Complaints, Notifications, Disclosures, and Disclaimers! Things we need to say!

August 16, 2016

- The webcast will begin shortly.
- There is no audio being broadcast at this time.
- An archive of this webcast will be available on the WCET website next week.

WEBCAST

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WICHE Cooperative for Educational Technologies

SAN EXCLUSIVE!
Complaints, Notifications, Disclosures, and Disclaimers! Things we need to say!

August 16, 2016

Complaints, Notifications, Disclosures, and Disclaimers! Things we need to say!

- Welcome.

- Use the question box for questions and information exchange.

- Archive, PowerPoint, and Resources available next week.

- Follow the Twitter feed: #WCETwebcast.

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Overview

Proposed Federal Regulations	→	Required Notifications and Disclosures	→	SARA Complaint Process	→	Institutional Perspective	→	Q&A

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Questions from the Audience

- If you have a question during the webcast, please add your questions to the chat box. We will monitor the question box and have time for Q&A at the end of the presentation.

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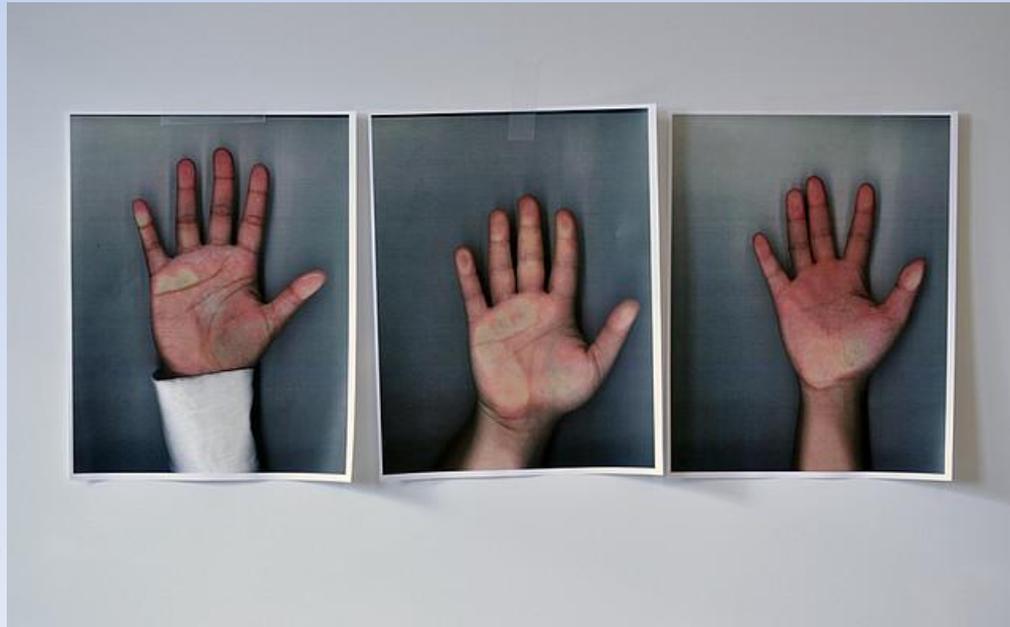
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Proposed Distance Education Federal Regulation

Timeline

- July 22: Issued new proposed regs.

- August 24: Comments due.

- October 31:
  - If issued, go into effect on July 1, 2017.
  - If issued after, go into effect July 1, 2018.

- Many new notifications and disclosures!

Proposed Distance Education Federal Regulation

"Public" Disclosures

- Programs leading to licensure or certification.

- State authorization status.

- Student complaint process in each state.

- Refunds policies required by states.

- Adverse actions in last 5 years.

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Proposed Distance Education Federal Regulation

"Individualized" Disclosures

- For licensure/certification programs:
  - If enroll a student in state where don't meet requirements, student must acknowledge.
  - If new determination that don't meet state requirements in a state (within 7 days).
- Any new "adverse actions" (within 30 days).

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Federal Misrepresentation Rules

- Specifically references misstatements as to state authorization or accreditation of a program. 34 CFR 668.72.

- Some accreditors/states have added misrepresentation requirements.

- State AG's and FTC now very active; their activities can be used as a basis for ED sanctions.

Federal Misrepresentation Rules

- Sanctions include possible loss of Title IV!

- Disclosure of any state and programmatic authorizations must be 100% accurate!

- Exceptionally broad and vague rules ban <u>any</u> form of "substantial misrepresentation."

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Student Complaints Disclosure Rules

- Section 668.43(b) – All institutions must disclose to all students, or prospective students, the complaint agency in all states where students reside.

- Complaint agencies should be posted on your website. See DCL GEN-12-13.

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Student Complaints
The Many Options

- State Oversight Agency

- Accrediting Agency

- Veterans…Department of Veterans Affairs

- *Active duty…Department of Defense*

- *Private loans…Consumer Financial Protection Bureau*

- *Federal student loans…Department of Education*

SARA Complaint Process

SARA Complaint

Student appeals to state portal entity

Student DOES NOT appeal to state portal entity

Institution's state portal entity notifies NC-SARA of appealed complaint AND notifies portal entity of (host) state where student is located

Process ends

On quarterly basis, home state portal entities report resolution of complaint(s) to NC-SARA
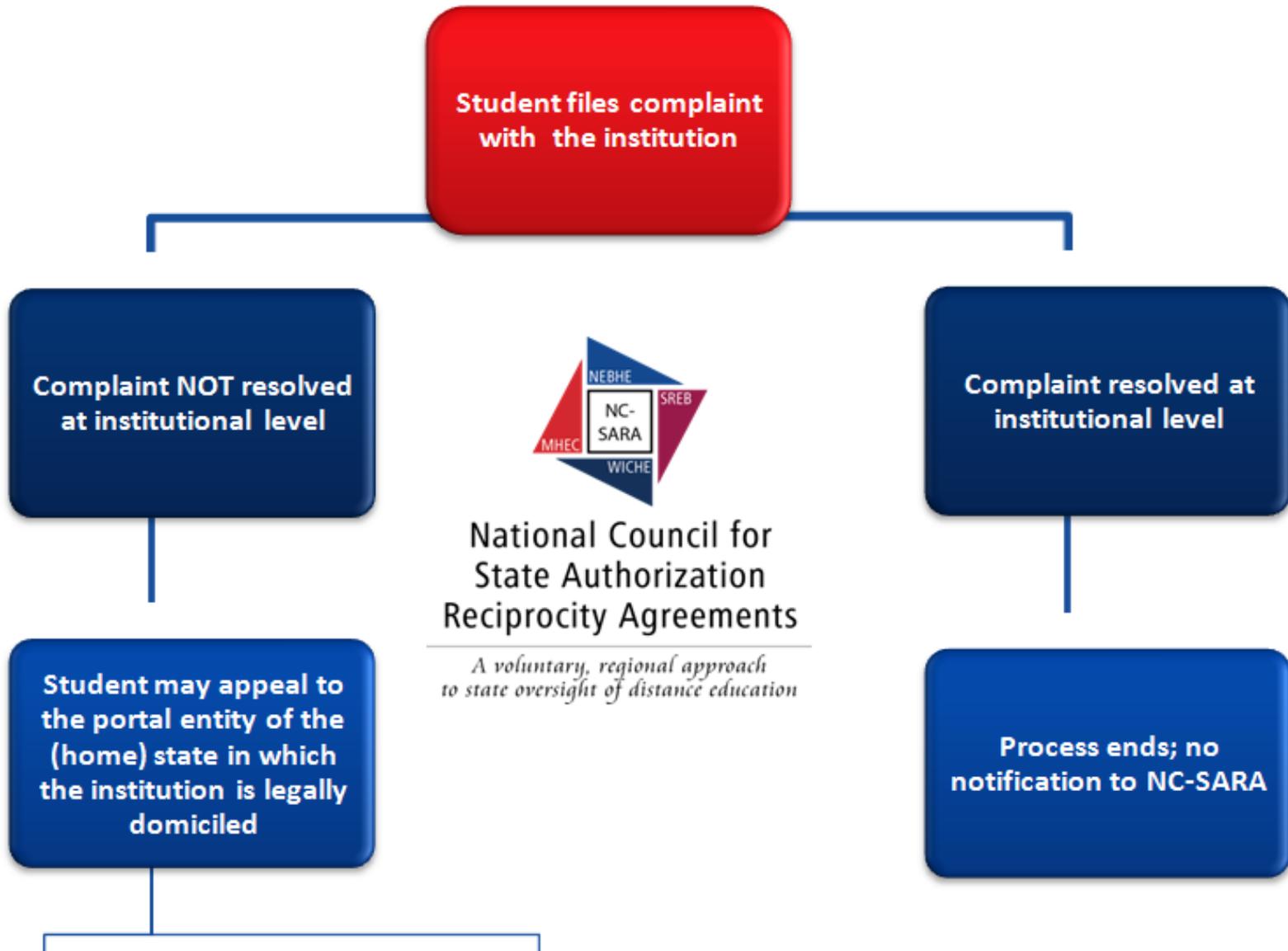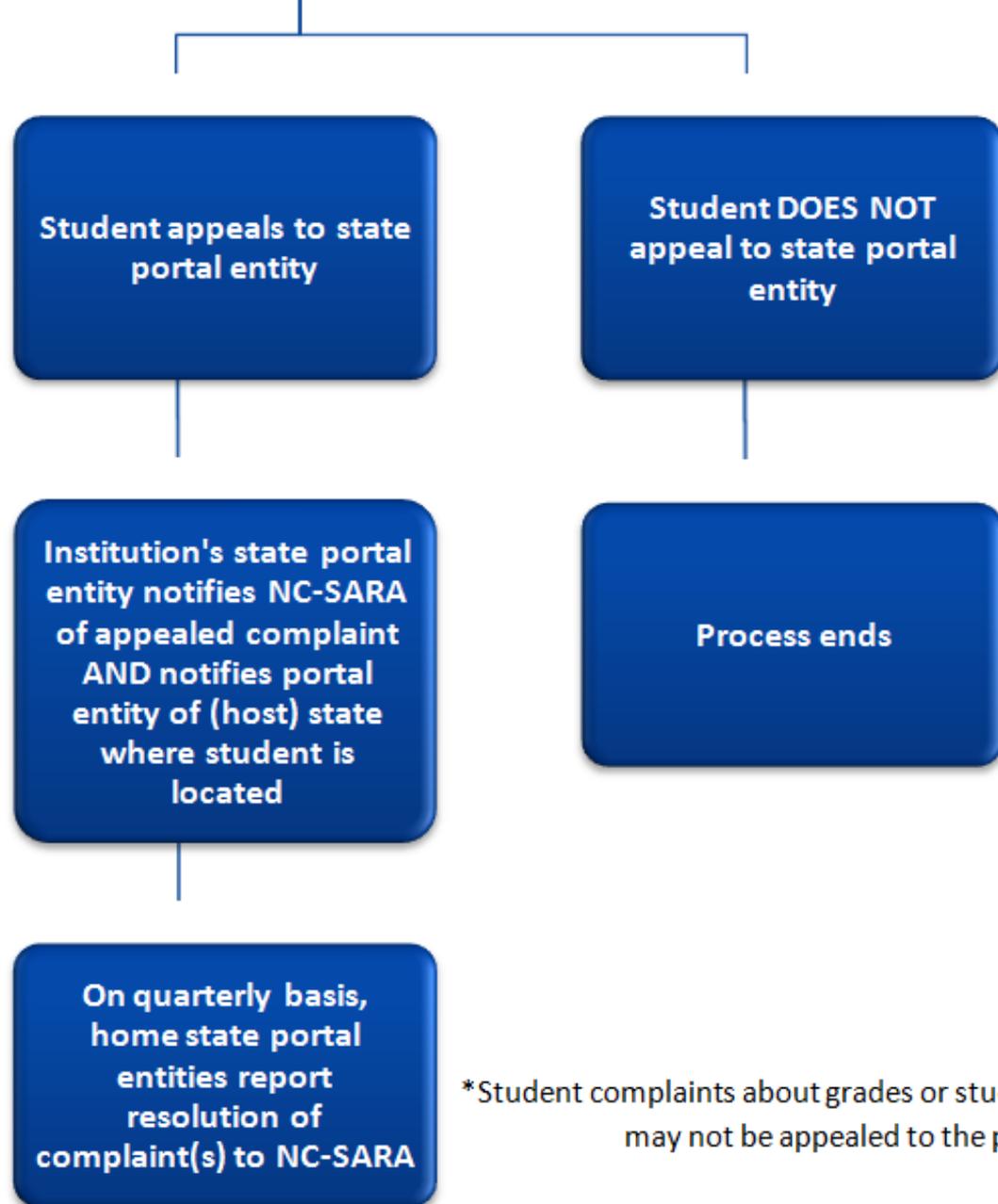
*Student complaints about grades or student conduct may not be appealed to the portal agency

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SARA Disclosures

- Required state, federal, and accrediting disclosures
- Recruitment or marketing
- Tuition, fees, and other charges.
- Admissions
- Meets professional licensure requirements:
  - Meets or does not meets requirements.
  - Cannot confirm if meets requirements.

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Institutional Perspective

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Associate Provost, Compliance and Accreditation

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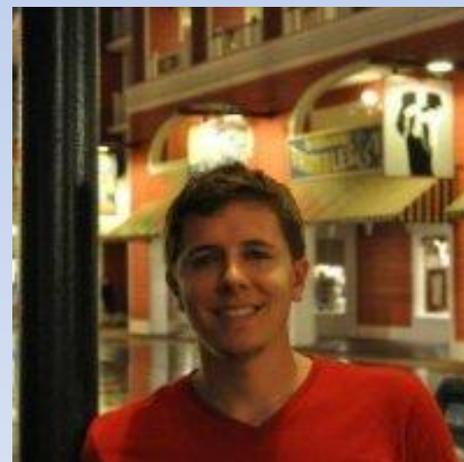
Complaints

- Defining types of complaints

- Relevance of complaints

- Constructing/implementing a process

- Housing complaints

Image Source:
http://i.dailymail.co.uk/i/pix/2015/11/04/17/2E1A3181000
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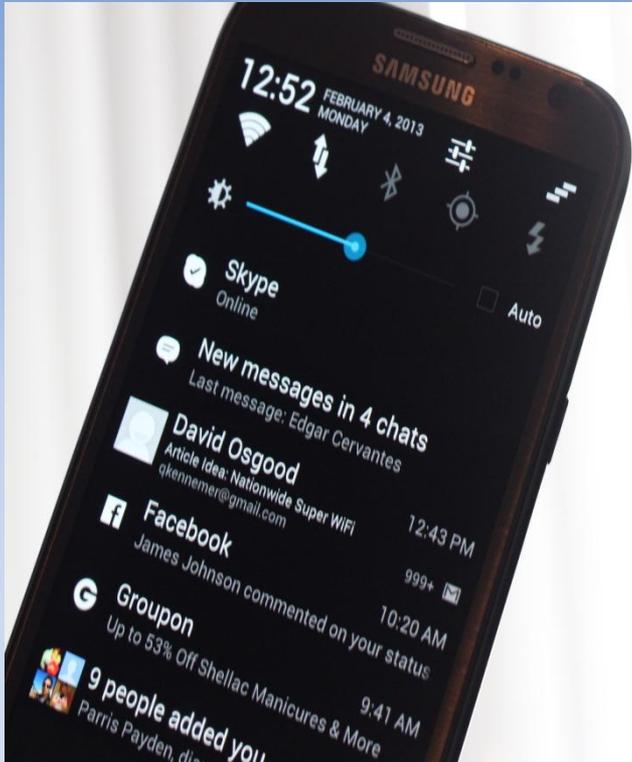
Notifications

Image source:
http://phandroid.s3.amazonaws.com/wp-content/uploads/2013/02/IMG_9753.jpg

- Types of notifications

- Notification process

- Documenting the student's acknowledgement

- Potential implications of notifications

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Disclosures and Disclaimers

- **disclosure** *n***:** something (such as information) that is made known or revealed : something that is disclosed

- **disclaimer** *n*: a statement that is meant to prevent an incorrect understanding of something (such as a book, a movie, or an advertisement)

Image source: http://www.lntmf.com/lntmf/ assets/images/dont-just-sign-here.jpg

Disclosures and Disclaimers

- Universities have many levels/types of D&D's
    - Do you know all of your institution's stakeholders and D&D's?

- Current focus for our work is on Professional Licensure compliance

- Disclosures come in many forms and more in depth,
    - Enrollment Agreements, Memorandum of Understanding (MOU), etc

- Disclaimers – must be visible, accessible, and understandable
    - Website, handbooks, catalog

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Bringing It All Together

- How all four topics relate

- How this impacts our jobs

- Why should we care?

Complaints   Notifications

Compliance

Disclosures   Disclaimers

How WGU Tracks It

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Questions from the Audience

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State Authorization Resources

http://wcet.wiche.edu/initiatives/state-authorization-network

WCET State Authorization Webpage
http://wcet.wiche.edu/focus-areas/policy-and-regulation/state-authorization

WCET *Frontiers* Blog
https://wcetblog.wordpress.com/

Learn More and Stay Connected

Register now for the WCET Annual Meeting

- October 12-14, Minneapolis, MN
  - http://wcetconference.wiche.edu/

Register now for WCET/SAN Compliance Workshop

- November 2-3, Cleveland, OH
  - http://wcet.wiche.edu/events/SAN-workshop/November-2016

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