Corporation
Direct Line 250.480.7404
Email dklovett@lwpubliclaw.ca

Direct Telephone No. 250.480.7404
Email address: dklovett@lwpubliclaw.ca

Our File No. 3293003

June 28, 2007

**Ministry of Advanced Education
Office of the Minister
PO Box 9059 Stn. Prov. Govt
Parliament Buildings,
Victoria, BC V8W 9E2**

**Attention: Honourable Murray Coell
Minister**

Dear Minister Coell:

Re: Senior University Inc., operating as Rutherford College

Introduction

On May 11, 2007, acting under the authority of section 6 of the *Degree Authorization Act*, SBC 2002, c. 24, you appointed me to carry out an inspection of Senior University Inc., operating as Rutherford College, for the purposes of determining whether Senior University Inc. (Rutherford College) has failed to comply with the Act. In particular, you asked me to investigate and determine whether Senior University Inc., operating as Rutherford College, has either directly or indirectly:

- granted or conferred a degree without consent;
- provided a program leading to a degree to be conferred inside or outside British Columbia without consent
- advertised a program offered in British Columbia leading to a degree to be conferred by a person inside or outside British Columbia without consent
- sold, offered for sale, advertised for sale or provided by agreement for a fee, reward or other remuneration, a diploma, certificate or other material that indicated or implied the granting or conferring of a degree without consent
- made use of the word "university" or any derivation or abbreviation of the word "university" to indicate that an educational program was available, from or through the person without consent.

In accordance with your direction, I have carried out the required inspection and this is my Inspection Report.

Summary of Findings

The evidence is overwhelming that Senior University Inc. has been violating the provisions of the *Degree Authorization Act* in each of the five areas listed above since 2003 when that legislation was proclaimed in force. Senior University Inc. dba as Rutherford College in Richmond, BC effectively serves as the “front” for Senior University Inc.’s Rutherford University operations and Rutherford College, its programs and/or facilities have been used by the directors and officers of Senior University Inc. for purposes of furthering or facilitating Rutherford University’s degree-granting activities since 2001. While Rutherford University presently claims to be operating as a Swaziland-based university (and until it lost its Wyoming licence in June 2006, as a Wyoming-based university), its administrative offices or headquarters are located at Rutherford College’s Richmond, BC campus and its operations are carried out and/or directed from that location.

Abdul Hassam and Nusri/Nusrat Hassam (who also goes by the name of Nusri/Nusrat Kassam) are the only directors, officers and owners of Senior University Inc., a BC registered company. The Hassams live and work in Vancouver, BC. They are the senior administrators of both Rutherford College and Rutherford University (including what the Rutherford University website describes as the “Schools and Centres of Rutherford University”) and are the operational, controlling and directing minds of these entities. Abdul and Nusrat Hassam’s university administration offices are located at Rutherford College’s Richmond, BC premises. Those same premises house student records for both Rutherford University and Rutherford College students, local and international, as well as University administration and financial records. From their Richmond-based offices, Abdul and Nusrat Hassam generate Rutherford University letters of acceptance and related registration records, student contracts, student transcripts, student degrees and university tuition tax receipts (which identify Senior University Inc. as the educational institution). Senior University Inc. dba as Rutherford University/Rutherford College has a bank account in Vancouver, BC. Senior Rutherford University/College administrator Cecil Sherwood works from an office at the Richmond, BC office and lives in Vancouver, BC. Charles McCaffrey, who is identified as Rutherford University’s Vice President of International and Special Projects, also resides in BC.

The Legislative and Legal Context

The *Degree Authorization Act* came into force by regulation on November 7, 2003. The Act provides a means by which private institutions and out-of-province public institutions can seek Ministerial consent to advertise, offer and grant post-secondary degrees and/or use the word “university” for these purposes. Prior to the proclamation of the *Degree*

Authorization Act, the only legislative prohibition was that provided for in *University Act*, RSBC 1996, c. 468 which prohibits private post-secondary institutions from conferring degrees and utilizing the word university.

The scheme of the *Degree Authorization Act* is such that it restricts persons from directly or indirectly doing certain things without authority (referred to as consent) from the Minister. Specifically, unless otherwise authorized by the Minister under section 4 of the Act (and with some limited and expressly specified exceptions), persons are prohibited from doing any of the following:

- Granting or conferring a degree (a defined term under the Act);
- Providing a program leading to a degree to be conferred by a person inside or outside British Columbia;
- Advertising a program offered in British Columbia leading to a degree to be conferred by a person inside or outside British Columbia;
- Selling, offering for sale, or advertising for sale or providing by agreement for a fee, reward or other remuneration, a diploma, certificate, document or other material that indicates or implies the granting or conferring of a degree;
- Directly or indirectly making use of the word “university” or any derivation or abbreviation of the word “university” to indicate that an educational program is available, from or through the person.

Section 4 consents will only be granted if the applicant for the consent has undergone a quality assessment process and been found to meet the Minister’s published criteria. Senior University Inc. has never applied under the *Degree Authorization Act* for consent to confer a degree or to use the word university.

The *Degree Authorization Act* has been the subject of recent judicial consideration. In *Minister of Advanced Education v. Rodgers*, 2007 BCSC 583 the Ministry successfully applied for an injunction enjoining the defendants from further violating sections 3(1)(a) and (d) of the Act. Section 8(1) of the *Degree Authorization Act* provides that, on application by the Minister, the Supreme Court can grant an injunction either restraining a person from contravening the Act or requiring a person to comply with the Act.

The defendants in that case were Raymond Rodgers, Vancouver University Colleges Society and Geo Vancouver University Colleges Corporation. Rodgers is the president of both the Society and the Corporation and together these bodies were operating under the name of Vancouver University. Despite the provisions of the *University Act* and then more recently the *Degree Authorization Act*, they had been operating in this fashion for some 30 years and had been granting degrees since 1984. More particularly, Vancouver University offered degrees in Applied Science, Arts, Education, General Studies and Technology at three different levels. The degree programs are described in the court’s decision as being conducted or mentored “at 26 locations around the world, with content variations reflecting regional needs – plus ... six on-line, and a research doctoral opinion”. As of 2004, Vancouver University had a current enrollment of 3,820 students. The Court described the operations of the University this way:

[32] The defendants appear to use the model of a collegiate university. That is, various colleges in various parts of the world teach courses or provide instruction. Vancouver University then confers the degree ...

[34] Many of the colleges and the degree ceremonies are located outside British Columbia. The plaintiff does not seek to enjoin conduct outside this jurisdiction. But it is clear, the plaintiff argues, that the defendants are engaged in activities in the province. The president, Dr. Rodgers, resides here. The defendants all operate out of premises on Beatty Street, in the City of Vancouver.

Following proclamation of the *Degree Authorization Act* in 2003, the defendants were invited to apply for ministerial consent to grant degrees and use the word university. The defendants applied for an exemption of the requirement to be assessed by the Degree Quality Assessment Board, but their application was declined on the basis that the defendants never had a legal right to confer degrees.

On the evidence, the Court found that the defendants had breached the *Degree Authorization Act* for a number of reasons and in a variety of ways. Vancouver University granted degrees to students and posted them from their Vancouver offices. The defendants were the legal entities that directed the actions of the University. The website for Vancouver University clearly offered degrees and a fee was charged for degree certificates on a student's completion of requisite courses. In finding a violation of section 3(1)(d), the Court found that:

... announcing on the internet that degrees are available from Vancouver University amounts to advertising within the meaning of s. 3(1)(d) of the Act. The defendants are the entities which are responsible for the administration of the university and the administration is conducted from the Vancouver office on Beatty Street.

Because the Vancouver University operations were for all intents and purposes administered from Vancouver, BC where its controlling minds reside, the Court also concluded the internet advertising occurred within BC.

The *Rodgers* case is of some importance in respect of my Inspection Report because, as will be seen, Senior University Inc. has for many years been effectively operating and managing a University (presently called Rutherford University), ostensibly (until recently) in the United States (Wyoming), and more recently, in Swaziland. The controlling minds of this BC company, the Hassams, reside in BC and they carry out and direct the University's operations from this Province.

Senior University Inc. dba Rutherford College is a registered institution under the *Private Career Training Institutions Act*, SBC 2003, c. 79 (the PCTI Act). The activities of registered institutions are regulated by that Act as overseen by the Private Career Training Institutions Agency (the PCTI Agency). The objects of the PCTI Agency are expressly stated in section 3 to be these:

- To provide consumer protection to the students and prospective students of registered institutions
- To establish standards of quality that must be met by accredited institutions
- To carry out, in the public interest, its powers, duties and functions under this Act, the regulations and the bylaws.

Section 7 of the PCTI Act prohibits a person from offering to provide career training unless the person is registered as an institution under section 8. Career training is defined in part to mean training or instruction in the skill and knowledge required for employment in an occupation defined in the regulations, but it does not include training or instruction that is provided by (among other things):

- An institution established under the *University Act*, the *Royal Roads University Act*, the *Thompson River University Act*, or the *College and Institute Act*
- An institution that is authorized by consent under the *Degree Authorization Act* and offers only degree programs to which the consent applies
- An institution established under an Act and authorized under that Act to offer academic degrees

The predecessor legislation to the PCTI Act was the *Private Post-Secondary Education Act* which was introduced in 1990 and brought into force in 1992. This legislation required institutions providing training or instruction at the post-secondary level to register with the Private Post-Secondary Education Commission (PPSEC), the predecessor to the PCTI Agency. It also provided for a voluntary accreditation program for registered institutions aimed at ensuring that standards of integrity and educational competence were met and maintained. Prior to the proclamation of this legislation, private post-secondary trade and vocational schools were required to register under the *Apprenticeship Act* and there was no regulation of private post-secondary institutions offering instruction in academic or adult basic education. As noted, there was only the *University Act* prohibition on such a BC institution holding itself out as a BC university and/or conferring degrees.

In 1996, the government announced a policy change in *Charting a New Course: a Strategic Plan for the Future of British Columbia's College Institute and Agency System*. The new policy was that students attending PPSEC accredited private training institutions would be eligible to receive the same financial assistance as students attending public institutions.¹ At the time, only 14 registered institutions had been voluntarily accredited by the PPSEC. BC students could also choose from a variety of degree programs offered by out-of-country degree-granting institutions registered with the PPSEC that had been accredited in their home jurisdictions. Importantly, from at

¹ Prior to that time, some PPSEC-registered institutions (Senior University Inc. was not one of them) were designated by the Ministry of Advanced Education's Student Services Branch to be able to access students funded by the BC Student Assistance Program. After the 1996 policy change, these institutions were given until August 2000 to become PPSEC accredited in order for their designations to continue.

least July 1, 2000 forward, if the out-of-country degree-granting institutions were not so accredited, they could not be so registered.

History of Senior University Inc.'s operations in British Columbia

Senior College of Canada Inc. was incorporated as a BC company on March 15, 1993. Senior College of Canada Inc. changed its name to Senior University Inc. on January 19, 1994. Senior University Inc. carried on business at that time as Senior University. Senior University was initially registered with the PPSEC on the basis that it was licensed by the Wyoming Board of Education to operate as a university in that State. In or around 1996, Senior University Inc. applied for accreditation of Senior University with the PPSEC, but did not receive it.

PPSEC general directives were issued that registered institutions were required to comply with. These directives were amended effective July 1, 2000 to require American degree-granting institutions to provide satisfactory evidence of having been accredited by an accreditation agency recognized by the American Department of Education. At this time, Senior University Inc. was doing business as Senior University International. Senior University International's President and Chancellor Abdul Hassam was advised by the PPSEC that the University had until October 2000 to provide evidence that they had applied for accreditation (as distinct from licensure) with a recognized American accreditation agency. Senior University International claimed it was pursuing accreditation in Wyoming. Senior University International subsequently requested, and was granted, a deadline extension to March 9, 2001.

The PPSEC learned in April 2001 that Senior University International's accreditation application in Wyoming was not proceeding. As a consequence, the PPSEC Registrar wrote to Abdul Hassam on May 3, 2001 ordering Senior University International to stop using the word "university" as part of its operating or business name, to stop offering to provide degree-related programming, and to restrict program offerings to certificate and diploma programs. That letter provided in part:

... When proof of acceptance of application with the NCA was not forthcoming, the Commission office made inquiries with the NCA concerning the status of your application. On April 19, 2001, the Commission received correspondence from Mr. Steven Crow, Executive Director of the NCA, advising us that you had not provided the NCA with evidence that you are incorporated in the state of Wyoming *or had your headquarters there*, either of which is a fundamental requirement to be considered for NCA accreditation. Further Mr. Crow has advised that you have not initiated the eligibility process, required before an institution invited to submit a formal request for consideration.

Accordingly, I have determined that you have failed to meet the conditions of registration as stated in the letter of October 6, 2000. Commencing immediately, you must cease to offer to provide degree-related program and may offer certificate or diploma programs

only. Further, you must change your operating name to remove reference to “university”. You must advise the Commission of the new operating name on or before May 18, 2001, and as at that date all signage, advertising and publications must be amended to remove any reference to the term university and to degree-related programs.

Student enrollment in degree-related programs as at this date, May 3, 2001, may be trained out under the program they are contracted to receive. As of today’s date, however, you may not enter into any further contracts for training for degree-related programs.

(emphasis added)

As a consequence of PPSEC’s directive, Senior University Inc. began to operate as Senior International College offering certificate and diploma programs.² (In a June 8, 2001 email to Charles McCaffrey, Abdul Hassam tells him “we have had a rough ride with the PPSEC and we are currently forced to operate as SENIOR INTERNATIONAL COLLEGE”.) Senior International College subsequently operated as Stratford International College and then more recently, as Rutherford College. These operating/business name changes coincided with similar operating/business name changes with respect to Senior University Inc.’s university operations.

Senior University Inc., in partnership with Abdul and Nusrat Hassam, operate Rutherford College and this business name is registered under the BC *Partnership Act*. Corporate records reveal that the Hassams both reside at 5290 Willow Street East, Vancouver BC. The mailing address for Rutherford College is 200-2900 Simpson Road South, Richmond, BC. Rutherford College offers a three-year diploma program in Counselling Psychology and Applied Business Studies.

On July 20, 2005 the PCTI Agency told Rutherford College to cease and desist referencing themselves as a university offering degree programs. This was as a result of learning of a website for Rutherford University at www.rutherford.edu. That letter provided in part:

... It has come to our attention that your website at www.rutherford.edu refers to you as “Rutherford University”, which is in contravention of Part VII A and B of the PCTIA Bylaws which state, “An institution must not engage in advertising or make a representation that

² Although I would note that shortly after receiving the April 2001 letter, Nusri Hassam engaged in email communications with Paul Gossen and Jennifer Kobyll in relation to a suggested marketing proposal involving Senior University. Paul Gossen’s website (www.paulgossen.com) advertises him as an executive coach and author of *Business Transformed*. His partner sites listed include www.Erickson.edu. The idea was that Paul Gossen and Jennifer Kobyll would “conduct an accelerated enrollment program with the goal of enrolling 50 new students into degree programs in the 12 month period”. They would work from their location (which at that time appeared to be Vancouver), install a 1-800 line, “run low cost classified advertising and conduct an accelerated Internet marketing campaign that directs responses to their 1-800 number and email addresses”. The proposal included ongoing planning with regular meetings with the Senior University management “at their Richmond location”. Additionally, it was proposed that both Mr. Gossen and Ms. Kobyll would complete BA and MA degree programs at Senior University.

is false, deceptive or misleading. Deceptive advertising includes an oral, written, visual, descriptive or other representation that has the capability, tendency or effect of deceiving or misleading a consumer. An institution must use the operating name under which it is registered by the Agency in all advertising.” You are also in contravention of Section 3(2) of the *Degree Authorization Act* which states, “A person must not directly or indirectly make use of the word ‘university’ or any derivation or abbreviation of the word ‘university’ to indicate that an education program is available, from or through the person, unless the person is authorized to do so by the minister under section 4 or by an Act.

You also reference offering degree programs, which you are not permitted to do. Please remove all references to being a university and offering degree programs from your website by the end of the business day Friday, July 29, 2005

This letter was formally responded to on July 28, 2005 by Cecil Sherwood in his capacity as Rutherford College Director of Special Projects. Mr. Sherwood advised that the website referred to was not for the College but rather was for Rutherford University (Wyoming). He further advised that the College website had been under construction but was now in operation as www.rutherfordcollege.ca.³ At that time, the website for Rutherford University (www.rutherford.edu) included the following contact information:

Rutherford University Center and Business Office, Wyoming, USA
Suite 202 – 849 Front Street
Evanston, Wyoming
USA 82930
Tel: 307 444 2129

Administration and Mailing address for ALL CORRESPONDENCE
Rutherford University
200-2900 Simpson Road
Richmond, BC
Canada, V6X 2P9

I note that the letterhead used by Mr. Sherwood for his July 28, 2005 response referred to Rutherford College in the top left hand corner. At the bottom of the page, however, the following contact information is provided:

Rutherford College Administration Office – 200-2900 Simpson Road, Richmond, BC
Canada V6X 2P9
Email: registrar@rutherford.edu Website: www.rutherford.edu.

³ I note that an earlier email (February 24, 2005) from Nusri Kassam (as Vice President and Registrar, Rutherford University) to Cecil Sherwood regarding the “College website” provides in part: “Please check out the website for inconsistencies – the graphics expert is still converting all the graphics to college other than that, in the programs area, I am converting degrees to diplomas. If you see anything else wrong, please let me know right away, thanks. He has dumped all our current faculty as is, Alexander will have to remove anyone non-kosher for the college.” Mr. Sherwood’s response is that the website needed a major make over and that he would devote most of the next day to revising it. He also said “I have some urgent stuff on the BBA/MBA and Psychology to clear today”.

Therefore the website and email addresses contained on Rutherford College's letterhead were those of Rutherford University's website and Nusri Kassam's email address in her capacity as Registrar and Vice President of that institution.

On March 27, 2006 the PCTI Agency Registrar suspended Rutherford College's registration, with conditions, effective immediately. The reason for the suspension related to the inability of PCTI Agency inspectors to access the College premises. The circumstances were explained by the Registrar in his suspension letter to Ms. Hassam this way:

On January 30, 2006, two PCTIA Institution Officers visited Rutherford College to do a site visit. At that time you claimed to have an immediate external meeting that both you and your assistant would be attending and therefore could not meet or comply with the requests of the Officers. You requested that the Officers set up an appointment at which time everything would be available. The Officers then proceeded to wait outside your College to see if you did, in fact, have an external meeting. However, they did not see you leave the premises as stated.

On March 10, 2006, a letter from Ms. Williams, Institution Officer, stating the Officers would return on March 24, 2006, was forwarded to your College. On March 20, 2006 your Program Director called Ms. Williams in response to her letter stating that "he would be out of town until Tuesday" and could the meeting be extended until the following week. Ms. Williams agreed to delay the meeting until early in the week of March 27, 2006.

On March 24, 2006, the same two Officers dropped by Rutherford College to set the meeting time and to address what needed to be on hand for the meeting only to find that your Program Director was in his office and not "out of town" as suggested by him on March 20th. However, he would not meet with the Officers. When Ms. Williams asked about the files, you stated that your Program Director was working on them. Ms. Williams advised you there was no need to work on them as she wished to see them in their present state. Once again you were not prepared to provide access to the institution's records, nor were you willing to set a date for a formal site visit.

The suspension conditions required Rutherford College to allow inspectors to conduct a site visit in order to determine to the Registrar's satisfaction that: (1) the facilities and equipment corresponded to and were sufficient to support the programs offered; (2) program and/or course outlines exist for each offered program and appropriate minimum instructor standards/qualifications had been established for each offered program; and (3) access to current and future student records and all financial records related to these students be made available.

A site visit apparently took place on April 3, 2006 and as a consequence of this visit, Rutherford College was directed to do certain things. For example, Mr. Sherwood agreed to prepare an up-dated document on all of the College's programs and amend the application so that the program and program duration were clearly shown. Also, changes had to be made to the College website.

A May 4, 2006 letter from Cecil Sherwood says that statements made in the Registrar's March 27, 2006 letter were incorrect and based on erroneous information. He maintained that the suspension decision was neither justified nor sustainable when considered against what he says actually transpired. An earlier (March 28, 2006) email from Mr. Sherwood asserts that there was no arrangement in place to conduct an inspection the week of March 27th. Mr. Sherwood further says that the PCTI Agency Officer's attendance at Rutherford College offices on March 24th "was inappropriate" (although it is entirely unclear why it would be) and he asked for "an explanation". Mr. Sherwood then said he wanted to work in cooperation with the regulators and asked for a meeting.

On May 17, 2006 Ms. Hassam was advised by the PCTI Agency Registrar that the College's registration had been reinstated because it had met the requirements set out in the suspension letter.

I note that an email was sent from a PCTI Agency Officer to Mr. Sherwood on May 18, 2006 in which she notes that the College website offered "Integrative Counselling Psychology and Applied Transpersonal Psychology" and a program called "General Business Studies". The College had not applied to the PCTI Agency for approval of these courses. The Officer advises that if the intention is to offer these courses at the diploma level at Rutherford College then they needed to be registered.

A letter dated March 14, 2006 was sent to Rutherford University President, Dr. William I. Weston from the Director of the Ministry of Advanced Education's Private Institutions and Developmental Programs Branch. The letter was addressed to the University at the Richmond, BC address and was regarding "Rutherford University providing a program leading to a degree and making use of the word 'university' through its office in Vancouver, British Columbia". It advises of the *Degree Authorization Act*, points out that Rutherford University's website indicates it has an office in Richmond (the same contact address for Rutherford College) and then goes on to say:

If Rutherford University wishes to maintain an office in British Columbia, it will need to apply for consent of the Minister under the Act, both for advertising and providing degree programs, as well as for use of the word "university" ...

If Rutherford University does not apply for consent or alternatively, close its British Columbia office within two months of today's date, the Ministry will take steps to prevent further contraventions of the *Degree Authorization Act*

President Weston appears to be little more than a figurehead of Rutherford University. I did not come across any information to suggest that he has any involvement in the University's operations. The only email communication I came across was an email dated February 27, 2003 from Stratford International University Assistant Registrar Judy Li asking President Weston for an updated biography. The current Rutherford University website does not identify the President. Previous websites describe him as Associate

Dean and Professor of Law at Florida Coastal School of Law. It appears he is now teaching at Concord Law School, which is accredited in California and is an internet-based institution. Concord's website lists William I Weston as faculty and his education to be "ABML, Loyola College of Maryland; JD, University of Maryland, PhD, Rutherford University". He is also listed as faculty (Dean, School of Legal Studies) for Kaplan University School of Studies ("online legal studies and paralegal degrees"), which appears to be affiliated with Concord.

A conversation took place between Cecil Sherwood and Shell Harvey of the Ministry of Advanced Education on May 16, 2006. This conversation was followed by a letter from Abdul Hassam to Mr. Harvey, the content of which is in part as follows:

As advised to you by Mr. Cecil Sherwood, in May 2001 the Executive Director of PPSEC wrote to me advising that we could no longer continue to offer on-site programs to residents of British Columbia. In the same letter he advised that *we could continue to serve the needs of students enrolled with us at that time until they completed their contracted program of study.*

I would like to clarify our position relative to the activity of the "University".

1. *It is not our intention at this juncture to apply for authority to operate in British Columbia.*
2. As to the reference of the University office in Richmond, it has been removed from our website and from all printed material.
3. *The University, does not now, nor will it in future, solicit or enroll any students in British Columbia.*

(emphasis added)

Following my appointment, on May 17, 2007, I attended Senior University Inc.'s Rutherford College campus and administration offices located at 200-2900 Simpson Road, Richmond, BC for purposes of conducting an inspection. The PCTI Agency Registrar (Jim Wright) and two Agency Officers, all acting as inspectors under the PCTI Act, attended the campus at the same time. We were assisted in our respective inspections by Cecil Sherwood, who was at all times pleasant and cooperative.

A description of the Rutherford College facility in Richmond is important. The Richmond facility is fairly small and consists of three offices (for each of Cecil Sherwood, Nusrat and Abdul Hassam), a reception/filing area and an open adjacent area with a table and chairs. This latter area serves as the College's campus. While at the facility a small number of students (all of whom were international students from India) had gathered at the table awaiting a business studies course to be instructed by Mr. Sherwood.

Abdul and Nusrat Hassams' offices appear to be the same offices they are seated at in photographs on an earlier version of the Rutherford University website and prospectus. The administration offices for Abdul and Nusrat Hassam, which adjoin each other, were

in a state of considerable disarray. We were told by Mr. Sherwood that Abdul Hassam's office was locked and that he did not have a key. While we were present, Mr. Sherwood contacted Abdul Hassam by phone and informed him of our inspections. We were then told he had just crossed the US border and would be coming straight to the office. It was expected that he would arrive in 20 to 30 minutes.

While PCTI Registrar and inspector Jim Wright was examining records in Nusrat Hassam/Kassam's office, he spotted a key in plain sight on the top of a filing cabinet. Mr. Wright unlocked Abdul Hassam's office with this key.

During the course of the joint inspection, the PCTI Agency inspectors removed a number of records, a lap top computer (from Abdul Hassam's office) and two CPU hard drives. I was subsequently provided with copies of records relevant to my inspection. Information in those records is incorporated into my discussion below relating to Senior University Inc.'s corporate structure, affiliations and operations. Also incorporated into my discussions are records from PCTI Agency files, information received from PCTI Agency staff, records produced for the PCTI Agency in May 2007 by the BC-based Clearmind International Institute Ltd., as well as public corporate records and internet information.

As at the time our inspection was complete, Abdul Hassam had still not returned to the Richmond offices.

Among other things, inspectors found a number of original Rutherford University degrees for international students that had been signed off by Nusrat Kassam as Registrar and Vice President of Rutherford University. They were located in a folder on Abdul Hassam's desk. There was a note on the degrees "Please sign for Nusrat – thank you!" Those degrees were variously dated. Without naming the students involved, the degrees and their dates were as follows: Doctor of Philosophy (June 1, 2006); Bachelor of Business Administration (February 25, 2005), Bachelor of Business Administration (Hospitality Management) (May 9, 2007), Bachelor of Science (Business Management) (February 26, 2007), and Bachelor of Business Administration (Business Management) (May 9, 2007). In a May 28, 2007 letter to PCTI Agency Registrar Jim Wright (discussed in more detail below), Abdul Hassam explains:

... These individuals were signing in their capacity as officers of Rutherford University Inc. (Wyoming). Perhaps you would guide me to where in BC legislation it states that a Canadian citizen may not be an officer of a foreign corporation. In May of last year Rutherford University gave an undertaking that it would not enroll any students in B.C. and Rutherford has adhered to that undertaking.

I would simply note at this juncture that there is clearly a distinction between living in BC and being an officer of a foreign corporation (which is not prohibited) and operating and directing a university from within BC without ministerial consent under the *Degree Authorization Act* (which is prohibited), regardless of whether the enrolled students are from BC or elsewhere.

On May 24, 2007 the PCTI Agency Registrar suspended Rutherford College's registration under section 8 of the PCTI Act and required it to immediately stop all forms of marketing, including removal of all internet advertising materials. Also, Rutherford College was directed to refrain from enrolling any new students or entering into new contracts with existing or former students. I was copied on the Registrar's suspension letter. The basis for the suspension was there described by the Registrar, in part, this way:

... A preliminary review of [the removed] materials provides evidence that Rutherford College and its officers constitute the operational base for Rutherford University, a degree granting institution that does not have Ministerial consent under the *Degree Authorization Act* to offer degrees in British Columbia.

As an internal memorandum dated March 9, 2005 attests "to a large extent the College has been dormant" since "PPSEC re-interpreted the Regulations regarding the registration of Senior University in B.C." The evidence, as found in student, financial and other institutional records, is that the registration of Rutherford College has allowed Rutherford University to continue to maintain its administrative operations in British Columbia, even while saying that the University is based elsewhere.

An earlier internal memo whose subject is Stratford International University and Stratford International College, the predecessor institutions for Rutherford College and Rutherford University, reads as follows:

Background:

- The original intention was to locate the operations of SFIU (previously called Senior University) in B.C. However due to latent interpretation of the PPSEC rules Stratford could not use the University in their title in B.C. As a result of this decision Stratford International College was created.
- SIC in essence became a vehicle to facilitate the operation of SFIU in B.C.
- SIC was not structured to operate as a College in its own right.
- The only students currently registered with SIC are those participating in the Clearmind Program

The Clearmind Program is a reference to a program offered by Clearmind International Institute which is located in Langley, B.C. Senior University Inc.'s relationship with Clearmind is described by me in some detail later on in my Report.

Cecil Sherwood wrote to me on May 23, 2007 to provide me with two documents. Those documents consist of the letter dated May 3, 2001 from the PPSEC and the letter dated May 16, 2006 from Mr. Sherwood to the Ministry of Advanced Education, both of which are referred to above. With respect to the May 16, 2007 letter from Abdul Hassam, Mr. Sherwood said that:

As Rutherford received no further communication they assumed that the letter was accepted by the Ministry. In the circumstances, they continued to provide support services to their Wyoming operations and international affiliates. My understanding is that these services were only for non B.C. students.

On May 28, 2007 Abdul Hassam wrote to the PCTI Registrar (with a copy to me) responding to the Registrar's May 24, 2007 suspension letter. That letter provides in part:

... After the status of SUI was changed by PPSEC in 2001, *the principle focus of SUI (BC) was on providing a teach out to the students that had enrolled with SUI Inc. (Wyoming) through SUI Inc. (BC).* A list of the students remaining in the "teach out" was provided to Sue Williams (PCTIA) when she visited Rutherford College last year. By 2005, the number of these students had reduced and emphasis was placed on trying to build up the College as an entity in its own right.

SUI Inc. (BC) had two elements to its business namely:

1. The provision of management and support services to Rutherford University Inc. of Wyoming and similar services to overseas affiliate schools of Rutherford University. These services were being phased out.
2. The development of the College.

The execution of any University documents was done by the Dean/Chancellor and Registrar as officers of Rutherford University Inc. Wyoming and not as officers of Rutherford College.

... It was public knowledge that some students of Clearmind, a few years ago, registered with Rutherford University as Distance Learning students. *Our understanding is that PPSEC approved the wording of the advertisements appearing in the local magazines inserted by Clearmind.*

We believe that the continued use by the College of a name similar to the University has led to unnecessary confusion and misunderstanding.

(Emphasis added)

It is clear from this letter that Abdul Hassam sees nothing wrong with Senior University Inc. managing Rutherford University from the Richmond-based Rutherford College premises. It is true that Mr. Hassam says he is merely managing and supporting (i.e., administrating) the Wyoming Corporation doing business as an American university, but even if there was any evidence to substantiate such an arrangement, he and Nusrat Hassam are the only officers, directors and owners of that corporation and so it is in my mind a distinction without a difference. Regardless of the capacity in which they purport to be signing these documents they are doing so from their BC-based university operations.

It is unclear why Abdul Hassam would think that PPSEC approved Clearmind's advertisements. As will be seen, PPSEC was not even aware of Clearmind's existence until July 2003 when it discovered promotional literature that indicated Clearmind was offering career training even though it was not registered under the Act. This triggered Clearmind's application for registration (which was accepted). Clearmind was subsequently taken to task by the PCTI Agency in 2005 for advertising its programs as leading to a university degree.

Senior University Inc. corporate governance and affiliations

The 2006 Annual Report for Senior University Inc. lists its registered address as being 200-2900 Simpson Road South, Richmond, BC. The Officers and Directors of the company are Nusrat and Abdul Hassam of 5290 Willow Street, Vancouver BC. A corporate records search lists Les Carr, of a Somerset, California address, as also being a Director (but not Officer) of Senior University prior to September 13, 2003.

In a letter to the PCTIA in July 2005, Cecil Sherwood, who at the time was the Director of Special Projects for Rutherford College, described Senior University Inc. as a company that "provides management, administration and consultancy services to a number of Learning Institutions based in various parts of the world". I note that in an email on August 25, 2004, Nusri Kassam (signing off as the Vice President and Registrar of Stratford International University) described the relationship this way:

The two shareholders of Stratford International University Inc. own 100% interest in Senior University Inc. in British Columbia, Canada as the management service company for Stratford International University Inc. in Wyoming.

As an aside, my inspection did not reveal any documentation that would substantiate the idea that the BC Corporation operated as a management service company for the Wyoming company. In fact, Rutherford University files retrieved from Rutherford College's business location included T2202 (Tuition and Education Amounts Certificates) for Clearmind students enrolled in Rutherford University's BA programs that listed Senior University Inc., 200-2900 Simpson Road, Richmond, BC as the educational institution. In any event, and as I have already indicated, whether the Hassams were using the BC company to provide management services from Richmond, BC to a Wyoming company wholly owned and operated by them and doing business as Rutherford University is in my view of no import for present purposes. In my view, their corporate structure cannot shield them from the application of the *Degree Authorization Act* when they are in fact conducting their university activities from within this Province.

The Rutherford University website (as at December 1, 2006) describes Abdul Hassam as the Chancellor and University Dean with the following credentials:

Dr. Abdul Hassam graduated from Empresarial University with a Ph.D in Cognitive Psychology and Counselling. Previously, he earned a Doctorate from Columbia Pacific University and with independent study in Education and Theology. Professor Hassam holds concurrent positions as visiting professor and as a member on the Board of Trustees at East-West University. He has extensive experience in conducting continuing education training and seminars at universities and corporate settings internationally. Professor Hassam is a Fellow and Diplomat of the American Board of Medical Psychotherapists and Psychodiagnostics and a professional member of the American Counseling Association.⁴

The same website describes Nusri Kassam's credentials as follows:

Nusri Kassam, Vice-President and Registrar graduated from the University of British Columbia with a B. Ed. Degree (first class) in Science Education and a M.Ed. degree in Multiculturalism. Ms. Kassam has worked with both the University of British Columbia Distance Education Office and for the Office of the Dean of Education. She has been active within the teaching profession with the Vancouver School Board and has taught new learning technologies to adults across North American and Europe.

Nusri Hassam is also listed as faculty on Vancouver's Capilano College website (www.capcollege.bc.ca/ce/north-shore/instructors.html) where, among other things, she is described as a "certified teacher and facilitator for mind mapping (trained by Tony Buzan) and creative thinking/intelligence (trained by Edward De Bono) and teaches these new learning technologies across North America and Europe. Currently she is Vice-President and Registrar at Rutherford College and an Educational Consultant with Future Trends Educational Consulting".

Internet materials would indicate that Abdul Hassam was formerly the Executive Vice President and Dean of Faculty for the American Columbia Pacific University. A letter dated May 2, 1989, from Les Carr (who was then Dean of Faculty and Chairman of the Board, Columbia Pacific University) advises Abdul Hassam that he has been appointed Regent of Columbia Pacific University. A subsequent letter dated February 20, 1991 from Les Carr to Abdul Hassam advises him that he has been given the rank of "FULL PROFESSOR OF EDUCATION AND SOCIAL SCIENCES in [his] role of Faculty Mentor for Columbia Pacific University". Also retrieved during the inspection is a letter dated January 10, 1991 for financial institution purposes from Abdul Hassam (as President of

⁴ Elsewhere Abdul Hassam is described as having a DSc (Doctor of Science) – Honorary (History of Science and Learning) (International Philo-Byzantine Academy and University). The other credentials held by Abdul Hassam are described by him in a document entitled "Brief bio-data of Professor Abdul Hassam, Ph. D., D. Sc. (hon)" as graduate degrees in Cognitive Science, Education and Theology, certification as a Fellow and Diplomat of the American Board of American Counseling Association". At that time, he was the Professor and Chancellor at Stratford International University and was apparently holding academic positions as distinguished professor of psychology and cognitive science at the American International University and Leonardo Da Vinci University in Rome. He was also visiting professor and a member of the Board of Trustees at East-West University in Chicago Illinois and honorary professor of humanities and science at the University of Humanities, Science and Technology in Venezuela.

Future Trends Educational Consulting, with a West Broadway, Vancouver address) which reads:

Re: Columbia Pacific University Buy-Out Offer to Dr. Les Carr

This letter will serve to confirm that a group of overseas investors led by myself, on repeated occasions have offered Dr. Les Carr \$2.5 Million (Two Million Five Hundred Thousand U.S. Dollars) for his 50% ownership and shares of Columbia Pacific University.

This is a standing offer on our part. We wish to keep this matter strictly confidential.

Some of the other (nine including Abdul Hassam) listed members of the "Rutherford Leadership" also obtained degrees or taught at Columbia Pacific University. Internet materials indicate that Columbia Pacific University was ordered to cease its operations within the State of California by the Marin County Superior Court in December 1999. Subsequent appeals were reported to be unsuccessful, and a final judgment ordered the University to:

- Pay a civil penalty of \$10,000 to the Bureau for Private Postsecondary and Vocational Education for violating Sections 17200 et seq. and Sections 17500 et seq. of the California Business and Professions Code
- Permanently stop operating or offering any educational programs in California
- Notify all students enrolled from June 25, 1997 to December 1, 2000 of the Injunction and of their right to a refund
- Provide refunds to all students within 30 days of their request
- Provide a status report to the Court by June 30, 2001.

Columbia Pacific University reportedly then moved to Montana, but closed a year later.

An article by Stephen Barrett, M.D describes the background to the California court ruling (www.quackwatch.org/04ConsumerEducation/News/cpu.html) this way:

CPU, founded in 1978, was a private, nonaccredited correspondence school that offered programs leading to bachelors, masters, and doctorate-level "degrees" in various subjects.

Private postsecondary schools are regulated by the California Bureau of Private Postsecondary and Vocational Education, which approves schools to operate and ensures that training is relevant and practical. In 1996, after conducted a qualitative review and assessment of CPU's degree-granted programs, the bureau's predecessor agency ... denied CPU's application for licensure. On June 10, 1997, this denial was upheld by an independent administrative law judge who concluded that CPU had: (a) awarded excessive credit for prior experiential learning to many students; (b) failed to employ duly qualified faculty; and (c) failed to meet various requirements for issuing Ph.D. degrees. When CPU continued to operate without legal approval, the California Attorney General sought an injunction

The bureau estimated that hundreds of people would be eligible for a refund. In addition, students with CPU degrees granted on or after June 25, 1997, that were used for licensing examination eligibility were advised to contact their licensing authority with questions about the validity of their license. Most licensing boards require that exam-takers have degrees from state approved schools.

The bureau further stated that students who received degrees or credentials from CPU before June 25, 1997 should not be affected because the school had authorization to operate until that date. This merely means that the school was allowed to issue degrees. It does not mean that the school was accredited or that employers should regard the degrees as representing education equivalent to that of accredited schools. During the 1980's, an official of the California Postsecondary Education Commission confirmed to me that CPU had been authorized to operate but was not accredited.

Columbia Pacific University operates a website as an "alumni community" (www.cpuuniv.us). On the FAQ link, some of the questions and answers provided are these:

1. What are the origins of Columbia Pacific University?

Columbia Pacific University was founded in 1978 by two longtime university administrators and a Harvard educated psychiatrist. For 20 years CPU was based in its own building in San Rafael, California. CPU was a pioneer in distance education and delivered programs, employing a wholistic (sic) emphasis, to accomplished adults.

9. Was Columbia Pacific University a degree mill?

No CPU was the first California Approved Institution to gain Full Institutional Approval in 1986. CPU was founded in 1978. CPU's then president Richard Crews, MD (Harvard U.), served on the committee that recommended the improved private postsecondary education quality act of 1985 in California ... To imply that CPU was a degree mill is to imply that the State was itself fraudulent in declaring CPU to be "consistent in quality" with accredited institutions.

10. Was Columbia Pacific University ever regionally accredited?

CPU was not regionally accredited but enjoyed "Full Institutional Approval" in California, which was a special category and which referred to CPU's programs as being "consistent in quality" with the programs of properly accredited institutions in the USA

12. Why did Columbia Pacific University close when it became a private institution?

The California private postsecondary education act of 1989 was brought in, in part, by a lobby from independent accredited institutions who were concerned that state approved private institutions were taking too much of their business. We have inferred this in part from comments by Spille and Stewart (1988: see Diploma Mills: Degrees of Fraud). The 1989 Act only allowed traditional curricula and disallowed anything innovative. In effect, the 1989 act created a hierarchy of learning and eradicated innovation. The 1989 act constructed approved institutions as 'less than', [from then on describing them as to "meet](#)

[minimum standards](#)". Under pressure the State turned its back on innovation, giving the rights to innovation to accredited schools only. For an interesting argument on perception and this two-tiered system see (article link provided shortly).

According to the visiting committee which refused CPU's request for re-approval, CPU was unable to meet the new regulations. An independent consultant reviewed the findings and found "88 errors of fact" by the committee. CPU failed one re-approval visit but passed other re-approval visits for almost 20 years. Schools also lose their accreditation from time to time or end up "on notice" or on probation. CPU was given no such opportunity to correct its failings.

In one error the committee stated that two Africans serving as Deans at CPU were unqualified to be Deans because they had graduated from unaccredited schools. In fact their PhD's were from established and respected European universities (University of Wales and the University of Bremen). CPU appealed the committee's decision. In 1997 the administrative judge hearing the case refused to give CPU's president time to find an attorney. The president, Richard Crews, MD, had to act as CPU's attorney, and lost in court. CPU was ordered to close as of June 21, 1997. A high level state official turned whistleblower later testified in court that she was told that the state agency (now California's BBPVE) had planned to close down CPU. She testified that this conspiracy was in the works going back to 1992.

(Emphasis in original)

It is apparent from an email dated November 27, 2000 from Nursri Kassam (signing as Director of Admissions and Registration, (then called) Senior University International, with the Richmond BC address that Columbia Pacific University entered into an agreement with Senior University International which facilitated the transfer of all Columbia Pacific University students "to continue their studies at SUI, including newly admitted students". This is consistent with Les Carr's recruitment strategy for Senior University International, referred to later on in this Report.

Rutherford University (Wyoming)

The Officers and Directors of Senior University Inc. (Abdul and Nusrat Hassam) are also the Officers and Directors (and owners) of a for-profit Wyoming company which was licensed (not accredited) to operate as a university in that State until 2006. The company was initially registered in Wyoming as Senior University of Canada. State of Wyoming corporate records indicate that it subsequently changed its name to Senior University Inc., then Stratford International University, Inc. and then more recently, Rutherford University Inc. Coincident with these changes were changes in the operating names of the university. For ease of reference, I will refer to Senior University International, Stratford International University (January 6, 2003) and Rutherford University (September 20, 2004) collectively as Rutherford University (Wyoming).⁵ I note for clarity

⁵ I note that <http://www.thembadirectory.com> (as of March 26, 2007) lists Senior University, with key faculty including Abdul Hassam, Charles McCaffrey and Nusri Kassam. The contact information for admissions is the Richmond address and the telephone number is a Vancouver telephone number.

that some records refer to Stratford International University as SFIU and Senior University International as SUI.

According to documents authored by Nusrat Hassam, Rutherford University (Wyoming) was licensed “under W.S. 210-02-401 through 21-02-407 by the state of Wyoming” as a “non-residential university offering a full range of degree programs by distance delivery”. It was licenced to operate in Wyoming as a distance learning university by that State’s Department of Education in Wyoming for some 15 years.

Rutherford University (Wyoming) advertised on its website (as of March 16, 2007) (www.rutherford.edu) as offering degrees at Bachelors, Masters and Doctoral levels “through its schools, centres and institutes”. Abdul Hassam is the Chancellor and Dean of Rutherford University (Wyoming), while Nusri Kassam is named as the Vice-President and Registrar, Office of Admissions and Registration. The website lists Charles McCaffrey as the Vice President, International and Special Projects, International Education Consultant. It is apparent from records obtained by me in the course of my inspection that Charles McCaffrey’s affiliation with Rutherford University (Wyoming) is long standing. The only other listed administrators are Barbara Whyte Felicetti and Alka Geol-Stevens, M.Ed., Director of Student and Alumni Affairs (Ms. Geol-Stevens is “currently she is working with the Delta School Board teaching as a Business Education Department Head”).

A Rutherford University (Wyoming) prospectus located during the inspection contains a photograph of “Nusri Kassam” sitting at what appears to be her Richmond, BC office desk. The contact information for all enquiries is the “administration office” at 200-2900 Simpson Road, Richmond, B.C. (Telephone: 604.244.7754), the same address given for all correspondence. The same prospectus describes the Wyoming USA Office this way:

Rutherford University
Wyoming USA Office:
Director of Academic and Student Services:
Mr. Art Martines, M.A.
839 Front Street, Suite 202
Evanston, Wyoming
USA 832930
Tel: 307-44-2129
Email: Registrar@rutherford.edu
Website: Rutherford.edu

The email reference (registrar@rutherford.edu) is, of course, Nusrat Hassam’s email address.

Some records would indicate that Rutherford University (Wyoming) did not have a genuine presence in that State. For example, an email from Les Carr to Abdul and Nusri (with a request to them to forward it to Charles McCaffrey) dated August 26, 2000 provides in part:

... On the subject of Wyoming. The bottom line is given the increasingly strict regulations from the Wyoming Dept. of Education and their great interest in their one Indian reservation, I have proposed to Nusri that *we close what is now a bogus Evanston office (no one there representing SUI on a regular and legitimate basis should a State team visit take place)*. Tom Farner has made much headway with our Indian SUI rep (namely Carolyn Mills) and the Tribunal Council is due to approve SUI official space on the reservation.⁶ I would propose that the SUI office (small and inexpensive), phone, and Wyoming academic activities be exclusively on the Indian reservation. I believe that this will help SUI's credibility with the State of Wyoming. But we must make certain that we are actually offering academic programs (even small) on the Reservation. Close the Evanston office, ASAP and concretize SUI on the Indian reservation. Charles – feel free to email me at my new email.

(Emphasis added)

Les Carr's email is a response to an earlier email from Nusri Kassam (signed off as Director of Admissions and Registration, Senior University International, 200-2900 Simpson Road, Richmond, BC). In that email she asks "what can we do about our Wyoming phone calls?"

It would appear that, in the Spring of 2001, Wyoming Department of Education (WDE) officials were led to believe that Senior University International had a campus in Richmond, BC. For example, there is an email dated March 12, 2001 from Nusri Kassam to Randy Mason, Ed Program Manager, Private School Licensing, WDE, which attaches a draft agenda for his March 28-29 "on-site visit of Senior University International" in Richmond, BC. The "senior institutional officials available for interviews" are listed to be Abdul Hassam, Charles McCaffrey, Nusri Kassam and Les Carr. Email communications concerning Mr. Mason's subsequent "On-site Visit Report" were retrieved during the

⁶There is an earlier email exchange (between Les Carr, Abdul and Nusri Hassam and Charles McCaffrey) in which Les Carr proposes a letter to a Randall Mason which he says "should go out as soon as possible because if CPU is court-ordered (March 14th) to post a one-million dollar bond there will have to be an overnight transfer of students". The proposed letter speaks about meetings with Carolyn Mills and a named Tribal Council and includes the following: "As we discussed, SUI as part of its recruitment program and strategy is in confidential contact and negotiations with colleges and universities who are in the process of possibly closing for financial reasons or because of unresolved conflicts with their respective state agencies (for example, what occurred with Kennedy Western University and Idaho, and the University now in Wyoming). SUI is hopeful that this rather cost-effective recruitment strategy will result in a substantial number of qualified new students and their transfer to SUI, in line with SUI admission standards and procedures". There are also email communications between Les Carr and "Virginia" (copied to Nusri Kassam as Registrar) in August 2000 entitled "from Florida". Les Carr there writes "it is likely that SUI will be moving its entire Wyoming office and phones, etc. on the Wyoming Indian Reservation ... Please itemize for me what you consider to be SUI's current debt to you. At some point, soon, I would wish to work out this matter with you and take care of the debt ... Please box up all of your SUI materials and send them to Nusri and Abdul in BC". He is responding to Virginia's earlier email in which she advises she is in Florida and that, as she had not heard anything from SU, she had instructed her staff to box everything and await instructions. "As of end of business ... (tomorrow) SUI's line will not be answered".

inspection. In one, Mr. Mason responds to Abdul Hassam's request for advice on a new name for the university. (Abdul Hassam said that "the MOST FAVOURED by all is ROYAL HAMPTON UNIVERSITY"). Mr. Mason's response was this:

I agree with your proposal to change the paragraphs in my Visit Report to accurately portray where SUI is on accreditation. Therefore, I will modify my Visit Report.

As to a name change, my personal view is you might want to look into names of Canadian colleges and universities since we hope you will become accredited by Canada.⁷ I would try to avoid linkages to current universities based on my experience working with Preston University. [There is a US-based Hampton University.]

How does Western Pacific University or Western Columbia University [sound]?

Those are my thoughts.

Please provide me with copies of final agreement on complaint so I can clear my records.

Thanks for your assistance on the s.22 complaint.

I did not come across any information that would provide insight into the nature of the s.22 complaint". Abdul Hassam's proposed revisions to and comments on the draft report are, in part, as follows:

Item 6, Accreditation. This paragraph should be amended to read more accurately as follows: "SUI is on the right path for accreditation. SUI is registered under the Private Post Secondary Education Act of the Province of British Columbia and [is] in compliance with the Private Post Secondary Education Commission's regulations. SUI is accredited with degree granting authority by the Government of South Africa under the South African Qualifications authority (SAQA) Commission on Higher Education and is currently finalizing its registration process with the South African Department of Education.

SUI is working with the Canadian Educational Training Accrediting Commission (CETAC) to become nationally accredited. CETAC is the only national accrediting body in Canada for private institutions. If SUI achieves national accreditation, then SUI would be considering an accredited institution by Chapter 30 definition of an "approved and accepted accrediting body"

I note that the Private School License issued by the WDE on January 28, 2003 (expiration dated June 30, 2006) certifies that Stratford International University "located at 200-2900 Simpson Rd., Richmond, BC, Canada" meets the minimum standards for licensure pursuant to the *Private Schools Licensing Act*. This licence information is consistent with the earlier University "on-site" visit by WDE officials; that is to say, consistent with the idea the University was holding itself out as a Canada-based one. There are other indicators that Stratford International University was holding itself out as

⁷ Senior University Inc. applied for but did not receive BC accreditation in 1996. It did not receive Canadian accreditation either.

being located in Canada. For example, a November 2, 2003 email from Abdul Hassam regarding a student who was enrolled in the School of Administration and Management “pursuing a Master’s Degree through part time Studies” provides in part that the student:

... has permanent residence in Canada, in s.22 particular case s.22 was permitted to take proctored course examinations at the University Offices in Canada. s.22 program consisted of supervised guided studies as evidenced in s.22 academic transcript. All assignments were submitted to the University and s.22 examinations were held in November and December 2002. s.22 pursued s.22 degree program by part time attendance at the University, not through distance education nor online nor at any branch office.

There is a covering message from Abdul Hassam (copied to the Registrar) to the student (first name s.22 advising: “this is the response I will be sending – please confirm, thanks. BTW, we were informed that there is a possibility that they may check your passport. Based on the reply we have provided [reproduced above], please make sure that the information about your visit in Canada is consistent with your dates”.

The state of Wyoming changed its laws regarding the licensing of private post-secondary institutions effective July 1, 2006. As a result, Rutherford University (Wyoming) had to become accredited or be a candidate for accreditation in order to retain its licence to operate in that State. Additionally, it would be required to satisfy the regulatory authorities that it conducted the majority of its work from a campus located in Wyoming. At the time the regulatory legislation was introduced, the WDE acknowledged that Rutherford University was under investigation for non-compliance with State regulations.

It appears that Rutherford University was first notified by the WDE of an intended private school licensing action as well as the formal complaint on or around August 26, 2005.⁸ A September 17, 2005 news report (The Billings Gazette, by Becky Bohrer) (www.billingsgazette.com/newdex.php?display=rednews/2005/09/17/build/wyoming/30) described the situation this way:

... The Wyoming Board of Education put Rutherford University on notice Friday that if it can’t show it is operating within state regulations, its license will be revoked.

⁸ Minutes of the Wyoming State Board of Education for November 18, 2004 (available on line) say this about Rutherford University: “Several discrepancies were noted in their licensure compliance. They were without office space for some period of time, without that space there were no student records available, no faculty credentials available. In addition the foreign credential translations for instructors were incomplete. Abdul Hassam and Art Martines were present to represent Rutherford University. The issue of not having a permanent office location was due to a lease expiring and the owner of the facility being in Boston, Massachusetts. Student records are available in their new facility in Evanston and ready for inspection. The lease is in the Community Bank, formerly Commercial Bank, on Front Street in Evanston”. The issues of concern relating to Rutherford were tabled until the Board’s next meeting with a direction that the WDE coordinate with the Attorney General’s office to draft a 30 day notice.

Ken Nelson, a senior assistant attorney general said the board would send a letter to Rutherford, in Evanston, telling school officials that if the Department of Education isn't satisfied with Rutherford's response or showing of compliance, a hearing date could be set ...

"We're concerned about the students those schools purport to serve, especially Wyoming students," board member Dana Mann-Tavegia said after the meeting of Rutherford and other unaccredited colleges operating in Wyoming. "We think we have a superb educational system here, and we don't want companies interested in making a profit using our reputation and our name."

The complaint, based on state Education Department inspections in May 2004 and June 2005, says Rutherford has fallen short of state regulations including conducting no substantive academic or student service-related activities at the Evanston location and keeping incomplete records of faculty, their qualifications and the classes they teach.

Cecil Sherwood, director of government relations for Rutherford University, said Friday the school had been "beefing up our activities" in Wyoming, with a director on site in Evanston responsible for such duties as keeping in better touch with students and faculty. He said Rutherford provided a detailed, point-by-point response to the complaint, but that he's unsure what happens next, saying the rules were "totally confusing".

After a complaint is filed Sherwood said, "there's not a clear A, B or C to be done".

Board chairman Duane Edmonds said he received a fax from Rutherford, but had not had a chance to read it and gave it to the board's attorney.

Sherwood however, declined to provide a copy of the school's response, saying it was sent "in confidence" to the chairman of the education board and that he didn't want it to be misconstrued.

Although I did not obtain copies of the WDE letters to Rutherford University, I did obtain a copy of a "without prejudice" document responding to the complaint and notification dated September 1, 2005. The document is lengthy and it refers, among other things, to a June 14, 2005 inspection of Rutherford University's Wyoming office by WDE employees s.22 . The situation leading up to and during the inspection is described this way:

On June 2, 2005 s.22 wrote to the University stating that an unannounced inspection would take place on June 14, 2005 and that s.22 Private School Licensing Program Manager will lead the inspection. Rutherford University did not receive the written notice dated June 2, 2005 due to a United States Postal Service delivery error ... The letter was eventually received at the University on June 21, 2005 which was seven days after the date of the inspection.

Had the visit in June 14, 2005 been conducted by s.22 the person named in the WDE letter, then a very clear understanding of what we were doing would have emerged. Unfortunately *the aggressive style utilized by* s.22 *in the conduct*

of the meeting frankly traumatized our Director and direct intervention by phone was required by Mr. Cecil Sherwood.

Director Art Martines reports that at the inspection on June 14th, 2005, s.22 and s.22 were both present. However, s.22 was by no means leading the inspection as stated in the June 2nd notice of inspection letter. Instead, s.22 fully dominated the inspection in an uncivil and aggressive manner. s.22 began to conduct s.22 inspection with punitive intentions. *Mr. Art Martines further reports that s.22 uncivil and discourteous and rude behaviour intimidated him to the point that he was unable to either communicate fully or was unable to completely explain the nature of the substantive activities that he carries out at the University office in Evanston. A member of our senior staff responsible for government relations and special projects, Mr. Cecil Sherwood, had to intervene by telephone to provide additional clarification s.22 since Mr. Art Martines was overly nervous*

(Emphasis added)

As Rutherford University Director Art Martines was said – rather remarkably - to be unable to explain what “substantive activities he [carried] out at the University office in Evanston” due to the traumatizing circumstances of the inspection, senior administration at Rutherford University apparently felt compelled to do so on his behalf. It claimed:

The Director of Academic and Student Services in Wyoming is an integral member of the administration and working side by side with the Office of the Chancellor [Abdul Hassam], the Office of the Vice President and Registrar [Nusri Kassam] and the Office of the Director of Faculty Administration, Special Projects and Government Relations [Cecil Sherwood]. Given the complex nature of various academic and student related activities form various departments of the University, *the Director is being constantly updated and trained*. The training period is ongoing until all the functions, duties and responsibilities are carried out as specified in job description. *In this regard, constant communication takes place between the Wyoming Academic and Student Services Office and the Administration Offices*. Also, Senior Administrators periodically visit the Wyoming Office to ensure that all elements are functioning and in compliance with the regulations.⁹

⁹ The only reference I came across to a trip to Wyoming was in email communications and a covering document provided by Clearmind. Clearmind informed the PCTI Agency that sometime during 2003 Nusri and Abdul Hassam approached Clearmind and asked for funds for a trip to Wyoming. They understood the purpose of the trip was to “‘get a letter’ from the department of education in Wyoming that would allow them to operate as a University under PPSEC guidelines in BC, as well as to formalize the relationship with the ABMPP such that students would automatically be accepted into that association. We were interested in the ABMPP because it was our understanding that this was an association similar to those in Canada which govern and endorse counselors. Abdul suggested that a more formal relationship with the ABMPP could be a route to getting such a relationship with a Canadian association. We were a bit confused because we thought there already was an established relationship with the ABMPP ... They asked for approximately \$5000 as a contribution to that trip up front, and some more (I do not remember how much) after their return ... Duane and I discussed this proposal, and eventually decided to contribute the money ... Sometime just after the beginning of the next [2003/2004] school year Abdul and Nusri returned from their trip and announced that they had gotten students accepted at the B.A. level into the ABMPP. We were given a letter of approval from the ABMPP, which stated ... They also let us know that there would be ongoing fees as

In addition to the day to day management of the office, the Director, as a member of the team, is involved with the following substantive academic activities. The following academic and student related activity is conducted at the Wyoming office location. The principles duties and responsibilities of the Director of Student and Academic Services are as follows:

Academic Services

- Maintain all faculty files
- Ensure that there is on file copies of all degrees translated to English where necessary
- Original transcripts of degrees with evaluations from an approved agency were necessary
- Up to date resumes
- Current PSL forms
- Reference letters
- Maintain contact with students on their academic progress

Student Services

- Maintain all student files
- Ensure there is a student application and contract on file
- Ensure that the English language standard where appropriate has been or will be met.
- Ensure that all transcripts relative to previous academic studies are in English or have been evaluated and translated to English by an approved agency.
- Keep on file all transcripts issued to the student.
- Maintain a log of the academic progress of the student.

Curriculum Development

Since November 2004, in conjunction with the administration office the Director of Academic and Student Services participated in the curriculum development of two new programs to be offered in September 2005.

Program 1: BBA in Applied Business Studies

Program 2: BA in Integrative Counseling Psychology

(Emphasis added)

Some records obtained during the inspection reference Rutherford's negotiating strategy with the WDE with respect to its complaint. For example, a January 3, 2006 document refers to the "weakness in the RU position". It goes on to say "If the WDE depose Art we could have problems as he is unlikely to be able to handle the situation. We will have to consider legal and other ways of preventing Art being deposed. If this is not possible then we should consider getting Art here so we can school him". I take it the Art that is being referred to is Art Martines, the person who is, of course, said to be the Director of

part of this arrangement. We were not able to get a straight answer about what happened with the department of education in Wyoming. ”.

Academic Services for Rutherford University operating out of the University's Wyoming address and who could not describe his job function to WDE officials.

Interestingly, despite the claim of constant communication between Art Martines and the Richmond-based Rutherford University Administration offices and senior University administrators, and despite the fact that I have reviewed thousands of pages of documents reaching back over more than a decade retrieved from computer hard drives at the Rutherford College/Rutherford University headquarters, I did not locate any communications between Mr. Martines and any of Abdul Hassam, Nusrat/Nusri Hassam/Kassam and Cecil Sherwood.

Documents gathered at the site inspection reveal that Rutherford University settled with the WDE with respect to the WDE's complaint. It is apparent that in or around May 2006, Abdul Hassam agreed to either the earlier expiration of Rutherford University's licence or to allow it to lapse at the end of June 2006. In consideration, the WDE withdrew its complaint against Rutherford University (Wyoming). As of this point (June 2006) Rutherford University (Wyoming) was not licensed to operate as a university in any American State.

A Cheyenne news report "Online school departs, Joan Barron, Wyoming Star Tribune, June 16, 2006) reported in part:

Rutherford University, an online school with an office in Evanston, quit doing business in Wyoming as of Thursday, the state department of Education announced.

Whether other online schools follow suit remains to be seen, but the state's top education official credited a new state law with helping bring about Rutherford's departure.

The *Canada-based degree-granting school* was licensed in Wyoming but not accredited.

... Supporters said the new law will erase the state's reputation as a haven for diploma mills ...

... inspectors found that Rutherford was not in compliance with state regulations because the school conducted no substantive academic or student service activities at the Evanston location. The school also was faulted for failing to keep complete records of faculty members, their qualifications and the classes they teach, according to earlier published reports.

(Emphasis added)

There is a recent email exchange between a disgruntled Rutherford University student (who I will refer to as Student A) who has a s.22 email address and Nusri Kassam. Student A had asked for confirmation from Rutherford University respecting s.22 BA transcripts. Nusri Kassam emailed Student A on May 1, 2007 advising s.22 would soon receive the requested confirmation. Ms. Kassam also asked Student A to provide the following information:

... I have noted just passes in your Prac 3 – is that right? Did you ever give us your final transcript from Clearmind for Prac 3? Do you have a final exam mark and final course grade as the other students have been providing? Thanks for your urgent response so we can close this off too.

Student A responded the same day:

... Please tell me you're kidding Nusri! I graduated in 2005 and sent you all my transcripts then. There are no passes, all are A's and B's... The only thing left outstanding was my BA paper which I sent to your office (3 copies on Dec 27) after it was approved by Abdul. I sent Abdul an email about 3 weeks ago asking for information on ... what the hold up was and how come I hadn't received anything from Wyoming university yet, it has been 4 months now and so far I've heard nothing from them. Abdul sent an email back saying he would look into it, but I've not heard anything since then.

I really just want this over with and to have my BA in hand.¹⁰

Nusri Kassam then emailed Abdul, Aziz and Mindy Hassam (presumably Aziz and Mindy are relatives of Nusri and Abdul Hassam) saying this:

As you can see, some of our original transcripts must have been sent to the Wyoming files directly and students to this day are complaining. It would really help us who deal with these fires everyday to have our records here, any luck in bringing at least one box with you Aziz? I am copying this to Mindy too so she can remind you as well?

Mindy Hassam emailed back to say that she and Aziz Hassam had "already put the boxes in visual area in garage and will probably load them in the car today so we don't forget. We will bring them tomorrow for sure ... I didn't realize that we still had these boxes". The telephone listing for Mindy Hassam (which accompanies what appears to be her work address) has a 425 area code, the area code for Renton, Washington. Records indicate that Rutherford University has bank accounts in Washington State (as well as in Vancouver, BC).

¹⁰Registrar Nusri Kassam emailed Student A again on May 2, 2007: "For some reason, we do not have your final Prac 3 transcript from Clearmind, the last one on record was as of Nov. 05 with passes for Prac 3 and marks for your final exam or final grade. Please fax or email your Clearmind copy to us ASAP. You did so well in all other areas, that this was the main concern for me. I need to find out where those passes came from and will be more than glad to upgrade them. Joanie Tara has been extremely helpful, do you want me to contact her for you? Everything else is ready to be sent to you, you were graded well on your paper ... Please also confirm the suggested title appearing on your transcript [title of student paper]. Your college transcript is completely different and does not have all the details on it. This sparked yet another frustrated response from Student A: "I have no idea what you are referring to in terms of my transcripts being incomplete!!!! I received them from you in November of 2005 after you had received mine from Clearmind!!!! Everything is complete, except for my BA paper which I handed in December ... (I have no idea what you mean by your college transcript is completely different and does not have all the details on it. What details are you looking for??? I'm so confused and frustrated!!!!!!)".

I note that Duane and Catherine O'Kane of Clearmind say that at some point after 2004 they learned (through direct questioning of the Hassams) that Rutherford University (Wyoming) had no on-site campus in Wyoming.

Rutherford University (Swaziland)/Rutherford University (PVT) Ltd.

Around this time, and in response to the Wyoming "situation", Rutherford University announced it had achieved accreditation in Swaziland to operate in that country as a degree-granting institution. Internal documents obtained during my site inspection describe Rutherford University's affiliation with Swaziland this way:

For the past fifteen years we have been involved through an Affiliate college in offering our programs in South Africa.

Three years ago we incorporated a company in Swaziland "Rutherford University PVT". Following the incorporation of the company we opened discussions with the Ministry of Education in Swaziland regarding the establishing of Rutherford University as a degree granting Institution.

... recently we received confirmation of our authority to commence operations as a degree granting institution. In addition, the Ministry has accorded us the status of an accredited university.

The memorandum goes on to say that Rutherford University was in the process of obtaining a campus building in Swaziland and that "all current and future students will receive their degrees from" that university.

Rutherford University (PVT) Ltd. is a company which records describe as one of the entities in the "Rutherford Education Network". Those records say Abdul Hassam is the "President" of all of the entities falling under the umbrella of this network, and thus he is the operating mind of Rutherford University (Swaziland). Rutherford University is said to be registered by the Swazi government and incorporated under the Swazi *Companies Act* No. 7 of 1912, under 2004 certificate of incorporation no. 1349. It is also said to be "accredited and approved as a degree granting institution of higher education by the Ministry of Education of the Government of Swaziland, a member of the Commonwealth of Nations". An August 22, 2005 letter from a Swaziland law firm refers to Rutherford University's application for registration of a tertiary institute and an attached letter from the Ministry of Education (which unfortunately was not attached to the record obtained during the inspection). It is addressed to Rutherford University, PO Box 5231, Durban 4000, Republic of South Africa, to the attention of Bertie Wicks who, as will be seen, runs Rutherford University's South Africa operations under Abdul and Nusri Hassam's direction.

Another internal memorandum indicates that, prior to obtaining accreditation in Swaziland, all students from South Africa/Swaziland “were taught by Hampton. Under a system of transfer credits RU of Wyoming issued transcripts and degrees. For this service RU [was] paid a percentage of the tuition fees charged. Hampton was responsible for all local expenses”. It thus appears the “affiliate college” referred to above is Hampton College. Hampton College (www.hamptoncollege.co) is a South Africa based operation established in 1985 “when the founders realized that there was a major shortage of trained staff in commerce and industry”.¹¹ Hampton’s website (as at June 22, 2007) says that it focuses, among other things, on:

University Education including the MBA
University education through Senior University (USA/Canada), provide Associate, Bachelors and Masters degrees in the faculty of Business Administration and the faculty of Arts (Travel and Tourism, Education) ...

Distance learning/correspondence

(Emphasis added)

Rutherford University’s website following its Swaziland accreditation lists its contact information as “Office No. 104B, Dlan’ubeka Building, Walker Street, Mbabane, Swaziland” and its contact email as support@rutherford.edu. The website also references the “Rutherford University Education Network” and the countries listed in relation to this network are “Swaziland, Malaysia, Mexico, Netherlands, China, Hong Kong, Lebanon, Philippines, Taiwan, Singapore, UAE”.

As a consequence of the Wyoming State regulatory developments, Rutherford University sent an “Announcement from the Office of the University Chancellor” to “all Rutherford University students worldwide and transfer credit students from affiliated colleges”. The announcement read:

Rutherford University is delighted to share with you some exciting news regarding the University’s development internationally and in line with its mission philosophy to establish campuses and build associations with local colleges and universities around the world. Amongst other features and successes of Rutherford University is its education delivery model that is flexible and adaptable to the countries in which its students reside. Please see the attached announcement.

Congratulations and best wishes to all Rutherford University students worldwide!

Rutherford University students were assured by Nusri Kassam that “Rutherford University Swaziland has agreed to honor and accept all transfer credits for all students”. The attachment referred to in the above email announcement provides in part:

¹¹ The Hampton College website lists its “physical address” as 40 Moore Road, Durban, 4001 and its mailing address as PO Box 18713, Dalbridge, 4014.

... Rutherford University has now **received Approval and Full Accreditation from the Ministry of Education of the Government of Swaziland – a member of the Commonwealth – as a Degree Granting Institution of Higher Education authorized to confer Bachelors, Masters and Doctoral Degrees. The University may also confer specialized qualifications including honorary degrees. Shortly, the University will be listed with UNESCO and the Association of Commonwealth Universities.** We are very excited about the opportunities that are now open to us and to be able to grant accredited commonwealth degrees.

RECOGNITION AND ACCREDITATION

... **Rutherford University** Programs in Health and Human Services and Disability Studies are Board certified by the American Board of Medical Psychotherapists and Psychodiagnosticians [ABMPP] and the American Board of Disability Analysts [ABDA] respectively

Ken Anchor was Rutherford University's Dean for the School of Health and Human Services. Ken Anchor is one of the signatories on the ABMPP Diploma Certificate issued to "Professor Abdul S. Hassam, PhD (Psychology) under no. 3095-99. It would appear that Ken Anchor resigned from his position as Rutherford University Dean for the School of Health and Human Services on January 1, 2007. This resignation is coincident with an announcement ending the ABDA and ABMPP accreditation of Rutherford University. Although these two organizations were still receptive to resuming a relationship if the University initiated a proposal to do so by May, 2007, nothing in the documents retrieved during the inspection would indicate the relationship was in fact resumed by that deadline.

Rutherford University (Alabama)

Presumably, at least in part, because (as will be seen) students enrolled with Rutherford University (and overseas agents acting on Rutherford University's behalf) consider a degree from an American university to be more desirable than one from a Swazi university, Rutherford University also applied for licence and program approval in the state of Alabama. In furtherance of this, Abdul and Nusrat Hussam recently registered Rutherford University Inc. as a domestic Alabama corporation for purposes of carrying on the business of a university in that state. Alabama corporate records list as Directors of that corporation Abdul Hassam (President and Director) and Nusrat Hassam (Director and Secretary) of 5290 Willow Street, Vancouver BC, although a communication from Ms. Hassam indicates Azziz Hassam is also a director or officer of that corporation.

In his May 28, 2007 letter to the PCTI Agency Registrar, Abdul Hassam explained the Alabama intentions this way:

... When Rutherford University ceased to be licensed in Wyoming, a number of overseas affiliates asked Rutherford University Inc. of Wyoming to investigate the potential for opening a University elsewhere in the US. A number of the affiliates indicated that they

wished to take a substantial stake in any development. Currently Rutherford has incorporated a company in Alabama. The company that has been incorporated does not presently have any degree granting authority. If all the funds required are received from these overseas investors, an application will be made for authority to set up a University in Alabama. Under the Regulations applying in Alabama, all functions of the proposed University will be located in Alabama. All the officers of the University will be resident in Alabama. In addition, the overseas investors will be the majority shareholders.

Records obtained during the site visit include the minutes of a meeting held on May 14 and 15, 2007 at 200-2900 Simpson Road, Richmond, BC. Present were Abdul Hassam, Nusrat Hussam, Cecil Sherwood and “Professor Yap”, who is listed as Rutherford University faculty (“Faculty Advisor, School of Administration and Management, graduate of University of Saskatchewan”).¹² More will be said about Professor Yap later. Those minutes reflect intent to attain accreditation in Alabama with a focus on Applied Business Studies and Counselling Psychology Programs, “initially” as distance learning programs. Delivery methods for all programs are to be “fully on-line” and through “Affiliate Schools”. A stated objective of those present at the meeting is have the “Principal Affiliates participate as shareholders”. The minutes go on to say:

Professor Yap explained to the meeting the recruitment and delivery method he used in Malaysia. Following an interchange on views it was agreed that the model used by Professor Yap could with success be exported to other territories. Consideration is being given to creating “The Corbez Business School” with appropriate degrees.

A Surety Bond Premium Invoice dated May 17, 2007 in the amount of \$20,000 names Rutherford University Inc. (Abdul Hassam, of 2900 Simpson Road, #200, Richmond, Canada) as the Principal and the State of Alabama as the Obligee.

A Rutherford Corporate Directors’ Resolution No. 1007 dated February 28, 2007 is signed off by Abdul Hassam as President and Director of Rutherford University Inc. Alabama and Nusrat Hassam as Director and Secretary of that corporation. It resolves that 10% of the ordinary share capital of Rutherford University Inc. incorporated in Alabama be transferred to Corbiz Consulting Sdn. Bhd, Suite 18-19, 18th Floor, Wisma Zelan, 1 Jalan Tasik Permaisuri 2, Bandar Tun Razak, 56000 Kuala Lumpur, Malaysia under incorporation no. 708417-K on receipt of \$50,000 USD. Attached to this resolution is a Request for Payment document, also dated February 28, 2007 and signed by Cecil Sherwood as “Chief Fiduciary Officer and University Treasurer”. It asks that \$50,000 USD be transferred to a bank account in the name of Rutherford University Inc. in Washington State, USA. A subsequent May 14, 2007 email from Cecil Sherwood to Nusri Kassam asks her to put the receipt confirming payment on “Rutherford University Alabama letterhead”.

¹² Among documents retrieved during the inspection is a May 15, 2007 receipt for \$2000 signed by Professor Yap Thoo Chai for “educational Services and Overseas Consulting”.

An email from Professor Yap to Abdul Hassam April 11, 2007 advises that Professor Yap wants to recruit “the third batch of students” and wants to be able to tell potential students that “it is the Rutherford University at Alabama Program”. He asks if it would be “alright to say this”.

Some 2007 news reports were emailed to Abdul and Nusri Hassam via s.22 by someone who appears to be a former student who “would not have had the time to earn [a] degree through the normal route” and who was anxious to know how things were progressing in Alabama. One referred to Preston University as having “moved to Alabama – where there’s less oversight of post-secondary education – now that Wyoming requires private universities to be accredited”. It also refers to Rutherford University’s move to Swaziland. Another provides in part:

As states elsewhere tighten their restrictions, more and more unaccredited schools are migrating to places like Alabama, where regulations are lax.

Offering courses in a variety of fields, what some of these unaccredited institutions actually provide is an impressive looking sheepskin in return for an appropriate fee from the consumer.

Some require little or no academic work, crediting consumers with “experiential learning” outside the classroom. Others may ask for a perfunctory essay.

This is fraud, purely and simply. It enriches hucksters, devalues legitimate college degrees and confuses employers and professional licensing boards.

Rutherford University’s relationship with Clearmind International Institute Inc.

Clearmind International Institute (Clearmind) has facilities in Langley, BC, but appears to also have affiliated offices in Toronto,¹³ Stockholm, Dublin, London, Liverpool and on Vancouver Island.¹⁴ Duane O’Kane is the founder of Clearmind and he and Catherine O’Kane are the Principals of that operation. Clearmind’s website (www.clearmind.com) describes its programs this way:

¹³ A number of electronic records relating to Clearmind’s Ontario operations (described by Cecil Sherwood as a satellite campus in Toronto), including financial information and email communications between Cecil Sherwood, Nusri Kassam/Hassam and Abdul Hassam, were retrieved during the inspections. There is, for example, reference in a January 14, 2005 email to “Abdul/Nusri” from Cecil regarding a letter sent to Clearmind by the Ontario Ministry of Education which outlines his ideas as to how they should “position” themselves. After listing the suggestions (one of which is that Ontario be told if a Clearmind student “wishes to enroll with Rutherford as a DL student they [must] apply directly to the admissions office of the University”), Mr. Sherwood writes: “If everybody is agreeable we should write from our Wyoming office to MOE in Ontario. We should advise Clearmind on how to adjust their Website. We could also open a dialogue with the MOE regarding providing tuition in Ontario”.

¹⁴ Clearmind BC has a learning site in Mill Bay.

Clearmind International Institute Inc. is a company offering innovative educational and psychotherapeutic programs using an experiential spiritual/transpersonal paradigm. Our mandate is to help people pioneer a path through areas of personal struggle, discover meaning and purpose in their own lives, and through that to contribute in their own way to the well being of others. Difficult emotions like sadness, fear, and anger can transform into compassion, excitement and passion when we are pointed in the right direction.

We offer a number of weekend workshops with a variety of themes. The Awakening is our introductory workshop, which offers the philosophical and experiential foundation on which all the others build. Our subsequent workshops focus on themes of relationship, men's/women's issues, addictions and attachments, all using the same experiential approach with different templates. There are also longer international leadership training programs which offer an exciting opportunity to discover yourself in the company of others from around the world.

Clearmind International is made up of people from all walks of life who have chosen to aspire to lives of honesty and integrity. As such, it is also a social and supportive network of different but like minded individuals working towards positive change in their lives and in the world.

Therapeutic Standards

We pride ourselves in taking a therapeutically responsible and professional approach to the delivery of our programs. In Canada, our facilitators are educated and registered with the BC Association of Clinical Counsellors (BCACC) or the Canadian Professional Counsellors Association (CPCA). International Facilitators are similarly educated and trained in their respective jurisdictions. Workshop assistants, who work under the direction of facilitators, receive in house training in responsible, ethical delivery of service. We adhere to our own Code of Ethics, as well as those of our associations.

Clearmind has been registered under the PCTI Act since October 2003. Their initial registration was triggered by a letter from the PPSEC in July 7, 2003 concerning some promotional literature that had come to its attention which offered Clearmind programs at the "Springbrooke retreat Centre and campus" in Langley. The PPSEC expressed its view that this material indicated Clearmind was providing or offering to provide post secondary training in BC, in which case Clearmind should be registered under the *Private Post Secondary Education Act*. The PPSEC letter went on to say that:

... As the Commission understands that you may not have been previously aware of the requirements of the Act, we are not minded to pursue action at this time. However, we would like to emphasize that this matter must be addressed immediately and ask that we receive your completed application for registration by August 8, 2003.

Duane O'Kane responded on July 25, 2003. He explained the nature of Clearmind's experiential/personal growth/healing workshops and then went on to say:

2. Practitioner Training

We have developed ... a personal growth program that appears to fall under your jurisdiction, in that we provide participants with transpersonal and traditional psychological information and basic skills training. We have developed this program based on workshop participants' interest in the psychological theory behind our workshops. We do not offer any kind of diploma/degree/certificate for this program. Please find enclosed our application to register as a private institution. We were unaware of the need to register and so apologize for the lateness of this application.

3. Certificate/Diploma/Distance Learning BA Programs in Spiritual Psychotherapy.

In addition to the personal growth components, many of our participants wish to pursue a more academic stream. For this purpose, they have multiple options. Some individuals for personal knowledge and satisfaction wish to earn a certificate/diploma and for this purpose, we recommend to them an appropriate registered institution in the province.

Since most participants are working adults and/or raising families, they prefer to select a distance-learning format to accommodate their personal choice and convenience of learning. Senior University of Wyoming, USA is one such institution that has agreed to allow our practitioners training participants to complete their BA degrees through distance learning.

Clearmind's registration application was approved by PPSEC on October 1, 2003.

In October 2005, PPSEC wrote to Clearmind in respect of concerns arising from a reference on Clearmind's website to "one to three year certificate programs (also eligible for BA and MA in Transpersonal Psychology Degree through distance learning)". Clearmind was advised that, as a registered private post-secondary institution, it was not authorized to offer degree programs and that this advertising was in contravention of the *Degree Authorization Act*. While it would be acceptable to state that some of its courses can be transferred to a named university (assuming articulation agreements were in place), it was not acceptable to represent its courses as degree courses. Clearmind was given until October 7, 2005 to remove the website reference. Duane O'Kane emailed PPSEC shortly after this to say the reference had been removed.

Concurrent with my site inspection of the Rutherford College/Rutherford University facility, PCTI Agency inspectors carried out an inspection at Clearmind's Langley facility and removed a number of documents and a computer central processing unit. As noted above, I have had access to and have reviewed a number of these documents and taken them into account in writing this Report. Documents obtained during the on-site inspection of Rutherford College and the PCTI Agency on-site inspection at Clearmind's Langley location reinforced the existence of a clear affiliation between Rutherford University and Clearmind reaching back to 2002.

On May 24, 2007, PCTI Agency Registrar Jim Wright advised Clearmind (Duane O'Kane) that he was suspending Clearmind pending completion of a PCTI Agency inspection report. That letter provides in part:

On May 17, 2007 four persons, acting in the capacity of Inspectors under the *Private Career Training Institutions Act*, conducted an inspection of Clearmind International Institute Inc., at its Langley campus. In addition to interviewing Catherine O'Kane and yourself, the Inspectors removed a variety of documents and a computer central processing unit.

A preliminary review of these materials, coupled with those removed from the premises of Rutherford College on the same day, provide evidence that Clearmind has had a long-standing association with Rutherford University, a degree granting institution that does not have Ministerial consent under the *Degree Authorization Act* to offer degrees in British Columbia.

Documents reflect that for several years Clearmind students have received transfer credit to Rutherford University and thereby obtained a university degree, notwithstanding the fact that Clearmind is not authorized under either the *Degree Authorization Act* or the *Private Career Training Institutions Act* to provide courses or programs leading to degrees in British Columbia to be conferred by institutions inside or outside the province.

Financial records disclose that Clearmind has collected revenue on behalf of and received revenue from an institution that is not authorized to operate in British Columbia and, in so doing, has contravened the *Degree Authorization Act*.

Clearmind marketing materials continue to advertise degree programs, even though you were advised by the PCTIA in October 2005 that "as a registered private post-secondary institution, you are not authorized to offer degree programs". This action once again contravenes the *Degree Authorization Act* and the *Private Career Training Institutions Act*.

Given the failure of Clearmind to comply with the *Private Career Training Institutions Act* and the *Degree Authorization Act*, as per section 8(4) of the *Private Career Training Institutions Act*, the registration of the institution is suspended pending the outcome of the Agency's investigation into the institution's operations.

As per section 8(5) of the *Private Career Training Institutions Act*:

If a registration is suspended under subsection (4), the registered institution

- (a) may, subject to any conditions imposed under subsection (4), continue to provide career training to the students currently enrolled and in good standing with the registered institution at the time the suspension takes effect, and
- (b) must not enroll, provide career training, or offer to enroll or provide career training, to persons who are not students described in paragraph (a).

Accordingly, Clearmind must immediately stop all forms of marketing, which includes the removal of all internet advertising and the recall of other forms of advertising materials.

No new students may be enrolled, and no new contracts entered into with former students.

As per the PCTIA Bylaws, notice of the suspension will be posted on the Agency's website.

The advertising referred to pertains, among other things, to advertising contained on Clearmind's Toronto website (www.clearmindtoronto.com/images/prac_infor.jpg). It advertises a "spiritual approach to education" where one can earn "an Internationally Accredited BA and/or Masters degree with Rutherford University". Clearmind's Toronto operation is run by facilitators Paul Goudsmit and Jane Tipping. The O'Kanes say that the Toronto operation is independent of theirs (they describe it as a sole proprietorship) and that they have not had a relationship with Paul Goudsmit or Jane Tipping for some time.¹⁵ They also report that they had not seen the website advertisement until it was brought to their attention by the PCTI Agency. They subsequently followed up with the Toronto operation and advise that the information has now been removed.

Other undated advertising materials obtained by me clearly link Clearmind to Rutherford University. For example, one advertisement has a photograph of Duane and Catherine O'Kane and a photograph of Paul Goudsmit and Jane Tipping and it contains the following information:

Clearmind ... a Spiritual Approach to your Education with Clearmind International Institute. Earn a Bachelor of Arts or Master of Arts in Transpersonal Counselling Psychology.

- »Experiential, Hands-On Learning
- »Studies include A Course In Miracles, Family Systems Theory, Gestalt & More
- »1 to 3 year Programs Designed for the Working Adult or Part Time Student
- » One Day or Evening per Week
- » Program Runs October 2005 Through June 2006
- » Classes in Vancouver, Toronto and Vancouver Island

Degree completed in conjunction with Rutherford University (Rutherford.edu) Evanston, Wyoming, USA. Board Certified: ABMPP & ABDA Students eligible to apply for registration with the Canadian Professional Counsellors Association.

In response to the PCTI Agency Registrar's May 24, 2007 suspension letter (received on May 25, 2007), Clearmind Principals Duane and Catherine O'Kane wrote a lengthy letter to the PCTI Agency on June 1, 2007, providing a large number of attachments. That letter provides in part:

This letter is to respond concisely to the suspension letter we receive on May 25, to inform you of our current status, and what actions we have taken to correct and fully

¹⁵ Note that Clearmind/Toronto student tuitions were remitted to Rutherford University along with Clearmind/Langley student tuitions.

make right any and all areas where we were unaware, and in contravention of the subsequent named acts.

Private Career Training Act Section 1
University Act
Degree Authorization Act

We admit, that due to ignorance we have been in contravention of these bylaws and Acts. Our association with Senior (Rutherford) University began in 2002, and continued on until 2005. The only exception to that is to assist our mutual students, we continued to send student evaluations (at students request), even up until May 25. We have since discontinued this practice.

As explained in detail in the written history with supporting documentation that we provided, our past association with Rutherford had been in a constant state of flux. As our confidence in Abdul and Nusri Hassam decreased, we began to gather our own independent information rather than rely on instruction or guidance that they provided ...

We believe we must be accountable for our ignorance in this matter, however we also feel that we have been consistently and intentionally misled and lied to by Abdul and Nusri Hassam. They held out to us and our organization that they were abiding by all governing regulations, and that they were informed and experienced in this process and its parameters, which is not accurate ...

Clearmind acknowledges that it had an association with Senior/Rutherford College since 2002 as follows:

- from October 2002 to summer of 2003 we believed ourselves to be a 'department' in Senior University, and that our agreement with Senior regarding this allowed us to operate legally under their 'wing'¹⁶
- From October 2003 we believed that we were separate organizations that could operate concurrently with some of the same students
- From October 2002 to December 2005 Catherine O'Kane had a relationship with Senior/Stratford/Rutherford as academic advisor for their distance learning program, which she believed she could do legally as she believed she was hired by them based on providing her resume and university transcripts, and invoiced

¹⁶An email response to a prospective Rutherford University student from Clearmind in August 20, 2003, sent to Nusri Kassam from Abdul Hassam (asking her to read and send) provides: "Thank you for your inquiry about BA and MA programs in Transpersonal Psychology. Regarding accreditation, please note the following. The university council has accredited CLEARMIND, that is, it has integrated this unique program in its School of Health and Human Services leading to the BA and MA. Further, graduates of the program are eligible to apply for Board certification and the program has been fully approved for National Board Certification by the ABMPP ... and the ABDA ... SIU does not fall under the jurisdiction of WASC. SIU fall under the jurisdiction of the NCA. Given the international mission and thrust of SIU has not sought membership with NCA. SUI is fully licensed by the State Board of Education as a Degree Grating [sic] Institution. Degrees are granted by the legislative authority of the State Government. SIU is accredited by the ISPS (International States Parliament), an Inter-Governmental Organization recognized by the Vienna Convention".

them directly for services. We were led by Abdul and Nusri Hassam to believe that this was an appropriate arrangement.

- From August 2006 to May 25, 2007 we fully understood that we were separate organizations entirely, we no longer respected or recommended Rutherford University in any way, and our only association was to honour commitments to mutual students who registered in the 2004/5 and 2005/6 academic year ...
- Since receiving your letter of May 25, 2007, we have had no further relationship with Rutherford University.

- From October 2002 until the summer of 2003 both programs [Clearmind and Rutherford University] were essentially operating as one, therefore all Senior University transcripts of Clearmind's academic students were filled out by Catherine O'Kane.
- From 2003 to 2005 we believed (under the counsel of Stratford/Rutherford) that our students could be enrolled in both institutions concurrently to obtain their degree from Stratford (Rutherford), and that Catherine O'Kane could act as an academic advisor for their distance learning program. Catherine O'Kane continued to fill in Stratford/Rutherford University transcripts for any students enrolled in their program, and these included the coursework they did at Clearmind.
- From October 2005 to the May 25, 2007 [letter] we still believed that students could receive credit at Rutherford University for the work they did at Clearmind, although Catherine O'Kane withdrew from acting as academic advisor, in an effort to being a clear separation from Rutherford. At the request of students, we forwarded to Rutherford University copies of Clearmind Evaluations (no transcripts were filled out as in previous years)
- Despite the fact that prior to October 2005 we had an understanding of how transfer credits were applied from Clearmind to Rutherford University, that is not being followed by Rutherford since we are aware of several of our students who have received degrees from Rutherford, for whom we have sent no evaluations because they had not completed all their assignments for our program.
- Since receiving your letter of May 25, 2007, we now fully understand that no Clearmind student evaluations should be provided to Rutherford University/College, and thus we have sent them correspondence indicating that we will no longer forward them any student information ...
- In addition, since receiving your letter ... we have sent correspondence to any mutual student we are aware of (11 students who are currently in our Prac 2 and 3 programs) that we will no longer be providing Rutherford with any student information ...
- As late as May 27, 2007 we received a request from Nusri Hassam for Clearmind Student evaluations, which was declined ...

An early email (October 22, 2004) and attachment from Cecil Sherwood to "Nusri" and "Abdul" describes his understanding of the arrangement between Clearmind and Rutherford University. This memorandum was provided to Clearmind Principals Catherine and Duane O'Kane. The attached memorandum provides:

Memorandum

Subject:

- Operating Relationship Rutherford University (formerly Stratford International University) and Clearmind Institute.

Background:

In 2002 Clearmind contacted Rutherford University in Wyoming and requested assistance in providing an opportunity for their students to study for a degree in Applied Transpersonal Psychology.

Rutherford reviewed the course material used by Clearmind. Following discussions with the Dean of the School of Health and Science and the ABMPP it was concluded that the program offered by Clearmind could receive Transfer Credits towards a degree with Rutherford.

Procedural Arrangements:

1. Students enrolling with Clearmind fall into two categories namely: Category [one] students that wish to take the program for Personal Development: Category two those students that wish to take a more Academic approach and pursue a program of study that will enable the student ultimately enable the student obtain a degree.
2. Category two students when they enroll with Clearmind if they wish can enroll as Distance Learning students of Rutherford University a separate application form must be completed and submitted to Rutherford University. Rutherford appoint a University Faculty Advisor to work with each student enrolled with Rutherford.
3. The program offered by Clearmind fulfills part of the requirements towards a degree from Rutherford. To ensure that the University standards and those of ABMPP are met Clearmind must send all student transcripts together with copies of the tests, projects and examinations that have been set by Clearmind together with method of assessment.
4. Clearmind may not alter the program without prior consent of Rutherford.
5. The University makes the final decision regarding the conferring of a degree.
6. A representative of the University has the right to attend any of the lectures being provided by Clearmind.
7. The lecturers delivering the lectures for Pract 1.11. & 111 are appointed by and the responsibility of Clearmind.

Duane and Catherine O'Kane also report that Nusri and Abdul Hassam told them that "Senior was a College in BC, and a University in the USA so students would receive a College diploma from BC as well as a University degree from Wyoming".

As acknowledged by Clearmind, it first entered into an agreement with Rutherford University in October 2002. Nusri Hassam subsequently revised the terms of that agreement in 2005 and sent it to Clearmind by email. A copy of that proposed agreement (which was back-dated to November 1, 2004) provided in part:

WHEREBY IT IS AGREED as follows:

1. The University permits Clearmind Institute to administer the University's Bachelor of Arts (B.A.)/Master of Arts Degree Programs in Transpersonal Psychology/Counselling

in accordance to the manner prescribed by Clearmind Institute's covenants to the University, as approved and confirmed by the University Dean and Chancellor of Rutherford University.

a) The term of this Agreement is for a total period of three years. After which, based on the performance of Clearmind Institute, this agreement may be renewable upon further negotiation.

iii) The University shall be responsible in granting the relevant degrees and the transcripts to the students who have already completed their degree program by completing all their term papers, assignments, and bachelor's/master's papers for individual degrees, and when the students have met and completed all financial requirements.

iv) The University shall have the final authority to approve any student's admission to any program of study. On behalf of the University, Clearmind Institute is authorized to admit students based on the admission criteria provided by the University Registrar. Criteria are defined in the addendum to this agreement.

v) The University shall agree to Clearmind Institute designing certain subject matter, which is more suitable to the local education needs. RU shall have final approval over which programs may be provided in this manner.

vii) The University shall be responsible for reviewing and have final approval of the credit transfers for diploma, certificate and degree programs offered by an other local institutions and local universities.

Clearmind Institute Covenants to the University as follows:

1a) Clearmind Institute shall be responsible to bear all the expenses of promoting the agreed upon bachelor's/master's degree program in Transpersonal Psychology/ Counselling of the University.

1b) Clearmind Institute shall maintain the good name and reputation of the University by ensuring that the seminars are administered by qualified professionals and qualified lecturers. Based on the rules and regulations by the Department of Education of the State of Wyoming, Rutherford University will be required to approve all faculty appointed by Clearmind Institute to lecture or teach on behalf of Rutherford University

Clearmind did not sign this or any subsequent agreements with Rutherford University. Clearmind informed Nusri Hassam by email that the proposed agreement contained a number of elements that did not accurately reflect Clearmind's relationship with Rutherford. Clearmind Principals Duane and Catherine O'Kane were firmly decided to "back out" of their relationship with Rutherford University at this point.

In July 2004 David Wong (who some records indicate is a graduate of Columbia Pacific University) "for Clearmind Institute" entered into a service contract with "Stratford (Rutherford) International University". Under the terms of the contract, David Wong agreed to mentor, advise, evaluate and examine Clearmind/Rutherford students while working towards their graduate degree. He further agreed to be available to those students either by phone or at Clearmind's Langley, BC facility. He was paid directly by

Rutherford University for these services. David Wong is listed as Rutherford University faculty ("Professor, School of Health and Human Services", although there it says he is a graduate of American International University) and he lives in the Vancouver area.

More recently, an unsigned partial project paper submitted to "Rutherford University School of Applied Transpersonal Counselling in Psychology" for BA purposes has a date of April 30, 2007 and lists Cecil Sherwood as the student's faculty advisor. This student is listed as one of Rutherford University's 2006/2007 students.

In their June 1, 2007 letter to the PCTI Agency Registrar, the O'Kanes say this in relation to the *Degree Authorization Act*:

Regarding the above mentioned contravention of the *Degree Authorization Act*:

- Clearmind collected revenue for Senior/Rutherford University in 2002/3. We have not collected revenue since then.
- Clearmind received revenue from Senior/Rutherford University in 2002/3, and then also received revenue for one student due to a prior arrangement ...
- Aside from these, we have not received or collected revenue from Rutherford or any other institution.

[With respect to the advertisement of degree programs]

- From October 2002 to summer of 2003 we advertised and verbally promoted that students could obtain a BA ...
- From October 2003 to September 2005 due to us understanding more we advertised and verbally promoted that students could obtain a degree "completed in conjunction with Rutherford University".
- We have no record of the PCTIA October 2005 letter mentioned above, however based on verbal information from Rutherford University we changed our advertisements to read: "Transfer Credits from Practitioner Training are accepted by external University for BA and MA degree"
- From August 2006 we have not intentionally advertised any degree program or transfer credits, nor have we verbally mentioned this to any student ...
- Since May 25 we conducted an internal company search ... we discovered that in error, our workshop producer ... inadvertently distributed leftover historic flyers from previous years. Those flyers had been intentionally pulled out of our circulation some time earlier and discontinued from any distribution. This flyer contained the line "Transfer credits from Practitioner Training are accepted by external University for BA and MA degree". These flyers were used prior to August, 2006 and were not distributed after that date ...since we realized those flyers existed, they have been collected and destroyed
- We have made several attempts to get Clearmind Toronto to remove Rutherford from their website (again, they are a separate sole proprietorship, who have not been in relationship with us for some time) and they did agree to remove these references and it was done on June 1.
- We have removed all references to Practitioner's Training from our own website at www.clearmind.com.

Finally, the June 1, 2007 letter from Clearmind advises it does not have any employees who are also employed by Rutherford University and that Clearmind has no intention of establishing any relationship with that organization in future.

In sum, for a time (starting in 2002) the arrangement between Clearmind and Rutherford University was one where successful completion of Clearmind's Practitioners Levels 1, 2, and 3 courses and 200 hours of supervised practicum at Clearmind earned Clearmind students 90 credits towards a Rutherford University Degree in Transpersonal Psychology. Clearmind students would then obtain the remaining 36 credits required for a BA through Rutherford University. Also offered in conjunction with Clearmind were MAs in Applied Transpersonal Counselling Psychology.

The link between Rutherford University and Clearmind is important for purposes of my inspection because not only does this demonstrate that Rutherford University was enrolling and granting degrees to BC students but also, as is described below, Clearmind students who enrolled in Rutherford University were subsequently or concurrently enrolled in Rutherford College. By way of example, the 36 credits required for a BA from Rutherford University were earned indirectly on paper through Rutherford College, followed by a transfer of the College credits to Rutherford University.

Rutherford College/Rutherford University

The Rutherford College website (before the College was suspended and its website was shut down) indicated that it offers individualized foundational diploma programs at three levels, namely the Foundational Diploma, the Advanced/Professional Diploma and Honours Diploma. Curriculum requirements for all Foundational Diploma Programs list these as courses:

- Lifelong Learning Course/Project (LLCP 400) (up to 31 credits) ("The student's initial program experience is to develop a Lifelong Learning Portfolio. This challenging task has both retrospective and prospective elements and is designed in part to encourage a student to identify the significant of prior learning experiences within a chosen study area. The student works closely with the Registrar's office to evaluate his/her prior work, life and educational experiences".)
- Self-Study Assessment Course/Project (SSCP 400): "Regardless of the field of independent study, with assistance from faculty advisors and the central academic administration, each student engages in an independent, guided study of the impact of life-style on health, both globally and personally, including a self-evaluation of life-style habits (for example, nutrition, exercise, family relationships and stress-reduction activities). To this end, students are urged and encouraged to complete an optional self-study evaluation at the beginning of their studies."
- Directed Readings/Research Course/Project (DRCP 400)("at least 10 Credits"): "A comprehensive series of Directed Readings are required in all diploma programs, and will be subject to examination or similar assessment. Monitored by faculty advisors and the central academic administration, these Directed Readings are intended to acquaint students with the contemporary literature of their chosen field of study."

- Core Academic Course/Project (CACP 400) (“at least 17 Credits”): “With the guidance of an expert and supportive faculty advisor, the student is required to complete a Core Academic Course/Project that demonstrates the level of knowledge, competence and skill appropriate to the level of diploma for which he or she is enrolled. At each level, the student is encouraged to utilize papers, programs and other research activities as a basis for expansion into a Core Academic Course/Project.”
- Career Evaluation Course/Project & Oral Review Exam (CECP 400): “The latter stage of a student’s program, which includes approval of the Core Academic Course/Project, is followed by an Oral Review Examination or equivalent carried out in person or by telephone conference call”.
- Special Readings Course/Project (SRCP 400) (elective course for additional credits)

The difference between the level 400 courses, the level 500 (Advanced/Professional Diploma) and level 600 (Honors Diploma) courses in the same subject areas is described to be “in the level, depth and breadth of learning activities”; “both the quality and quantity of work will differ”. This is, of course, strikingly similar to Rutherford University’s distinctions between its BA, MA and PhD programs. The methods of delivery of the Rutherford College courses are described this way:

Courses within the core competency and elective requirements are prepared for distance delivery by experts in their fields. These courses introduce a variety of prescribed and recommended readings, and where available, audio and videotapes, and they guide students toward the achievement of specific knowledge and competencies. Course work is supervised by qualified and experienced faculty advisors to whom students should have access by mail, e-mail, fax and/or telephone during their studies. Details of the assessment procedures which may include invigilated examinations at a location convenient to students are provided in the course materials. Study paper research and any additional prescribed work under specific courses, is supervised on a one-to-one basis by faculty advisors appointed on the basis of their qualifications, experience and expertise in fields of special interest to the students. The college’s central administrative office will determine the acceptability for credit of documented prior learning experiences in accordance with professionally accepted criteria and standards.

The PCTI Agency Annual Verification of Registration Information received from Rutherford College on February 26, 2007 lists the operating address for Senior University Inc. operating Rutherford College as 200-2900 Simpson Road, Richmond, BC with Nusrat Hassam as the contact person. Abdul Hassam and Nusrat Hassam of 5290 Willow Street, Vancouver, BC are listed as the owners. The current programs for Rutherford College are listed as these:

- Adult continuing education (12 months, \$1500)
- Advanced Diploma in Applied Business Studies – year 1 (12 months, \$9,600)- and year 2 (6 months, \$4,800)
- Advanced Diploma in Counselling Psychology – year 1 (12 months, \$5,500) - and year 2 (6 months, \$4,800)
- Certificate in Applied Business Studies – year 1 (12 months, \$5,000) - and year 2 (6 months, \$5,000)

- Certificate in Counselling Psychology – year 1 (12 months, \$5,000) - and year 2 (12 months, \$5,000)
- Contemporary Arabic and Islamic Studies - – year 1 (12 months, \$5,900)
- Diploma in Applied Business Studies - – year 1 (12 months, \$5,000) - and year 2 (12 months, \$5,000)
- Diploma in Counselling Psychology - – year 1 (12 months, \$6,250) - and year 2 (12 months, \$6,250)
- Individual Pro. School of Arts and Sciences – year 1 (12 months, \$7,500).

Records indicate that both BC and international students were concurrently enrolled at Rutherford College and Rutherford University. On completion of courses, the Rutherford College course credits were then transferred to Rutherford University so the student would graduate with a university degree. Alternatively, students were enrolled in a Rutherford College program with the stipulation that on its completion the students would receive credit transfers towards a degree with Rutherford University.

For example, the Clearmind/Rutherford arrangements for the BC Clearmind students were described by Cecil Sherwood in a September 14, 2006 memo to Abdul Hassam this way:¹⁷

Diploma Program

- The Diploma program combined with the Clearmind program are designed to provide the student with a total of 120 semester credit hours. Normally universities require a student to complete 120 semester credit hours to meet the requirements for a B.A. degree.
- The Clearmind program – Practicum 1, 2, & 3 lasts for 3 years and provides 90 semester credit hours
- The Rutherford [program] could be completed in 1 year but has been programmed for 3 years so as to run in parallel with the student's study at Clearmind. The student earns 30 semester credit hours from the Rutherford program.

Advanced Diploma

- The program requires the student to complete a total of 36 semester credit hours. Normally universities require a student to complete a minimum of 36 semester credit hours to meet the requirements for a M.A. degree.
- A student enrolled in the Clearmind program will be given credit for 12 semester credit hours in respect of the advanced practicum they complete at Clearmind.

¹⁷ A draft notice to students explains the tuition arrangements: “The purpose of this communication is to clarify the situation and address some misunderstandings that appear to have arisen. The tuition fee for the Academic portion of the program is \$4,000 for the Diploma (this earns transfer credits for a B.A.) and \$XXXX for the Advanced Diploma (this earns credits for a M.A.)...”.

This description is consistent with Clearmind's understanding of how things worked. I would add that March 10, 2005 emails exchanged between Nusri Kassam and Cecil Sherwood confirm that Clearmind students received both Rutherford College and Rutherford University (Wyoming) student cards.

In a similar vein, but with respect to its MBA program, a February 2005 email from Nusri Kassam (signed as Vice President and Registrar of Rutherford University) regarding a "few items" describes their operations this way:

From: Nusri Kassam/Registrar [mailto:registrar@rutherford.edu]
Sent: February 2, 2005 12:28 PM
To: 'Cecil Sherwood'
Subject: few items

Hi – I just wanted you to know that I have confirmed [a Clearmind student] to show up every Friday morning to work with you on faculty stuff and whatever else you need him to do – he is also an excellent teacher and I think even \$25 - \$30 would be fine for him – he is currently studying his PhD. with us. He could help these guys with their writing skills and teaching them editing and proper research skills. I think he owes us over 200 hours in exchange for all the tuition we are paying to Clearmind for him and his girlfriend.

Regarding the MBA program, I am sure you are aware that we will need to tout it as a Professional Diploma from the college if they are registering with us on-site here in Canada.

Ok can we add the following description to the course outline:

We are currently running an Advanced Diploma in Applied Business Studies. This program [is] offered by Rutherford College. A student that successfully completes this program receives a Professional Diploma in Applied Business Studies from Rutherford College. As the student is also enrolled with Rutherford University the Student will receive an MBA from Rutherford University.

We have two MBA programs and the student may select the one that suits:

1. MBA 36 credit Classroom supported course directed Program. This requires the student to take 12 subjects and normally I charge \$1,000 per subject. This comes to a total of \$12,000
2. MBA 43 credit Classroom supported course directed together with a Dissertation in an area of specialization. I normally charge \$1,200 .per subject for this program. The total cost is \$14,400

The Letter of Acceptance will be issued by Rutherford College after we receive the tuition fee. At the same time we will also issue a Letter of Acceptance from Rutherford University. The program is organized in modules. Each module will contain 2 or 3 subjects. Each module will last approx. 8 weeks. The scheduling of the program is structured so as to enable the student obtain work experience. The students can complete this program within one year.

A bachelor's degree or 90 credits are required for admission to the MBA program.

For those having less than 90 credits, a BBA program will be offered concurrently.

I will send it out to England, Lebanon, Malaysia, Mexico, UAE, Phillipines, Netherlands, etc. to let them know that this happening.

Sincerely,

Nusri Kassam

**Ms. Nusri Kassam, M.Ed.
Vice President and Registrar
Rutherford University**

Website: www.rutherford.edu

Tel: 1-800-939-7822

(Emphasis added)

A few days later, on February 4, 2005, Cecil Sherwood advised "Abdul" and "Nusri" by email headed "Rutherford College" that classroom instruction for four students (apparently provided by Rutherford University's Iranian and/or Indian agents) had started at the Richmond campus that day.¹⁸ This email also references "conversations over the last week with a potential student for our BA in Psychology Program". It attaches a memorandum stating Rutherford College objectives to be that of including "[t]o use the College programs to assist in student enrollment for Rutherford" University. Under the hearing "Initial Programs", the memo provides:

1. Diploma in Applied Business Studies (BBA)
2. Advanced Diploma in Applied Business Studies (MBA)
3. Diploma in Counseling Psychology (BA)
4. Advanced Diploma in Counseling Psychology (MA).

An internal memorandum on March 12, 2005 from Cecil Sherwood to Abdul and Nusri Hassam proposes a restructuring of the College with a notation, by way of background, that "to a large extent the College has been dormant" after May 2001. The proposal includes one where "every student enrolled with the College be automatically also enrolled with the University" and that "Seminars and workshops be under the auspices of the University and a percentage of fees received be paid to the University". The following spreadsheet also forms part of the restructuring proposal:

Proposed College Tuition Fees. All amounts in Canadian Dollars

College Program	RU Equivalent	Program	Credits	Tuition Fee
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¹⁸ The only named student is s.22 who appears to have been a referral from s.22 (referred to below).

		Duration	Earned	
Foundation Diploma in Business Studies	First 2 years of 3 year (90 Credit) program	2 Academic years	60	\$7,500 per academic year
Diploma in Business Studies	Completion year of BBA	1 Academic year	30	\$7,500
Advanced Diploma in Business Studies	MBA/MA	1 Academic year	36/43	\$14,400
Specialist post Doctoral program	Post Ph.D. Diploma program	1 Academic year	30	\$20,000
Foundation Diploma in Integrated Counseling Psychology	First 2 years of 3 year(90 Credit) program	2 academic years	60	\$7,500
Diploma in Integrated Counseling Psychology	Completion year of B.A	1 Academic year	30	\$7,500
Advanced Diploma in Integrated Counseling Psychology	MA	1 Academic year	30	\$8,000

Notes:

1. The above tuition fees are in respect of all students recruited either directly or through agents.
2. Special fees will be granted to students coming from Institutions where discounts have traditionally be allowed. Over time we will gradually endeavour to get these fees to a more economic level.

Proposed Payments to RU

College Program	RU equivalent	Tuition Fee	Payment based on 30% after agents commission
Foundation Diploma in Business	First 2 years of 3 year program	\$7,500	\$1,912
Diploma in Business Studies	Completion year of BBA	\$7,500	\$1,912
Advanced Diploma in Business Studies	MBA/MA	\$14,400	\$3456
Foundation Diploma in Integrated Counseling Psychology	First 2 years of 3 year program	\$7,500	\$1,912
Diploma in Integrated Counseling Psychology	Completion year for B.A.	\$7,500	\$1,912
Advanced Diploma in Integrated in Integrated Counseling Psychology	MA	\$8,000	\$2,040
Specialist Post Doctoral Program	Post Ph.D diploma program	\$20,000	\$4,800

Notes:

1. Where a student is enrolled and is receiving a special discount the amount paid to R.U. will be proportionately adjusted. However it is the intention to keep to the amounts set out above as far as is possible.
2. In addition RU will receive 7.5 % of revenue received after the following deductions :

- 1) Per capita payments detailed above

2) Agents commissions

3 If a student enrolls in Foundation and Diploma program RU will receive \$2,000 for the student and in addition the amount mentioned in 2 above.

A covering email provides:

Hi Abdul /Nusri,

In our conversation yesterday Nusri mentioned that the University normally looked for 30% of tuition fee to Colleges. I have revised proposal to show the \$ amount of a 30% payment. It is not my intention to take income from the University to make the College profitable. I am now going to run the Maths to see if the College can pay the 30% and still survive and develop.

In the interim maybe you could look at both proposals.

Thanks,

Cecil

An undated letter of acceptance to an s.22 student (first name s.22 from Cecil Sherwood "program director" provides in part:

Following a review of your application and transcripts I am pleased to confirm your acceptance to our Post Graduate Advanced Diploma in Applied Business Management with a specialization in Marketing. including completion of the pre-requisite components this is a two (2) year program. On successful completion you will receive Credit Transfers towards a Masters program.

Program: Post Graduate Advanced Diploma in Business Management

1. Duration of Program: 12 months
2. Start Date: May 1, 2005
3. Completion Date: April 30, 2006
4. Program Fee: \$14,400

We acknowledge receipt of the tuition fee of \$14,400 for this program. An official receipt is attached. We are holding an orientation week commencing on April 10th, 2005 and we hope it will be possible for you to be present.

Although in 2005 Mr. Sherwood described Rutherford College as being largely dormant, student tuition fee summaries headed "Rutherford College (CM)"¹⁹ dated October 25, 2006 list some 105 College students with start dates ranging from Year 2002 to Year 2006. Beside the name of each student is an entry denoting whether the student is in the BA or the MA program. There are also "Rutherford College" Payment Schedules for each of the 2005/2006 and 2006/2007 school years, again, with the names of the students, the method and amount of payment and the Degree Program they are enrolled in. A completed Rutherford College application that is dated March 17, 2006 (BC student) lists, as the program applied for, "Counselling Psychology B.A. (Foundational). More recently, Rutherford College (e.g. January 2007) is advising that:

¹⁹ I take CM to be a reference to Clearmind, which is discussed below.

... As you are aware I have of recent times been focusing on developing Rutherford College here in BC.

Students for our Business Studies programs. We hold classes on site here in Richmond. In addition we have active Counselling Psychology program. We also hold on site classes here in Richmond. In response to the diverse interests and requirements of the students I have through my consulting company developed relationships with a number of Universities. Two of the universities are in Costa Rica and one is in Nicaragua. All of these Universities are accredited by their respective governments. These Universities are accepted in the US and would receive similar acceptance in Canada.

If a student is interested in obtaining a degree from one of these Universities the procedure would be that they would be enrolled in the University and Rutherford College. The College would manage the program and do all the testing and reviews. At the conclusion of the program the credits would be transferred to the University and the degree issues. In addition I have a similar arrangement with a University in the US. The US University is not accredited but it has started the process. If any of these options are of interest to you please contact me.

Best regards, Cecil.

An undated memorandum respecting an MA student (program in Integrated Counselling) indicates s.22 had "completed the coaching, NLP and Solution Focussed programs at Erickson". A copy of a \$5850 cheque from the student s.22 is dated January 20, 2006 and made out to Rutherford University for "tuition fee". The memorandum indicates Harvey Plouffe, who resides on Vancouver Island, has been assigned by Rutherford University to be the student's advisor.

There are many other indicators of the interrelationship between Rutherford University and Rutherford College. For example, a cheque dated July 18, 2006 relating to a May 31, 2006 invoice directed to Rutherford College and signed by N. Hassam contains the following printed information in the top left hand corner:

SENIOR UNIVERSITY INC.
DBA RUTHERFORD UNIVERSITY/COLLEGE
200-2900 Simpson Rd.
RICHMOND, BC V6X 2P9
Tel: (604) 244-7754 Fax: (604) 244-9952.

The chequing account is with a TD Canada Trust branch office in Vancouver, BC. This appears to be the same account BC Rutherford University students were instructed to make tuition direct deposits to.

I might add at this juncture that Rutherford University's administration of its programs and record-keeping appears to have been quite haphazard and disorganized. This is apparent from some of the email exchanges between Nusri Kassam and frustrated

students. By way of example, in June 2006 s.22 who had enrolled with Clearmind and Rutherford apparently wanted to withdraw. s.22 questioned an amount that s.22 said had been wrongfully charged to s.22 credit card. s.22 also asked for an itemized statement about the administration charges (\$300) charged for the refund transaction. Nusri Hassam responded (as “University Administration”) in an email July 17, 2006, in part as follows:

When you completed your first assignment, your advisor must have marked it at Clearmind, if you can tell us who you handed it in to for marking, we will attempt to get the mark for you from our end as we don't have any marks for your first assignment here either. Regarding the breakdown for the administration costs, we do not keep itemized records of the costs, all that I can surmise is that up to 5% credit card charges are retained by the CC company, and you were provided advice by at least 3 advisors/counsellors from the University and Clearmind regarding your academic work, also there is administration time for setting up of your student files for the current academic year, data entry into the various systems, reporting to the bookkeepers/accountants, reporting your enrollment to the govt. regulators, etc. etc. etc. In fact, I am sure if we do attempt a specific breakdown, these costs would probably be more than the amount retained, the only way we can keep these costs down is when students sign up in volume so it really does not help anyone when they withdraw.

In another, a Clearmind student responded to an April 27, 2007 email from Nusri Kassam (signing as Vice President and Registrar of Rutherford University) offering her “sincere apologies for the delay, as we are working on a backlog of students, will try to process your papers by next week, thanks for your patience”. The student responded that her email looked just like the one Ms. Kassam sent her 6 weeks ago. She goes on:

What backlog!? At the meeting you said you had about 50 students locally? What backlog could you possibly be dealing with?

Please do not thank me for my patience because I am not extending you my patience, in fact I am letting you know that my patience and good will towards Rutherford is entirely spent. Instead of perpetually banking the faith and flexibility of others, maybe those who call themselves Rutherford might take a step up and conduct their business with a bit of integrity.

I suggest that all of “Rutherford” takes a moment to thank their trusting and patient student body for not having been slapped with a class action law suit, yet, for its deceit, incompetence and fraudulent actions.

I'm asking for a piece of paper that I paid thousands of dollars for, and did hundreds of hours work for. Documenting what I have done should be the easy part of this equation. This transcript and “degree” being the only thing, or service I will ever receive from you should not be too hard for you to produce.

Another more recent example relates to an email exchange with a s.22 who expressed considerable frustration in s.22 dealings with Nusri Kassam. On May 9, 2007, s.22 emailed the Registrar saying “please pay back my money ... I don't know how many

emails I have sent you and nobody [answers]. If I know your business I never register in your college". The May 15, 2007 response from Ms. Hassam was:

The draft you were given is the only kind of standard money order TD Canada Trust Bank issues, they say it is valid internationally but maybe your country s.22 is refusing to cash it due to its own policies. If you will return the draft, the college will pay the \$600 CAD in cash.

The woman's same day response was this:

Dear Ms. Nusri

First you know that I am living in s.22 you should [be] informed before you issue the Money order. Second as you read in email with Bank its now useable in s.22 It is not international it can be used only in Canada. Then, When I told you [name] is authorized to take my money and you approved it, means that you give money to her or issue the money order her name now me while you know I am in s.22 After all, you are eligible to deduct 25% which is \$250 this is great that you deduct based on your desire to keep \$400 which is 40%. And finally, I would like to know during 9 months how many times should I pay for your faults? More than \$200 international calls ... while nobody paid attention from August and now \$40 payment for DHL to deliver you the money order that Vice President issued without any thinking. I can't pay for your careless functions ANYMORE. Ok, you told me I should send it back to you. I will, but you have to pay me \$800 cash by one of my authorized friends. \$50 for post I can't afford you like this!!!! And \$150 for 25% that so $\$750 - \$50 = \$800$. My friend [name] had same situation like me I can provide it, but you paid s.22 \$750 based on your refund policy which is wrote in application form. I thought when you write it you accept it! I don't know why do you keep 40% of my money? Which ... made you eligible to take more? I can't accept your mistakes, that's enough for 9 months you and Mr. Cecil wasted my money to return back my deposit. PLEASE finish this game.

In another (May 13, 2007), Nusri Kassam emails Cecil Sherwood on the subject of "another PCTIA case". She says "we have to take care of this \$600 refund too as he is mentioning Rutherford University and has copied it to PCTIA". She forwarded an email to her as Registrar which provided:

I have sent you many emails and provided you with the documents required for the refund of my application fee, unfortunately I have not got any answer yet. Please do inform me how much money will be returned? And how long does it take? As it is about 9 months that I have informed the Rutherford University about my visa rejection.

Cecil Sherwood's response is that "I think in your reply to s.22 you should perhaps point out that s.22 applied to and was accepted by Rutherford College".

There is another April 9, 2005 email entitled "collaborative business" from Cecil Sherwood to s.22 which reads as follows:

Hi s.22

Thank you for your email. I was extremely interested in your comments during our phone conversation today. We are of course interested in recruiting International Students for our Business Studies programs.

Regarding the commission this is of course a function of price. Currently our price is based on an allowance of 10% for commission to agents .I am agreeable to rework the price to reflect a higher level of commission. We operate all our classroom programs here in British Columbia through Rutherford College. We have a transfer credit arrangement with Rutherford University. As I am sure you will appreciate we receive a considerable number of requests from individuals and corporations seeking an agency appointment with us. To enable us give further consideration we require the following:

1. A payment of US\$1,000 this will be returned if your appointment is not confirmed.
2. Details of your business experience.
3. Details of your educational background
4. Names of two individuals or corporations from whom we can obtain references.
5. A brief overview of how you intend to recruit students.

If you wish clarification on any point please contact me. If you wish to contact me after normal business hours please call me on my cell ... I look forward to hearing from you.

Thank you for your call.

Cecil Sherwood.

Student examples

A good way to highlight the way Rutherford College, its campus, administration offices and/or programs were basically being used to generate Rutherford University degrees is by way of example.

A BC Clearmind student who I will call Student C received written confirmation from Nusri Kassam, M.Ed, as Vice President and Registrar of Rutherford University on October 28, 2005 that s.22 had been admitted to a Bachelor of Arts (B.A.) Degree Program in the School of Health and Human Services in Transpersonal Psychotherapy and Counselling. The letter goes on to say in part:

... The precise nature of the independent study component of your program at Rutherford University will be discussed between yourself, the Dean and the Faculty of your school of study when your detailed proposals have been received and considered. The purpose of this discussion will be to design a program offering you the greatest chance of success. In addition, your academic work at Rutherford University will require written assignments. Students needing support in perfecting their writing skills will be advised to seek appropriate assistance on this aspect of their work.

The next step towards your enrollment for this three-year program is your program tuition fee in the total amount of \$4,896.00 CAD plus \$25.00 CAD yearly administration fee. PLAN C in your application form requires a tuition payment of \$1,632.00 CAD for the first

year, which will be paid in twelve equal monthly payments of \$136.00 CAD per month and \$1,632.00 CAD per year for the next two years (payment method to be reviewed)

The letterhead used has the University's Wyoming address on the left hand side and the Richmond, BC (Administration Office) address (with both a toll free number and a BC telephone number) on the right hand side. At the bottom of the page, the fax number given is 604-244-9952, which is also the fax number for Rutherford College.

Accompanying this letter were two others dated October 28, 2005 on the same letterhead. The first is from Nusri Kassam to "Dear Librarian" with no other contact information for this person. The letter asks for her/his assistance in "making available to our student such reading and borrowing privileges as your library normally accords bona fide students". The other is a congratulatory letter signed with what appears to be an electronic signature in the name of William I. Weston, J.D. Ph.D., President. That letter provides in part:

... Rutherford University has assembled a unique roster of faculty members, all of whom possess great depth of knowledge and experience in a field of expertise. While you may seldom – or perhaps never be in the physical presence of your faculty mentors, you will definitely be in their intellectual presence, and have the advantage of receiving their undivided attention, a situation not possible in a conventional classroom. Whatever your goals may be after the completion of your degree, we believe this close student-mentor relationship will have a profound effect in helping you to achieve them.

I would pause here for a moment and observe that another student, who I will call Student D, made some recent inquiries of the PCTI Agency respecting the value of s.22 BA from Rutherford University. s.22 writes in part:

... I find it completely frustrating that this university has not provided any formal instruction. What we did get were a couple of nights in a hotel room. Each student was given a chapter to read in Peter Grays Psychology Text. The students met again to make presentations on the chapter. Then voila you have now completed the foundation of psychology course (Easy) – the only problem was there were not enough class members to fully report on the chapters, so we got away with about a third of the text being presented. The second course "Life span development" was even more of a failure with even fewer participants. I find this whole program kind of hokey. I have taken a course through the Open Learning Institute and was expecting something a little more along the same lines (materials and support).

Returning to Student C, s.22 received two more letters on November 2, 2005. The first is from Ms. Judy Li, Student Records and Administration, Rutherford University. That letter provides:

This is to inform you that according to the Wyoming State of (sic) Department of Education regulations, Rutherford University will need your signed contract in your student file before your program and enrollment process begins.

We have enclosed the new contract for your signature.

Please sign the document entitled "Contract between the Student and Rutherford University", and mail it to Rutherford University as soon as possible in the pre-addressed envelope included, in order to activate your enrollment at Rutherford University.

The attached form contract indicates a start date of October 28, 2005 in the field of independent study "Transpersonal Psychotherapy and Counselling". There is information relating to the Program costs, schedule of payments and a refund policy, student dismissal policy and procedures. It also sets out Admission and Graduation Requirements. This section provides in part:

Certificate Program

Admission Requirements: High School Diploma or Equivalent.

Diploma Program

Admission Requirements: High School Diploma or Equivalent.

Rutherford University offers degrees at three levels. The degree candidate in all cases must demonstrate a broad and integrated awareness of the general field that is being studies Basic distinctions by level are:

Bachelor's level competence: a specific developed area of competence and applied skill.

Master's level competence: the capacity for original thought, innovation, creativity and application.

Doctoral level competence: demonstrates greater depth and breadth than master's level competence and also shows the ability to disseminate the results of learning in a chosen field of independent study.

Student C's contract is signed by s.22 on November 9, 2005. Nusri Kassam signed for the University. Student C also received an acknowledgement from Ms. Kassam that it had received from her the \$45 application fee, the \$25 registration fee and \$1,632 for current year (pre-authorized Visa payments of \$136.00 per month). This receipt was on behalf of Rutherford University.

Student C subsequently received a Letter of Acceptance (undated) from Nusri Kassam, signing this time on behalf of Rutherford College's Registrar and Vice President. The letterhead has Rutherford College in the left-hand top corner. The contact information for the College at the bottom of the page has the same Administration Office address, the same telephone and fax numbers as those for Rutherford University. This letter refers to a program start date of October/November 2005 (36 months), with a program fee of \$1,632.00 (36 months). The program reference, however, is to the Rutherford College "Foundation Diploma Program in Transpersonal Psychotherapy and Counselling". A Student Financial Profile is also generated under the name of Rutherford College.

I am advised by the PCTI Agency that Student C was subsequently contacted by Rutherford administration in March 2006 and asked to come in to sign a Rutherford College Admission and Registration Form – ostensibly for "tax" purposes - which s.22 did on March 25, 2006. The date was then crossed out and the date of October 28, 2005 substituted. The request to attend to sign a College contract was around the time PCTI

Agency Officers, responding to student complaints, had unsuccessfully sought to gain access to Rutherford College files. This resulted in the March 16, 2006 suspension of Rutherford College's registration.

Student D is also a BC Clearmind student. s.22 was initially registered with the University in 2004 (it was still called Stratford International University at that time). Clearmind Practitioner's Training Materials provided to her at the time state in part:

Instructors: Catherine O'Kane M.A., R.C.C., Tasha Simms B.C., Trevor Warren, M.A., R.C.C., Collin Murray, Duane O'Kane, R.C.C. [instructors vary according to practitioner level – these are the instructors listed for the level 1 course].

Class times: Thursdays 10 am – 3 pm or 5:30 pm-10:30, starting Oct. 21

Practitioners Training I, II and III is offered through Rutherford University as an internationally accredited B.A. or M.A. degree program (additional work required, described in brief below). This degree is suitable but not limited to an individual and group counseling career. Level 1 can also be taken as a personal growth course for experiencing a greater sense of self and self-understanding.

(Emphasis in original)

By way of example, the additional components of the Practitioner Level 1 course that are required for the "academic stream" are these:

The BA program through Rutherford University requires these additional components:

ACADEMIC WRITING WORKSHOP

Students will be required to attend a day long academic writing workshop presented by faculty of Stratford University International, to be scheduled early in the program.

BOOK REPORTS/REACTION PAPERS

You will be asked to read a total of 10 books chosen from an assigned reading list, and complete reports on 5 of them. Reports are 4 to 5 pages each (typed, double spaced).

ESSAY

You will be asked to complete a 10-15 page essay (typed, double spaced), on a relevant topic approved by the instructor. A list of topics will be provided.

EXAM

You will be asked to demonstrate a cognitive understanding of course material, through an applied take home exam.

The MA program through Stratford University International has the following requirements in the first year:

For those with a BA in psychology or a related field, the first year is taken at the personal growth level. For those with BA's in a non-related field, the first year is taken at the BA level, and requires the completion of the additional assignments, above. Related degree

students (only) have the option of beginning their DRCP and CACP coursework this year, for an adjusted free structure.

Student D advises that Clearmind promoted the program as a “unique experience in a combined education opportunity with both experiential and academic activities combined to make available a BA degree to become a Registered Clinical Counsellor”. On December 1, 2004, Student D was accepted into the Rutherford University BA Program, School of Health and Human Services in Applied Transpersonal Psychology. s.22 agreed to pay \$4,896 by way of monthly \$136 Visa payments. Rutherford University’s December 1, 2004 acceptance letter is in the same form as the one sent to Student C and is signed off by Nusri Kassam as Vice President and Registrar.

A “Practitioners Training 2004, 2005” spreadsheet sets out the fees to be paid to “CM” (Clearmind) versus the fees to be paid to “SFIU”. A Rutherford University enrolment contract similar to the one signed by Student A is signed by Student D on January 24, 2005. Student D received a letter from Rutherford University (Nusri Kassam) dated January 12, 2005 welcoming s.22 to the BA Degree Program. Among other things, this letter provides that:

... It is important that you develop good relationships with the libraries in your locality as soon as possible, since you will need access to books and journals throughout your program of study. Local university and college libraries usually restrict borrowing privilege to their own students, but most extend reading privileges to students registered at other institutions ...

Three copies of the Library Information Form and a letter of introduction to libraries are enclosed, and should be presented to those libraries that you think are most likely to be of assistance to you ... When you have made contact with the libraries likely to be most useful to you, you should present copies of the Library Information Form to them for completion and return these forms to me for our records. If you are interested or have any questions about accessing resources through electronic catalogs or libraries please contact our Director of Library and Information Services:

Ms. Barbara Felicetti, 606 Woodcrest Avenue, Ardmore, PA 19003-1920 USA
Tel: (610) 642-7961. Email: BFelicetti@delphi.com

Student D says that while Rutherford University promised the individual attention of an academic advisor, one was never assigned to s.22 Student D’s first year of the Rutherford University program required her to complete five book reports and five book reviews based on transpersonal psychology approaches. They were marked by a Clearmind staff member (Tasha Simms) who reportedly obtained a BA at Rutherford University through Erickson College.

Student D applied for a tax receipt for the 2005 school year. When it arrived, it was issued in the name of Rutherford College. On inquiry, Student D says s.22 was told by Cecil Sherwood that the change was to comply with taxation laws. He assured s.22 the courses s.22 had taken were transferable to Rutherford University.

A July 21, 2006 email from Cecil Sherwood to Student D deals with s.22 request for an explanation as to why Mr. Sherwood sent s.22 a list of courses for a foundational diploma in Counseling Psychology when s.22 had registered for the BA program. He there responds this way:

The courses outlined in our leaflet are the courses we consider essential for a student to complete in order to satisfy University credit transfer. This applies to students commencing the program last October. For students previously enrolled we are allowing a mixture of the old and new programs ... If any student has completed any of the courses we in conjunction with the student will make other courses available. What I sent to you was the course list and course descriptions for the Diploma in Counseling Psychology. As you can see these courses are at level 300 and level 400. This is equivalent to third and fourth years at university. According to the information I have available to me prior to October last you earned 13.5 credits on your academic program.

It might be helpful if I recapped how the program operates. For a BA degree the University requires that a student earn 120 credits. Under the Agreement with Clearmind a student that completes Prac. 1, 2, & 3 plus the practicum earns 90 credits. The balance of 30 credits is undertaken through Rutherford College. When you complete your work with Rutherford College you will have earned 30 transfer credits and when you complete with Clearmind you will have earned 90 transfer credits. The combination of these two programs enables you to meet the requirement of the University for a B.A. degree.

Currently as I said earlier prior to last October you had earned 13.5 transfer credits with us. If you have completed the two courses that we held on the Island you will obtain 3 credits per course. This would bring you to 19.5 transfer credits. The Project Paper you have to complete will earn you 9 transfer credits. This will bring you to 28.5 transfer credits if you have taken the two courses. The remaining 1.5 credits you can achieve by either taking a further course or by completing a book report.

Rutherford College and Stratford Educational Management PVT. Ltd (SEMPL)

It would appear that in or around September 25, 2004 Senior University Inc. doing business as Rutherford College entered into a memorandum of agreement with Stratford Educational Management PVT Ltd. (SEMPL) (Sukhpreet S. Chauhan, Director) in which the company grants the India-based SEMPL "the right to" establish and manage an international admissions office for recruitment of international students into various courses offered by Rutherford College under affiliation from Rutherford College" and recruit Canadian and international students for these programs. The agreement indicates the location of the campus to be Richmond, BC. Successful completion of the two year diploma program will earn the student 60 transfer credits towards a Rutherford University Bachelor of Business Studies degree. Completion of a third year honors diploma "will satisfy the requirements for a Bachelor of Business Administration degree to be conferred by Rutherford University". The memorandum of understanding provides that the "student will be enrolled as a student of Rutherford College and at the same time

registered as a student of Rutherford University". Among other things, the memorandum of agreement includes a section entitled "additional feature" which indicates that SEMPL will incorporate a new company in the name of "Mid West College Inc. in Canada and SUI will assist Mid West College in applying for Registration with PPSEC". Also, Rutherford University would give affiliation to the programs offered by Mid West College when it has PPSEC approval.

A February 18, 2005 email from Nusri Kassam to Cecil Sherwood includes the following:

I have reviewed all our documents including the MOU with Sukhpreet Chauhan. According to the MOU the following matters are still outstanding since we signed the MOU on 25th Sept. 2004.

1. I had requested you and him several times for his C.V. and background information regarding his experience with other colleges. He promised me it would be sent but I don't remember seeing it yet.
2. I really need confirmation from Sukhpreet that he will no longer sign my name on his admission letters – from now onwards, I want to sign these myself, as I have no idea what is happening with him or the number of students getting visas or how many are coming here to study.
3. As per our MOU he was to send us not only the tuition but all the student documentation immediately upon the student getting visas. So far we have 2 students here and I don't even know their names!!!!
4. All I have are faxes of admission letters for [names of two students] – what has happened to them?? Where are they now? Are these the 2 students attending our classes????
5. As per number 10 of the mou, SEMPL was to provide us with a letter of credit for \$15,000 CAD to Rutherford College within 30 days of Sept 25, 2004. Had we followed through and gotten this letter of credit, it would have helped us to recover the costs of these 2 students who are now attending the third week of their classes here.
6. As per the MOU the minimum number of students for this term was to be at least 15 – this is what we had budgeted for – is he going to pick up the shortfall from these 15 students too?
7. In order to put things straight, we need immediate transfer of tuition fees (\$7505 x 2 = \$15,010 for the year) and all student documentation (application form, etc) here for the 2 attending students by Monday, Feb 21st, 2005.

There is also internal documentation that would indicate consideration was being given in March 2005 to Mr. Chauhan purchasing a controlling interest in Rutherford College. What was being contemplated was an arrangement where they would "enter into an agreement under which SUI can continue to carry out their University administration functions from their office in BC under the guise of the College".

I note that documents indicate Mr. Chauhan is associated with Bridgetown Consultants (his email address includes Bridgetown). An internet search shows there is an India-based Bridgetown Consultants in Mohali, Punjab that provides “consultancy in getting immigration to other countries”.

Recent degrees granted by Rutherford University to out-of-province students

There are other examples of how Abdul and Nusri Hassam conducted degree-granting activities from their Richmond-based operations. One rather shocking example relates to s.22 who I will refer to as Student E. Among documents retrieved from Nusri Hassam’s Richmond, BC office was a package of documents relating to Student E.

The package includes a letter from Student E to Nusri Kassam dated March 28, 2006 in which he expresses interest in Rutherford University’s PhD program. In that letter, Student E describes s.22 recent academic information, in part, this way:

s.22 admitted me into its MSc. Program, and after completing number of courses under this program, at one point, I withdrew myself voluntarily from the program due to my familial and work obligations. However, **partly** as a graduate student under this program and partly as an unclassified student, I have been able to complete the courses s.22

s.22

s.22 All of these courses are graduate level courses and can be applied to either of Master’s and PhD program. **With these courses done, in the meantime, MSc. Course requirements have been completed in addition to part of PhD course requirements [i.e., I would have to take one more course in order to complete PhD course requirements]. I would prefer going for PhD program at the s.22 but taking the remaining one more course followed by candidacy exam and subsequent dissertation work would need at least 3 more years after 2006 (as that remaining one more course will not be available before 2007).** As I mentioned earlier, **still** I have familial and work obligations and at this time I cannot invest that amount of time, money and labor. **Hence, I have taken a program that will need shorter period of time and since last January 2006, I have been working to complete thesis by re-starting my earlier s.22**

s.22

Recent visit of your website has made me optimistic of being able to pursue a PhD program that would need shorter period of time as it might approve credits in advance for my academic and professional accomplishments ... Would you please advise me, on the basis of my existing academic and experiential background, in which of the majors ... I may be awarded maximum credits towards requirement of PhD degree? And, how much additional credits I must have to earn ... for PhD degree in that major? I hope Rutherford University’s provision of taking previous qualifications/courses and experience into

account as well as its supportive gesture would definitely help me in saving time, labour and money in achieving a PhD degree.

(Emphasis added; relevant to discussion below)

There are a number of attachments, including a resume, a s.22 transcript of academic record that was issued on January 6, 2006 and an IQAS assessment that was issued July 2, 2004. The transcript confirms that Student E voluntarily withdrew from a s.22 in September 2003. Student E again enrolled at s.22 in the Fall of 2005, but this time as an unclassified student. The January 2006 transcript also indicates that Student E took, but failed the s.22 course in the Fall of 2002. There is a handwritten note in Nusri Hassam's handwriting in the package of documents that says "latest s.22 transcript Fall 2005".

That package of documents also includes an undated letter to "Professor Hassam" from Student E. It reads:

As-salam-u-alaikum! It was nice to be able to talk to you. Attached please find the materials I spoke about. As advised, I have enclosed a tentative sequence of events – you may please use the dates according to your convenience. I have corrected my cover letter dated 18th Dec. 2003 and my resume. I have revised the possible letter from Rutherford University dated January 5, 2004 for your consideration. As advised, I will discard the papers signed/dated otherwise and RU may kindly do the same thing. I would request that you write my name in the documents in full ... Hope everything goes well! Would you please just let know whether you have received this materials (sic) in order? Please advise if you need any other material/information or anything else that I have to comply with.

Please convey my regards to Ms. Nusri Hassam ... Wish you enjoy your ensuing trip outside Vancouver. Eagerly waiting to welcome Ms. Nusri Hassam and you in s.22

The "tentative sequence of events" is as follows:

- December 18, 2003: student sends cover letter and completed application form
- January 5, 2004: Rutherford University (RU) offers admission after reviewing student's application and documents. Suggests to submit transcript indicating completion of graduate level biostatistics with at least grade B and an assessment for his foreign credentials.
- January 21, 2006: RU confirms student's enrollment after receiving s.22 acceptance letter and initial payment of tuition.
- After July 2, 2004: Student submits assessment of s.22 foreign credentials (issued by s.22 and RU receives this assessment
- By December 13, 2005: Student completes graduate s.22 course with grade s.22
- January 6, 2006: Issuance of s.22 transcript indicating completing of graduate level s.22 grade B+ and RU receives this transcript.

- January 21, 2004 (i.e. date of confirmed enrollment) to January 6, 2006: Student completes all other PhD requirements at RU.
- January 9, 2006: RU starts processing of final documents
- January 9, 2006 to January 18, 2006: RU issues final documents on a date within this period.

Attached is a letter dated December 18, 2003 to Nusri Kassam that is strikingly similar to the March 28, 2006 letter from Student E to Ms. Kassam, but it has been adjusted to reflect the “tentative sequence of events”. For example, the March 28, 2006 letter, under the heading “Earlier Academic Accomplishments” refers to a “comparison ... of my foreign qualifications made by the ^{s.22}

^{s.22} (which of course was issued July 4, 2004), while the December 18, 2003 deletes this reference and deletes this as a listed attachment. It also deletes the highlighted portion of Student E’s description of ^{s.22} recent academic information in the March 28, 2006, letter which is reproduced above, adds a reference to ^{s.22} not having enough time, money and labor “for an on-campus PhD program” and adds “Hence, I would prefer a off-campus PhD program in my field in distant format”. The December 18, 2003 letter is addressed to Nusri Kassam as Vice President and Registrar of Rutherford University and it includes, as an attachment, a Rutherford University application form. This is particularly interesting because the University was still operating as Stratford International University at that time. At least until late Summer or early Fall of 2004, Nusri Kassam was signing off as Registrar and Vice President of Stratford International University. In fact, there is a letter to Student D dated December 8, 2004 from Nusri Kassam on Rutherford University letterhead (Richmond, BC address for all correspondence) and it reads in part

For your information, as a student of Stratford International University, it is important for you to have the facts behind the recent changes to the university name.

In 2003, at a strategic planning session of the university council, it was decided that a more distinctive name would match our quality of programs better. The name of Stratford International was agreed, and it was registered.

The name was registered by all legal bodies, including the Wyoming Department of Education USA. Long after this was done, Stratford University, Virginia wrote to us, advising that they had the trademark on the Stratford name. This had not been noted by any of the legal departments who had examined the documents for the new name registration.

In light of this, we had no alternative but to seek a new name.

We are pleased to inform you that Stratford International University is now known as RUTHERFORD UNIVERSITY. They State of Wyoming Department of Education and the Wyoming Secretary of State’s Office have both approved of the name change.

Please ... rest assured all University functions remain the same and we are constantly seeking to expand and improve our services to all our students.²⁰

Student E's December 13, 2003 letter to Nusri Kassam refers to a number of attachments including (as noted) a Rutherford University application for admission, a resume and a December 5, 2003 ^{s.22} transcript (which is not in the package of documents retrieved from Nusri Kassam's office; there is only the transcript issued January 1, 2006). Student E's resume has been adjusted to remove the reference to the ^{s.22} comparison, which was included in the resume attached to the March 2006 letter. Student E's Application for Enrollment to Rutherford University is signed by ^{s.22} and dated December 18, 2003. Another copy (unsigned by Student E) is signed and dated September 13, 2004 by Nusri Hassam. She has marked off "Individualized Doctoral Degree Program ... \$5,925.00 (USD)" and has added, in handwriting, "=6517 CAD – 3000 scholarship = 3517.00 – 1000 first installment due immediately 2517 (divided by) 2 – 2 installments of \$1258.50". Interestingly, also included in the package of documents are a number of letters, including letters on Rutherford University letterhead signed off by Nusri Kassam in January 2004 as Registrar and Vice President of Rutherford University which, as noted, was not yet in existence. In particular, the other documents are:

- A January 5, 2004 letter signed by Nusri Kassam to Student E advising that a review of ^{s.22} application had been completed that ^{s.22} was being admitted to the PhD program. There is a reference to a ^{s.22} December 5, 2003 transcript (i.e. as indicating ^{s.22} but as noted, no copy of a 2003 transcript was in the package of materials.
- A January 21, 2004 letter on Rutherford University letterhead again signed by Nusri Kassam thanking Student E for ^{s.22} initial payment of \$1000 and advising that Abdul Hassam had agreed to supervise ^{s.22} during ^{s.22} study at Rutherford University.
- An Enrollment Contract between Student E and Rutherford University indicating a start date of September 13, 2004 (with a notation "original with Nusri"). There are other handwritten adjustments.
- A September 13, 2004 letter from Nusri Kassam on Rutherford University letterhead advising Student E that ^{s.22} had been "conditionally admitted" to a PhD Program in the School of Health and Human Sciences and advising that ^{s.22} would have to complete ^{s.22} as part of ^{s.22} PhD studies and also advising that ^{s.22} had been awarded a scholarship in the amount of \$3000 CAD. ^{s.22} is also told that to confirm ^{s.22} admission ^{s.22}

²⁰ Clearmind was told Stratford International University had changed its name to Rutherford University in October 2004. The O'Kanes noticed that Nusri Kassam had started signing off as Registrar of Rutherford and wanted some clarification as to why this was so. I note as well that Abdul Hassam (as Chancellor of Stratford International College) wrote to the PPSEC on September 20, 2004 advising that it had come to his attention that their "current operating name Stratford International College is infringing on a Registered Trademark in the Province. In order to avoid confusion and potential litigation for Trade Mark Infringement, we are requesting a name change ... to RUTHERFORD COLLEGE ...".

would need to produce “official verification of s.22 prior degree credits as soon as possible ... in the form of original transcripts bearing a raised seal and/or handwritten signature”.

- A Rutherford University Transcript signed by Nusri Kassam that says in part:
 - Degree Conferred: Doctor of Philosophy
 - Date Degree Conferred: January 18, 2006
 - Doctoral Dissertation: s.22 (dated January 1, 2006)²¹
 - Program Implementation (dated September 2004)
 - Program Evaluation (dated December 2004)
 - Health Care Administration (dated March 2005)
 - Health Management (dated March 2005)
 - Health Policy Analysis (dated March 2005)
 - Health Services Delivery (dated June 2005)
 - Applied Research Skills (dated September 2005)
- A copy of a Rutherford University degree in the name of Student E that is dated January 18, 2006 and is signed off by Abdul Hassam, Nusri Kassam, and, by means of electronic signature, President Weston.

Student E must have been pleased that Abdul Hassam agreed to be s.22 supervisor, and even more pleased to have received s.22 Rutherford University PhD so speedily; in fact, before s.22 had even applied for admission as a student and without ever passing a s.22 course or taking any other courses. It certainly saved s.22 “time, labour and money”, as was s.22 stated goal, and s.22 even received a “scholarship”. Unfortunately for s.22 however, s.22 request to Abdul Hassam to “discard” the papers “signed/dated otherwise” than in accordance with s.22 “tentative sequence of events” went unheeded and so it is quite apparent that s.22 received s.22 PhD from Rutherford University in exchange for nothing more than a fee.

Affiliation with Erickson College International

Email communications between Cecil Sherwood and the Hassams in May 2007 refer to a student who was said to have enrolled as a student in Rutherford University’s BA/MA program in February 2001. In the email communication, Mr. Sherwood is suggesting a response to American Immigration authorities. Among other things, the draft letter says:

We have always had a close working relationship with Erickson College. When [student’s name] applied for admission to our degree program she indicated that she wanted to specialize in the field of “Solution Focused Counseling”. As Dr. Marilyn Atkinson who is the Principal of Erickson College is acknowledged internationally as a leading expert in this field we arranged for her to take part of her academic program and her practicum at Erickson College.

More recently, a September 27, 2006 Rutherford University memorandum contains a notation to advise “remaining business partners of change to Swaziland e.g. Erickson”.

Erickson College (Erickson) is part of Erickson College International (Erickson International) and it operates from 2021 Columbia Street, Vancouver, BC. Marilyn Atkinson (who is listed as Rutherford University faculty (“Faculty Advisor, School of Health and Human Sciences”) is the President and founder of Erickson. The Erickson website (<http://erickson.edu>) (as of early June, 2007) indicates that it provides courses in Executive and Personal Coaching, Advanced Human Change Technologies and Leadership Development, and Creativity. Erickson College is advertised as offering:

... programs in beginning to advanced coaching that integrate Solution Focused, NLP, Ericksonian hypnotherapy, Cognitive and other well-accepted approaches to human development and transformational skill-sets. The programs are designed both for individuals who are new to the coaching field, as well as for individuals in the field who wish to upgrade and expand their skills.

Erickson International’s head office is also located at 2021 Columbia Street, Vancouver, BC. Its training centres are said to be located in “various cities throughout Canada, the United States, Australia and Europe”. Erickson’s website describes its benefits as including “an interconnected international organization with eight Erickson Centres and/or universities around the world, and more being developed”.

Some early (1999) email communications between Marilyn Atkinson and the Hassams reference Erickson University “working closely with Senior University to offer a series of valued degree oriented course options”, in this case a program for Russian students (Istochik). Marilyn Atkinson instructed that the following document be sent to Nusri Kassam, a document she “presumed to be correct”:

	Erickson University International	Istochnik
Canada	Switzerland ñ Russia	
Joint B. A. Degree Program		
Basics		

Erickson University works closely with Senior University to offer a series of valued degree oriented course options. This particular program was developed to provide students of educational site ... <http://www.istok.ru> the opportunity to enhance their personal & professional competence and is leading to Bachelor of Arts degree in Accelerated Educational Technologies.

Suggested curriculum has been developed to assist students to organize their majors. To obtain a B. A. degree, at least 126 credits are required. The suggested four semester (2 years) program provide 60 credits. The B.A. project when completed provides another 17 to 25 credits.

Students can acquire the 41-49 remaining necessary credits for the previous University and/or advanced training as well as multiple sources of credit accrued in the development of a lifelong learning portfolio (up to 31 credits). This project is initiated by the documentation of all the relevant prior learning: not only formal learning that can be documented by the transcripts and letters of verification from other educational institutions but also through attendance of special courses and seminars, learning acquired during the course of work, in the pursuit of hobbies and so on.

II. Previous University Accomplishments

If a student has completed previous B. Sc. or B.A. level studies through accomplishments at other institutions, Erickson University International requires a submission of transcripts and previous credit completion.

III. B. A. Foundation Level Directed Ready Credits

Erickson University International requires that student[s] who do not have prior University credits for the first year of B. A. Degree program, complete a series of directed readings towards education and personal growth. The directed reading list can be obtained from our site, as well as most of the suggested books. The list includes books in the areas of psychology, sociology, human behavior, ethics, social movements. Students will also be asked to study materials pertinent to their own career pathway.

30 credits issued can be based on directed readings in 10 areas. Each area required satisfactory report and received 3 credits.

IV. Acquired Life Experience Credits

Please see Addendum 1.

V. Personal Autobiography Requirements for B. A. Degree

The B.A. degree requires that each student write an autobiography which explores personal development: past, present and future. The students are also required to study their own developing ability to coach others and to create an experience of leadership and partnership with others they work with. They are required to look at their intellectual, emotional, aesthetic, professional, personal and spiritual development. They can then use this personal autobiography to suggest and project possible learning directions and to explore future studies and work that they believe would inspire and interest them

VII. Information about the president of Erickson University International, Marilyn Atkinson, M. A.

Marilyn Atkinson, M. A. is an internationally recognized consultant, trainer and Registered Psychologist. She works with both individuals and organizations in areas of Neuro-Linguistic Programming, (NLP) Solution Focused Counseling and Ericksonian Hypnotherapy. During the last years, the focus of her work has been in the furthering of development of Psychotherapy, Family Therapy and Education in Russia and throughout Europe. She is designer and trainer of the courses, entitled Inspiring Children and Families, The New Role of Our Schools in the 21-st Century, A Personality of the 21-st

Century. These trainings have been enthusiastically received by participants from a wide variety of backgrounds. (Government Department Heads, Teachers, Educational Curriculum Development Specialists).

Marilyn has been involved in leading Practitioner and Master Practitioner Certification as well as Trainers training program throughout Canada since 1984 and throughout FSU since 1991. She uses and demonstrates NLP in a way that makes learning NLP easy and enjoyable ...

X. Addendum II

Translation of ES, Erickson College Vanc., Marketing.
Systemic NLP definition 4/28, Pg. 1 (7200/75 Aug. 5, 1999, 2:38 pm)

Subsequent communications between the Hassams and Marilyn Atkinson (in March 2000) refer to her up-coming trip to Russia where she is apparently meeting with two individuals. In her email to these two individuals she summarizes "the general agreement" between Senior University and Erickson International "as to how degrees proceed". That email provides in part:

- Students will fill in application forms to become students for both institutions ...
- Students may begin to proceed their program with Erickson and Senior together, or they may postpone the thesis writing component until they are eight months into the practical work and their courses with Erickson
- A further condition is that they must have their Senior application activated (and paid for) one year before they will actually be able to submit their thesis and receive their degree. This is a Senior rule, which means we may want to have our most active students consider their timing for thesis writing, and enroll in Erickson and Senior concurrently ...
- Each student will receive a summary of the Senior and Erickson student handbooks ...
- I will meet with Senior University officials as advocate and respond to questions regarding all aspects of the student's application.
- If all components are in place, the student will be informed for his BA degree status and the BA will be issued
- There will be convocation in Moscow to issue our degrees to students.

Erickson College has also published an undated detailed "Erickson College Reference Guide to Degree Programs" although it does not refer to Rutherford University. It explains how students can attain BSc, BA, MSc, MA and PhD degrees through enrollment in Erickson's distance learning programs, which the Guide says are primarily organized out of the "Vancouver Erickson College Campus".

According to Duane and Catherine O'Kane, they were introduced in the Spring of 2002 to the Hassams by a woman who had taken some programs with Clearmind and who was facilitating a workshop with Ms. O'Kane. Apparently, this ^{s.22} had enrolled with Erickson College and was completing a BA, and continuing on to a MA "with Senior University, via Erickson College".

Corbiz Consultancy, the LEAD Training Centre and Rutherford University's other affiliations

- **Corbiz Consultancy**

The website for Corbiz Consultancy Sdh Bhd (www.corbiz.com) (as of May 2007) describes it as “an educational institution licensed by Rutherford University” and incorporated in Malaysia. It is said to provide training courses and, in collaboration with Rutherford University, it has three categories of degree programs (Bachelor of Business Administration, Executive Master of Business Administration, and Ph. D. in Business Administration). Corbiz is “lead by retired Profesor Yap Thoo Chai” (a recent investor in Rutherford University Alabama and Rutherford University faculty member). He is described as the Dean, Asian Program, Rutherford University, although the Rutherford University website lists him as “Faculty Advisor, School of Administration and Management”). The Corbiz website lists the USA Corporate Address/Graduate Services as c/o Mr. Sam Dalton, CPA Registered Agency, 724 Front Street, Suite 671, Evanston, Wyoming. It also refers to the Rutherford University Education Network (“Swaziland, Malaysia, Mexico, Netherlands, China, Hong Kong, Lebanon, Philippines, Taiwan, Singapore, UAE”).

Among documents retrieved at Rutherford College premises is a June 27, 2006 letter to Nusri Kassam from Professor Yap enclosing “eight transcripts and one degree of [name]”. He asks Ms. Kassam to send him “the transcripts of the eight students after doing the necessary corrections together with the degree of [different name]”. Professor Yap also advises that he is recruiting the “next batch of students” and expresses an interest in visiting Ms. Kassam in Vancouver “to discuss our future cooperation and development of Rutherford University”.

Another email to Ms. Kassam from Professor Yap, dated March 23, 2007 concerns a “forthcoming convocation ... in Batu Pahat on August 12, 2007”. Professor Yap writes:

... Please keep this date in mind and also [let] Prof. Hassam [know] about this.

I do not know whether Rutherford University has designed the university gown or you have something in mind ...

As I mentioned to you earlier, if Rutherford University is able to be registered in Alabama, USA instead of Swaziland, Africa, we can sell the program in Malaysia without facing much difficulty.

I shall give you the graduate namelist when students have done all the homework/assignments ...

A subsequent email dated May 8, 2007 from Professor Yap to Nusri Kassam advises that he has sent \$25,000 to Rutherford University's account in Washington State. He goes on to say:

... I have prepared the results for those students who have to attend the foundation courses before taking the MBA program. The namelist (sic) is attached herewith for your action.

Please use good ink to print the certificate. The first batch, some students complained that the wording is fading. I shall bring one to show you and at the same time to do the correction because his name was wrongly spelled.

Please back date the degree to May 1, 2006 so that some of them are able to graduate together with the first batch ...

I shall discuss with Prof. Hassam and you about the strategies of promoting Rutherford Program in this part of the world and at the same time I wish to let you know the problem we encounter while recruiting students

- **Pusat Latihan LEAD Training Centre**

The website for this organization (www.lead.edu.my) advertises that it collaborates with a number of foreign and local institutions for various courses and is located in Mid-Valley city in Kuala Lumpur. The foreign collaborators are Rutherford University, American Liberty University, Tianj in University of Science and Technology (TUST) and there is also a link to the University of Cambridge (EASL). Listed as Rutherford faculty are:

- Abdul Hassam, Chancellor and University Dean
- Diane Corcoran, Dean and Professor, School of Administration and Management
- Eugenio Caligiuri, Associate Dean and Professor, Centre for Diplomatic and International Studies ("Rutherford's European Representative")
- Heather Thompson, Associate Dean of the School of World Religions and Culture (previously associated with Columbia Pacific University)
- Elizabeth Fenske, Dean and Professor of School of Consciousness Studies and Sacred Traditions
- Michael Nunez, Dean and Professor, School of Engineering and Engineering Management
- Thomas Felicetti, Associate Dean and Professor, Centre for Disability Studies, School of Health and Human Services
- Simcha Fishbane, Associate Dean and Professor, Centre for Jewish Civilization (PhD from Columbia Pacific University).²²

The LEAD Training Centre lists as its associates:

²² The Erickson College Reference Guide to Degree Programs names Simcha Fishbane as one of the College's faculty members.

- Indonesia, Bangladesh & Taiwan
- Professional American Management Alliance
- Guilford School of Hospitality
- London International Education Solutions (UK) LTD
- Institut Opotopreneur
- Peopleogy Development Sdn. Bhd.
- Cavendish College London
- Bronte College of Canada.

Rutherford University apparently has “agents” operating on its behalf in a number of countries. A “Master List of Countries” prepared for Nusri Hassam by an employed Rutherford University/Clearmind student in December 22, 2003 (Rutherford was then operating as Stratford International University or SFIU) lists the following university “centres”:

SFIU Center and Business Office, Wyoming, USA

212 9th Street, Suite A, Evanston, Wyoming, USA 82930

Mailing address for all correspondence:

200 – 2900 Simpson Road, Richmond, BC Canada V6X 2P9

Tel: 1 800 939 7822 **Email:** Registrar@sfiu.edu

SFIU Center, Bangladesh

SFIU Center, China

2411 Wealth Commercial Building, 48 Kwong Wa Street
Mongkok, Kowloon, Hong Kong

Authorized Contact: Professor Gary Chan, Director of China Program

Tel: 97 839 044 **Email:** s.22

SFIU Center, Malaysia

...

Lead Academic SDN BHD, No. 8-1, Jalan 2/137B, Resource Industrial Center
Jalan Kelang Lama, 58200 Kuala Lumpur (HQ) , Malaysia

Authorized contact: Francis See

Tel: 603-7983 3939 (24 hours) **Fax:** 603-7982 9509

Email: Lead@tm.net.my **Web:** <http://www.lead.com.my/>

SFIU Center, Mexico

Bosque de Duraznos 69 – 1006, Bosques de las Lomas
Mexico City, D.F. 11700

Tel: 52 55 9 112 5295

(*** No authorized contact ***)

SFIU Center, Italy

Casella Postale 1696, Genova Centro, C.A.P. 16121 GE, Italy

Authorized contact: Professor Eugenio Caligiuri Ammendolia, Associate Dean and European Representative

Tel / Fax: +39 320 193 32 03 **Email:** dr.caligiurie@sfiu.edu

SFIU Center, Lebanon

Stratford International University

Lebanon Regional Center

Salibi Tower - 7th floor - Mkalles

Beirut - Lebanon P.O Box 50216

Tel/Fax: 00961 - 5 - 436 738

Mobile: 00961 - 3 - 900 371

Web site: <http://www.siu-edu.org>

Email: info@siu-edu.org

Or Lebanon@sfiu.edu

Director of International Programs ...

Elmurrinternational@sfiu.edu

SFIU Center, Netherlands

989 5900 Az Vonlo, Netherland ?

Authorized contact: Hein Heijen

Tel: 077 3523 685

(** no email **)

SFIU Center, Pakistan (C/UK) ...

SFIU Center, Philippines

USP Salinas Drive, Lahug, Cebu City, Philippines 6000

Authorized contact: Dr. Michael E. Nunez

Tel: 6332 343 9413 **Email:** Getnunez@aol.com

SFIU Center, Singapore

Authorized contact: Richard Gao, President, International Education Resources

#12-2414 Main Street, Vancouver, B.C. V5T 3E3

Tel: 604 879 3885 **Email:** edu@american-china.net ...

SFIU Center, South Africa

P.O.Box 18713 Dalbridge 4014, South Africa

Authorized contact: Dr. Bertie Wicks

Tel: 27 31 307 1900 **Email:** Bertie@umfolontech.aza

SFIU Center, Taiwan

P.O.Box33-212, Paipei post office, Taipei, Taiwan 100

Authorized contact: Richard Gao, President, International Education Resources

#12-2414 Main Street, Vancouver, B.C. V5T 3E3

Tel: 604 879 3885 **Email:** edu@american-china.net ...

SFIU Center, United Arab Emirates

A Block, Al-Kawakeb Building, Sh. Zayed Road, Dubai

Authorized contact: Arun Bhasin, Chief Executive Officer, Pacific Management Consultancy ...

PO Box 29072, Dubai, UAE

Tel: 050-7256081 **Email:** uae@sfiu.edu

SFIU Center, United Kingdom

Stratford International University, 89, Bickersteth Road, Tooting Broadway, London SW17 9SH, UK

Authorized contact: Arif Hajefi

Tel: +44 (0) 20 8355 3497 & 3498 **Fax:** +44 (0) 20 8355 3449

Email: info@stratford.ac **Web:** <http://www.stratford.ac>

SFIU Center, Vietnam**Rutherford University (South Africa)**

Bertie Wicks was apparently initially engaged by Abdul Hassam to run Senior University International in South Africa and the African continent in or around 2001. Recent email communications between Bertie Wicks (who is emailing from a Hampton – presumably Hampton College - email address) and Nusri Kassam make it clear that he has had continued involvement with Rutherford University's operations in South Africa. For example, a March 2007 string of emails reads as follows:

From: Registrar [<mailto:registrar@rutherford.edu>]

Sent: Thursday, March 15, 2007 4:47 PM

To: 'Enquiries'

Cc: 'Dr. Abdul Sultan Hassam'

Subject: URGENT MORE DETAILS NEEDED

Hi Sarika and Bertie,

The list faxed to us on Feb 22, 2007 (and previous emails) requesting students degrees and certificates, please note you have not provided us which student requires which credential – certificate, diploma or degree, also date of graduation, and if student requires transcripts please email those urgently.

SO FOR EACH STUDENT PROVIDE NAME, DIPLOMA/CERT/OR BBA OR MBA AND DATE AND TRANSCRIPT, THANKS.

The following were already issued and sent to you: What do you want changed in their documents?

[student name], Master of Business Administration, this 12th day of June 2006

[student name] Master of Business Administration, this 12th day of June 2006

[student name] Post Graduate Diploma Business Administration, 12th day of June, 2006.

[student name] Master of Business Administration, this 12th day of June 2006

[student name], Master of Business Administration, this 12th day of June 2006

We can re-issue the transcript for Z..., please confirm this is the correct certificate to change and re-issue, with the birthdate of s.22

From: Bertie Wicks [mailto:hampton@iburst.co.za]

Sent: Saturday, March 24, 2007 2:03 AM

To: 'Registrar'

Subject: RE: URGENT MORE DETAILS NEEDED

I have faxed a list [student names] have not got their degrees. From R... down to B ... degrees were issued but misspelt (sic), except for Z. whose birth date is s.22
A... does not have an MBA.

More urgent, I am going through the Unesco requirements very carefully and will reapply after calling you Monday.

Regards Bertie

I note that an attached transcript for student "Z" contains the Rutherford University crest. Below it the following appears:

Wyoming, USA

British Columbia, Canada

KwaZulu Natal, South Africa

At the bottom of the document is Rutherford College's Richmond, BC address and a South Africa address.

Another recent (May 13, 2007) email exchange between Abdul Hassam and a Mr. Sarumi (copied to Bertie Wicks) provides:

Further to our telephone conversation, I have spoken to our Durban office with Dr. Bertie Wicks, and have apprised him of your intent to represent RU in Botswana. Please contact Dr. Wicks at your earliest convenience to discuss the RU courses you wish to promote in Botswana and also to arrange for a memorandum of agreement between your organization and RU. Dr. Wicks will explain to you the modality of the arrangement and agreement between yourself and the university. As you have indicated time is of the essence and THIS TIME APPEARS TO BE A GOOD TIME FOR PROMOTION. I am requesting Dr. Wicks to provide every assistance you need to being recruiting students once an agreement has been reached.

Mr. Sarumi manages a company called Phoenix Communications.

In another recent email (May 12, 2007), Cecil Sherwood forwards to Abdul Hassam and Nusri Kassam a draft response that he suggests Bertie Wicks should send (with his name, title and contact information) to a prospective university student.

Rutherford University (Lebanon/Middle East)

Anestass El Murr of Lebanon was appointed by Abdul Hassam as Rutherford University's Director of International Programs and Public Relations. This appointment authorizes him to "represent Rutherford University to other organizations, associations, public and private sector and educational firms in the UK,²³ Lebanon and the Middle East". Email communications between Mr. El Murr and Nusri Kassam reveal that, as recently as May 2007, Nusri Kassam was generating degrees and transcripts for Lebanese Rutherford University students. An example is provided in the following email exchange:

From: Anestass Murr s.22
Sent: Saturday, March 31, 2007 8:54 AM
To: Abdul Hassam; Nusri Hassam
Cc: Sister Nusri
Subject: Omissions and NEWS...

Dear Nusri:

1- Thanks again for the efforts you have done with Abdul to finalize all the urgent documents of mine. That was of great help. Thank you.

2- It appears to me that you forgot to include the letter of graduation and the transcript of [student name] in the package. That's why I'm re-attaching them to this e-mail and I'm confident that you'll print them and include them with the next DHL that is coming to me...

3- I'm also attaching the transcript of [student's name] for you to print and send to me with the next DHL; God willing. I did also attach the corrected letter of him (that was my mistake with the date of birth). Please print his transcript and letter and put them with the documents of [student name] to be sent with the next package. Thanks.

4- Concerning the financials:

I owed you about 950\$. However I'll round them to = 1,000\$ to be wired to you soon. I'll also add another 120\$ to cover the cost of the new DHL that you'll be sending.

Another 300\$ as a registration fee for the PhD program in Education of [student name], one PhD candidate who is currently preparing his dissertation.

That is, in total, 1,420 \$ will be wired to you within the next couple of weeks; God willing.

²³ There are other email exchanges with someone called Hansie, who signs off as the Academic Advisor, Stratford University, 89 Bickersteth Road, Tooting Broadway, London. Student transcripts relating to students enrolled in the 2002 and 2003 academic years give this address for the University. Directly underneath Stratford International University, the transcript indicates "US – UK – Canada – The Netherlands – Lebanon – South Africa – Philippines – China – Italy – Malaysia – Mexico – UAE". An email from Hansie to Abdul Hassam (dated August 21, 2003) was headed "transcripts of the prospective graduates" and transcripts were attached.

5- Please confirm that you have received the 3,480\$ which were wired to you from my account...

6- Please keep me updated, as well, about any news regarding the apostille - in general - especially the UAE attestation of s.22 document

Registrar <registrar@rutherford.edu> wrote:

Hi Anastass,

Yes, I am back and gave you top priority to process all your documents. Once you get the package and the contents are confirmed, please send the remaining amounts right away as Dr. Hassam does not manage the accounts very well either and we need these funds urgently as you have said below, at least \$1420 (and the future Ph.d. student if possible) should be wired.

I am also attaching the latest bachelors and masters transcripts – please use these formats so we don't have to clean them up too much, also remember you told me to read the book who ate the cheese? Well, before our cheese gets eaten, we have updated our grading scales to include GPA too, PLEASE UPDATE ALL YOUR NEW TRANSCRIPTS TO USE THIS NEW GRADING SYSTEM SO THAT YOU ARE USING THE LATEST STANDARDS WITH Rutherford University.

We also have x-cel transcripts that can calculate our total credits and the GPA per course, however it's a pain in the neck to use, do you want a sample of that too? Or do you want to add your own GPA column alongside the credits and grades?

I will send you the Mba sample tomorrow as I have to rush out now, thanks for your quick response to these matters.

Sincerely,
Nusri Kassam, M.Ed. (UBC)
Vice President and Registrar
Rutherford University

www.rutherford.edu

From: Anastass Murr s.22
Sent: Wednesday, April 11, 2007 12:26 PM
To: Registrar
Cc: Sister Nusri
Subject: Re: please use this latest bachelors format

Dear Nusri:

Ok, you may send both formats and I'll see what suits us the best...

Thanks, Anastass.

From: Anastass El Murr s.22
Sent: Wednesday, May 09, 2007 4:26 AM
To: Nusri Rutherford
Cc: Nusri Yahoo
Subject: List of diplmas (sic)

Dear sister:

As I've mentioned in the previous e-mail of mine, the money will be wired to you as agreed; God willing.

For the sake of practicality, please find attached the list of diplomas to be printed. Please **BE EXTREMELY CAREFUL to the date of graduation of each student (and kindly use the corresponding design of diplomas) and BE ALSO CAREFUL to BOTH degree and major; that is, please print them both on the diploma as usual. e.g.:**

**Bachelor of Business Administration
 (Business Management)**

Please don't change the dates of graduation and be careful to the corresponding date written for each student.

During the week end, I'll be – God willing – finalizing the transcripts and the letters for all of these 5 graduates as well as the letters of registrations of the other 3 registered students to be included in the same DHL or Fed EX that is coming to me...

Please note that – except [student name] – All the other 4 diplomas are to be sent to s.22
 in Washington for certification. Only [student name] is to be done up to the s.22
 level SOLELY.

Thanks.

(Emphasis in original)

----- Original Message -----

From: Registrar <registrar@rutherford.edu>
To: Anastass El Murr s.22
Sent: Thursday, May 10, 2007 3:58:36 AM
Subject: Nader et al

Hi,

I have finalized the 3 Swazi degrees, I am attaching them for your reference to double check as I have until tomorrow to send them out. I found [name]'s Apostille so it will go to the s.22 I will complete [names] tomorrow so please confirm that a total of 5 new ones + [name] makes 6 in total – previously I thought it was going to be 7? out of these 6, 5 of them are going to the s.22 and [name] is up to sec of state only.

Please remind me how payment was or has been made for [names]? Sorry its late here and I don't have time to look for these ones. If I am late tomorrow, the package will go out on Friday now.

Sincerely,
 Nusri Kassam, M.Ed. (UBC)
 Vice President and Registrar
 Rutherford University

www.rutherford.edu

From: Anestass El Murr
Sent: Friday, May 11, 2007 7:24 AM
To: Registrar
Cc: Nusri Yahoo
Subject: confirmation

s.22

Dear Nusri:

5 new diplomas, that's right. [name] is the old one that is going to s.22 that's also RIGHT. ONLY [name] is to be done up to the s.22 level...

That makes a total of 6 diplomas in this package (one of them is OLD/ [name]).

Now, [names] were included in the 1,500 \$ that I did personally send you and the late 1,400\$ of [name]

Actually, I remembered that I have to add the previously omitted 200\$ that were budgeted to cover the final DHL that will reach me over here and some other expenses or remaining balance!

That is, in Total, I'll be wiring to you 3,500 \$, God willing instead of 3,300 \$ first thing on Monday or Tuesday next week as promised...

Meantime, I've checked the info of the 3 Swazi degrees and they are OK... Thanks...

Have a nice week end,
 Anestass.

There is another email sent by Mr. El Murr to Nusri Kassam on May 9, 2007 relating to another student:

From: Anestass El Murr
Sent: Wednesday, May 09, 2007 2:06 PM
To: Nusri Rutherford
Cc: Nusri Yahoo
Subject: [student name]

s.22

Dear sister:

You surely remember that [one], I told you to keep the appostilled diploma of one of our graduates "[name]" in the drawer while waiting for my instructions...Now, I'd like you to

send it to the s.22 along to the other diplomas going there...I thought it'd be better to tell you so today, so that you can get it ready – on hand – while you decide when to send the documents for attestation at the s.22 ...

Thanks and kind regards,
Anestass.

The attached list to the first May 9, 2007 email contains the names of 5 students, the degree they are said to have earned with graduation dates ranging from February 25, 2005 to May 9, 2007. Another email to Nusri Kassam from Anestass El Murr dated May 12, 2007 provides:

... Please find attached the transcripts, letters of graduation and letters of registration for this package. Please make sure the use the appropriate letter-head with the appropriate address for each one ... On the back-dated ones, please don't write your Canada address, the US address ONLY along [with] the website, email and phone numbers and fax are fine ...

For the Swazi ones, please remember the previously agreed upon addresses, phone numbers and websites on the documents ... Please also make sure to the tiniest detail in the page setup ... The last package was just fine ... if You prepare the same ones, this will be more perfect ...

In all cases, I know that you'll do your best – as usual – to generate the most professional-looking documents.

The documents attached relate to Lebanese students and include letters of registration dated May 11, 2007 for Nusri Kassam's signature (not on letterhead – Ms. Kassam is to make sure she uses the "appropriate" letterhead and addresses) confirming the student's registration with Rutherford University and advising of the number of credit/hours of studies that have been completed. One is s.22 and it provides:

This letter is to certify that s.22 ... is currently registered at Rutherford University in the Doctor of Business Administration degree program (DBA with a concentration on International Business Management) for the academic year 2006-2007.

s.22 has successfully achieved s.22 course-based 39 credit/hours of studies; s.22 is currently preparing s.22 doctoral dissertation in International Business (9 credit/hours) and is expected to graduate during 2008 after meeting all the requirements of the board.

This certificate has been issued upon s.22 request.

One s.22 student wrote to Nusri Kassam in March 2007 advising that Mr. El Murr told s.22 would receive formal registration documents from the University within 10 days, but s.22 had not received anything yet. The email goes on to say:

I would also like to tell you about my worries regarding the accreditation of the university diploma which resulted from my researches on the internet. Please respond because the university I am coordinating the English Language in is asking me for this issue.²⁴

Mr. El Murr emailed Nusri Kassam suggesting a reply to this student that included the following:

I'd like to inform you that Rutherford University is legally incorporated in the United States and has achieved a very important international accreditation notably from the department of education in Swaziland, member of the Commonwealth of Nations, and from the International Parliament of States in Europe as well as other accreditations in South Africa and the US ...

It's been about two years that you are registered with us in the PhD program and you should be certain by now that our institution is a perfectly legal international institution of higher learning dedicated to offer international and distance learning programs.

The reference to this student having been enrolled in the Rutherford University PhD program for two years is curious because Nusri Kassam's March 10, 2007 email to the student says the university is "pleased to inform s.22 that s.22 been assigned the student s.22 which s.22 is to use when s.22 contacts the University. Also, she is told that Rutherford University is in the process of finalizing s.22 "official registration once s.22 complete file and academic requirements are received and financial obligations are properly met".

- **Rutherford University (Mexico)**

As of June 2007 Rutherford University (Mexico) (www.rutherfordmexico.org) lists, among its administration, Abdul Hassam (Executive Vice-President and Dean of Faculty), Charles McCaffrey (Vice-President, International Educational Consultant) and Nusri Kassam (Director and Senior Faculty Advisor, Office of Admissions and Registration).

November 21, 2004 email communications between Cecil Sherwood and the Hassams entitled "Mexico" reference a proposed (draft) agreement which would give "them a License to use the name Rutherford University [with an] annual licence fee of say \$15/20,000)". Attached to the email is a document called "Terms of Agreement between Rutherford University and Affiliate". It permits students to be enrolled with an Affiliate and the University at the same time, and indicates that following successful completion of the program with the Affiliate "and completion of all the requirements required by Rutherford University the appropriate degree will be conferred by the University".

²⁴ An earlier email from Nusri Kassam to this same student made reference to bad experiences that s.22 had and, among other things, said "What happened with you has been reported and we reserve our right to take any legal action in the future against all those who illegally abused our confidence and trust such as the person with whom you have been working before you heard about Mr. Murr".

A recent email exchange between Nusri Kassam and Vergilio J. Diaz, Rutherford University – Mexico, relating to one of the University's s.22 students is as follows:

-----Original Message-----

From: Registrar [mailto:registrar@rutherford.edu]
Sent: Wednesday, February 28, 2007 4:29 PM
To: 'Virgilio Diaz'
Subject: 2 students graduating

Hi Virgilio,

I have been through both students, I think [name]'s problem was that s.22 only shows 63 credits completed which is two years when we need to show 126 or even 90 credits or 3 years of studies. So can you and/or Dr. Johnson fix this *or do you want me to put one more year into s.22 ranscript from all the teaching s.22 has done?*

(Emphasis added)

De: Registrar [mailto:registrar@rutherford.edu]
Enviado el: Friday, March 23, 2007 3:53 PM
Para: 'Virgilio Diaz'
Asunto: [ame]'s documents

Virgilio,

Did you reply to my email about [name] below? [name] is all done and back from s.22 but I need to know what to do with [name].

Sincerely,
Nusri Kassam, M.Ed. (UBC)
Vice President and Registrar
Rutherford University

www.rutherford.edu

From: Virgilio J. Diaz [mailto:vdiaz@rutherfordmexico.org]
Sent: Friday, March 23, 2007 4:55 PM
To: 'Registrar'
Subject: RE: [name]'s documents

We change the dates and credits... please send the documents as soon as u can...

Regards,

Virgilio J. Diaz, mba,
Rutherford University - Mexico,
+ 52 (55) 5 251 9891

Rutherford University (China)

Richard Gao was for a time the Director of Asian studies for Rutherford University. I am unclear whether he continues to have a relationship with this institution. Documents indicate he was coordinating Rutherford University's Asian operations from at least 2003 until at least 2005 and recruited a number of s.22 students for Rutherford University's MBA program.

For example, on January 31, 2005 he sent Nusri Kassam four MBA graduates' documents from s.22 as an attachment and asked her to let him know if they were "ok" with her. Attached are transcripts for four students indicating they had graduated with their MBAs on February 28, 2005. In another (dated April 12, 2006), Richard Gao emailed Nusri Kassam and Assistant Registrar July Li attaching a number of documents which he described as "one M.Sc. applications doc from s.22 His request was that they "issue him letter of acceptance with back date April 2005 or no date".

In March 2007 Mr. Gao emailed Judy Li (Assistant Registrar and Administration, Rutherford University) asking her to "make the letters for" eight "potential MBA applicants. Another to Nusri Kassam in December 2003 on the subject "5 graduates transcripts" reads:

From: Int'l Edu. Resources [mailto:edu@american-china.net]
Sent: Wednesday, December 10, 2003 8:33 PM
To: registrar@sfiu.edu
Subject: 5 graduates transcripts

Dear

Nusri,

In order to prevent confusion, please forget and delete all transcripts I have mailed to you for 5 graduating students. From now on, I am going to re-email the newest editions of transcripts for each individual student including SFIU versions and YiChih versions. Please contact me should some modifications are needed.
 Regards!
 Richard

At 12:25 03-12-10 -0800, you wrote:

Hi Richard,

1. Regarding the B.Cs. that you wanted us to award out of Stratford, we are waiting for the electronic version of the transcript, graduation date is August 26, 2003.
2. Regarding the BBA from Senior, we still need 60 more credits to show up on the transcript, thanks. or if they want to award a B.A. only (Bachelor of Arts) they can make the final credits total up to 90 credits. thanks again for all your help and let me know when you hear back from this lead.

Sincerely,

Nusri Kassam

The lead she refers to is an email from a Danny Ng of Asia Masters Consulting Group to Richard Gao which reads as follows:

----- Original Message -----

From: [Asia Masters Consulting Group Ltd.](#)

To: uae@sfiu.edu

Sent: Monday, December 01, 2003 10:05 PM

Subject: cooperation

Dear Sir/Madam

Allow me to introduce myself. My name is Danny Ng and I am based at the Asia Masters Consulting Group Ltd. in Hong Kong, China and Singapore in near future. I learn your University today through your official website. I have over 7 years work experience in the distance learning degree field, and I am working closely with several universities in China and office in Hong Kong/Singapore. As their graduates and many business executives are eager the Master Degree in Programme, after China enter the WTO, I trust that we can recruit many students from Hong Kong, China and Singapore in a short time.

We are very interested in delivery of your university programme in China, Hong Kong, Taiwan and Singapore. Even though I have not met all of you, I hope that I will be able to meet up with you shortly.

Thank you for your kind attention and I look forward to hearing from you soon.

Yours sincerely

Danny NG

Business Development Manager

Website: www.asiamasters.com

Email: dannyng@asiamasters.com.hk

There is another October 28, 2006 email from Cecil Sherwood to the Hassams regarding a "potential Chinese agent". It reads:

I received an interesting request this morning. This came to me indirectly through a contract I have. A Chinese guy asked my contact if he could provide degrees for a batch of students initially 200 students. He has US \$10,000 to pay for them. I said in principle we would consider but we would require money up front. Maybe we can discuss.

Rutherford University (UAE)

In June 2006, Arun Bhasin (who signs off as Director, Pacific Management Consultancy, PO Box 29072, Dubai, United Arab Emirates) emailed a prospective Rutherford University student on referral by the Rutherford University Registrar (Nusri Kassam) in his "capacity as their UAE representative". His response was as follows:

Your email to my University Registrar has been forwarded to me in my capacity as their UAE Representative.

Rutherford University program(s) are offered by distance learning. This implies that we serve Rutherford University in the UAE as their Representative Office.

Rutherford University is currently going thru a re-licensing mechanism and this should take a month or so. I would be looking forward to getting in touch with you once the current procedures are resolved.

The location map of my Dubai Representative Office is contained in the MBA prospective emailed to you earlier last week. In the meantime, please feel free to contact me for any clarifications.

Thanking you for your preliminary interest in Rutherford University.

(Emphasis added)

In a July 2006 email to Nusri, Mr. Bhasin indicates that his talk with Dr. Hassam was "very informative". He also says:

It is true that I'm not admitting new students but I am not turning anybody away; I'm clearly telling them the following: (Quote) Rutherford University is currently going through a re-licensing process. This re-licensing process should be over by end-August 2006 making it possible for us to admit you by early Sep. 2006. (Unquote).

This way I escape telling them that we have closed down in Wyoming. Re-licensing or fresh licensing is not a distinction that prospective students would differentiate or care about. It can be anywhere in USA or anywhere in the world.

I am noting down the email/tel no. of all such students who have called me since May 2006. As soon as the situation becomes clear to the extent that we can offer a 'product' to the students, I will become aggressive (ethically aggressive) like in the past. As you realize, we have to admit students to one particular university with one identifiable location (e.g. it cannot just be Rutherford University in some location to be decided later; it has to be Rutherford Swaziland or Rutherford XYX state in USA or both).

RU is my sole product ... This is to prove that the current situation of not being to admit students is very sad and painful for me both emotionally and financially

Rutherford University has another UAE agent or representative, Khalid Sheikh. Mr. Sheikh sent Nusri Kassam student transcripts “for her expert opinion” as recently as April and May of 2007. In one of their email exchanges during that period, Ms. Kassam tells him she knows “how tedious work it is to produce transcripts for each student, do you want me to help you finalize them? I have been doing this for a long time now ... let me know if you need any more help from me, I hope the templates helped you? Please remember to include any previous bachelors degree transcripts for any student graduating with a masters and for PhD students, we will need to see their master’s degree transcripts”. Nusri Kassam subsequently prepared transcripts for some Dubai and UAE students.

Conclusion

What all of this information reveals is that the headquarters for Rutherford University/Stratford International University/Senior University International and their operations are located at 200-2900 Simpson Road, Richmond, BC. Abdul and Nusrat Hassam, the directing minds and senior administrators of these universities and the only officers and directors of Senior University Inc., have for many years been running these university operations from their Richmond, BC-based offices, offices they “share” with Rutherford College.

The underlying purpose of the *Degree Authorization Act* is to prohibit BC-based private post secondary institutions from calling themselves universities or otherwise engaging in degree-granting activities, either directly or indirectly, unless they have ministerial consent. Senior University Inc. has never sought such ministerial consent and no consent has ever been granted that would authorize Rutherford University to call itself and operate as a university from this Province. Although Senior University Inc. purported to operate as a BC College from 2001 forward, the evidence gathered during my inspection and the inspection of the PCTIA Agency reveals that Senior/Stratford International/Rutherford College have effectively served as a “front” for these universities, including their administrative operations and degree-granting activities both within Canada and internationally. Put somewhat differently, and to quote an internal Rutherford University memorandum, Rutherford “University administration [operates] from their offices in BC under the guise of the College”.

Abdul and Nusri Hassam together effectively control all aspects of the Rutherford University/Rutherford College enterprise (and the “Rutherford Education Network”), a private enterprise that seems to be entirely preoccupied with making profits by generating fees in exchange for conferring university degrees, often through the mechanism of “student transfer credits” (often “experiential”) from “affiliate” colleges or other institutions. As the case of Student E well-illustrates, they appear quite willing to even generate false records and grant university degrees for nothing other than the payment of a fee. More recently, they have been targeting the overseas markets offering on-campus programs at the Richmond “College” campus and have been able to attract a

small number of international students, largely through the efforts of their international “agents”. No doubt a large part of the attraction to this handful of foreign students is the ability to transfer Rutherford College credits to obtain a Rutherford University degree, all within a condensed period of time.

The evidence that Abdul and Nusrat Hassam run their University operations from Richmond, BC is – as I indicated at the outset – overwhelming. Without limitation, the indicators that this is the case include the following:

- Nusrat and Abdul Hassam live and work in Vancouver, BC
- Nusrat and Abdul Hassam are senior administrators for both Rutherford College and Rutherford University and they are the only officers, directors and owners of Senior University Inc. They are also the only officers, directors and owners of Rutherford University Inc. (Wyoming) and the only officers and directors of the new domestic Alabama corporation (which is not authorized to grant university degrees in that State), as well as a majority shareholder in that corporation.
- The University's administration offices are at the same Richmond location and are one and the same as the College's administration offices.
- Cheques from a Vancouver bank account of Senior University Inc. indicate Senior University Inc. is doing business as “Rutherford University/College”.
- University student and financial records are kept on site at the Rutherford College offices, as are Rutherford University administrative and financial records.
- The evidence seems quite clear that the Hassams have had no real presence in Wyoming or in Swaziland.
- The Hassams (and especially Nusri Hassam as Nusri Kassam, Registrar and Vice President of Rutherford University) generate, revise, create, “clean up” and/or oversee all Rutherford University student transcripts.
- The Hassams generate, finalize, sometimes back-date and sign-off on Rutherford University degrees from their Richmond-based operations and they post or courier them from their Richmond, BC offices to the students or to their international agents/affiliates.
- The Hassams oversee all admissions to Rutherford University – international and national – and they generate admissions/registration documents and sign off on letters of admission and graduation documents.
- Rutherford College programs were established specifically to facilitate Rutherford University's degree-granting, revenue-generating activities and the marketability of the College product lies in the fact College credits are transferable to a Rutherford University degree.
- Rutherford University students pay a fee for their degrees, and they make payments to the University by charge card, cheque or direct deposit to a Vancouver bank account in the name of Senior University Inc. dba as Rutherford University/College.
- The contents of the Rutherford University website are entirely controlled by Abdul and Nusri Hassam and that website clearly advertises it as a degree-granting university.

With some limited exceptions the documents I have reviewed reveal little evidence that any substantive academic instruction is provided to Rutherford University students (the exception relates to some of the Clearmind/Rutherford University students), just as there is little evidence that student-service related activities are provided by Rutherford

University. I saw no evidence to suggest any genuine interest on the part of the Hassams in their students' academic growth, betterment or endeavours. Rather it seems to be a strictly profit-motivated, money-making venture that is now fixated on achieving some kind of legitimate status in the United States to sustain the marketability of their product.

For all of the reasons given, I do not hesitate to conclude that Senior University Inc. has been operating in violation of the *Degree Authorization Act*. More particularly, I find that it has been either directly or indirectly:

- Granting or conferring degrees without ministerial consent
- Providing programs leading to degrees without ministerial consent
- Selling programs leading to a degree without ministerial consent
- Selling and advertising for sale a diploma, certificate or other material that indicated or implied the granting or conferring of a degree without consent
- Made use of the word "university" without consent.

Yours very truly,

Deborah K. Lovett, Q.C.

MacLean, Madeline AVED:EX

From: Simmons, Vicki AVED:EX
Sent: Thursday, July 12, 2007 9:18 AM
To: XT:Wright, Jim CASE:IN
Cc: Brown, Susan B ALMD:EX
Subject: FW: Rutherford College - Report

Importance: High

Hi Jim,

As you know, the Minister's letter and inspector's report were sent to Rutherford College this morning. I am attaching the full version of the inspector's report (prior to severing for FOIPPA) for your purposes of determining whether further action is warranted under the PCTI Act.

Thank you,
Vicki



FINAL Inspection
Report - Ruth...

Vicki Simmons, Policy Analyst
Policy and System Quality Branch
1st Floor, 835 Humboldt St
PO Box 9177 Stn Prov Govt
Victoria BC V8W 9H8
Phone: (250) 356-2067
Fax: (250) 356-8851

From: AVED Minister AVED:EX
Sent: Thursday, July 12, 2007 8:31 AM
To: 'hermes@rutherford.edu'
Cc: 'jwright@pctia.bc.ca'; Brown, Susan B AVED:EX
Subject: Rutherford College - Report
Importance: High

Attached please find an urgent letter from the Minister. Original to follow via courier.



60486 - Hassam
letter July 11....



FOI Report.pdf

Office of the Honourable Murray Coell
Minister of Advanced Education
Ph: (250) 356-2771 / Fax: (250) 356-3000



Rutherford College

Rutherford College is registered with the Private Career Training Institutions Agency
Formerly PPSEC of British Columbia, Canada - Institution ID No: 24



Ministry of Advanced Education
Office of the Minister
PO Box 9059 Stn. Prov. Gov.
Parliament Buildings
Victoria, BC V8W 9E2

July 14, 2007

Sent by Fax to 250 356 3000

Attention: Honourable Murray Coell
Minister

Dear Minister Coell,

I acknowledge receipt of your email of July 12th and letter and report received on the same date.

I respectfully request an extension from July 18th to July 24th to enable me prepare a comprehensive response to statements made in the report and also to seek the advice of my Counsel. I look forward to your response.

Sincerely,

Dr. Abdul Hassam
Rutherford College

MINISTRY OF ADVANCED EDUCATION	
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<input type="checkbox"/> INFO / FILE	<input type="checkbox"/> MA
<input type="checkbox"/> EA	<input type="checkbox"/> AC
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copy faxed to
Susan Brown + Ruth Wittenberg
July 16/07
cw



Minister's Correspondence

MO Day Copy
DMO Day Copy
ADM Day Copy
PAB Copy
Branch Day Copy
Branch File Copy
Author Copy Susan
Branch Circ. Copy

JUL 16 2007

Our Ref. 60528
File #: 60120-20/RUTH

Dr. Abdul Hassam
Rutherford College
200 - 2900 Simpson Rd
Richmond BC V6X 2P9

Dear Dr. Hassam:

This is in response to your letter dated July 14, 2007, in which you request an extension to the deadline to respond to the inspector's report on Senior University Inc., operating as Rutherford College. I am prepared to extend the deadline, but only until 4:30 pm on Friday, July 20, 2007. Please be advised that no further extensions will be granted.

Sincerely,

Murray Coell
Minister

pc: Mr. Jim Wright, Registrar
Private Career Training Institutions Agency

KERR REDEKOP LEINBURD & BOSWELL

BARRISTERS & SOLICITORS • TRADEMARK AGENTS

410-1333 West Broadway, Vancouver, British Columbia, Canada
V6H 4C1 Telephone: (604) 734-4554 • Facsimile: (604) 734-5182

July 20, 2007

Ministry of Advanced Education
Office of the Minister
P.O. Box 9059 Stn. Prov. Govt.
Parliament Buildings
Victoria, B.C. V8W 9E2VIA: Facsimile 1-250-356-3000
(Original via Courier)Attention: Honourable Murray Coell
Minister

Dear Minister Coell:

Re: Senior University Inc., operating as Rutherford College

I represent Senior University Inc. Doing Business as Rutherford College ("SUI Inc.") with respect to the matters raised in Ms. Lovett's report (the "Report"). My client wishes to thank you for the opportunity of responding to the report which it is noted was ostensibly to be in response to the questions raised in your letter dated May 11, 2007.

On reviewing the report it is apparent that a number of erroneous conclusions have been made arising from the reliance upon indirect sources of information including e-mails, preliminary drafts of plans or projects, and other irrelevant communications. Similarly, it is apparent that erroneous conclusions arise from not fully understanding the different regulatory schemes which have been in force since the inception of SUI Inc. in 1993.

It is my view that it is unfortunate that Ms. Lovett did not have the opportunity of interviewing any of SUI Inc. officials/directors/shareholders before rendering her report. I strongly urge you, before releasing this report to either direct Ms. Lovett to meet with my client or alternatively direct that Ministry officials meet with my client to clarify any misunderstandings.

Notwithstanding the proposal for a meeting, my client directs me to respond to the report in order to set the record straight.

Relevant Dates and events:

1. On March 15th 1993 Senior College of Canada was incorporated in BC.

2. On May 01, 1992 Senior College of Canada was registered by the Ministry of Advanced Education, Training and Technology.
3. On October 25th 1993, Senior University Inc was incorporated in Wyoming and under the authority of the Secretary of State the University was given degree granting authority and subsequently licensed by the Wyoming State Board of Education and Wyoming Dept. of Education.
4. On January 19, 1994 Senior College of Canada Inc. (B.C. corporation) changed its name to Senior University Inc. (BC)
5. On May 1, 1993 Senior University was registered with the PPSEC.
6. In May 3rd 2001 PPSEC wrote and advised Senior University Inc (BC corporation) that it could no longer offer degree related programs and were only to offer certificate and diploma programs. **However, it is very important to note that PPSEC granted a teach out in respect of students already enrolled in degree related programs.**
7. As a result of the May 2001 letter Senior University Inc. commenced operating as Senior University Inc., DBA Senior International College, and most recently as Rutherford College.

I offer the following two comments with respect to the relevant dates and events set out above:

In the period 1993 up to March 2001, SUI Inc. was in full compliance with laws and regulations both in BC and Wyoming where it was registered and permitted to offer degree related programs. The only condition applying to this authorization was that the degrees would be granted/ conferred by Rutherford University Inc Wyoming under the authority of the License to issue degrees granted by the Wyoming State Board of Education and the Wyoming Department of Education. During this period Rutherford University Wyoming was fully compliant with State Board requirements and was judged to "be in good standing"

During the period 2001 to 2006, Senior University Inc. DBA Rutherford College has been in compliance with PPSEC/PCTIA requirements or has taken steps to bring itself in compliance with the regulatory requirements.

Teach Out Provision

As previously stated, PPSEC's letter to SUI Inc. to cease degree related activities excepted students already enrolled in degree programs. In effect, PPSEC said SUI Inc. could continue to teach those students but not enroll any further students in degree programs. The common understanding is that students enrolled in a degree program are to continue to receive such a program. As all of the programs of SUI Inc. at that time were offered by distance learning and were self-paced, students completed their programs on their own schedule. This is unlike a traditional campus which is based on definite start and end dates. In reviewing the Report, written again in the absence of discussions with the relevant officials of SUI Inc., it is noted that many of the statements made alleging breaches of the Degree Authorization Act were in fact related to students enrolled in degree programs prior to May 3, 2001. Accordingly, my client believed it had

the right to continue to confer degrees to these students pursuant to the teach out provisions.

In this regard I point out that while the Report notes on page 7 that the teach out provision was granted no reference is made in regards to the student records referenced in the report as to whether or not such students were enrolled prior to May 3, 2001. Indeed, there would appear to be no mention as to the dates of enrollment of any students referenced in the report and a corresponding reference to the regulatory scheme applying at that point in time.

To a great extent the Report fails to differentiate between students enrolled before 2001, between May 2001 and the proclamation of the Degree Authorization Act, and the post November 7, 2003 period of time.

I also note that during the on site inspection by PCTIA of Rutherford College in mid 2006 the Inspecting Officer (Ms. Sue Williams) was provided with a list of students in the teach out program. Ms. Williams removed and reviewed the files of these and other students. I am advised that at no point in time was my client advised that the teach out program authorized by the PPSEC in its May 3, 2001 letter contravened the Degree Authorization Act.

Clearmind Institute /Rutherford University

In 2002 (prior to the passing of the DAA) Duane and Catherine O'Kane approached Dr. Hassam and Nusri Kassam and indicated that they wished to enter into an arrangement with Rutherford University whereby Clearmind Students could obtain credit for studies at Clearmind towards a B.A. degree. After discussions and a review of the Clearmind programs it was agreed that Rutherford University Wyoming would allow transfer credits in respect of the Clearmind program. Clearmind was advised that the students would have to do additional work to acquire the necessary credits to meet degree requirements. Clearmind indicated that they had competent personnel to manage and deliver the additional requirements.

A problem arose initially when it was discovered that Clearmind was not registered with PPSEC. Officials of Clearmind stated that it was their interpretation that registration of Clearmind with PPSEC was not required. For the University to accept transfer credits from a student on a Distance Learning Program a transcript had to be issued by a properly constituted and registered College. To overcome this problem, Rutherford College agreed to enroll the Clearmind Students.

The majority of Clearmind students enrolled as distance learning students of Rutherford University Wyoming prior to the proclamation of the Degree Granting Authorization Act. In hindsight my client believes that they ought to have insisted on Clearmind registering with PPSEC prior to Rutherford University Inc. Wyoming entering into an agreement with them.

Academic Integrity of Rutherford University Programs

It is our contention that comments on the Academic integrity of Rutherford University Inc. Wyoming was outside of the scope of the authority granted to your Inspector to investigate if Senior University Inc. DBA Rutherford College was in breach of the Degree Authorization Act. In addition, a cursory review of emails and student files would not provide a sound basis for comments on the academic integrity of the University programs. As you, the Minister of Advanced Education, are aware, the process of qualitative review of an educational institution involves a much more rigorous process.

The comments made regarding Professor William Weston as a being a figurehead are incorrect. Professor Weston as well as the other Deans were /are actively involved with the students. They approved programs of study, monitored the progress of students and conducted external evaluations and oral defenses. For the report to suggest otherwise, without the complete documentation and consultation with students, faculty advisors/deans is in my view a serious error affecting the report writer's conclusions. The report appears to contain selectively extrapolated information from emails that are dated, irrelevant and inaccurate.

Rutherford University Swaziland

Rutherford University Swaziland has its own structure and is self contained in South Africa. The operations in Swaziland are under the control of the Vice Rector who is a citizen of and resident in South Africa. The Registrar is a Swaziland citizen and a resident of Swaziland. All transcripts and degrees will be generated and conferred in Swaziland. There are 5 members of the Board of Directors. Three of the Board are either South African or Swaziland citizens. My client's only role in the process was helping in the creation of Academic and Corporate structures. The focus of the University is on the Continent of Africa. Strong links have already been forged by Rutherford University Swaziland and Professional Associations in the United Kingdom.

Corporate Structures:

The essential finding in the Report would appear to be that Rutherford University is a "front" for SUI Inc. and the Hassams and further that based on a recent 2007 Court decision SUI Inc. and the Hassams are therefore in breach of the DAA. In response it is critically important to note that contrary to the improper implication set out in the Report the separate corporate structures (SUI Inc. Wyoming, SUI Inc. BC) were not created to evade or avoid the DAA. In fact, SUI Inc.'s corporate structures predate by many years the proclamation of the DAA Act. Further no attempt was made to hide or mislead who the shareholders or officers of these corporations are. In the Inspector's Report it was pointed out that the shareholders or directors of SUI Inc. DBA Rutherford College and SUI Inc. Wyoming are the same. It was also stated that the directors reside in B.C..

These facts have been known to PPSEC ab initio. There is also an implied suggestion in the Report that Rutherford University Inc Wyoming was not a legal corporation when in fact at all material times it has been a legal corporation properly constituted pursuant to the laws of the state of Wyoming.

In point in fact there was no absolutely need for there to be a "raid" on the offices of SUI Inc. in order to discover these facts regarding the Hassams being the officers, directors, and shareholders of SUI Inc. and Rutherford University Wyoming. All of this information was already in the public domain and as stated in no manner whatsoever concealed or hidden by the Hassams.

Similarly, the fact that officers and directors of Rutherford University resided in BC and carried out administrative tasks for the Wyoming corporation here in British Columbia was information which my clients would have readily admitted to on being asked. In fact as noted on page 12 of the Report Dr. Hassam acknowledged these facts in his May 28, 2007 letter to PCTIA.

The crucial component of the report is the conclusion somewhat based on the Rodgers case that where a corporation although registered outside of British Columbia is conferring degrees but the operating minds of the corporation reside in British Columbia and carry out corporate functions in British Columbia there is a breach of the Act.

I point out that the applicability of the Rodgers decision to my client's situation is less than clear as each case is different. Yet I am puzzled as to why your Ministry chose the route of raiding my client's offices and conducting an expensive and unnecessary investigation as opposed to simply forwarding to my client a letter enclosing a copy of the Rodgers decision and asking my client questions regarding its activities.

Notwithstanding the above and notwithstanding it is clear there was no intention to deceive or mislead on the part of SUI Inc. my client is disinclined at this time to dispute a finding that it has inadvertently, and based on an interpretation of the Act in a recent court decision, breached the Act. My client is more interested in moving forward and accordingly proposes that in the future there will be no University related administration in BC. It points out that the Clearmind Program is now phased out and there are only 13 students remaining to graduate with the college diploma. All Rutherford College students currently registered in the business program are studying and completing their college diplomas programs. At no time was a degree either offered to them or suggested as an option. Since 2005 my client has been focused on building up the College with a particular emphasis on Applied Business Studies in compliance with current PCTIA regulations.

Again my client proposes that a meeting be held to discuss and clarify the applicability of the DAA and PCTIA regulations to its operations.

In terms of the report as stated above the Report has a tone of a quasi criminal investigation which is entirely inappropriate particularly given that by its very nature the investigation was limited to reviewing records including e-mails and other irrelevant

materials. The Report also contains libelous assessments of individuals none of whom were interviewed by the report writer. Accordingly, I strongly urge you to not release this report at all but instead to order your officials to work with my clients to ensure that they are in compliance with the Act.

If it is necessary to release a report I urge you to purge from the report all extraneous and irrelevant statements and in particular all libelous statements of individuals as set out in the report.

Yours truly



Mark G. Perry

(MGP/ldg

P00020/07July20

60120-20/RUH

file
Rutherford

Mark G. Perry
Barrister and Solicitor

SENT BY FAX

FROM: Mark G. Perry
DATE: July 20, 2007
TO: Ministry of Advance Education, Office of the Minister
ATTENTION: Honourable Murray Coell, Minister
OUR FILE: P00020 - Senior
FAX NUMBER: 1-250-356-3000

NUMBER OF PAGES SENT (INCLUDING COVER): Seven (7)

Please see the attached letter and enclosure.

Thank you,

Liz Graham
Legal Assistant to
Mark G. Perry

This message is intended only for the use of the individual or entity to which it is addressed and contains information that is privileged and confidential. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone at our cost.

IF THERE IS ANY PROBLEM WITH RECEPTION, PLEASE PHONE OUR RECEPTIONIST AT (604) 734-4554

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July 27, 2007

Kerr Redekop Leinburd & Boswell
Barristers & Solicitors
#410 - 1333 Broadway W
Vancouver BC V6H 4C1

Attention: Mark G. Perry

Dear Mesdames/Sirs:

Re: Rutherford College/Senior University Inc ats AE

I am instructed by the Minister of Advanced Education, Murray Coell and the Attorney General of British Columbia. Your letter of July 20, 2007 in response to Ms Lovett's inspection report has been passed to me.

I am instructed to commence proceedings against Senior University Inc. and Abdul and Nusrat Hassam, for an injunction pursuant to s. 8 of the *Degree Authorization Act* ("the Act"). It is clear to us, and apparently acknowledged by your client, that Senior University Inc. has been operating in violation of the Act

In particular it is important to note that any program for students under the teach out authorised by PPSEC in 2001 could not continue beyond 2002. To the extent that the transitional provisions in section 3(4) and (5) of the Act have any relevance they have expired on 11th April 2007. It is also important to note that students enrolled by Clearmind appear to be on a course in British Columbia leading to a degree to be conferred outside of British Columbia, contrary to the Act.

Given your proposal that "in the future there will be no University related administration in BC", the Minister is prepared to refrain from seeking an injunction in the circumstances if the following conditions are met.

1. Senior University Inc. will, within 7 days, apply to the Registrar of Companies to change its corporate name so that the word "university" or any derivation thereof does not appear in the corporate name. Under section 67(1) of the *University Act* no person (which includes a corporation) other than a university may use or be known by the name of a university.
2. Senior University Inc., and any other person doing business under the name of Rutherford College or Rutherford University, shall forthwith, cease to grant or confer degrees (within the meaning of the Act), directly or indirectly within British Columbia. Specifically, without limiting the generality of the foregoing, this means that:

Ministry of
Attorney General

Legal Services Branch
Civil Litigation

Mailing Address:
PO BOX 9280 STN PROV GOVT
Victoria BC V6W 9J7

Location:
1001 Douglas Street
Victoria BC

Telephone: 250 356-9296
Facsimile: 250 953-3557

- a) No degree certificate issued by Senior University Inc. or by any other person doing business under the name of Rutherford College or Rutherford University shall indicate that the degree was conferred in British Columbia;
 - b) No degree certificate issued by Senior University Inc., or by any other person doing business under the name of Rutherford College or Rutherford University, shall be signed, sealed, delivered, posted, or given to a courier firm in British Columbia;
 - c) No degree shall be granted or conferred by Senior University Inc or any other person doing business under the name of Rutherford College or Rutherford University, on persons at ceremonies attended by the persons on whom they are conferred held within British Columbia.
3. Senior University Inc., and any other person doing business under the name of Rutherford College or Rutherford University, will within British Columbia forthwith cease to advertise or otherwise offer to persons for sale a diploma, certificate, document or other material that indicates or implies the granting or conferring of a degree within the meaning of the Act, within British Columbia, directly or indirectly. Specifically, without limiting the generality of the foregoing, this means that
- a) No person shall in British Columbia upload or instruct to be uploaded onto a website any material which indicates that a degree certificate is available for the payment of a fee, whether or not any conditions or prerequisites for the sale of the certificate are required, if the certificate indicates or implies that the degree was conferred in British Columbia
 - b) No person shall in British Columbia place or instruct to be placed in any media, print, radio, television or otherwise, any material which indicates that a degree certificate is available for the payment of a fee, whether or not any conditions or prerequisites for the sale of the certificate are required., if the certificate indicates or implies that the degree was conferred in British Columbia
 - c) No person shall in British Columbia, in correspondence or other form of communication, oral, written, electronic or paper, indicate that a degree certificate is available for the payment of a fee, whether or not any conditions or prerequisites for the sale of the certificate are required, if the certificate indicates or implies that the degree was conferred in British Columbia.
4. Senior University Inc. and any other person doing business in British Columbia under the name of Rutherford College or University shall forthwith in British Columbia cease to sell or provide by agreement for a fee, reward or other remuneration, a diploma, certificate, document or other material that indicates or implies the granting or conferring of a degree within the meaning of the Act, within British Columbia, directly or indirectly. Specifically, without limiting the generality of the foregoing, this means that no degree certificate shall be provided to any person in return for any payment, whether or not any conditions or prerequisites have been met as well as the condition of payment.
5. Senior University Inc and any other person doing business in British Columbia under the name of Rutherford College or University shall forthwith surrender to the Ministry of

Advanced Education any degree certificate form, and any seals or other material used to seal, stamp or otherwise issue degree certificates.

6. Senior University Inc and any other person doing business in British Columbia under the name of Rutherford College or University shall forthwith in British Columbia cease to provide any program leading to a degree to be conferred either inside or outside British Columbia. Specifically, without limiting the generality of the foregoing, this means that
 - a) any students enrolled on a program in British Columbia leading to a degree of Rutherford University, or any other university, shall forthwith be informed that their program or course does not lead to a degree, but some other certificate of completion less than a degree
 - b) any student on being informed as set out in (a) be given the option of withdrawing from the course with a full refund of tuition or other fees or charges paid;
7. Senior University Inc and any other person doing business in British Columbia under the name of Rutherford College or University shall forthwith in British Columbia cease to advertise a program in British Columbia leading to a degree to be conferred either inside or outside British Columbia. Specifically, without limiting the generality of the foregoing, this means that
 - a) no person shall in British Columbia upload or instruct to be uploaded onto a website any material which indicates that a degree program, or part of a degree program, is available in British Columbia
 - b) no person shall in British Columbia place or instruct to be placed in any media, print, radio, television or otherwise, any material which indicates that a degree program, or part of a degree program, is available
 - c) no person shall in British Columbia, in correspondence or other form of communication, oral, written, electronic or paper, indicate that a degree program, or part of a degree program, is available
8. Senior University Inc and any other person doing business in British Columbia under the name of Rutherford College or University will within 7 days, post a statement on the website www.rutherford.edu, and on any other website which advertises Rutherford College or University, and which is operated within or from British Columbia by such person doing business in British Columbia under the name of Rutherford College or University, to the effect that Rutherford University or College is not permitted by British Columbia law to
 - a) grant or confer degrees in British Columbia; The website shall be amended so far as is necessary to ensure that no material is inconsistent with the statement just mentioned.
 - b) offer a program in British Columbia leading to a degree to be conferred either inside or outside British Columbia. The website shall be amended so far as is necessary to ensure that no material is inconsistent with the statement just mentioned.
9. Senior University Inc and any other person doing business in British Columbia under the name of Rutherford College or University shall within 7 days write to the United States Department of Education, the Wyoming State Department of Education, and the Swaziland Government Ministry of Education to the effect that they have been required

by the British Columbia Ministry of Advanced Education to inform them that they are not permitted by British Columbia Law to

- a) grant or confer degrees in British Columbia;
 - b) offer a program in British Columbia leading to a degree to be conferred either inside or outside British Columbia.
10. Senior University Inc and any other person doing business in British Columbia under the name of Rutherford College or University shall within 7 days write to any institution or person with whom they have any agreement or arrangement under which instruction is provided to students by the other party to the agreement or arrangement, under which credit is given for instruction to students provided by the other party, or under which the educational services of the other party are advertised or promoted. The letter should be to the effect that they have been required by the British Columbia Ministry of Advanced Education to inform them that they are not permitted by British Columbia Law to
- a) grant or confer degrees in British Columbia;
 - b) offer a program in British Columbia leading to a degree to be conferred either inside or outside British Columbia.

In the Ministry's view letters should be written to Clearmind International Institute (All locations), Corbiz Consultancy, LEAD Training Centre, Erickson College International, East-West University, Mid West College, Stratford Educational Management PVT. Ltd, Hampton College.

If I do not receive within 7 days evidence satisfactory to my client that the conditions referred to above have been complied with proceedings will be issued by the Minister under the Act and by the Attorney General under the University Act.

Yours faithfully,



A. K. Fraser
Barrister and Solicitor

AF/ns

KERR REDEKOP LEINBURD & BOSWELL
ASSOCIATES IN THE PRACTICE OF LAW

BARRISTERS & SOLICITORS • TRADEMARK AGENTS

410-1333 West Broadway, Vancouver, British Columbia, Canada
V6H 4C1 Telephone: (604) 734-4554 • Facsimile: (604) 734-5182

August 2, 2007

Ministry of Attorney General
Legal Services Branch
P.O. Box 9280 Stn. Prov. Govt.
Victoria, B.C. V8W 9J7**VIA: Facsimile 1-250-953-3557****Attention: A. K. Fraser, Barrister & Solicitor**

Dear Mr. Fraser:

Re: Senior University Inc., operating as Rutherford College

Thank you for your letter dated July 27, 2007. I am pleased to advise that my client is fully prepared to adhere to the extensive and comprehensive conditions set out in your letter.

Indeed I advise that my client is pleased to receive such a comprehensive letter which avoids the ambiguities and vagueness which has in the past plagued my client's efforts to comply with the ever changing regulatory scheme.

As evidence of my client's intentions to abide by the conditions set out in your letter, I enclose:

1. a declaration signed by Abdul and Nusri Hassam, both in their personal capacity and on behalf of Senior University Inc. doing business as Rutherford College, declaring their intention to abide by the conditions set out in your letter;
2. a copy of a Ministry of Finance Name Request plus receipt for the application filed on July 31, 2007 to change the corporate name; and
3. copies of letters sent to the organizations you referred to in parts 9 and 10 of your letter save and except for the following organizations:
 - a) East-West University
 - b) Mid West College
 - c) Stratford Educational Management PVT Ltd.

1

Kerr Redekop Leinburd & Boswell is an association of independent lawyers & law corporations.

08/03/07 FRI 13:03 [TX/RX NO 5053]

I advise that corporate seals and unused degree certificates are being forwarded to your office by courier.

In view of the constructive nature of your letter, the problems with Ms. Lovett's report referenced in my July 20, 2007 letter, and my client's confirmation of their willingness to comply with the conditions set out, it is our assumption that Ms. Lovett's report will not be made public.

In closing, please advise as to when the suspension of Rutherford College will be lifted.

Yours truly



Mark G. Perry

MGP/ldg

P00020/07Aug2

Enc.


**DECLARATION OF ABDUL & NUSRAT HASSAM
SENIOR UNIVERSITY INC. AND RUTHERFORD UNIVERSITY INC.**

We, Nusrat and Abdul Hassam in our personal capacities and as authorized signatories on behalf of Senior University Inc., and Rutherford University Inc. do hereby declare that we accept the conditions set out in the July 27, 2007 letter from A. K. Fraser to our legal counsel, attached to this declaration. We further declare that we will fully abide by these conditions. Specifically we declare that:

1. the "teach out" program referred to in A. K. Fraser's letter has been terminated;
2. with respect to the 8th condition in A. K. Fraser's letter, we advise the requested statement has been added to the website www.rutherford.edu and as soon as the suspension is lifted, the college website www.rutherford.ca will be reactivated with the statement;
3. with respect to the 10th condition, letters have been sent to each institution save and except:
 - i) Mid West College because while discussions occurred a few years ago regarding a relationship, no relationship materialized;
 - ii) Stratford Educational Management PVT Ltd., because all communications with this company terminated a few years ago; and
 - iii) East-West University because apart from Abdul Hassam's role as a board member of East-West University, there has never been a relationship between East-West University and Rutherford College and Rutherford University.

Dated August 3, 2007 at
Vancouver, B.C.

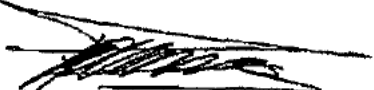

Nusrat Hassam


Abdul Hassam

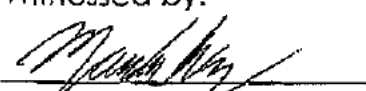

Senior University Inc.


Senior University Inc.


Rutherford University Inc.


Rutherford University Inc.

Witnessed by:


Mark G. Perry



Ministry
of Finance
BC Registry Services

Mailing Address:
PO Box 9431 Stn Prov Govt
Victoria BC V8W 9V3
Location:
2nd Floor - 940 Blanshard Street
Victoria BC
www.fin.gov.bc.ca/registries

Phone: 250 356-2893 or
604 775-1044 (Greater Vancouver only)

INSTRUCTIONS:

- Please retain the yellow copy for your records. If the request is mailed, the Name Reservation section will notify you by letter once your request is completed.
- Please type or print clearly.
- SHADED AREAS ARE FOR OFFICE USE ONLY.

Freedom of Information and Protection of Privacy Act (FOIPPA):
Personal information provided on this form is collected, used and disclosed under the authority of the FOIPPA and the Business Corporations Act, Cooperative Association Act, Partnership Act or Society Act for the purposes of assessment. Questions regarding the collection, use and disclosure of personal information can be directed to the Executive Coordinator of the BC Registry Services at 250 356-1198, PO Box 9431 Stn Prov Govt, Victoria BC V8W 9V3.

NAME REQUEST

NAME
APPROVAL NUMBER

NR 1209114

Important: Use this number on all documents and in the electronic submission of documents.

PRIORITY REQUEST - Additional fee required

☒ YES - This is a priority request and I have enclosed an additional fee for this service.

ROUTING SLIP NO.	DEBIT BCOL ACCOUNT NO.
FOLIO NO.	DEPOSIT ACCOUNT TRANSACTION NO.
GOVT. AGENT TRANSACTION DATE YYYY MM DD	DATE RECEIVED YYYY MM DD
GOVT. AGENT TRANSACTION NO.	GOVT. AGENT AMOUNT COLLECTED \$

APPLICANT SURNAME

HASSAM

FIRST NAME AND INITIALS

ABDUL S

ADDRESS

s.22

CITY

VANCOUVER

PROVINCE

BC

POSTAL CODE

s.22

APPLICANT PHONE NO.

s.22

APPLICANT FAX NO.

CONTACT PERSON NAME

ABDUL HASSAM

Indicate what the name request is for: (In order for this request to be completed, one box must be (✓) ticked)

☒ CORPORATION (INCLUDES
A FOREIGN CORPORATION)

☐ PROPRIETORSHIP/
PARTNERSHIP

☐ SOCIETY

☐ FINANCIAL
INSTITUTION

☐ COOPERATIVE
ASSOCIATION

Is this request for a foreign corporation
incorporated in another province or country?

☐ YES

☒ NO

IF YES, ENTER THE JURISDICTION

NATURE OF BUSINESS

ADDITIONAL INFORMATION

Name Request (first choice) PLEASE TYPE OR PRINT CLEARLY

Education Canada, Inc.
Institute of Professional Studies, Inc.

Name Request (second choice) PLEASE TYPE OR PRINT CLEARLY

Canada Education, Inc.
Canadian Education Network, Inc.

Name Request (third choice) PLEASE TYPE OR PRINT CLEARLY

Institute of Professional Studies, Inc.
Professional Education Canada, Inc.

528106[2]

From: Jim Wright [mailto:jwright@pctia.bc.ca]
Sent: Wednesday, August 15, 2007 8:44 AM
To: AVED Minister AVED:EX
Cc: Rogers, Dorothy AVED:EX; Nazeer T. Mitha
Subject: Rutherford College

Dear Minister Coell:

Attached for your information is a copy of my decision to cancel the registration of Rutherford College. The decision is being couriered to the institution this morning. If you need further information, I can be contacted at 604 660-3366 (office), or 604 828-8850 (cell).

Regards,

Jim Wright
Registrar & CEO

300-5172 Kingsway
Burnaby, British Columbia
Canada V5H 2E8

T. 604 660-4400 F. 604 660-3312
TOLL FREE. 1-800-661-7441
www.pctia.bc.ca



August 14, 2007

Dr. Abdul Hassam, President
Ms. Nasrat Hassam, Vice-President and Registrar
Rutherford College
200 - 2900 Simpson Road
Richmond BC V6X 2P9

Dear Dr. and Ms. Hassam:

Re: The immediate cancellation of the registration of Rutherford College

Inspection and suspension

1. On May 17, 2007 three persons, acting in the capacity of inspectors under the *Private Career Training Institutions Act* and accompanied by an inspector appointed by the Minister of Advanced Education under the authority of the *Degree Authorization Act*, conducted an inspection of Rutherford College at its Richmond campus. On May 24, 2007 I wrote to advise you that the registration of Rutherford College had been suspended pending the outcome of the investigation into the institution's operations.

Report

2. On July 11, 2007 the Hon. Murray Coell, Minister of Advanced Education, sent you a copy of the final report on the inspection of Senior University Inc., operating as Rutherford College (the "Report"). The Report was written by Ms. Deborah Lovett, Q.C., the inspector appointed under sections 3 (1) and (2) of the *Degree Authorization Act*. The Minister explained in his covering letter that inasmuch as Rutherford College is a registered institution with the Private Career Training Institutions Agency (PCTIA), the report would be shared with the PCTIA to determine if further action is to be taken regarding Rutherford College under section 12 of the *Private Career Training Institutions Act* (the PCTI Act).
3. Section 12 of the PCTI Act authorizes the Registrar to appoint inspectors for the purposes of determining whether
4. It is appropriate to suspend or cancel a registration or accreditation or change the terms and conditions attached to a suspension, or

5. A person has failed to comply with the PCTI Act, the Regulations, the Bylaws or the terms and conditions attached to a suspension.

PCTIA Investigation and Findings

6. As the Registrar and CEO of the PCTI Agency, I was personally involved in the site inspection of Rutherford College's Richmond, BC campus. In addition, I have reviewed all of the documentation that supports the Report as well as the institutional records held by the Agency and I have taken into consideration the findings of the Report. I have also considered and taken into account the response by counsel for Rutherford which was provided by letter dated July 20, 2007.
7. The findings and conclusions I make below are based upon my review as described above.

Breach of the Degree Authorization Act

8. According to the "Summary of Findings" in the Report

(t)he evidence is overwhelming that Senior University Inc. has been violating the provisions of the *Degree Authorization Act* . . . since 2003 when that legislation was proclaimed in force. Senior University Inc. dba as Rutherford College in Richmond, BC effectively serves as the 'front' for Senior University Inc.'s Rutherford University operations and Rutherford College, its programs and/or facilities have been used by the directors and officers of Senior University Inc. for purposes of furthering or facilitating Rutherford University's degree-granting activities since 2001."

9. After a thorough review of the evidence, the 86-page Report concludes:

What all of this information reveals is that the headquarters for Rutherford University/Stratford International University/Senior University International and their operations are located at 200-2900 Simpson Road, Richmond, BC. Abdul and Nusrat Hassam, the directing minds and senior administrators of these universities and the only officers and directors of Senior University Inc., have for many years been running these university operations from their Richmond, BC-based offices, offices they "share" with Rutherford College. . . .

10. Although Senior University Inc. purported to operate as a BC College from 2001 forward, the evidence gathered during my inspection and the inspection of the PCTIA Agency reveals that Senior/Stratford International/Rutherford College have effectively served as a "front" for these universities, including their administrative operations and degree-granting activities both within Canada and internationally. Put somewhat differently, and to quote an internal Rutherford University memorandum, Rutherford "University administration [operates] from their offices in BC under the guise of the College". . . .
11. The evidence that Abdul and Nusrat Hassam run their University operations from Richmond, BC is – as I indicated at the outset – overwhelming. . . . For all of the reasons given, I do not hesitate to conclude that Senior University Inc. has been operating in violation of the *Degree Authorization Act*. More particularly, I find that it has been either directly or indirectly:
 - a. Granting or conferring degrees without ministerial consent

- b. Providing programs leading to degrees without ministerial consent
- c. Selling programs leading to a degree without ministerial consent
- d. Selling and advertising for sale a diploma, certificate or other material that indicated or implied the granting or conferring of a degree without consent
- e. Made use of the word "university" without consent

12. It is acknowledged in the July 20, 2007 letter from counsel for Rutherford that the institution is in breach of the *Degree Authorization Act*.

Breaches of the *Private Career Training Institutions Act*, Regulations and Bylaws

13. In addition to violating the *Degree Authorization Act*, the Report and associated documentation makes it clear that Senior University Inc., dba Rutherford College, has also been violating the provisions of the *Private Career Training Institutions Act* (the PCTI Act), the Regulations and the Bylaws.

14. The conduct of Rutherford is problematic in a number of ways including:

- a. breaching the definition of "career training" in the PCTI Act;
- b. engaging in deliberate deception;
- c. misleading students; and
- d. breaching a directive from the Executive Director of Private Post Secondary Education Commission.

15. Each of the above concerns will be discussed, in turn, below, followed by my Decision.

Breach of "career training"

16. The activities of registered career training institutions in British Columbia are regulated by the PCTI Act, as overseen by the Private Career Training Institutions Agency (PCTIA). The objects of the PCTIA are expressly stated in section 3 of the PCTI Act to be these:

- a. To provide consumer protection to the students and prospective students of registered institutions
- b. To establish standards of quality, that must be met by accredited institutions
- c. To carry out, in the public interest, its powers, duties and functions under this Act, the regulations and the bylaws.

17. As a registered institution, Rutherford College is authorized under the PCTI Act to offer “career training”, which in section 1 of the Act:

“means training or instruction in the skill and knowledge required for employment in an occupation defined in the regulations”.

18. The same section of the PCTI Act makes it clear that career training “does not include training or instruction that . . . is provided by . . . an institution established under the *University Act* . . . (or) an institution that is authorized by a consent under the *Degree Authorization Act*”.
19. Section 3(1) of the *Degree Authorization Act* states that a person must not directly or indirectly do the following things unless the person is authorized to do so under section 4
- a. grant or confer a degree;
 - b. provide a program leading to a degree to be conferred by a person inside or outside British Columbia;
 - c. advertise a program offering in British Columbia leading to a degree to be conferred by a person inside or outside British Columbia;
 - d. sell, offer for sale, or advertise or provide by agreement for a fee, reward or other remuneration, a diploma, certificate, document or other material that indicate or implies the granting or conferring of a degree
20. Documents reviewed by me and referenced in the Report disclose that for several years Rutherford College students have received transfer credit to Rutherford University and thereby obtained a university degree, notwithstanding the fact that Rutherford College is not authorized under the *Degree Authorization Act* or the *Private Career Training Institutions Act* to provide courses or programs leading to degrees in British Columbia to be conferred by institutions inside or outside the province.
21. In the section of the Report that examines the “Rutherford College/Rutherford University” relationship,
- “(r)ecords indicate that both BC and international students were concurrently enrolled at Rutherford College and Rutherford University. On completion of courses, the Rutherford College course credits were then transferred to Rutherford University so the student would graduate with a university degree. Alternatively, students were enrolled in a Rutherford College program with the stipulation that on its completion the students would receive credit transfers towards a degree with Rutherford University.”
22. In so doing, Rutherford College was in breach of both the *Degree Authorization Act*, by virtue of delivering courses leading to a degree, and the *Private Career Training Institutions Act*, by delivering courses that do not fall within the meaning of “career training” as defined in section 1 of that Act.

Deliberate Deception

23. There are a number of examples where Rutherford appears to have engaged in what can only be described as deliberate deception.
24. This kind of deliberate deception includes misleading the PCTIA regarding the true nature of the institution's activities. This is discussed in the Report. By way of example, in a February 2, 2005 email from Nusri Kassam, writing in her capacity as Registrar of Rutherford University, explains to Cecil Sherwood, Director of Special Projects for Rutherford College:

Regarding the MBA program, I am sure you are aware that we will need to tout it as a Professional Diploma from the college if they are registering with us on-site here in Canada.

ok can we add the following description to the course outline:

We are currently running an Advanced Diploma in Applied Business Studies. This program [is] offered by Rutherford College. A student that successfully completes this program receives a Professional Diploma in Applied Business Studies from Rutherford College. As the student is also enrolled with Rutherford University the Student will receive an MBA from Rutherford University. . . .

The Letter of Acceptance will be issued by Rutherford College after we receive the tuition fee. At the same time we will also issue a Letter of Acceptance from Rutherford University. . . . The students can complete this (MBA) program within one year. (emphasis added)

25. In a more recent effort to avoid having the PCTIA learn of the relationship between Rutherford College and Rutherford University, Nusri Kassam emailed Cecil Sherwood on May 13, 2007 on the subject of "another PCTIA case". She says, "we have to take care of this \$600 refund too as s.22 is mentioning Rutherford University and has copied it to PCTIA". She attached an email from the student, sent to her in her capacity as Registrar of Rutherford University, which provided:

I have sent you many emails and provided you with the documents required for the refund of my application fee, unfortunately I have not got any answer yet. Please do inform me how much money will be returned? And how long does it take? As it is about 9 months that I have informed the Rutherford University about my visa rejection.

26. Cecil Sherwood's response is, "I think in your reply to s.22 you should perhaps point out that s.22 applied to and was accepted by Rutherford College".
27. In Rutherford's July 20, 2007 response to the Report, Rutherford claims that:

"(s)ince 2005 my client has been focused on building up the College with a particular emphasis on Applied Business Studies in compliance with PCTIA regulations."
28. This assertion appears to contradict an internal memorandum dated March 9, 2005 that says:

"to a large extent *the College has been dormant . . .* (since) PPSEC re-interpreted the Regulations requiring the registration of Senior University in B.C." (emphasis added)

29. An earlier internal memo whose subject is Stratford International University (SFIU) and Stratford International College (SFIC), the predecessor institutions for Rutherford College and Rutherford University, explains the relationship between Rutherford College and Rutherford University as follows:

Background:

- The original intention was to locate the operations of SFIU (previously called Senior University) in B.C. However due to latent interpretation of the PPSEC rules Stratford could not use the University in their title in B.C. As a result of this decision Stratford International College was created.
- SIC in essence became a vehicle to facilitate the operation of SFIU in B.C.
- SIC was not structured to operate as a College in its own right.
- The only students currently registered with SIC are those participating in the Clearmind Program

30. The Clearmind Program is a reference to a program offered by Clearmind International Institute which is located in Langley, B.C. As is noted by Ms. Lovett in the Report:

"the link between Rutherford University and Clearmind is important for purposes of my inspection because not only does this demonstrate that Rutherford University was enrolling and granting degrees to BC students but also . . . Clearmind students who enrolled in Rutherford University were subsequently or concurrently enrolled in Rutherford College. By way of example, the 36 credits required for a BA from Rutherford University were earned indirectly on paper through Rutherford College, followed by a transfer of the College credits to Rutherford University."

31. Again, this practice of concurrently enrolling Rutherford College students as Rutherford University students is a breach of the terms of Rutherford College's registration with the PCTIA, wherein the institution was restricted to offering "career training".

32. Another apparent contradiction to the July 20, 2007 letter is the claim that:

"since 2005 my client [Rutherford] has been focused on building up the College . . . in compliance with current PCTIA regulations"

33. This is contradicted by an email dated February 4, 2005 email from Cecil Sherwood to "Abdul" and "Nusri", headed "Rutherford College". According to the Report, Mr. Sherwood, who by 2005 appears to have taken on operational responsibility for Rutherford College, advised the institution's owners that:

"classroom instruction for four students (apparently provided by Rutherford University's Iranian and/or Indian agents) had started at the Richmond campus that day. This email also references 'conversations over the last week with a potential student for our BA in Psychology Program'. It attaches a memorandum stating Rutherford College objectives to be that of including '[t]o use the College programs to assist in student enrollment for Rutherford' University. Under the heading 'Initial Programs', the memo provides:

1. Diploma in Applied Business Studies (BBA)
 2. Advanced Diploma in Applied Business Studies (MBA)
 3. Diploma in Counseling Psychology (BA)
 4. Advanced Diploma in Counseling Psychology (MA)
34. Contrary to what is stated in the July 20, 2007 letter, Rutherford was continuing to offer, provide and promote university courses in 2005.
35. Further, it is of interest to note that according to the July 20, 2007 letter:
- "the Clearmind Program is now phased out and there are only 13 students remaining to graduate *with the college diploma*. All Rutherford College students currently registered in the business program are studying and completing their college diplomas programs. At no time was a degree either offered to them or suggested as an option." [emphasis added]
36. The Report references an "internal memorandum on March 12, 2005 from Cecil Sherwood to Abdul and Nusri Hassam (that) proposes a restructuring of the College with a notation, by way of background, that 'to a large extent has been dormant' after May 2001. The proposal includes that:
- "every student enrolled with the College be automatically also enrolled with the University' and that 'Seminars and workshops be under the auspices of the University and a percentage of fees received be paid to the University'."
37. Again, the documents reviewed contradict the assertions in the July 20, 2007 letter from Rutherford and this appears to suggest that Rutherford is continuing to be deceptive.
38. Another example is where in 2005 Cecil Sherwood described Rutherford College as being largely dormant. In contradiction, the Report notes:

Student tuition fee summaries headed "Rutherford College (CM)" dated October 25, 2006 list some 105 College students with start dates ranging from Year 2002 to Year 2006. Beside the name of each student is an entry denoting whether the student is in the BA or the MA program. There are also "Rutherford College" Payment Schedules for each of 2005/2006 and 2006/2007 school years, again, with the names of the students, the method and amount of payment and the Degree Program they are enrolled in.

39. In contrast to the enrolment numbers noted above, when Rutherford College submitted its annual enrolment data to the PCTIA for the period November 1, 2005 to October 31, 2006, the institution claimed to have had a total of only 43 registrants, 15 of who were said to be in year 1 of the School of Admin. & Mgmt and Applied Business, and 28 of who were in year 1 of the School of Health and Human Services.

40. Further to the apparent practice of failing to disclose its full activities to the Agency, when on July 20, 2005 an Agency Registration Officer wrote to Nusrat Hassam to acknowledge receipt of Rutherford College's application for re-registration with PCTIA, and to question why the College's website, www.rutherford.edu "refers to you as 'Rutherford University'," Cecil Sherwood replied on July 28, 2005, claiming:

"the website that you refer to is not the website for Rutherford College. As I indicated the annual up-date we submitted to you some time ago our website was under construction. The website for the College is now available and the address is www.rutherfordcollege.ca. We do not offer any degree programs. The only programs we offer are as detailed on our website and reported to you in our annual up-date."

41. The Registration Officer went to the new website address Mr. Sherwood had provided and it was indeed for Rutherford College. As she subsequently noted, "that would have been the end of it, except that the mailing address on both websites is the same: **200-2900 Simpson Road, Richmond, BC V6X 2P9.**" Moreover, Mr. Sherwood's letter to her was printed on letterhead listing the email address and the website of Rutherford University.

42. In a second letter to Nusrat Hassam, dated July 21, 2005, the Registration Officer questioned why "your tuition revenue for the period ending July 31, 2004 was \$30,205.00 and 'other revenue' was **\$311,180.00**". Once again Mr. Sherwood replied on behalf of Ms. Hassam, explaining:

"(o)ur company Senior University Inc. provides management, administration and consultancy services to a number of Learning Institutions based in various parts of the world. The 'other revenue' item reflects revenue derived from these activities."

43. For the fiscal year ended July 31, 2005 Rutherford College's declared revenue from training was \$64,358.00. The institution had also received \$133,038.00 in "other revenue".

44. The dramatic differences in declared enrolments between Rutherford College and Rutherford University, coupled with the comparatively small training revenue declared by the College, brings into question whether Rutherford College, either under the financial security it posted under the *Private Post-Secondary Education Act* or the Student Training Completion Fund contributions it is required to make under the PCTI Act, has provided adequate consumer protection to all of the students who were and/or are concurrently registered with the University and the College.

Misleading Students

45. Part VII of the PCTIA Bylaws reads as follows:

An institution must not engage in advertising or make a representation that is false, deceptive or misleading. Deceptive advertising includes oral, written, visual, descriptive or other representation that has the capability, tendency or effect of deceiving or misleading a consumer.

An institution must use the operating name under which it is registered by the Agency in all advertising.

46. According to the Report:

"Rutherford College programs were established specifically to facilitate Rutherford University's degree-granting, revenue-generating activities and the marketability of the College product lies in the fact College credits are transferable to a Rutherford University degree."

47. To the extent that Rutherford College students were being promised Rutherford University degrees, students were being misled by Rutherford College.

48. Among the many indicators in the Report of the way in which students were misled regarding the relationship between Rutherford University and Rutherford College was a July 21, 2006 email from Cecil Sherwood to a Rutherford College/Clearmind International Institute student, written in response to s.22 request for an explanation as to why Mr. Sherwood sent s.22 a list of courses for a Rutherford College foundational diploma, when s.22 had registered for a Rutherford University BA program. Responding in his capacity as Director of Special Projects for Rutherford College, Mr. Sherwood, clearly indicating that the institution offered university courses, wrote:

It might be helpful if I recapped how the program operates. For a BA degree the University requires that a student earn 120 credits. Under the Agreement with Clearmind a student that completes Prac. 1, 2, & 3 plus the practicum earns 90 credits. The balance of 30 credits is undertaken through Rutherford College. When you complete your work with Rutherford College you will have earned 30 transfer credits and when you complete with Clearmind you will have earned 90 transfer credits. The combination of these two programs enables you to meet the requirement of the University for a B.A. degree.

49. This, in spite of the fact that Mr. Sherwood wrote to a PCTIA Registration Officer on July 28, 2005 in his capacity as Director of Special Projects for Rutherford College, to say: "We do not offer any degree programs."

50. Another example of students being misled is drawn from the complaint file of a British Columbia-based registrant. s.22 explained:

in October 2004 I was introduced to a BA program through Clearmind International Institute Inc. . . . I applied to Rutherford University by forwarding my educational transcripts and was accepted into the Bachelor of Arts Degree Program in the School of Health and Human Services in Applied Transpersonal Psychology on December 1 2004.

I agreed to pay 4,896.00 via monthly Visa Payments of \$ 136.00 for the 3-year degree program. . . .

Year One of the program consisted of 5 book reports and 5 book reviews based on transpersonal psychology approaches. They were taught by Clearmind Staff . . . who also taught the required Practitioner's training program from Clearmind. . . . Year two Rutherford decided to take over the program by offering a "New and improved program more in line with industry standards." Cecil Sherwood of Rutherford touted the program as an improved, broader approach to cater to current industrial demands such as employee assistance counseling. I agreed to switch to the "new and improved program". I expected courses to commence in the Fall of 2005 however, courses commenced in March actually, they were never fully offered. The content fell short of what was promised. They had no text book lists or courses to offer. . . . I kept asking when and where can I take the courses with little success. It appears that there were no courses and teachers for that matter.

s.22

As a side note;

When I applied for a tax receipt for 2005 it took a while. When it finally came I noticed that the University had changed names again to Rutherford College. I was further dismayed to discover that my University BA program had been revised to a Foundational Diploma in Transpersonal Counseling Psychology. I called the University and talked to Cecil. He claimed that Rutherford had to change to College to comply with BC taxation laws and assured my courses were transferable to Rutherford University.

51. This Rutherford University student along with two others told PCTIA staff members that in March 2006 they were called into what they regarded as the University's Richmond campus to sign new Rutherford College contracts, ostensibly "for tax purposes". One of the students provided the PCTIA with a copy of s.22 October 28, 2005 Letter of Acceptance to Rutherford University's Bachelor of Arts Degree Program in the School of Health and Human Services in Transpersonal Psychotherapy and Counseling, signed by Nusri Kassam, Vice President and Registrar of the University. On November 2, 2005 the s.22 -based student had received s.22 Rutherford University contract for signature. In a covering letter s.22 was instructed to "please sign the document entitled, 'Contract between the Student and Rutherford University', and mail it to Rutherford University as soon as possible." Although the covering letter and the enrolment contract were titled "Rutherford University, Wyoming, USA", the enclosed self-addressed return envelope was addressed to Rutherford University's Administration Office, 200-2900 Simpson Road, Richmond, BC V6X 2P9, which is the address of Rutherford College.
52. The Rutherford College contract which the same student was asked to sign five months later does not contain the name of the program applied for, but was signed and dated by the student on March 25, 2006.
53. Of importance is the fact that one day earlier, on March 24th, two PCTIA Institution Officers had attempted to visit Rutherford College but, as I explained in my March 27, 2006 notice of suspension letter to you, they were told that although Cecil Sherwood was in his office, he would not meet with the Officers. When the Officers asked for access to the institution's files, Nusrat Hassam stated that the Program Director was working on them. When the

Officer said that there was no need to work on them because she wished to see them in their present state, Ms. Hassam indicated she was not prepared to provide access to the institution's records, nor was she willing to set a date for a formal site visit.

54. Although the Rutherford University student signed and dated s.22 so-called "for tax purposes" Rutherford College contract on March 25, 2006, the date was subsequently crossed out and back-dated to October 28, 2005, which was the date the student had originally been accepted into Rutherford University. The "Program Start Date" was also been back-dated to October 28, 2005. The "For Office Use Only" section of the contract indicates that the student was "Admitted" in "Dec 05", and the contract is signed on behalf of Rutherford College by N. Hassam.
55. These record changes appear to have taken place during the period in which PCTIA staff members were being denied access to the campus, and the evidence is that Rutherford College officials were falsifying and unilaterally altering student contracts in an effort to convince PCTIA staff members that they were in compliance with the PCTI Act, its Regulations and Bylaws.
56. Yet another example of Rutherford College students being misled through advertising is contained in a series of emails forwarded to the Agency in April 2007 from an international student who was seeking assistance in receiving a tuition refund from Rutherford College.
57. On May 25, 2006 Cecil Sherwood responded to an initial inquiry from the student as follows:

Thanks for your email We would be very happy to welcome you into our program. The tuition fees for our M.A. program are \$14,400 in addition you will have to pay for your textbooks.

I would be happy to issue Letter of Acceptance as soon as I receive the following

1. Copies of your transcripts & degree
 2. Application form – you can download from our website www.rutherfordcollege.ca or I can fax one to you.
 3. \$1,000 deposit – you can wire this to our bank or send us a draft. The balance will be payable when you get your Study Permit.
58. In response to further questions from the applicant, Mr. Sherwood explained the relationship between the University and the College as follows:

Rutherford University operate in the US as a Distance learning Institute. Internationally they operate through affiliated Colleges. In Canada Rutherford College is an Affiliate redit (sic) transfer 100%

I am Academic Advisor to the Chancellor of the University.

If you or anyone else wants to come to Canada they must do so through a Registered College in Canada approved by the Provincial Regulators. Rutherford College is registered in B.C. with the Regulators.

59. On April 23, 2007, nine months after the student's visa application was rejected, s.22 wrote the PCTIA to say:

"I applied to study in Rutherford College . . . Unfortunately I couldn't get the student visa. In this college, Mr. Cecil Sherwood asked me to pay \$1000 as a deposit and then they send me the LoA (Letter of Admission). . . . From August 2006 I asked for my money through e-mails and telephone and now Mrs. Nuzri wants to pay me \$525 from \$1000 without any reasonable statement."

60. Not only was this student misled through false advertising, but Rutherford College then failed to comply with the refund policy for international students which, in part IX 2 a) of the Bylaws states:

"an institution may retain the lesser of 25% of the total fees due under the contract or \$400 for international students who are denied Study Permit authorization from Citizenship and Immigration Canada."

61. The institution also failed to comply with the requirement in subsection 3 (c) which states:

"refunds owing to students must be paid within thirty (30) calendar days of the institution receiving written notification of withdrawal and all required supporting documentation . . .".

62. Rutherford was also guilty of providing false information in the Letter of Acceptance issued to the student on July 13, 2006 by Program Director, Cecil Sherwood. Firstly, he indicated the student was accepted to an Advanced Diploma in Applied Business Studies, when the student had been told, as per Mr. Sherwood's emails, s.22 was being accepted into a Master of Arts degree program.

63. Secondly, after stating that the program fee was \$14,400, Mr. Sherwood wrote: "We acknowledge receipt of your tuition fee for the first Academic Year." He also provided the student applicant with a signed Rutherford College receipt, dated July 13, 2006, which, after identifying the student and s.22 diploma program, stated: "We confirm having received the sum of \$7,200 from the above named student in respect of the tuition fees for the first term \$7,200. The student acknowledges that s.22 was only required to prepay \$1,000.00."

Breach of Direction from PPSEC

64. In its July 20, 2007 letter, Rutherford claims in response to the Report:

"a number of erroneous conclusions have been made", and that these "erroneous conclusions arise from not fully understanding the different regulatory schemes that have been in force since the inception of SUI Inc. in 1993". He then goes on to list what he describes as "relevant dates and events", as follows:

- 1 On March 15th 1993 Senior College of Canada was incorporated in BC.

- 2 On May 01, 1992 Senior College of Canada was registered by the Ministry of Advanced Education, Training and Technology.
 - 3 On October 25th 1993, Senior University Inc. was incorporated in Wyoming and under the authority of the Secretary of State the University was given degree granting authority and subsequently licensed by the Wyoming State Board of Education and Wyoming Dept. of Education.
 - 4 On January 19, 1994 Senior College of Canada Inc. (B.C. corporation) changed its name to Senior University Inc. (BC)
 - 5 On May 1, 1993 Senior University was registered with the PPSEC
 - 6 In May 3rd 2001 PPSEC wrote and advised Senior University Inc (BC corporation) that it could no longer offer degree related programs and were only to offer certificate and diploma programs. However, it is very important to note that PPSEC granted a teach out in respect of students already enrolled in degree related programs. [emphasis in original]
 - 7 As a result of the May 2001 letter Senior University Inc. commenced operating as Senior University Inc., DBA Senior College, and most recently as Rutherford College.
65. The letter referenced in point 6 was written by me in my capacity as Executive Director of the Private Post-Secondary Education Commission. Addressed to Dr. Abdul Hassam, Senior University International, 200 – 2900 Simpson Road, Richmond BC., it explained that Senior University International, in spite of having been given a period of nine months in which to do so, had failed to comply with the requirement that American degree-granting institutions must be accredited with an accreditation agency recognized by the American Department of Education. As a result:
- Commencing immediately, you must cease to offer to provide degree-related program and may offer certificate and diploma programs only. Further, you must change the operating name to remove reference to "university". You must advise the Commission of the new operating name on or before May 18, 2001, and as at that date all signage, advertising and publications must be amended to remove any reference to the term university and to degree-related programs.
- Students enrolled in degree-related programs as at this date, May 3, 2001, may be trained out under the program they are contracted to receive. As of today's date, however, you may not enter into any further contracts for training for degree-related programs. [emphasis added]
66. Senior University International was provided the opportunity in the May 3, 2001 letter to train out students as per the time period identified in their respective contracts and for the amount of tuition identified in those same contracts. Institutions registered with PPSEC were required in section 7 of the General Directives to enter into a written enrolment contract with each student. The signed contract was to include the name of the program of study, the start date and the duration of the program, the total cost of the program of study, and a schedule of payments.

67. In the July 20, 2007 letter, Rutherford argues that, "(i)n effect, PPSEC said SUI Inc. could continue to teach those students but not enroll any further students in degree programs."
68. To the contrary, the institution was authorized to train out students as per the terms of the contracts which were in place at the time and, as at May 3, 2001, was not to enter into any further contracts for training for degree-related programs, even with those students who had not yet completed their degrees.
69. Even if one were to accept the argument that Senior University Inc. could continue to teach those students who were enrolled in May 2001, which I do not, the *Private Post-Secondary Education Act* was rescinded in November 2004 and on May 1, 2005 Rutherford College registered with PCTIA under the terms and conditions of the *Private Career Training Institutions Act*, the Regulations and the Bylaws.
70. Part IX B of the PCTIA Bylaws reads as follows:

Institutions must enter into a written contract with each student prior to the commencement of the program. Although a student may be applying for a multi-year program, an institution may not charge a student for more than one academic and/or calendar year's tuition in an enrolment agreement. Subsequent years of study are to be encompassed in separate enrolment agreements.
71. Having first registered the institution with the PCTIA in May 2005, all Rutherford College students who had enrolled prior to that date would have had to enter into new contracts with the institution by April 2006. Yet in April 2006, five years after Senior University Inc. was directed not to enter into any further contracts for degree-related training, Rutherford College provided a PCTIA Institution Officer with a spread-sheet listing 129 former Senior University Inc. students, all of who were said to have originally enrolled with the University prior to 2001, and 26 of who were said to still be working on their degrees. Several of these so-called active students had started their degree programs as early as 1994 and 1995. But according to Rutherford's lawyer, since "all of the programs of SUI Inc. at that time were offered by distance learning and were self-paced, students completed their programs on their own schedule".
72. Leaving aside the pedagogical arguments that might be made about the merits of allowing a student in excess of ten years to complete a degree program, student contracts that were in place in May 2001 would not have extended to April 2006. If Senior University Inc., dba Rutherford College, entered into new contracts and accepted additional tuition revenue from any of the 129 students who were said to be registered in various degree programs in May 2001, then the institution failed to comply with the conditions of its registration under the *Private Post-Secondary Education Act*.
73. Moreover, if under the *Private Career Training Institutions Act* Rutherford College entered into supplementary contracts with any of the 26 students which it claimed to still be training out in April 2006, the institution would have been in breach of that Act because PCTIA registered institutions are limited to offering career training, and may not, as per the *Private*

Career Training Institutions Act and the *Degree Authorization Act*, provide a program leading to a degree to be conferred by a person inside or outside British Columbia.

74. Leaving aside consideration of the SUI students who are said to still be training out, Rutherford College's lawyer acknowledges in the section of his response dealing with the Clearmind Institute, that Rutherford University entered into an agreement in 2002:

"whereby Clearmind Students could obtain credit for studies at Clearmind toward a B.A. degree . . . it was agreed that Rutherford University Wyoming would allow transfer credits in respect of the Clearmind program."

75. He goes on to explain that:

"when it was discovered that Clearmind was not registered with PPSEC. . . . Rutherford College agreed to enroll the Clearmind Students."

76. These Clearmind/Rutherford College registrants were being provided with a program leading to degree to be conferred by an institution that was not registered with the PPSEC, an action that was in direct contravention of the letter sent to you in May 2001 which explicitly stated you were not to enter into any further contracts for degree related programs.

Decision

77. Section 12 (1) of the *Private Career Training Institutions Act* states

- (1) The registrar may appoint inspectors for the purposes of determining whether
 - (a) it is appropriate to suspend or cancel a registration or accreditation or change the terms and conditions attached to a suspension, or
 - (b) a person has failed to comply with this Act, the regulations, the bylaws or the terms and conditions attached to a suspension.

78. Having personally been involved in the site inspection of Rutherford College's Richmond, BC campus; having reviewed all of the documentation that supports the Report as well as the institutional records held by the Agency; and after having taken into consideration the findings of the Report, the response by Rutherford to the Report as well as the past conduct of the institution and its officers in misrepresenting the institution and misleading its students, I am satisfied that it is not in the public interest to renew the registration of Rutherford College.

79. Accordingly, pursuant to section 8 (4) of the *Private Career Training Institutions Act*, the registration of Rutherford College is cancelled, effective immediately.

80. Section 10 of the *Private Career Training Institutions Act* provides for reconsiderations and appeals of decisions to cancel a registration. A person affected by a decision to cancel may

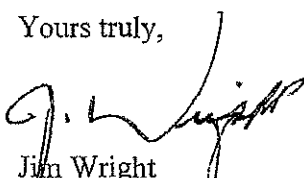
request, within 30 days of receiving written notice of the decision, a reconsideration of the decision by the Registrar. The Registrar may confirm or vary a decision.

81. If dissatisfied with the decision emanating from a reconsideration by the Registrar, a person who is affected by the decision may commence an appeal to the PCTIA Board by filing a notice of appeal, in the form provided for in the Bylaws, within 30 days of receiving the written notice of the decision emanating from the reconsideration.
82. Notwithstanding the opportunity for reconsideration or appeal, as provided under section 1(1) of the *Act*:

a person must not provide or offer to provide career training unless the person is registered.

83. Accordingly, Rutherford College must immediately comply with this prohibition:
 - a. It must cease offering to provide and/or providing career training;
 - b. It must refund the unearned tuition to those students who are enrolled in Rutherford College career training programs
 - c. it must discontinue any and all forms of marketing and advertising; and
 - d. it must forthwith return its PCTIA registration certificate to the offices of the Agency.

Yours truly,



Jim Wright
Registrar & CEO

c.c. The Hon. Murray Coell
Minister of Advanced Education
Office of the Minister
P.O. Box 9059 Stn Prov Govt
Parliament Buildings
Victoria BC V8W 9E2

MacLean, Madeline AVED:EX

From: Rogers, Dorothy AVED:EX
Sent: Monday, August 27, 2007 8:49 AM
To: Simmons, Vicki AVED:EX; Cotie, Kate L AVED:EX
Subject: FW: Clearmind
Attachments: Registration cancellation August 24 2007.pdf

FYI

From: Jim Wright [<mailto:jwright@pctia.bc.ca>]
Sent: Friday, August 24, 2007 12:46 PM
To: Rogers, Dorothy AVED:EX; Brown, Susan B AVED:EX
Subject: Clearmind

This decision is being sent to Clearmind today.

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail.

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August 24, 2007

Mr. Duane O'Kane
Clearmind International Institute Inc.
22778 72nd Avenue
Langley BC V2Y 2K3

Dear Mr. O'Kane:

Inspection and suspension

On May 17, 2007 four persons, acting in the capacity of inspectors under the *Private Career Training Institutions Act* (the PCTI Act), conducted an inspection of Clearmind International Institute Inc. (Clearmind) at its Langley campus.

Section 12 of the PCTI Act authorizes the Registrar to appoint inspectors for the purposes of determining whether

- It is appropriate to suspend or cancel a registration or accreditation or change the terms and conditions attached to a suspension, or
- A person has failed to comply with the PCTI Act, the Regulations, the Bylaws or the terms and conditions attached to a suspension.

In addition to interviewing Catherine O'Kane and yourself, the Inspectors removed a variety of documents and a computer central processing unit. Following a preliminary review of those materials, along with other materials removed from the premises of Rutherford College on the same day, I wrote to you on May 24, 2007 to advise you that the registration of Clearmind had been suspended pending the outcome of the investigation into the institution's operations.

Following is a summary of the PCTIA's findings.

Clearmind International Institute Inc's history with PPSEC/PCTIA

Clearmind has facilities in Langley, BC, but appears to also have affiliated offices in Toronto, Stockholm, Dublin, London, Liverpool, and at Mill Bay on Vancouver Island. Duane O'Kane is the founder of Clearmind and he and Catherine O'Kane are the principals of that operation.

Clearmind's website (www.clearmind.com) describes its programs this way:

Clearmind International Institute Inc. is a company offering innovative educational and psychotherapeutic programs using an experiential spiritual/transpersonal paradigm. Our mandate is to help people pioneer a path through areas of personal struggle, discover meaning and purpose in their own lives, and through that to contribute in their own way to the well being of others. Difficult emotions like sadness, fear, and anger can transform into compassion, excitement and passion when we are pointed in the right direction.

We offer a number of weekend workshops with a variety of themes. The Awakening is our introductory workshop, which offers the philosophical and experiential foundation on which all the others build. Our subsequent workshops focus on themes of relationship, men's/women's issues, addictions and attachments, all using the same experiential approach with different templates. There are also longer international leadership training programs which offer an exciting opportunity to discover yourself in the company of others from around the world.

Clearmind International is made up of people from all walks of life who have chosen to aspire to lives of honesty and integrity. As such, it is also a social and supportive network of different but like minded individuals working towards positive change in their lives and in the world.

Therapeutic Standards

We pride ourselves in taking a therapeutically responsible and professional approach to the delivery of our programs. In Canada, our facilitators are educated and registered with the BC Association of Clinical Counsellors (BCACC) or the Canadian Professional Counsellors Association (CPCA). International Facilitators are similarly educated and trained in their respective jurisdictions. Workshop assistants, who work under the direction of facilitators, receive in house training in responsible, ethical delivery of service. We adhere to our own Code of Ethics, as well as those of our associations.

Clearmind registered under the *Private Post-Secondary Education Act* in October 2003. Rather than register of its own volition, however, the initial registration was triggered by a letter from the Private Post-Secondary Education Commission (PPSEC) in July 7, 2003 concerning some promotional literature that had come to its attention. That literature offered Clearmind programs at the "Springbrooke retreat Centre and campus" in Langley and it advertised the following:

Earn an Internationally Accredited BA degree with Clearmind Institute and Senior University ...

1-3 year Transpersonal Psychotherapy Program offers a flexible plan to further your career and life options. Stimulating, hands on learning in Family systems, Experiential Therapies, Gestalt, Psychodrama, NLP and A Course in Miracles.

Degree suitable but not limited to individual and group counseling career ... Program can be taken without the accreditation for healing your personal life

The PPSEC expressed its view that, based on this material, Clearmind appeared to be providing or offering to provide post secondary training in BC, in which case Clearmind should be registered under the *Private Post Secondary Education Act*. The PPSEC letter went on to say that:

... As the Commission understands that you may not have been previously aware of the requirements of the Act, we are not minded to pursue action at this time. However, we would like to emphasize that this matter must be addressed immediately and ask that we receive your completed application for registration by August 8, 2003.

Although the O'Kane's protested at the time, and continue to maintain that they were unaware of the need to register with PPSEC, another version of events has come to light during the course of this investigation. According to a lawyer representing Senior University, operating as Rutherford College, "in 2002 . . . Duane and Catherine O'Kane approached Dr. Hassam and Nusri Kassam and indicated that they wished to enter into an arrangement with Rutherford University whereby Clearmind Students could obtain credit for studies at Clearmind towards a B.A. degree." For their part, Duane and Catherine O'Kane say they were introduced in the spring of 2002 to the Hassams by a woman who had taken some programs with Clearmind and who was facilitating a workshop with Ms. O'Kane. Apparently this woman had enrolled with Erickson College and was completing a BA, and continuing on to a MA "with Senior University, via Erickson College". In any case, Rutherford's lawyer continues as follows:

After discussions and a review of the Clearmind programs it was agreed that Rutherford University Wyoming would allow transfer credits in respect of the Clearmind program. Clearmind was advised that the students would have to do additional work to acquire the necessary credits to meet degree requirements. Clearmind indicated that they had competent personnel to manage and deliver the additional requirements.

A problem arose initially when it was discovered that Clearmind was not registered with PPSEC. Officials of Clearmind stated that it was their interpretation that registration of Clearmind with PPSEC was not required. For the University to accept transfer credits from a student on a Distance Learning Program a transcript had to be issued by a properly constituted and registered College. To overcome this problem, Rutherford College agreed to enroll the Clearmind students. [emphasis added]

The majority of Clearmind students enrolled as distance learning students of Rutherford University Wyoming prior to the proclamation of the Degree Granting Authorization Act. In hindsight my client believes that they ought to have insisted on Clearmind entering into an agreement with PPSEC prior to Rutherford University Inc. Wyoming entering into an agreement with them.

It would appear from the foregoing that the O'Kanes were aware as early as 2002 of the requirement for private post-secondary institutions in BC to be registered with PPSEC, but chose to ignore that requirement. Even after having been caught out in 2003 advertising programs that required PPSEC registration under the *Private Post-Secondary Education Act*, Duane O'Kane pled ignorance of the need to be registered. Responding to PPSEC on July 25, 2003, he explained:

2. Practitioner Training

We have developed ... a personal growth program that appears to fall under your jurisdiction, in that we provide participants with transpersonal and traditional psychological information and basic skills training. We have developed this program based on workshop participants' interest in the psychological theory behind our workshops. We do not offer any kind of diploma/degree/certificate for this program. Please find enclosed our application to register as a

private institution. We were unaware of the need to register and so apologize for the lateness of this application. [emphasis added]

3. Certificate/Diploma/Distance Learning BA Programs in Spiritual Psychotherapy.

In addition to the personal growth components, many of our participants wish to pursue a more academic stream. For this purpose, they have multiple options. Some individuals for personal knowledge and satisfaction wish to earn a certificate/diploma and for this purpose, we recommend to them an appropriate registered institution in the province.

Since most participants are working adults and/or raising families, they prefer to select a distance-learning format to accommodate their personal choice and convenience of learning. Senior University of Wyoming, USA is one such institution that has agreed to allow our practitioners training participants to complete their BA degrees through distance learning.

Clearmind's registration application was approved by PPSEC on October 1, 2003 and following the rescinding of the *Private Post-Secondary Education Act* in November 2004, the institution registered under the PCTI Act.

Clearmind's relationship with Rutherford University

During that re-registration process, a PCTIA Institution Officer found cause to write to Clearmind in October 2005 in respect of concerns arising from a reference on Clearmind's website to "one to three year certificate programs (also eligible for BA and MA in Transpersonal Psychology Degree through distance learning)". Clearmind was advised that, as a registered private post-secondary institution, it was not authorized to offer degree programs and that this advertising was in contravention of the *Degree Authorization Act*. While it would be acceptable to state that some of its courses can be transferred to a named university (assuming articulation agreements were in place), it was not acceptable to represent its courses as degree courses. Clearmind was given until October 7, 2005 to remove the website reference. Duane O'Kane emailed PCTIA shortly after this to say the reference had been removed.

Concurrent with the site inspection of Clearmind on May 17, 2007, PCTIA inspectors, accompanied by an inspector appointed by the Minister of Advanced Education under the authority of the *Degree Authorization Act*, carried out an inspection at Rutherford College's campus in Richmond and removed a number of documents, a computer central processing unit and a laptop computer. I have had access to and have reviewed a number of these documents and taken them into account in writing this decision. Documents obtained during the on-site inspection of Rutherford College and the PCTI Agency on-site inspection at Clearmind's Langley location reinforced the existence of a clear affiliation between Clearmind and Rutherford University reaching back to 2002.

As I explained in my May 24, 2007 suspension letter to Clearmind (Duane O'Kane):

A preliminary review of these materials, coupled with those removed from the premises of Rutherford College on the same day, provide evidence that Clearmind has had a long-standing association with Rutherford University, a degree granting institution that does not have Ministerial consent under the *Degree Authorization Act* to offer degrees in British Columbia.

Documents reflect that for several years Clearmind students have received transfer credit to Rutherford University and thereby obtained a university degree, notwithstanding the fact that Clearmind is not authorized under either the *Degree Authorization Act* or the *Private Career Training Institutions Act* to provide courses or programs leading to degrees in British Columbia to be conferred by institutions inside or outside the province.

Financial records disclose that Clearmind has collected revenue on behalf of and received revenue from an institution that is not authorized to operate in British Columbia and, in so doing, has contravened the *Degree Authorization Act*.

Clearmind marketing materials continue to advertise degree programs, even though you were advised by the PCTIA in October 2005 that "as a registered private post-secondary institution, you are not authorized to offer degree programs". This action once again contravenes the *Degree Authorization Act* and the *Private Career Training Institutions Act*.

Given the failure of Clearmind to comply with the *Private Career Training Institutions Act* and the *Degree Authorization Act*, as per section 8(4) of the *Private Career Training Institutions Act*, the registration of the institution is suspended pending the outcome of the Agency's investigation into the institution's operations.

As per section 8(5) of the *Private Career Training Institutions Act*:

If a registration is suspended under subsection (4), the registered institution

- (a) may, subject to any conditions imposed under subsection (4), continue to provide career training to the students currently enrolled and in good standing with the registered institution at the time the suspension takes effect, and
- (b) must not enroll, provide career training, or offer to enroll or provide career training, to persons who are not students described in paragraph (a).

Accordingly, Clearmind must immediately stop all forms of marketing, which includes the removal of all internet advertising and the recall of other forms of advertising materials. No new students may be enrolled, and no new contracts entered into with former students.

As per the PCTIA Bylaws, notice of the suspension will be posted on the Agency's website.

The advertising referred to pertains, among other things, to advertising contained on Clearmind's Toronto website (www.clearmindtoronto.com/images/prac_infor.jpg). It advertises a "spiritual approach to education", where one can earn "an Internationally Accredited BA and/or Masters degree with Rutherford University". Clearmind's Toronto operation is run by facilitators Paul Goudsmit and Jane Tipping. The O'Kanes say that the Toronto operation is independent of theirs (they describe it as a sole proprietorship) and that they have not had a relationship with Paul Goudsmit or Jane Tipping for some time. They also report that they had not seen the website advertisement until it was brought to their attention by the PCTI Agency. They subsequently followed up with the Toronto operation and advise that the information has now been removed.

Other undated advertising materials obtained during the investigation clearly link Clearmind to Rutherford University. For example, one advertisement has a photograph of Duane and Catherine O'Kane and a photograph of Paul Goudsmit and Jane Tipping and it contains the following information:

Clearmind ... a Spiritual Approach to your Education with Clearmind International Institute. Earn a Bachelor of Arts or Master of Arts in Transpersonal Counselling Psychology.

- »Experiential, Hands-On Learning
- »Studies include A Course In Miracles, Family Systems Theory, Gestalt & More
- »1 to 3 year Programs Designed for the Working Adult or Part Time Student
- » One Day or Evening per Week
- » Program Runs October 2005 through June 2006
- » Classes in Vancouver, Toronto and Vancouver Island

Degree completed in conjunction with Rutherford University (Rutherford.edu) Evanston, Wyoming, USA. Board Certified: ABMPP & ABDA Students eligible to apply for registration with the Canadian Professional Counsellors Association.

Clearmind's response to suspension

In response to the PCTI Agency Registrar's May 24, 2007 suspension letter (received on May 25, 2007), Clearmind principals Duane and Catherine O'Kane wrote a lengthy letter to the PCTI Agency on June 1, 2007, providing a large number of attachments. Not unlike the July 25, 2003 letter pleading ignorance of the need to be registered with PPSEC, this letter again contends that they were "unaware" that they were in contravention of various provincial statutes, and that it was "due to ignorance we have been in contravention of these bylaws and Acts". The letter provides in part:

This letter is to respond concisely to the suspension letter we receive on May 25, to inform you of our current status, and what actions we have taken to correct and fully make right any and all areas where we were unaware, and in contravention of the subsequent named acts.

Private Career Training Act Section 1
University Act
Degree Authorization Act

We admit, that due to ignorance we have been in contravention of these bylaws and Acts. Our association with Senior (Rutherford) University began in 2002, and continued on until 2005. The only exception to that is to assist our mutual students, we continued to send student evaluations (at students request), even up until May 25. We have since discontinued this practice.

As explained in detail in the written history with supporting documentation that we provided, our past association with Rutherford had been in a constant state of flux. As our confidence in Abdul and Nusri Hassam decreased, we began to gather our own independent information rather than rely on instruction or guidance that they provided ...

We believe we must be accountable for our ignorance in this matter, however we also feel that we have been consistently and intentionally misled and lied to by Abdul and Nusri Hassam. They held out to us and our organization that they were abiding by all governing regulations, and that they were informed and experienced in this process and its parameters, which is not accurate ...

Clearmind acknowledges that it had an association with Senior/Rutherford College since 2002 as follows:

- from October 2002 to summer of 2003 we believed ourselves to be a 'department' in Senior University, and that our agreement with Senior regarding this allowed us to operate legally under their 'wing'
- From October 2003 we believed that we were separate organizations that could operate concurrently with some of the same students
- From October 2002 to December 2005 Catherine O'Kane had a relationship with Senior/Stratford/Rutherford as academic advisor for their distance learning program, which she believed she could do legally as she believed she was hired by them based on providing her resume and university transcripts, and invoiced them directly for services. We were led by Abdul and Nusri Hassam to believe that this was an appropriate arrangement.
- From August 2006 to May 25, 2007 we fully understood that we were separate organizations entirely, we no longer respected or recommended Rutherford University in any way, and our only association was to honour commitments to mutual students who registered in the 2004/5 and 2005/6 academic year ...
- Since receiving your letter of May 25, 2007, we have no further relationship with Rutherford University.

- From October 2002 until the summer of 2003 both programs [Clearmind and Rutherford University] were essentially operating as one, therefore all Senior University transcripts of Clearmind's academic students were filled out by Catherine O'Kane.
- From 2003 to 2005 we believed (under the counsel of Stratford/Rutherford) that our students could be enrolled in both institutions concurrently to obtain their degree from Stratford (Rutherford), and that Catherine O'Kane could act as an academic advisor for their distance learning program. Catherine O'Kane continued to fill in Stratford/Rutherford University transcripts for any students enrolled in their program, and these included the coursework they did at Clearmind.
- From October 2005 to the May 25, 2007 [letter] we still believed that students could receive credit at Rutherford University for the work they did at Clearmind, although Catherine O'Kane withdrew from acting as academic advisor, in an effort to being a clear separation from Rutherford. At the request of students, we forwarded to Rutherford University copies of Clearmind Evaluations (no transcripts were filled out as in previous years)
- Despite the fact that prior to October 2005 we had an understanding of how transfer credits were applied from Clearmind to Rutherford University, that is not being followed by Rutherford since we are aware of several of our students who have received degrees from Rutherford, for whom we have sent no evaluations because they had not completed all their assignments for our program.
- Since receiving your letter of May 25, 2007, we now fully understand that no Clearmind student evaluations should be provided to Rutherford University/College, and thus we have sent them correspondence indicating that we will no longer forward them any student information ...
- In addition, since receiving your letter ... we have sent correspondence to any mutual student we are aware of (11 students who are currently in our Prac 2 and 3 programs) that we will no longer be providing Rutherford with any student information ...
- As late as May 27, 2007 we received a request from Nusri Hassam for Clearmind Student evaluations, which was declined ...

An earlier email (October 22, 2004) and attachment from Cecil Sherwood to "Nusri" and "Abdul" describes his understanding of the arrangement between Clearmind and Rutherford University. The attached memorandum provides:

Memorandum

Subject:

- Operating Relationship Rutherford University (formerly Stratford International University) and Clearmind Institute.

Background:

In 2002 Clearmind contacted Rutherford University in Wyoming and requested assistance in providing an opportunity for their students to study for a degree in Applied Transpersonal Psychology.

Rutherford reviewed the course material used by Clearmind. Following discussions with the Dean of the School of Health and Science and the ABMPP it was concluded that the program offered by Clearmind could receive Transfer Credits towards a degree with Rutherford.

Procedural Arrangements:

1. Students enrolling with Clearmind fall into two categories namely: Category [one] students that wish to take the program for Personal Development; Category two those students that wish to take a more Academic approach and pursue a program of study that will enable the student ultimately enable the student obtain a degree.
2. Category two students when they enroll with Clearmind if they wish can enroll as Distance Learning students of Rutherford University a separate application form must be completed and submitted to Rutherford University. Rutherford appoint a University Faculty Advisor to work with each student enrolled with Rutherford.
3. The program offered by Clearmind fulfills part of the requirements towards a degree from Rutherford. To ensure that the University standards and those of ABMPP are met Clearmind must send all student transcripts together with copies of the tests, projects and examinations that have been set by Clearmind together with method of assessment.
4. Clearmind may not alter the program without prior consent of Rutherford.
5. The University makes the final decision regarding the conferring of a degree.
6. A representative of the University has the right to attend any of the lectures being provided by Clearmind.
7. The lecturers delivering the lectures for Pract 1.11. & 111 are appointed by and the responsibility of Clearmind.

As acknowledged by Clearmind, it first entered into an agreement with Rutherford University in October 2002. Nusri Hassam subsequently revised the terms of that agreement in 2005 and sent it to Clearmind by email. A copy of that proposed agreement (which was back-dated to November 1, 2004) provided in part:

WHEREBY IT IS AGREED as follows:

1. The University permits Clearmind Institute to administer the University's Bachelor of Arts (B.A.)/Master of Arts Degree Programs in Transpersonal Psychology/Counselling in accordance to the manner prescribed by Clearmind Institute's covenants to the University, as approved and confirmed by the University Dean and Chancellor of Rutherford University.

a) The term of this Agreement is for a total period of three years. After which, based on the performance of Clearmind Institute, this agreement may be renewable upon further negotiation.

iii) The University shall be responsible in granting the relevant degrees and the transcripts to the students who have already completed their degree program by completing all their term papers, assignments, and bachelor's/master's papers for individual degrees, and when the students have met and completed all financial requirements.

iv) The University shall have the final authority to approve any student's admission to any program of study. On behalf of the University, Clearmind Institute is authorized to admit students

based on the admission criteria provided by the University Registrar. Criteria are defined in the addendum to this agreement:

- v) The University shall agree to Clearmind Institute designing certain subject matter, which is more suitable to the local education needs. RU shall have final approval over which programs may be provided in this manner.
- vii) The University shall be responsible for reviewing and have final approval of the credit transfers for diploma, certificate and degree programs offered by an other local institutions and local universities.

Clearmind Institute Covenants to the University as follows:

- 1a) Clearmind Institute shall be responsible to bear all the expenses of promoting the agreed upon bachelor's/master's degree program in Transpersonal Psychology/ Counselling of the University.
- 1b) Clearmind Institute shall maintain the good name and reputation of the University by ensuring that the seminars are administered by qualified professionals and qualified lecturers. Based on the rules and regulations by the Department of Education of the State of Wyoming, Rutherford University will be required to approve all faculty appointed by Clearmind Institute to lecture or teach on behalf of Rutherford University

Clearmind did not sign this or any subsequent agreements with Rutherford University. Clearmind informed Nusri Hassam by email that the proposed agreement contained a number of elements that did not accurately reflect Clearmind's relationship with Rutherford.

Evidence of the continuing relationship between Clearmind and Rutherford is found in an unsigned partial project paper submitted to "Rutherford University School of Applied Transpersonal Counselling in Psychology" for BA purposes. It has a date of April 30, 2007 and lists Cecil Sherwood as the student's faculty advisor. This student is listed as one of Rutherford University's 2006/2007 students.

In their June 1, 2007 letter to the PCTI Agency Registrar, the O'Kanes say this in relation to the *Degree Authorization Act*:

Regarding the above mentioned contravention of the *Degree Authorization Act*:

- Clearmind collected revenue for Senior/Rutherford University in 2002/3. We have not collected revenue since then.
- Clearmind received revenue from Senior/Rutherford University in 2002/3, and then also received revenue for one student due to a prior arrangement ...
- Aside from these, we have not received or collected revenue from Rutherford or any other institution.

[With respect to the advertisement of degree programs]

- From October 2002 to summer of 2003 we advertised and verbally promoted that students could obtain a BA ...
- From October 2003 to September 2005 due to us understanding more we advertised and verbally promoted that students could obtain a degree "completed in conjunction with Rutherford University".
- We have no record of the PCTIA October 2005 letter mentioned above, however based on verbal information from Rutherford University we changed our advertisements to

read: "Transfer Credits from Practitioner Training are accepted by external University for BA and MA degree"

- From August 2006 we have not intentionally advertised any degree program or transfer credits, nor have we verbally mentioned this to any student ...
- Since May 25 we conducted an internal company search ... we discovered that in error, our workshop producer ... inadvertently distributed leftover historic flyers from previous years. Those flyers had been intentionally pulled out of our circulation some time earlier and discontinued from any distribution. This flyer contained the line "Transfer credits from Practitioner Training are accepted by external University for BA and MA degree". These flyers were used prior to August, 2006 and were not distributed after that date ...since we realized those flyers existed, they have been collected and destroyed
- We have made several attempts to get Clearmind Toronto to remove Rutherford from their website (again, they are a separate sole proprietorship, who have not been in relationship with us for some time) and they did agree to remove these references and it was done on June 1.
- We have removed all references to Practitioner's Training from our own website at www.clearmind.com.

Finally, the June 1, 2007 letter from Clearmind advises it does not have any employees who are also employed by Rutherford University and that Clearmind has no intention of establishing any relationship with that organization in future.

In sum, for a time (starting in 2003) the arrangement between Clearmind and Rutherford University was one where successful completion of Clearmind's Practitioners Levels 1, 2, and 3 courses and 200 hours of supervised practicum at Clearmind earned Clearmind students 90 credits towards a Rutherford University Degree in Transpersonal Psychology. Clearmind students would then obtain the remaining 36 credits required for a BA through Rutherford University. Also offered in conjunction with Clearmind were MAs in Applied Transpersonal Counselling Psychology.

The evidence is that Clearmind students who enrolled in Rutherford University were subsequently or concurrently enrolled in Rutherford College. By way of example, the 36 credits required for a BA from Rutherford University were earned indirectly on paper through Rutherford College, followed by a transfer of the College credits to Rutherford University.

The Clearmind/Rutherford arrangements for the BC Clearmind students were described by Cecil Sherwood in a September 14, 2006 memo to Abdul Hassam this way:

Diploma Program

- The Diploma program combined with the Clearmind program are designed to provide the student with a total of 120 semester credit hours. Normally universities require a student to complete 120 semester credit hours to meet the requirements for a B.A. degree.
- The Clearmind program – Practicum 1, 2, & 3 lasts for 3 years and provides 90 semester credit hours
- The Rutherford [program] could be completed in 1 year but has been programmed for 3 years so as to run in parallel with the student's study at Clearmind. The student earns 30 semester credit hours from the Rutherford program.

Advanced Diploma

- The program requires the student to complete 36 semester credit hours. Normally universities require a student to complete a minimum of 36 semester credit hours to meet the requirements for a M.A. degree.
- A student enrolled in the Clearmind program will be given credit for 12 semester credit hours in respect of the advanced practicum they complete at Clearmind.

This description is consistent with Clearmind's understanding of how things worked. It is also noteworthy that March 10, 2005 emails exchanged between Nusri Kassam and Cecil Sherwood confirm that Clearmind students received both Rutherford College and Rutherford University (Wyoming) student cards.

Students' frustration

Unfortunately for Clearmind's students, the concurrent registration between Clearmind, Rutherford College and Rutherford University was frequently a source of frustration. By way of example, in June 2006 s.22 who had enrolled with Clearmind and Rutherford apparently wanted to withdraw. s.22 questioned an amount that s.22 said had been wrongfully charged to s.22 credit card. s.22 also asked for an itemized statement about the administrative charges (\$300) charged for the refund transaction. Nusri Hassam responded (as "University Administration") in an email July 17, 2006, in part as follows:

When you completed your first assignment, your advisor must have marked it at Clearmind. If you can tell us who handed it out for marking, we will attempt to get the mark for you from our end as we don't have any marks for you for your first assignment here either. Regarding the breakdown for the administrative costs, we do not keep itemized records for the costs, all that I can surmise is that up to 5% credit card charges are retained by the CC company, and that you were provided advice by at least 3 advisors/counselors from the University and Clearmind regarding your academic work, also there is administration time for setting up of your student files for the current academic year, data entry into the various systems, reporting to the bookkeepers/accountants, reporting your enrollment to the govt. regulators, etc. etc. etc. In fact, I am sure if we do attempt a specific breakdown, these costs would probably be more than the amount retained, the only way we can keep these costs down is when students sign up in volume so it really does not help anyone when they withdraw.

In another example, a Clearmind student responded to an April 27, 2007 email from Nusri Kassam (signed as Vice President and Registrar of Rutherford University) offering her "sincere apologies for the delay, as we are working on a backlog of students, will try to process your papers by next week, thanks for your patience". The student responded that her email looked just like one Ms. Kassam sent s.21 6 weeks ago. s.22 goes on:

What backlog!? At the meeting you said you had about 50 students locally? What backlog could you possibly be dealing with?

Please do not thank me for my patience because I am not extending you my patience, in fact I am letting you know that my patience and good will towards Rutherford is entirely spent. Instead of perpetually banking the faith and flexibility of others, maybe those who call themselves Rutherford might take a step up and conduct their business with a bit of integrity.

I suggest that all of "Rutherford" takes a moment to thank their trusting and patient student body for not having slapped with a class action law suit yet, for its deceit, incompetence and fraudulent actions.

I'm asking for a piece of paper that I paid thousands of dollars for, and did hundreds of hours of work for. Documenting what I have done should be the easy part of this equation. This transcript and "degree" being the only thing, or service I will ever receive from you should not be too hard for you to produce.

Summary of violations

As is reflected in the body of this report, the evidence disclosed during this inspection and investigation is that over the years the principals of Clearmind have been violating the provisions of the *Private Post-Secondary Education Act*, the *Private Career Training Institutions Act* and the *Degree Authorization Act* in a variety of ways:

- They failed to register the institution under the *Private Post-Secondary Education Act* until required to do so by PPSEC
- They pled ignorance of the need to register, even while knowing this was not the case
- Section 2 of the PPSE Act Regulation required that institutions making application for registration or renewal of registration provide the Commission with the addresses of the institution, and the name and location of any other business carried on with or associated with the institution at its main campus or any other location. Clearmind failed to advise the Commission of its other training centers (i.e. Mill Bay), nor did it disclose the nature of its business dealings with Senior University Inc, dba as Rutherford College and Rutherford University
- Section 34 of the *Private Post-Secondary Education Act* stated that "an institution must not engage in advertising or make a representation that is false, deceptive or misleading", yet Clearmind misled students in representing itself as an institution authorized to offer courses leading to a degree
- Clearmind breached the *Degree Authorization Act* and the *Private Career Training Institutions Act*. As a registered institution, Clearmind is authorized under the *Private Career Training Institutions Act* to offer "career training", which in section 1 of the Act "means training or instruction in the skill and knowledge required for employment in an occupation defined in the regulations". The same section of the PCTI Act makes it clear that career training "does not include training or instruction that . . . is provided by . . . an institution established under the *University Act* . . . (or) and institution that is authorized by a consent under the *Degree Authorization Act*". Section 3(1) of the *Degree Authorization Act* states that:

A person must not directly or indirectly do the following things unless the person is authorized to do so under section 4

- (a) grant or confer a degree;

- (b) provide a program leading to a degree to be conferred by a person inside or outside British Columbia;
- (c) advertise a program offering in British Columbia leading to a degree to be conferred by a person inside or outside British Columbia;
- (d) sell, offer for sale, or advertise or provide by agreement for a fee, reward or other remuneration, a diploma, certificate, document or other material that indicate or implies the granting or conferring of a degree

Documents reviewed during this investigation disclose that for several years Clearmind students received transfer credit to Rutherford University and thereby obtained a university degree, notwithstanding the fact that Clearmind is not authorized under the *Degree Authorization Act* by virtue of delivering courses leading to a degree, and the *Private Career training Institutions Act* by delivering courses that do not fall within the meaning of "career training" as defined in section 1 of that Act. It is also evident that in addition to providing a program leading to a degree, Clearmind advertised a program offering in BC leading to a degree, and provided for a fee a diploma that led to a degree.

In their June 1, 2007 letter to the Agency, written in response to the suspension of registration, Duane and Catherine O'Kane said with respect to the *Private Career Training Act*, the *University Act* and the *Degree Authorization Act* "(w)e admit, that due to ignorance we have been in contravention of these bylaws and Acts". Over the years the O'Kanes have pled ignorance of the law to PPSEC and PCTIA on several occasions. Whether they were ignorant is suspect, but in any case it is a well founded principle in Canadian jurisprudence that ignorance of the law by a person who commits an offence is not an excuse for committing that offence.

The O'Kanes go on to claim that their association with Rutherford University terminated in 2005. Having said that however, they add: "The only exception to that is to assist our mutual students, we continued to send student evaluations (at students request), even up until May 25 (2007)", which was the date of the PCTIA inspection visit.

Decision

The O'Kanes are "requesting reinstatement of our registration based on our current compliance". However, having reviewed all of the documentation seized during the Clearmind site inspection, as well as that recovered from Rutherford College, and after taking into consideration the past conduct of the institution and its officers in misrepresenting the institution and misleading its students, I am satisfied that it is not in the public interest to renew the registration of Clearmind.

Accordingly, as per section 8 (4) of the *Private Career Training Institutions Act*, the registration of Clearmind will be cancelled following the completion of the train-out of

those students who were enrolled and in good standing with the institution when the suspension of registration took effect on May 25, 2007.

In the meantime, during the train-out period the suspension of Clearmind's registration remains in effect, as do the conditions of suspension. Specifically, Clearmind

- may continue to provide career training to students currently enrolled and in good standing with the institution at the time the suspension took effect, and
- must not enroll, provide career training, or offer to enroll or provide career training to persons who were not students at the time the suspension took effect;
- must immediately stop all forms of marketing, which includes the removal of all internet advertising and the recall of other forms of advertising materials;
- no new students may be enrolled, and no new contracts entered into with former students

The O'Kanes have indicated that "our understanding . . . is that our current students would be able to complete the full 3 year program, regardless of whether we are re-instated, which would require us to provide the program for another 2 years (so that current prac 1 students could complete their 3 years)." Their understanding is not correct.


Currently enrolled students may be trained out as per the terms and conditions of their existing contracts. The institution may not alter the terms and conditions of those contracts, nor may it enter into new contracts with current students for subsequent years of their programs.

The institution is required to immediately provide the Agency with copies of the contracts for all currently enrolled students, with complete information regarding the name of the program of study, the start and completion dates, and the amount of tuition paid. If the institution has accepted tuition payments from students who have not yet commenced their programs of study, the institution must within thirty days issue full refunds to those students, and provide the Agency with documentary evidence of having done so.

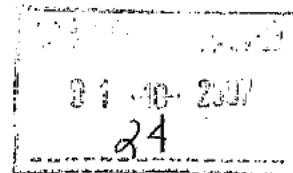
Section 10 of the *Private Career Training Institutions Act* provides for reconsiderations and appeals of decisions to cancel a registration. A person affected by a decision to cancel may request, within 30 days of receiving written notice of the decision, a reconsideration of the decision by the Registrar. The Registrar may confirm or vary a decision.

If dissatisfied with the decision emanating from a reconsideration by the Registrar, a person who is affected by the decision may commence an appeal to the PCTIA Board by filing a notice of appeal, in the form provided for in the Bylaws, within 30 days of receiving the written notice of the decision emanating from the reconsideration.

Yours truly,


Jim Wright
Registrar and CEO

Mark G. Perry
Barrister and Solicitor



SENT BY FAX

FROM: Mark G. Perry
DATE: October 1, 2007
TO: PCTIA
ATTENTION: Jim Wright, Registrar and CEO
OUR FILE: P00020 - Senior
FAX NUMBER: 604-660-3312

NUMBER OF PAGES SENT (INCLUDING COVER): Six (6)

Please see the attached letter.

Thank you,

Liz Graham
Legal Assistant to
Mark G. Perry

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September 28, 2007

BY FACSIMILE (604) 660-8312

PCTIA
#300 - 5172 Kingsway
Burnaby, B.C.
V5H 2E8

Attention: Jim Wright, Registrar and CEO

Dear Mr. Wright:

Re: Rutherford College

I have been instructed to request a Reconsideration of your August 14, 2007 decision to cancel the registration of Rutherford College ("Rutherford").

In your letter you make extensive reference to a report written by Ms. Lovett ("the report") on behalf of the Minister of Advanced Education. You also make reference to my letter written in response to the report. In order to have a complete understanding of the situation you ought to also consider the July 27, 2007 letter written by Mr. Fraser acting on behalf of the Minister.

I point out that having reviewed my client's response Mr. Fraser tacitly concurred that Rutherford's situation was both unclear and ambiguous. Indeed Mr. Fraser conceded many of the points I raised in my response. The main thrust of Rutherford's response to the report was in fact that the report writer erred in applying regulations retroactively to past conduct of Rutherford.

A second element of Rutherford's response was with respect to the finding that the existence of a corporate university entity did not change the essential fact that the principles behind the corporation, lived and did corporate work within British Columbia. In our response to the report I wrote the following which equally applies to the conclusions you draw in your decision from the report:

The essential finding in the Report would appear to be that Rutherford University is a "front" for SUI Inc. and the Hassams and further that based on a recent 2007 Court decision SUI Inc. and the Hassams are therefore in breach of the DAA. In response it is critically important to note that contrary to the improper implication set out in the

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Report the separate corporate structures (SUI Inc. Wyoming, SUI Inc. BC) were not created to evade or avoid the DAA. In fact, SUI Inc.'s corporate structures predate by many years the proclamation of the DAA Act. Further no attempt was made to hide or mislead who the shareholders or officers of these corporations are. In the Inspector's Report it was pointed out that the shareholders or directors of SUI Inc. DBA Rutherford College and SUI Inc. Wyoming are the same. It was also stated that the directors reside in B.C.. These facts have been known to PPSEC ab initio. There is also an implied suggestion in the Report that Rutherford University Inc Wyoming was not a legal corporation when in fact at all material times it has been a legal corporation properly constituted pursuant to the laws of the state of Wyoming.

In point in fact there was absolutely no need for there to be a "raid" on the offices of SUI Inc. in order to discover these facts regarding the Hassams being the officers, directors, and shareholders of SUI Inc. and Rutherford University Wyoming. All of this information was already in the public domain and as stated in no manner whatsoever concealed or hidden by the Hassams.

Similarly, the fact that officers and directors of Rutherford University resided in BC and carried out administrative tasks for the Wyoming corporation here in British Columbia was information which my clients would have readily admitted to on being asked. In fact as noted on page 12 of the Report Dr. Hassam acknowledged these facts in his May 28, 2007 letter to PCTIA.

The crucial component of the report is the conclusion somewhat based on the Rodgers case that where a corporation although registered outside of British Columbia is conferring degrees but the operating minds of the corporation reside in British Columbia and carry out corporate functions in British Columbia there is a breach of the Act.

I point out that the applicability of the Rodgers decision to my client's situation is less than clear as each case is different. Yet I am puzzled as to why your Ministry chose the route of raiding my client's offices and conducting an expensive and unnecessary investigation as opposed to simply forwarding to my client a letter enclosing a copy of the Rodgers decision and asking my client questions regarding its activities.

In summary, there was no intention on the part of Rutherford to deceive or mislead the Ministry of PCTIA regarding its corporate structure and activities and the corporate structure and activities of related corporations. These facts are evident from the fact that the corporate structure pre-date the proclamation of the Degree Authorization Act and indeed in many respects pre-date the ever changing regulations under the auspices of PCTIA and its predecessor PPSEC. Similarly, the fact that there was no intention to deceive or mislead is proven by the fact that directorship, officers and shareholders of Rutherford and related corporate entities was at all times available on request and as a matter of public record.

I point out that there is absolutely nothing nefarious or devious about incorporating an entity in order to conduct a legitimate business. Prior to the Court's decision in the Rodgers case finding that where the operating minds of a corporation reside and carry out corporate functions in British Columbia the corporation is in breach of the Act it was an extremely reasonable interpretation that the Act did not apply to a foreign corporate entity. As stated the Ministry tacitly has accepted this point and accepted that there was no intention to mislead or deceive on the part of my client. In regards to the Ministry and its position pursuant to the Degree Granting Authorization Act I would characterize the situation as both the Ministry and my client not wishing to re-litigate the Rodgers decision again but instead my client in a spirit of cooperation and wishing to move forward agreed to provide a series of undertakings in response to Mr. Fraser's detailed and comprehensive letter.

Your decision, on the contrary, appears to be founded upon the incorrect premise that Rutherford has acted deceitfully and that there is no ambiguity in the finding that they are in breach of the Act. It is clear that my client has not acted deceitfully in this matter. Indeed the reliance on the Report as a basis for your decision is problematic as we have already pointed out the report is flawed with a substantial number of comments being beyond the remit and competence of the investigator. Without the finding of deliberate deception the characterization of Rutherford's conduct appears to be very different and while it can be debated Rutherford's conduct might be worthy of sanction the cancellation of its licence is too onerous a penalty.

Turning to specific aspects of your decision my client points out that in point 10 of your decision you omit recording that in 2001 Rutherford had authority to provide degree related programs as part of the teach out granted by PPSEC. In points 64 -69 of your decision you further comment on the "teach out" provisions. Unfortunately, yet again as in the flawed report there is an attempt to apply current PCTIA regulations retroactively to past conduct. Specifically, your comment in point 69 that replacement of PPSEC by PCTIA automatically rescinded and rendered void the teach out granted by PPSEC is without legal substance.

Rutherford was sui generis in so far as this institution had in 1993 been granted authority to deliver degree related programs. In 2001 and previously when students were enrolled in for example a BA degree related program they completed an application and entered into a valid contract that applied to the specific program of study. As previous stated these were distance learning students in self paced programs. There was no requirement to complete an annual contract.

You cite in point 70 an excerpt from PCTIA bylaws which purport to provide that students must annually enter into enrollment agreements and then extrapolate from this bylaw that since students in the teach out were not enrolled to new enrollment agreements Rutherford was in breach of the direction from PPSEC. With respect the flaw in your analysis and conclusion is that it is not at all clear that the new bylaw would affect those students in the teach out program. In other words, my client's

interpretation that the requirement for an annual enrollment agreement would not apply to those students who prior to 2001 entered into a contract for a degree related program and that per your May 2001 were permitted to complete their program is perfectly defensible.

I point out that in your May 2001 letter you did not qualify the teach out by stating that those Students enrolled in degree-related programs as of May 3, 2001 must complete their degree course within a specified period of time or qualify it by stating that if in the future annual contracts are required those students in the teach out would not be able to complete their degree. The subsequent sentence in your May 3, 2001 letter clearly applies to new students and not students covered in the teach out provision.

The finding that Rutherford is breach of a PPSEC Directive by combining the prohibition in your May 3, 2001 letter on not entering into new contracts for degree related programs with the subsequent 2005 enactment of new bylaws requiring annual contracts is not erroneous but disingenuous.

In this regard I note that in April 2006 Ms. Sue Williams, institution officer of PCTIA asked for and was provided with a list of students still in the teach out program along with other college documents. If it was the case that my client was in breach of the PPSEC directive contained in your May 2001 letter why was no mention made of this point to my client over the past year?

The only conclusion that can be drawn is that PCTIA as of April 2006 reasonably interpreted the teach out provision as my client did as permitting my client to teach out students in degree related programs. It is apparent that only now a year later PCTIA is attempting to reconstruct history to substantiate a decision to cancel my client's registration.

As stated a critical finding appears to be that my client has deliberately mislead and acted deceitfully. It is our position that this incorrect finding has negatively influenced you in making the decision to cancel Rutherford's registration. Instead of assessing facts fairly and objectively the decision combined with the conduct of PCTIA's officers appears to be an exercise in characterizing facts to support a decision which has already been made.

In point 26 of your letter you make reference to a response from Mr. Sherwood to Ms. Hassam. Contrary to the implication you wish to put on the response there is in fact nothing improper in the response. Mr. Sherwood is simply making a statement of fact ensuring that any possible misconception as to the nature of the program the student was enrolled was promptly corrected.

Under the heading of Deliberate Deception you cite my letter of July 20, 2007 suggesting that it contradicts an internal memorandum of March 9, 2005. My client

fails to see how this can possibly be an example of a deliberate deception. My client points out the March 9, 2005 memorandum was in effect a description of the then present situation while in my July 20, 2007 letter I was reporting that since 2005 my client had been focusing on addressing the problem or situation described in the memorandum. The way you have chosen to portray these facts under the heading of Deliberate Deception illustrates the bias inherent in the decision.

In regard to point 42 my client points out that subsequent to Mr. Sherwood's letter in August 2005 no further enquiries was forthcoming from PCTIA. Why then now are further questions being raised 2 years later and inferences being drawn without further investigation?


My client refutes the incorrect and inaccurate statement contained in point 46 of your letter citing the report.

I note that in your incorrect recitation of the events of March 24, 2006 set out in point 53 you have omitted mentioning Mr. Sherwood letter written immediately subsequent to the site inspection offering full access and cooperation which letter was never responded to and now is not mentioned in your decision.

In summary, it is our view that the decision based as it is on the incorrect finding that my client deliberately deceived PCTIA is incorrect. Moreover, the obvious bias and hostile attitude of PCTIA towards my client has negatively affected the ability of PCTIA to make a decision on the cancellation of my client's licence.

We ask at this time before possibly further appealing that you carefully review the facts and objectively make a decision in your reconsideration reversing the cancellation of my client's licence.

Yours truly,



Mark G. Perry

MGP

P00020/07Sept28

cc: client

MacLean, Madeline AVED:EX

From: Brown, Susan B AVED:EX
Sent: Wednesday, October 10, 2007 3:40 PM
To: Rogers, Dorothy AVED:EX; Simmons, Vicki AVED:EX
Subject: FW: Clearmind Reconsideration
Attachments: Wright to D O'Kane re reconsideration.pdf

FYI

From: Jim Wright [<mailto:jwright@pctia.bc.ca>]
Sent: Wednesday, October 10, 2007 3:25 PM
To: Nazeer T. Mitha
Cc: Cotie, Kate L AVED:EX; Brown, Susan B AVED:EX
Subject: Clearmind Reconsideration

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October 10, 2007

Mr. Duane O'Kane:
Clearmind International Institute
22778 72nd Avenue
Langley BC V2Y 2K3

Dear Mr. O'Kane:

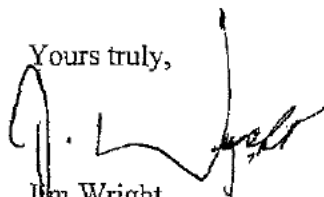
Re: Reconsideration Request

In response to your letter of September 17, 2007 wherein you requested copies of all materials on which the decision to cancel the registration of Clearmind International Institute was based, please find attached a set of the documents you requested.

You will find that all of the documents are provided in full; with the exception of a July 20, 2007 letter from a lawyer representing Senior University, operating as Rutherford College. Only that portion of the letter that was relevant and considered in coming to the Clearmind decision is included.

I trust that the provision of these materials will allow you to proceed with the preparation of your arguments for reconsideration, and I look forward to receiving a fully documented reconsideration request at your earliest convenience.

Yours truly,



Jim Wright
Registrar and CEO