



## RECRUITING, ADMISSIONS AND RELATED ENROLLMENT PRACTICES

### Proposed Policy Change Approved on First Reading

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The Higher Learning Commission (HLC) Board of Trustees (“the Board”) approved this policy on first reading at its meeting on November 3, 2022.

#### Background

In July 2022, the U.S. Department of Education published a Notice of Proposed Rulemaking (NPRM) signaling an effort to amplify federal regulations to define aggressive and deceptive recruitment tactics that might constitute an additional basis for future Borrowers’ defense claims. This development, along with the anticipated publication of the Department’s final rule on November 1, 2022, is a catalyst for the proposed changes to HLC’s Recruiting, Admissions and Related Institutional Practices policy. The revisions would clarify HLC’s expectations in this area and specify that the policy applies to all aspects of an institution’s enrollment process, including federal aid determination and administration. The proposed change would also relocate the policy to the federal compliance section of HLC’s Policy Book to align with current implementation mechanisms.

#### Comments Invited

HLC invites comments on this change before the Board takes final action at its meeting on February 23–24, 2023. Comments can be sent to [policycomments@hlcommission.org](mailto:policycomments@hlcommission.org). Comments are due by January 16, 2023.

#### Proposed Change

Wording that was deleted or revised is shown as strikethrough (~~old wording~~); new language, whether through addition or revision, is shown in bold (**new wording**). Wording that was moved is shown with a double underline in its new location (moved to) and a double strikethrough in its previous location (~~~~moved from~~~~).

HLC is committed to promoting fundamental fairness and transparency in its institutions' dealings as pertains to all aspects of the enrollment process. For purposes of this policy this includes lead generation, recruiting activities, admissions processing through matriculation, and related practices such as financial aid determinations and administration. This expectation applies comprehensively to prospective students and, to the extent applicable, current students (referred to collectively in this policy as students). In addition to requirements set forth in other HLC policies, HLC has established the following expectations for member institutions:

1. The institution treats students ethically, respectfully and professionally in the marketing, recruiting, ~~and~~ admissions, **and financial aid** process so that students can make an informed enrollment decisions **about matters such as enrollment and financial aid** without being subjected to high-pressure tactics from the institution or a related contractor, **including but not limited to:**
  - a. **Falsely claiming that enrollment spots are limited or taking advantage of students' lack of understanding to pressure students to enroll;**
  - b. **Pressuring students to make an immediate financial aid decision;**
  - c. **Engaging in repeated unsolicited contact.**
2. All institutional ~~recruiters~~ **recruiting, and admissions and financial aid** personnel have appropriate education, job titles, and ~~training from the institution~~ **skills** for their role and are overseen by the institution, which enforces a formal code of conduct for all such personnel; the institution also oversees any third-party contractors who provide recruiting, ~~and~~ admissions, **and financial aid** services and assures that any personnel who work with their prospective students have similar education, **skills** and experience as personnel employed by the institution. ~~and are trained by the institution to provide a similar level of service.~~ **The institution ensures consistent, accurate information and a high quality of service is provided. As applicable, the institution exercises oversight that ensures adherence to any regulations or other requirements governing recruiting activities in particular areas, such as, for example, athletics.**
3. The institution ensures that its recruiting, admissions, and financial aid personnel, accurately describe the nature of their role.
- ~~3.~~ 4. The institution also makes its policies related to consumer protection accessible and transparent.  
Information provided to prospective students in the recruiting and admissions process during any

**aspect of the enrollment process** is accurate, complete and up-to-date and is provided to all prospective students without any requirement that such students provide their contact information to receive basic information about the institution. ~~The institution also makes its policies related to consumer protection accessible and transparent.~~

- ~~4.~~ **5.** The institution ~~also~~ promptly honors any request from ~~such~~ a student to remove that student's name from phone, email or other contact lists; ~~s~~Student information collected through ~~the admissions, recruiting or lead process will be any aspect of the institution's enrollment processes~~ is maintained and protected as outlined in the institution's data privacy policy, which must be prominently posted on the institution's website.
- ~~5.~~ **6.** The institution complies with HLC expectations related to the publication of student achievement data as outlined elsewhere in HLC policy. ~~Any job placement, salary information, or other student outcome data publicized as part of the recruiting process are based on all students in a cohort or class who completed the program; completing students are not excluded from the published data because they did not utilize the institution's career, advising or other services; an institution will maintain back-up documentation related to any such publicized outcome data and will make that back-up data available to HLC, the public or governmental agency upon request. If an institution publicizes for recruiting purposes outcome data based on student survey or other partial information about a cohort or class of students, it will indicate clearly wherever it publicizes the rate the number of students in the cohort or class and the number of students whose outcome data is included; if job placement or other related data are drawn from an external database, economic forecasting or other source, the institution will indicate in conjunction with the publication of the data its source and will direct students to the original source of the information where applicable (e.g., Department of Labor website).~~
- ~~6.~~ **7.** Institutional recruiters, admissions officers, **financial aid officers** or appropriate third parties **engaged in similar roles on the institution's behalf** may answer questions about the student application process for admissions and financial aid, but in no case will such personnel complete ~~these~~ applications for students or apply the signature of ~~the prospective~~ a student to an application.
- ~~7.~~ **8.** If an institution requires a student to sign an enrollment agreement, the enrollment agreement ~~will be~~ is limited to basic information about a student's course of study, tuition and fees, and other related information. ~~and in no case will that agreement include any~~ **Any enrollment agreement shall not include** language limiting ~~that~~ a student's ability to: (1) file a complaint with an accreditor or state agency; (2) take legal action in the event that any dispute resolution processes agreed to by the institution and the student are unsuccessful in resolving the dispute to the satisfaction of the parties;

or (3) seek to discharge a student loan through remedies available to borrowers under state or federal law. Students ~~will be~~ **are** provided sufficient time, as determined by the situation and any mandates in state law, to review any enrollment agreement and to consult with others as a part of that review process before being required to sign the document or lose an offer of admission and related financial assistance.

- ~~8.~~ **9.** Students ~~will~~ have the right and responsibility to register for each academic term in which they are enrolled, ~~and in no case will~~ **The institution does not** automatically register any student in the next term without that student's affirmative consent to such registration or the opportunity for the student to cancel that registration before the student is assessed tuition or fees for that term.
- ~~9.~~ **10.** Prior to enrolling a ~~prospective~~ student in a program or major, the institution ~~should~~ ensures that the student has had sufficient time to review the institution's policies and procedures; to understand the amount of federal, state and institutional financial aid the student is eligible to receive; ~~and~~ to learn how many credits **previously earned**, if any, will transfer and whether ~~they~~ **those transferred credits** will be applied to requirements of the major or general education or the process; and **to understand the** timeline for evaluation of those credits; ~~in no case will the institution use high-pressure tactics to get a student to enroll or matriculate before it provides this basic information.~~
- ~~10.~~ **11.** The institution shall not induce or pressure a student to enroll by a specific deadline ~~with the promise of cash or free goods or services~~ outside of the regular process of scholarship monies, institutional discounting, fee waivers, financial aid, ~~or~~ other assistance **or institution-branded gifts of nominal value**; ~~an institution shall not promise that employment is being directly or indirectly offered or is more likely related to its education or provide any guarantees of employment related to that education.~~
- ~~11.~~ **12.** In addition to a policy related to return of Title IV funds, the institution has a refund policy to assure that students receive a refund where appropriate if they withdraw from an academic term or from an institution **according to policies set forth by the institution.**
- 13.** The institution **does not** otherwise engage in aggressive or deceptive recruitment tactics or conduct, such as may be defined and prohibited by federal regulations. This prohibition includes, but is not limited to, the following institutional acts or omissions:
- a. **Obtaining students' contact information through websites that falsely claim to provide assistance with finding employment or obtaining government benefits;**

- b. Discouraging students from consulting with parties unrelated to the institution prior to finalizing their decisions or commitments;
  - c. Failing to timely respond to students’ requests for additional substantive information related to enrollment or loan obligations.
14. The institution shall not use threatening, abusive, or manipulative language to influence a student’s decision.

Institutions are regularly expected to submit documentation related to aspects of this policy as part of HLC’s Federal Compliance requirements, as otherwise detailed in HLC’s policies and procedures.

In addition, HLC may otherwise look into an allegation of a violation of ~~the student consumer protection policies~~ this policy or any other HLC requirement designed to promote consumer protection during an evaluation visit, through ~~the~~ its complaint process, or through any other appropriate mechanism. An institution that ~~has~~ is found to have engaged in violations of HLC policy on student consumer protection, as outlined in this policy, shall be considered to be ~~in violation of~~ out of compliance with HLC standards requirements related to institutional integrity and may be found to be in violation of other HLC standards as well, and may ~~also~~ be subject to HLC sanctions or withdrawal of accreditation as outlined in those policies.

### Policy Number Key

*Section CRRT: Criteria and Requirements*

*Chapter C: Student Protection*

*Part 10: General*

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*Last Revised: February 2022*

*First Adopted: November 2017*

*Revision History: Adopted November 2017, effective September 2019; revised February 2022*

*Notes: In February 2021, references to the Higher Learning Commission as “the Commission” were replaced with the term “HLC.”*

*Related Policy: FDCR.A.10.070 Public Information*