Session Topics and Goals

HEA 1965 and reauthorizations
Understanding consumer disclosure requirements
Recent research on compliance
Strategies for compliance with HEA/HEOA 2008
Lots of material – not all covered in presentation
Many resources available to assist you
NO legal advice!!
Audience Background Info

Are you responsible for consumer disclosures on your campus?
Do you know who is responsible for consumer disclosures on your campus?
Does your institution publish consumer information on the web?
Is your consumer information easy to find?
Has your campus been through a Title IV audit during the past two years?
Some history –
Higher Education Act of 1965, as amended

Part of Johnson’s “Great Society” agenda
Signed into law on November 8, 1965

“Provided to strengthen the educational resources of our colleges and universities and to provide financial assistance for students in postsecondary and higher education.” (Pub. L. No. 89-329)

Title IV of HEA 1965 provided financial assistance for postsecondary students
By statute, reauthorization required every 5 years (actual interval has varied)

Most recent reauthorization – HEOA 2008

Most recent reauthorization of HEA 1965
Numerous changes and updates to HEA
432 pages in original law
Specific rules and requirements through negotiated rulemaking

http://www2.ed.gov/policy/highered/leg/hea08
HEA comes with “strings attached”

HEA and amendments establish federal program and policy priorities for postsecondary education

Federal financial aid funds accompanied by rules and regulations

Nature of rules and regulations change over time, reflecting revised priorities

Institutions and students agree to abide by conditions in order to receive HEA Title IV funds
Over time, HEA regulations written to ensure –

Federal expenditures yield desired results
Postsecondary students and families have information to make informed postsecondary choices

Emphasis on transparency, accountability, and easy access to information

How do we operate?
How do we comply with legal requirements?
How do we compare to other institutions?

Enforcement and penalties
Failure to comply with HEA requirements can result in loss of Title IV funds
“Higher education is under growing scrutiny from policymakers who are dissatisfied with rising prices, stagnant graduation rates, and declining academic standards. Fixing these problems has proved difficult. Traditionally, autonomous colleges and universities tend to resist any kind of new government encroachment and public officials are often wary of diminishing the independence that has produced a diverse, well-resourced higher education system. In recent years, a familiar compromise between regulation and autonomy has emerged: require colleges to provide more information.”

“Responding to the (Carey and Kelly) report, a U.S. Department of Education spokesman, Justin Hamilton, said, ‘We're committed to protecting students and taxpayers and have worked to better arm consumers with the information they need—like college costs, graduation rates, job placement rates and debt burden—so that they can make smart educational choices.’ Mr. Hamilton added that if an institution ignores the obligations it could face sanctions and potentially lose access to federal funds under Title IV, the section of the Higher Education Act that governs student aid.

“Only a quarter of 150 surveyed colleges—or 38 of the 100 who responded—reported Pell-supported students' graduation rates to the requesters as required by law, and only 28 made that information available on a Web site. Fifty institutions did not provide any information on Pell students' graduation rates when asked.”

Consumer Disclosures

Guides for Institutional Compliance
Providing Consumer Information

HEA Consumer Information requirements evolve over time
Distribution requirements vary by disclosure category

Federal Student Aid Handbook
Published **annually**, volumes released over course of the year
Volume 2, School Eligibility and Operations
Chapter 6, Providing Consumer Information
Find the most current year for volume 2
Notice requirements are listed
New requirements highlighted
Includes chart of requirements
Other chapters referenced as needed

Other resources also available
www.ifap.ed.gov
Suggestions for Compliance – NPEC


Designed to help colleges meet disclosure requirements

Suggestions designed to improve comparability across institutions

Advice, not template

“Must read” whether developing or reviewing campus disclosure plan

Includes summary of disclosure requirements (Appendix A)

Includes suggestions for portal page (Appendix B)
**Consumer Information – Common Principles**

**Annual notice** of consumer information disclosures

Notice must be sufficiently detailed to allow recipients to

  understand the nature of the disclosure

  make an informed decision whether to request the full report

**One-on-one distribution normally required**

  U.S. mail, campus mail, or e-mail

  E-mail – works if it will reach everyone

  E-mail as official communication policy is helpful

**If consumer info posted on web, each disclosure must include –**

  URL for complete disclosure info
“How” to disclose – varies by subject area

Examples of requirements:

- Report or notice of report availability distributed in writing to each student/prospective student/student athlete/employee
- Information made available through appropriate publications, mailings or electronic media
- Any means likely to inform students of their rights
- Information provided to each borrower
- Link from the institution’s website
- Public disclosure
NPEC Guide Appendix B – HEA/HEOA Website Categories

Information required to be posted on institution’s website

Information that **may be posted** on website as a means to “make it available”

Information that may be posted on website, but specified individuals must receive a notice of its availability

Information that may be posted on website, but also must be distributed to specified individuals

Information that is not appropriate for web posting (e.g. info for crime victims about disciplinary hearings and some education loan info)

“What” to disclose – Title IV and more!

Not all higher education disclosure requirements are tied to Title IV eligibility
Some disclosures required to maintain tax exempt status
Some disclosures required by institutions that receive federal funds
Other disclosures required to comply with FTC (Federal Trade Commission) requirements for financial institutions
May want to look at disclosures in the broad sense
Other laws that require disclosures

Title VI, Civil Rights Act of 1964
Prohibits discrimination based on race, color, or national origin in any program or activity that receives federal funds

Title IX, Education Amendments of 1972
Prohibits sex discrimination or sexual harassment in a program/activity that receives federal funds

Rehabilitation Act of 1973, Section 504
Prohibits discrimination based on disability by institutions that receive federal funds

Gramm Leach Bliley Act (GLBA)
Governs collection, disclosure and safeguarding of customers’ personal financial info by financial institutions

Red Flags Rule (Federal Trade Commission)
Intended to protect consumers from identity theft
Title IV Disclosure Requirements
Title IV Compliance – Required Notifications

Basic Consumer Information requirements - categories

- Information about academic program and student attainment
- Financial aid information
- Counseling for federal student aid loan program borrowers
- Graduation or completion rates (Student Right-to-Know)
- Athletic program participation rates and financial support (for schools with intercollegiate athletics programs)
- Textbook information
- Information about the school’s facilities, services and campus policies
- Drug and alcohol abuse prevention materials
- FERPA notice of student rights
Academic Programs and Student Attainment

Institutional accreditation or licensing information and how to obtain copy
Special facilities and services available to disabled students
Degree programs or training offered and plans for program improvement
Availability of GED for students without high school diploma (if applicable)
List of faculty and instructional personnel
Facilities associated with academic programs
Whom to contact regarding questions about the institution
School policies on transfer of credit including evaluation criteria
List of articulation agreements with other schools
Diversity info – gender and ethnicity of full-time Pell grant recipients
Placement information and types of employment for graduates
Graduate and professional school enrollment categories for graduates
Retention rates of first-time full-time undergraduates
Financial Aid Information
Must be available to enrolled and prospective students

Costs of attendance (tuition, fees, etc. including program costs)
Financial aid application instructions and eligibility criteria
Availability of federal financial aid (need and non-need)
Availability of state/local/other financial aid (need and non-need)
Terms and conditions for loan programs and work study aid
How financial aid is distributed among students and when disbursed
Rights and responsibilities of students receiving aid
Satisfactory academic progress criteria & federal aid eligibility
Information on withdrawal and refund policies
Loan repayment and exit counseling info
Federal Education Loan deferment terms and conditions
Availability of financial aid for study abroad programs
Whom to contact regarding financial aid or general school questions
Entrance counseling required before a first-time Direct Loan borrower takes out a loan

Entrance counseling must include

- Use of Master Promissory Note (MPN)
- Importance of repayment obligation
- Description of consequences of default
- Sample repayment schedules
- Borrower’s rights and responsibilities
- Other terms and conditions

Exit counseling also required
Graduation and Completion Rates
Student Right-to-Know Disclosures – by July 1 of each year

Reported through IPEDS website, spring submission
Completion, graduation and, if applicable, transfer-out rates for first-time full-time degree-seeking undergrad cohorts
Completion, graduation and, if applicable, transfer out rates for students on athletics aid (if offer athletic aid)
Transfer out rates required for community colleges if mission includes substantial preparation for transfer

Optional calculations (not reported on IPEDS site)
  Completion or graduation rate for transfer-in students
  Completion or graduation rate for exclusions
  Transfer-out rate if not required to report
Athletic Program Participation and Support
Equity in Athletics Disclosure Act

Requires institutions to disclose information about athletic programs to students, potential students and the public

Applies to any coeducational institution that maintains an intercollegiate athletics program and receives federal funds

Notice regarding athletics programs must:

Include the number of male and female undergrads enrolled

List athletic teams along with participation rates, expenditures and benefits

Be available to anyone on request, without charge, in an easily accessible place
**Textbook information**

To extent practicable, must publish textbook information in internet course schedule including:

- International Standard Book Number (ISBN)
- Retail price for required and recommended books and supplemental material
- May use designation “To be determined” if info not available

If applicable, must provide textbook URL in printed course schedule.

Schools also encouraged to provide information on:

- Renting textbooks
- Purchasing used textbooks
- Textbook buyback programs
School facilities, services and campus policies

Missing person’s procedure and student’s option to confidentially designate a contact person

Emergency notification and evacuation procedures

School’s fire safety report (for on-campus housing)
  Number of fires and cause of each
  Number of resulting injuries and deaths
  Property damage caused by fires

Vaccination policies

Policies, sanctions, and potential student liabilities for unlawful distribution of copyrighted materials
Title IV schools must provide to students, faculty and staff

Required report contents

- Drug and alcohol abuse prevention information
- Standards of conduct that clearly prohibit unlawful acts related to drug use or distribution
- Sanctions for possession, use or distribution of drugs or alcohol
- Available counseling, treatment or rehabilitation programs
- Health risks associated with use of illicit drugs or alcohol
- Sanctions for violations of standards of conduct

Distribution guidelines

- Publications that reach every student and employee suffice
- Annual distribution required - availability alone not sufficient
- New enrollees or hires must receive materials in a timely fashion
Campus Security Policies and Crime Statistics

Crime Awareness & Campus Security Act (Clery Act)
Annual security report to be distributed by October 1
Direct individual distribution required to all enrolled students & current employees and enrollment/employment applicants

Required disclosure contents for report
- Campus crime data for prior year and two preceding years
- Cover major crimes reported on campus, contiguous public property, or property owned or controlled by recognized student organizations
- Campus enforcement policies and procedures
- Campus prevention and education program description

Additional disclosure – interim (timely) report for major crimes

Reviewing Your Disclosure Information

Are you in compliance?
Consumer Disclosure Challenges

Consumer perspective
Challenge is locating and interpreting consumer info
Inconsistency across institutions in –
  Use or non-use of disclosures portal page
  Information may be dispersed across institutional site
  Name of disclosures portal, if used
  Location of link(s) to disclosures portal
  Use of terms on disclosures page(s)
  Understanding what each disclosure means
Consumer Disclosure Decisions

Institutional perspective

Challenge is determining how to comply

Significant flexibility for compliance

  Opportunity to contextualize and fit with institutional brand
  Portal website vs. distributed disclosures
  URL that remains stable (for use in brochures, etc.)
  Portal URL placement (e.g. on homepage, in alpha index, etc.)
  Portal page name variations (e.g. Federal Compliance, Consumer Disclosure, etc.)
  Outline format or paragraphs describing disclosures
  What to include – are some notifications not on portal?
Cautionary note (from NPEC Guide)

“Institutions should be aware that posting information on a website is sufficient for meeting those HEA requirements that institutions make certain information ‘available’ to the public or others. A number of the HEA disclosure provisions require that institutions deliver information directly to specified individuals, or that it be provided directly upon request. In those cases, posting information on the institution’s website is not sufficient. An institution may choose to post all of the appropriate HEA disclosure information on its website for information management purposes, but it still must ensure that certain information is also provided directly to the specified individuals.”
<table>
<thead>
<tr>
<th>Reference Number</th>
<th>Subject Area</th>
<th>Requirement Applies to</th>
<th>Requirement</th>
<th>How Disclosed</th>
</tr>
</thead>
</table>
  - revised HEOA Sec. 485(f)(1)(C)  
  - revised HEOA Sec. 485(f)(1)(F)  
  - added HEOA Sec. 485(f)(1)(J) HEOA amendments effective August 14, 2008 | Report or notice of report mailed or delivered to each enrolled student and employee. Prospective students and prospective employees receive notice of report and receive report upon request |
|                  |                                               |                                                            | 34 CFR 688.41(a), 34 CFR 688.41(e), 34 CFR 688.46, 34 CFR Part 668 Subpart D, appendix A. |
|                  |                                               |                                                            | October 29, 2009 FR (revised 34 CFR 688.41(a), 34 CFR 688.41(e), 34 CFR 688.46, 34 CFR Part 668 Subpart D, appendix A) |

Institutions must distribute, by October 1 each year, a security report or a notice of the report to all current students and employees. If the institution distributes the report by posting it on the institution's website, the Institution must provide a notice by October 1 that includes a statement of the report's availability, the exact electronic address, a brief description of the report's contents, and a statement that the Institution will provide a paper copy upon request.

The Institution must provide a notice to prospective students and employees that includes a statement of the report's availability, a description of its contents, and an opportunity to request a copy. If the report is posted on a website the notice must include the exact electronic address and a statement that the institution will provide a paper copy of the report upon request.

An Institution may combine the publication of the security report and the fire safety report (see subject # 22) if the title of the combined report clearly states that both reports are included. If the security and fire safety reports are published separately, each report must include information about how to access the other report.

The report must contain information about:
- campus policies regarding procedures for students and others to report criminal actions or other emergencies occurring on campus, including policies regarding the institution's response to such reports;
- policies for making timely warning reports (see below);
- policies for preparing the annual disclosure of crime statistics;
- policies concerning security of and access to campus facilities and security considerations used in the maintenance of campus facilities;
- list of the titles of persons or organizations to whom students and...
NPEC Suggestions for Disclosures

1. Focus both on compliance and communication
2. Develop a single web page on the institution’s website that provides hyperlinks to the HEA disclosure info
3. Adopt a 3-click approach
4. Use consumer-friendly labels and language whenever possible, and avoid institutional/technical jargon
5. Use a common set of titles

Compliance and Communication

Institutions interest – compliance
Student/parent/staff interest – finding information
Choose labels/words carefully
  Make sense to consumers
  Not important that words match the law
    Consumer Information vs. Federal Disclosures
    Graduation rates vs. Student Right to Know Act
    Crime statistics vs. Clery Act
Single Consumer Disclosure Web Page

One portal page
Make it easily accessible and easy to find
Link to it from many places on institutional website
Distinct entrance point to multiple disclosures
Easy to review for accuracy and updates
Can be provided in responses to request for info
3-click approach

Use “shallow” 3-click placement for links to consumer information

Click one – homepage
Click two – institution wide “about” section, e.g. students
Click three – disclosures page

Links should be available on pages for all audiences
Students, admits, employees, new hires, etc.
Link on unit websites (such as registrar) helpful but not sufficient
Consumer friendly labels & language

Use language consumers will understand
Embed pop-up or hover-over boxes to define terms
Offer one or two sentences of explanatory information for each disclosure
Clearly label disclosure information with time-frame information as applicable
  Define year for graduate rates
  Define time period for crime reports
Use common set of content titles

Label disclosures by content, not source

Placement of graduates, not Career Services Office

Use content titles common in higher education, not institutional terms or jargon

Consider using titles suggested in NPEC publication

Web Portal Approach to Managing Consumer Disclosures
ISU Consumer Information Disclosures

The Higher Education Opportunity Act of 2008 (HEOA) requires that postsecondary institutions participating in federal student aid programs make certain disclosures to enrolled and prospective students, parents, employees, and the public. The following information is disclosed to you in compliance with federal law. For additional information, including requesting a paper copy of any materials, please call or e-mail the appropriate office or visit the indicated websites.

Accreditation

Contact: Institutional Research | Email: ir@iastate.edu | Phone: (515) 294-1181

Information concerning ISU's institutional and specialized accreditations is available in the ISU Fact Book. Following guidelines established by the Board of Regents for Iowa, all academic programs are assessed through a formal Program Review process on a regular basis. In addition to review of the programs, Iowa State University continually reviews and assesses the educational programs through student outcomes assessment. Information regarding ISU's assessment of academic programs is also available.

Academic Programs and Institutional Information

Contact: Registrar | Email: registrar@iastate.edu | Phone: (515) 294-1840

Information concerning ISU's current educational programs and course descriptions is available in the University Catalog. The catalog also includes a listing of current faculty. Information about campus facilities, academic programs, student services, financial aid, and more is available online.
Disclosure webpage design

Title – Consumer Information Disclosures
   Not specified in law, so title up to institution
Page design:
   Description of page content (disclosure overview)
   Content links
   Disclosures
Disclosure format
   Content description (e.g. Student Body Diversity)
   Office responsible with contact information
      E-mail address
      Office phone
   Links to more detailed info
URL: http://www.public.iastate.edu/~disclosure
Disclosure overview

The Higher Education Opportunity Act of 2008 (HEOA) requires that postsecondary institutions participating in federal student aid programs make certain disclosures to enrolled and prospective students, parents, employees, and the public. The following information is disclosed to you in compliance with federal law. For additional information, including requesting a paper copy of any materials, please call or e-mail the appropriate office or visit the indicated websites.
Refund Policy, Requirements for Withdrawal, and Return of Title IV, HEA Financial Aid

Contact: Student Financial Aid | Email: financialaid@iastate.edu | Phone: (515) 294-2223

If a student withdraws or drops a course, ISU will adhere to its refund policy as published in the University Catalog. The Catalog also contains information regarding the requirements and procedures for students seeking to withdraw officially. Requirements for return of Title IV, HEA grant or loan aid are available on the Office of Student Financial Aid website.
Publish URL / Link to Disclosure Page

On admissions brochures and materials, in e-mails, etc. On websites (A-Z index, menu item, footers, etc.)
Unless law, contract, or other university policy prohibits e-mail or requires another form of communication, Iowa State University (ISU) may send communications to faculty, staff, and students by e-mail to their Iowa State University e-mail address. It is expected that the e-mail will be received and read by the recipient within a reasonable amount of time, as e-mail communications may be time-sensitive. This includes communications intended to meet the academic and administrative needs of the university, including business that is critical to the operation and function of Iowa State University.

http://policy.iastate.edu/policy/email/
FEDERAL REQUIREMENTS

Iowa State University is required by law to make available to enrolled students, prospective students, and their parents certain information about its operations. Such information pertains to: (1) general institutional operation, (2) financial assistance, (3) general completion and graduation rates, (4) annual security report, (5) completion and graduation rates for student athletes, and (6) athletic program participation rates and financial support. The disclosure is available on the web at www.public.iastate.edu/~disclosure/.

In accordance with the Americans with Disabilities Act of 1990, Disability Resources (DR), provides support and guidance to qualified ISU students, faculty, and staff as it relates to providing reasonable accommodations and access for those with learning, physical, and/or psychological disabilities. For more information regarding requirements and services, visit www.dso.iastate.edu/dr/ or call 515/ 294-7220.

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. The ISU FERPA annual notification to students is available on the web at www.registrar.iastate.edu/info/ferpanotice.html.

The 1998 Higher Education Act requires all postsecondary institutions to annually distribute voter registration information to all students. For more information on voter registration, link to www.sos.state.ia.us/elections/voterinformation/votingelectionday.html.
Portal Disclosure Plan

Background research

Review relevant publications
Scan other websites for models and navigation
Utilize QA assessment from IFAP

Design portal

Institutional look and feel
Base on best practice

Term by term updates
Continue to review and make improvements over time!
Role of admissions and registrar

Awareness of federal disclosure requirements
Monitor changes in statutes affecting disclosures
Know who monitors compliance on your campus
Determine any areas where you need to take the lead on compliance (example – e-mail to students once/term)
Represent consumers – can they find info needed?
Ensure brochures, web pages, etc. comply with institutional disclosure requirements
Provide links to disclosure materials on your web pages
Periodically verify URL accuracy for content pages
Consumer Disclosure
Samples
Learn from other institutions

Samples from other institutions extremely helpful
Use search engine terms e.g. ‘consumer disclosure’ or ‘consumer information university’
Searches also helpful for finding other institutions’ approach by disclosure topic e.g. ‘consumer disclosure job placement’
Look at disclosure pages, but also look at where and how other institutions place their links to consumer disclosures – how can we help our consumers find the info?
Consumer Information Guide

This page provides a central guide to sources of consumer information, college policies, and required disclosures under the Higher Education Act and other legislation. Here we provide much more information than is required by law, but hopefully in a way that quickly allows you to locate the information that is most useful to you. Please note that many links will connect to existing information elsewhere on the Carleton web site. Please contact the indicated office directly to request further information, if your question is not answered by available online resources. Links are organized alphabetically.

Jump to: A B C D E F G H I J K L M N O P Q R S T U V W X Y Z


- A to Z Guide (Carleton Offices, key topics, etc.)
- Academic Accommodation and Students with Disabilities
- Academic Honesty
- Academic Program, Curriculum and Requirements (College Catalog)
- Academic Regulations and Procedures
- Accreditation
- Acronym List for Carleton College
- Affording Carleton
- Alumni Employment Information
- Alumni Network
- Alumni Magazine (Voice)
- Americans with Disabilities Act
- Animal Care and Use Committee
Consumer Information Portal

General and Academic Information
Information about our academic program, student services, official policies, accreditation

Student Financial Assistance
Sources of financial aid, loan information, expectations of borrowers

Health and Safety
Campus safety, fire safety report, drug and alcohol abuse policies and prevention program
Student Consumer Information

The Higher Education Opportunity Act of 2008 (HEOA) requires that postsecondary institutions participating in federal student aid programs make certain disclosures to students. The following information is disclosed to you as a student at Michigan State University (MSU) in compliance with federal law. For additional information, including requesting a paper copy of any materials, please call the appropriate office or visit the indicated websites.

Academic Programs and Accreditations

Information concerning MSU’s current educational programs and course descriptions is available at http://www.reg.msu.edu/AcademicPrograms. This includes information about instructional, laboratory, and other physical facilities that relate to the academic programs, as well as faculty and other instructional personnel. Plans for reviewing academic functions of a department, school, or interdisciplinary program to include MSU accountability indicators are available at http://www.esp.msu.edu/APR.asp. Academic Programs, the University catalog, (http://www.reg.msu.edu/AcademicPrograms) provides information related to institutional/program accreditations and approvals (enter “accreditation” in the search box), as well as transferring courses and credits to MSU (enter “transfer” in the search box). University-approved articulation and consortium agreements are available for reference at (http://www.reg.msu.edu/UCC/consortium.asp). The policies and procedures related to academic governance may be accessed at http://www.reg.msu.edu/UCC/UCC.asp.

Alcohol and Other Drug Policy

Resources

Federal Student Aid Handbook
www.ifap.ed.gov

NPEC – Information Required to Be Disclosed Under the Higher Education Act of 1965
nces.ed.gov/pubs2010/2010831rev.pdf

NACUBO – HEOA Checklist for Business Officers

NAICU – President’s Quick Guide to the New Law

Quality Assurance Program, Consumer Info module
www.ifap.ed.gov/qahome/qaassessments/consumerinformation.html

School Disclosures Required by HEOA 2008 (USA Funds)
content.usafunds.org/financial_aid/USAFundsDocuments/2008HEOASchoolDisclosures.pdf

SUNY – New Disclosure or Reporting Provisions of HEOA
www.suny.edu/GovtRelations/federal/pdf/HEOA%20Disclosure%20Requirements.pdf

The Truth Behind Higher Education Disclosure Laws
www.educationsector.org/publications
Questions?

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