



Program Integrity: The Misrepresentation Rule

A primer developed by the
PC Higher Education Act Steering Committee

The Big Picture: What is the goal of the Misrepresentation Rule?

To protect prospective and enrolled students (and those who advise them) as “consumers” of education by providing access to accurate and reliable information about **educational programs, costs, and outcomes** so that they can make informed educational decisions.

In order to help achieve this goal, the rule strengthens the U.S. Dept. of Education’s regulatory authority to issue sanctions against institutions that make misrepresentations.

WHAT is a “misrepresentation”?

- A misrepresentation is a false, erroneous, or misleading statement made directly or indirectly to any person, or to an accrediting agency, or to DOE, that has the likelihood or tendency to deceive.
- A misrepresentation is about the nature of institution’s educational program, its financial charges, or the employability of its graduates.
- A misrepresentation is “substantial”: The person to whom it was made could reasonably be expected to rely, or has reasonably relied, to that person’s detriment, on the statement.

WHAT types of communications are regulated?

- Written Statements, Publications, Development, Marketing and Communications Materials
 - Includes catalogs, handbooks, brochures, databases, fact sheets, reports, letters/memos, marks, and logos
 - Includes website, web pages
 - Includes social media channels (Facebook, Twitter, etc.)
- Verbal, Visual, and Other Methods of Communication
 - Includes tours, information sessions, alumni events
 - Includes meetings and conversations (individual and group – formal and informal – face-to-face, electronic, phone)
 - Includes communications with government and accrediting agencies

WHO is required to comply with the Misrepresentation Rule?

- PC employees – administrators, faculty, staff
- Any “representative” of PC
 - Including tour guides, members of the Board of Trustees, recognized groups/organizations affiliated with PC, web editors, and alumni representatives
 - Including admissions, athletics, career education, financial aid, institutional advancement personnel
- Vendors who provide an educational program, or who perform a marketing, admission, or recruiting service
 - Specific protective clauses must be included in relevant contracts and agreements

WHO can make a “Misrepresentation” claim?

- ***Anyone***
 - Students, prospective students, families
 - Accrediting agencies
 - State agency
 - Members of the public

What are the key possible consequences of noncompliance?

- US Dept. of Education sanctions
 - Limit, suspend, or terminate our participation in Title IV, DOE programs;
 - Deny our applications to participate in federal student aid programs; or
 - Impose a fine of up to \$35,000 per misrepresentation.
- State licensing/accrediting agency action
 - Based on complaints claiming fraudulent or abusive practices filed by students and the public.
- Negative publicity

Specific topic area #1

The Nature of the College's Educational Program



Educational Program: Key Components and Factors

- The particular type, source, nature, and extent of institutional, programmatic, or specialized accreditation
 - *Possible violation example: Former students accused Kaplan of misleading them relative to accreditation in a nutrition science program.*
- Whether PC's programs have been recommended by industry, government, student testimonials, etc.
- Whether a degree has been authorized by the appropriate State educational agency, including any failure to disclose that information

Educational Program: Key Components and Factors

- Subject matter/content of the course of study
- The number, availability, qualifications and experience of our *faculty*
- The prerequisites and requirements for successfully completing each of our *programs*
 - *Untimely notice: A student first learns about a requirement (exam, background check, etc.) for program certification or licensure **after** completing a year in the program.*
- The grounds for terminating a student's enrollment
- The rules and policies for accepting transfer credits

Educational Program: Key Components and Factors

- Whether completion of the program qualifies a student for licensure or employment where the program is offered.
- Will the program allow the student to:
 - Receive a license or certification that is a precondition of employment?
 - Take an exam that is required for a license or certification?
 - Meet additional conditions that PC reasonably should know are generally needed to secure employment in an occupation for which the program is meant to prepare students?

Educational Program: Key Components and Factors

- Institutional Information
 - Comprehensive information about a wide range of policies and programs that can have an impact on students' educational status and progress
- Financial Assistance Information
 - Detailed description of all types of aid programs available to enrolled students

Specific topic area #2

The Nature of the College's Financial Charges



Financial Charges: Key Components and Factors

- Program costs
- [Net-price calculator](#)

Financial Charges: Key Components and Factors

- Annual application procedures and types of financial assistance available, including endowed funds
- How PC's refund policy works, the obligation to repay loans (even if the student does not complete the program or obtain employment), maintaining satisfactory academic progress (and the associated impact on financial aid)
- Whether a student must apply for a particular type of financial aid and a student's right to reject a particular type of financial aid or other assistance

Specific topic area #3

The Employability of PC's Graduates



Employability of Graduates: Key Components and Factors

- PC's knowledge about the current or likely future conditions, compensation, or employment opportunities in the industry or occupation
 - *What types of jobs have former students obtained?*
 - *What is the job market in this field?*
 - *What is the placement rate of PC graduates?*

Employability of Graduates: Key Components and Factors

- Information regarding career education or employment assistance PC offers
 - *What will PC do to help me find a job?*
- Requirements that are generally needed to be employed in the fields for which the training is provided and failing to disclose factors that would prevent an applicant from qualifying for such requirements, such as prior criminal records or preexisting medical conditions.

Due Diligence Responsibilities and Action Steps

- Tight control over PC publications and materials.
- “Last revised” dates; “Reflects information available as of _____”
- Periodically revisit statistics and statements for updating
- Train employees, representatives, and affiliates (alumni, students)
- Pre-approval of contractor materials to avoid misrepresentations
- If you are unsure about an answer, revisit originating documents
- Refer complaints immediately

Practical Guidance

- [Student Consumer Information](#) – HEA-mandated disclosures relating to the 3 categories
 - HEA Steering Committee members are listed here.
- Answering a question? Giving advice?
 - *Are you completely confident? To some degree, are you guessing, exaggerating, embellishing? Are you qualifying information (“many students...”) or presenting it as fact in every case or circumstance?*
- When in doubt...err on the side of caution.

What are some examples of effective representations?

- PC's Academics web pages
 - Core curriculum
 - Engaged learning
 - Development of Western Civilization
- "About PC" website
- Career Education Center advice for students
- Financial Aid awards described
- Students describe community life
- School of Business panel discussion

Conclusion and Certification

- PC relies on its employees, alumni, trustees, agents, and students acting in certain capacities, to comply with the Misrepresentation Rule, and those persons are required to comply.
- Questions? Contact a presenter or a Steering Committee member (listed on the HEA Consumer Information webpage), or, send an email to PC.HEA@providence.edu.
- Take the Quiz.
- Certify completion of this workshop.