

Life University Sues CCE Charging Denial of Due Process

DeSpain says Life never wanted to go to court but CCE left them no choice

On January 3, 2003, Life University filed a lawsuit against the Council on Chiropractic Education (CCE) in federal district court in Atlanta, charging that CCE denied them due process during recent accreditation reaffirmation procedures.

The suit alleges that the CCE:

- Amended its bylaws in such a manner that they conflict with the articles of incorporation.
- Adopted Standards for Doctor of Chiropractic Programs and Institutions that strongly favored the liberal branch of chiropractic philosophy at the expense of the conservative branch.
- Violated Life's common law due process rights by conducting a flawed and biased process for reaffirmation.
- Refused to reconsider Life's application for reaccreditation in a timely manner.

"Working in a world of academics and considering myself a rational thinker, I always thought the best approach in working things out was to sit down and reach an understanding that would be mutually acceptable for all parties," said Life President Dr. Ben DeSpain. "However, after several attempts to communicate with CCE and a detailed review of the recent reaffirmation process, I believe CCE, its executive director and administrative officers, intend to destroy Life University."

The University's lawsuit follows a myriad of efforts to regain accreditation that culminated in the CCE Agenda Committee's decision to deny Life's request for a discussion on a rule change requiring that chiropractic programs operate for two consecutive years before applying for accreditation. The rule was adopted during the same meeting that Life's reaffirmation was denied. According to this rule Life cannot apply for reaccreditation till June 2004.

"By denying our request to discuss the recent rule change at the meeting this month, CCE confirmed their position of inflexibility and left Life with no other option but to seek judicial intervention," added Dr. DeSpain.

The lawsuit also says CCE violated its own policies by sending representatives of competing chiropractic schools to review Life's accreditation. Review team members from Texas, California and Missouri also "aggressively solicited" transfer students from Life, the suit states.

The suit asks the court to:

- Issue a preliminary and permanent injunction requiring CCE to restore the accreditation of Life University.
- Declare that CCE failed to provide Life University with due process and fundamental fairness in the

reaffirmation of accreditation process.

- Begin the reaffirmation of accreditation process anew in a manner providing Life with common law due process.

"Our suit is based on the University's fundamental right to a fair and impartial review of the chiropractic program and the fact that CCE is not willing or capable of this basic element of due process afforded us by law," stated Dr. DeSpain.

UPDATE ON LIFE'S LAWSUIT

Marietta, GA, Jan 9, 2003 – Today in the United States District Court for the Northern District of Georgia, Senior Judge Charles A. Moye, Jr., held a status conference in the case of Life University v. Council on Chiropractic Education, et al and set a briefing schedule for expedited consideration of Life University's Motion for a Preliminary Injunction. All parties were directed to complete written submissions to the Court by January 31. Judge Moye announced from the bench that he will schedule oral arguments as soon as possible thereafter.

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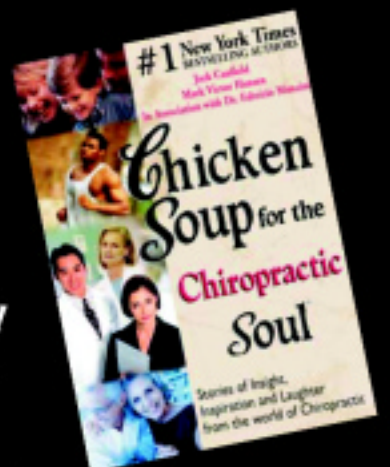
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