

Providence College – Program Integrity under the Higher Education Act Transcript of the Misrepresentation Rule Online Workshop

Welcome to this presentation on the topic of the Misrepresentation Rule. During the presentation, you will hear from a number of College officials representing diverse areas of the campus community. When the presentation concludes, you will be asked to reply to several questions and to certify that you have completed the workshop. The presentation is self-paced; you should plan to devote about 30 minutes to the entire workshop, which includes the quiz. For your convenience, you may access the transcript, slides, and information linked to from the slides, via our Misrepresentation Rule webpage. The Misrepresentation Rule is part of the broader Program Integrity Rules enacted by the federal government and enforced by the U.S. Department of Education. The Rule has implications for all of us associated with Providence College. *Presented by Gail Dyer, Assoc. V.P. and Assoc. General Counsel*

The Rule applies to all institutions receiving Title IV funding – that is access to federal funds for student financial aid programs. It is meant to protect students and prospective students from misleading practices so that they can make informed decisions about which college to attend and which programs to pursue. Part of a Higher Education Act amendment, the Rule derives from concerns about the intentionally misleading practices at some institutions of higher education that have received national attention and scrutiny.

The scope of the Rule is rather broad. Violations could be inadvertent, and only likely to deceive. There is no requirement that the statement be patently or intentionally untrue to be in violation of the Rule. The misleading statement could be an inadvertent error. *Presented by Dr. Wanda Ingram, Senior Assoc. Dean of Undergraduate & Graduate Studies*

The Misrepresentation Rule applies to both print and digital communications, and in formal and informal settings or interactions. Moreover, it applies to any representative of the college who is communicating about PC in any venue. It is the College's responsibility to inform, direct, and monitor employees and agents who might be in a position to make representations about our educational programs, costs, and employment data for graduates.

It should be noted that the Rule applies broadly to employees and volunteers, and all others communicating on our behalf and with our approval, including students. *Presented by Raul Fonts, Dean of Admission & Financial Aid*

I truly enjoy my role as a student working in the admission office because I have the opportunity to meet and greet prospective students and their families. During information sessions and tours, my job is to tell them all about PC and why it is so special and unique. When I am asked to provide answers to questions or for specific advice, I know that people will rely on my responses, so I am careful to avoid exaggerating or embellishing the facts and to avoid giving the impression that I have all the answers. I readily provide prospective students and their families with the names of offices and officials to contact for more detailed information. When telling my story, I qualify statements as reflecting my own experiences rather than the experiences common to all students. *Presented by Morgan Lee, Class of '14, English major/Writing minor, Athlete and Student-Worker.*

The Misrepresentation Rule permits anyone to file a misrepresentation claim, and a claim may trigger a full-scale investigation. If a person can demonstrate that he or she relied on a statement to his or detriment, the College could be found in violation of the Rule, thus, damaging the integrity of one or more of our programs.

In addition to a formal investigation triggered by a complaint, the U.S. Dept. of Education has authority to

conduct periodic and random compliance reviews. Further, controversies or scandals that receive media attention can result in a formal investigation of the facts connected to the public story. If the investigation concludes that PC has made one or multiple substantial misrepresentations, the U.S. Department of Education can issue and enforce significant fines. Ultimately, there is the potential for the complete loss of Title IV funding – amounting to millions of dollars. Violations also could have a negative impact on licensing or accreditation, and on the College’s public image. *Presented by Joe Nicastro, Assoc. Athletic Director for Compliance*

The Misrepresentation Rule applies to several categories of specific topics, starting with the nature of the educational program. This category includes verbal or written information beyond basic characteristics, such as facilities and resources, and could include verbal and written statements about issue related to safety and security.

The Rule defines the nature of the educational program broadly, encompassing statements about program accreditation and stature as defined by third parties. Further, the term “program” can include the nature and availability of tutorial or specialized instruction, formal and informal advising, personal counseling, services for persons with physical, psychological, or learning disabilities, or other help to support students before, during, or after the completion of a course or program.

As it relates to requirements for students to complete a program, the rule outlines specific expectations about the following communications: faculty credentials; changes in requirements; prerequisites; transfer guidelines; graduation rates – generally and by major; student-athlete data; and support services. Those expectations apply to the answers to questions such as “What is the best major to become a dentist...a lawyer?” “Would I have a better chance of getting into grad school with a double major?” If, for example, a student with a full-time job who takes evening classes must complete a requirement during regular business hours, the College is required to inform that student upfront, before she enrolls in the program, so that she can make an informed enrollment decision. *Presented by Charles Haberle, Assistant V.P. for Academic Affairs*

Continuing with respect to the nature of the educational program expectations, the Rule applies to representations about likely outcomes, including employment and licensure. Certain types of PC-specific information must be made easily accessible to current and prospective students. This requirement is comprehensive, covering a broad spectrum of policies and programs, including: costs; refund, transfer, and withdrawal policies; study abroad; services for students with disabilities; copyright policies and penalties; articulation agreements with other institutions; and how to file a complaint with accreditors and state agencies. Another key component of PC’s educational program is information about financial aid. This includes our need-based and non-need-based programs; the selection and continuing eligibility criteria for our financial aid programs; the terms and conditions for receipt of federal loans; and, information about exit counseling. *Presented by Dr. Michael Kraten, Assoc. Professor of Accountancy*

The Rule’s second category of specific topics is the nature of our financial charges. As with the nature of the academic program, this category covers a wide range of specific disclosures, most of which are quite complicated and require a good deal of expertise to answer accurately and completely. The amount a student will be required to pay is not as simple as what is billed as a charge on the student account. Customary charges include those that all students must pay – such as tuition, student activity fees, and general technology fees, while other fees may be related to laboratory courses, housing, studying abroad, parking, and dorm damage. The **Net Price Calculator** (please see link) is available to assist families in understanding the cost of college and the possible aid that will be available to assist them in meeting those costs.

Sometimes the financial aid assistance that a student may receive is not based on the financial capacity of

the family but rather is awarded based on a student's academic or athletic merit. For those students who do need to apply for need-based assistance, the representations about financial costs, grants, and loans often depend on the highly individualized financial assessment of the student and her/his family. For example: Is a sibling also in college? Are there personal circumstances – such as a major health problem – that have temporarily or permanently altered the family's financial status? Has the parent's income substantially changed from one year to the next? Will the student be living on campus or commuting from home? For most of us, the best course of action is to defer responses to these types of questions to colleagues with specific expertise and knowledge. *Presented by Sandy Oliveira, Executive Director of Financial Aid*

The third and final category relates to the employability of the PC's graduates. In this category, the Rule applies to disclosures about placement rates, the current job market, and the recent employment success of PC's graduates. The Rule also applies to representations about industry-specific salary expectations, working conditions, and similar topics.

It is important to remember that the omission of critical information could be considered a misrepresentation if that omitted information is so important that a student is truly disadvantaged by not knowing it. The timeliness of information also is critical. For example, education students should be made aware that the process of becoming certified to teach requires a criminal background check and that conviction for certain criminal offenses will disqualify a person from entering the teaching profession. Similarly, social workers and financiers will have to pass criminal background and/or credit checks. *Presented by Patti Goff, Director for Career Education*

We have a duty to be vigilant in preventing substantial misrepresentations by communicating precisely. New employees and volunteers should receive training. We should vigilantly review our communications material to make sure they are accurate and current. This applies particularly to communications about admission, financial aid, career education, academic schools and departments, and academic programs. Any and all complaints should be referred to the College's Higher Education Act Steering Committee immediately. An internal investigation will determine what, if any, remedial training and mitigation efforts are necessary, including whether proactive measures may prevent future occurrences.

There are several resources available to those who seek reliable information to share with students, prospective students, and their families. **PC's Student Consumer Information webpage (please see link) provides HEA-mandated disclosures in all three categories covered by the Misrepresentation Rule.** At this site, you also will find a list of the members of PC's HEA Steering Committee.

The more familiar you are with the information, the more confident you will be discussing it; yet, referring the inquirer to a colleague with more expertise may be the best way to address the question or to impart more in-depth information. By taking steps to communicate clearly and specifically, the College and its agents can work to prevent substantial misrepresentations.

To help give you a sense of the many and diverse ways in which PC makes a good-faith effort to provide useful, reliable information to members of the public, please follow the links provided. *Presented by Joe Carr, Assoc. V.P. for Marketing & Communications*

PC relies on its faculty, staff, students, alumni, trustees, and volunteers to help ensure compliance with federal and state mandates. By participating in this workshop, you are providing valuable service to the College, and it is greatly appreciated. If you have any questions, we encourage you to contact a workshop presenter and/or a member of the Steering Committee.

Please now take the Quiz and Certify that you've completed the Workshop. Thank you!