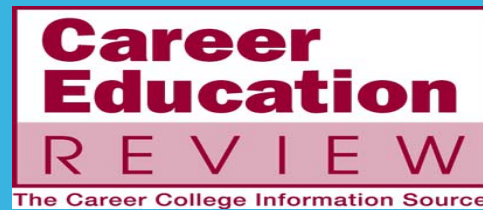


CAREER EDUCATION REVIEW
AND
RITZERT & LEYTON, P.C.
WEBINAR SERIES:
"INTERDEPARTMENTAL COOPERATION:
SHE DOESN'T KNOW THE RULES! NEITHER DOES HE!"

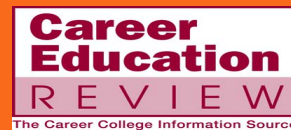
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INTRODUCTION



INTRODUCTION

- Why should you care how departments work together to help students enroll, graduate, and obtain a job?
 - Directly impacts student experience (and satisfaction).
 - Can severely hinder (or improve) institutional operations.
 - Helps limit the likelihood of negative findings by the Department, accreditors, and state agencies.

INTRODUCTION

- Why should you care about the how various departments interact, confer with one another, and cooperate?
 - 34 C.F.R. § 668.16 – to continue Title IV participation, an institution “shall demonstrate to the Secretary that [it] is capable of adequately administering [Title IV] program[s].”
 - Failure to demonstrate “administrative capability” is an extremely serious finding that can lead to termination.

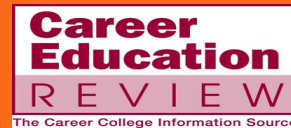
INTRODUCTION

- Focus for government investigations because of the nature of financial aid;
- Area of focus for litigation; and
- Potential sources of discontent for current and ex-employees.

INTRODUCTION

- External forces drives change across institutions.
- Requires organization, focus, and decisive action to maintain compliance and keep up with the ever-changing regulatory landscape.

FINANCIAL AID – THE PRIMARY AREA OF CONCERN



WHAT DEPARTMENTS TYPICALLY IMPACT FA OPERATIONS?

- The short answer:
 - Just about all of them. If it involves students, you can (typically) assume the answer is yes.

WHAT DEPARTMENTS TYPICALLY IMPACT FA OPERATIONS?

- Academics:
 - Attendance (R2T4 and SAP);
 - Grading (R2T4 and SAP);
 - Basic eligibility assessments;
 - Transfer of credits.

WHAT DEPARTMENTS TYPICALLY IMPACT FA OPERATIONS?

- Admissions:
 - Institutional eligibility requirements;
 - Title IV eligibility requirements; and
 - Potential misrepresentations.
 - Transfer of credits;
 - Program costs;
 - Nature, age, and availability of equipment; and
 - Employability of graduates.
 - See other requirements (34 C.F.R. 668 Subpart F (§§ 668.71-74)).

WHAT DEPARTMENTS TYPICALLY IMPACT FA OPERATIONS?

- Bursar
 - Credit balances;
 - Manner in which payments are made (cash, check, debit card, electronic funds transfers (EFT), etc.); and
 - Tracking of student payments for fees/equipment.

WHAT DEPARTMENTS TYPICALLY IMPACT FA OPERATIONS?

- Career Services/Placement
 - Misrepresentations;
 - Gainful Employment regulatory reporting;
 - Accreditation reporting requirements.

WHAT DEPARTMENTS TYPICALLY IMPACT FA OPERATIONS?

- Registrar
 - Misrepresentation;
 - Transfer credits;
 - Basis for termination of enrollment;
 - Course prerequisites.
 - R2T4;
 - Official withdrawals;
 - Unofficial withdrawals.
 - SAP.

WHAT DEPARTMENTS TYPICALLY IMPACT FA OPERATIONS?

- Campus Security
 - Clery Act requirements (34 C.F.R. § 668.46);
 - Campus Crime reporting.

WHAT DEPARTMENTS TYPICALLY IMPACT FA OPERATIONS?

- Other Departments:
 - Compliance Department/Officer;
 - Student Services; and
 - Information Technology.

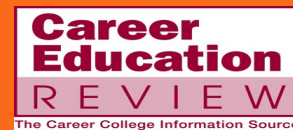
WHAT DEPARTMENTS TYPICALLY IMPACT FA OPERATIONS?

- Senior Administration:
 - Dean/Chancellor/President;
 - CEO;
 - CFO.

WHAT DEPARTMENTS TYPICALLY IMPACT FA OPERATIONS?

- Senior Administration:
 - Vice Presidents;
 - General Counsel;
 - Coordinators (Title VI/VII (of the Civil Rights Act), Title IX, ADA).

COORDINATION AND COOPERATION



WHY IS COORDINATION AND COOPERATION CRITICAL?

- Compliance considerations:
 - Department of Education;
 - Program Reviews;
 - Audit Determinations.
 - Auditors;
 - FSA audits;

WHY IS COORDINATION AND COOPERATION CRITICAL?

- Compliance considerations:
 - Accrediting agency(s);
 - Site visits;
 - Annual Reports.
 - State agency(s); and
 - Students.

WHY IS COORDINATION AND COOPERATION CRITICAL?

- Compliance considerations:
 - Policy-setting;
 - Updating policies.
 - For external reasons;
 - For internal reasons.

WHY IS COORDINATION AND COOPERATION CRITICAL?

- Human Resources considerations:
 - Organizational responsibilities;
 - Areas of overlap;
 - Checks and balances.
 - Negative impacts of non-cooperation.

WHY IS COORDINATION AND COOPERATION CRITICAL?

- Human Resources considerations:
 - Positive impact of buy-in and agreement;
 - Procedural practices;
 - Policy statements.
 - Clear lines of responsibility;
 - Ongoing readiness;
 - Unannounced visits;
 - Emergency situations.

WHY IS COORDINATION AND COOPERATION CRITICAL?

- Human Resources considerations:
 - Ongoing readiness;
 - Unannounced visits;
 - Emergency situations.

PRACTICAL CONSIDERATIONS

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- Effective flow of information;
- Policy development practices (and implementation);
- Unintended consequences of policy/practice;
 - Sometimes positive;
 - But can be very negative.

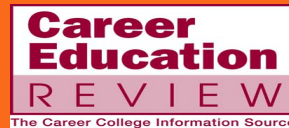
PRACTICAL CONSIDERATIONS

- Training ideas:
 - Shadowing as a training technique;
 - Input regarding hiring/recruiting of new staff;
 - Policy reviews;
 - How does it read?
 - Does it make sense?

PRACTICAL CONSIDERATIONS

- Training ideas:
 - Institutional self-assessment;
 - Regulatory requirements for annual evaluation (especially important in the context of drug/alcohol policy, campus safety, etc.).
 - Feeling the student experience;
 - Outside training opportunities:
 - Department of Education training;
 - Accreditation training;
 - Webinars.

POLICY DEVELOPMENT



STAKEHOLDERS – POLICY DEVELOPMENT

- Policies and procedures:
 - Admissions/eligibility requirements:
 - Academics;
 - Admissions;
 - Student Services.
 - Student complaints:
 - Academics;
 - Student Services.

STAKEHOLDERS – POLICY DEVELOPMENT

- Policies and procedures:
 - R2T4:
 - Academics;
 - Registrar;
 - Information Technology.
 - Verification:
 - Admissions;
 - Student Services;
 - Academics.

STAKEHOLDERS – POLICY DEVELOPMENT

- Policies and procedures:
 - Title IX and Clery Act/Campus Safety;
 - Coordinators;
 - Campus security staff;
 - Academics;
 - Student Services;
 - Admissions.

STAKEHOLDERS – POLICY DEVELOPMENT

- Policies and procedures:
 - Americans with Disabilities Act;
 - Academics;
 - Information Technology;
 - Student Services;
 - Facilities;
 - Admissions.

FUTURE CHALLENGES

FUTURE CHALLENGES

- Department of Education:
 - Newly created “Student Aid Enforcement Unit”:
 - “[A]ggressive action to protect students and taxpayers . . . to respond more quickly and efficiently to allegations of illegal actions by higher education institutions.”
 - Investigations Group;
 - Borrower Defense Group;
 - Administrative Actions and Appeals Service Group;
 - Cleary Group.

QUESTIONS?

STEPHEN T. CHEMA II

Steve is a Senior Associate at Ritzert & Leyton, PC. As a member of the Firm's Postsecondary Education Practice Group, he advises clients on a wide array of matters related to compliance with student financial aid programs under Title IV of the Higher Education Act, including topics such as 90/10, the incentive compensation rule, institutional and student eligibility issues, and gainful employment.

He also specializes in advising postsecondary institutions on compliance with privacy laws, including the Family Educational Rights and Privacy Act ("FERPA"), the Gramm-Leach-Bliley Act ("GLBA"), and the Federal Trade Commission's "Red Flags" rule. In addition, his work involves counseling institutions on issues related to anti-discrimination and employment law, campus security and consumer protection.

Steve has appeared in matters before the U.S. Department of Education, Office of Hearings and Appeals, and in administrative matters before national and regional accrediting agencies as well as state regulatory agencies. He has also counseled clients in the regulatory aspects of ownership changes and substantive changes resulting from mergers and acquisitions. He earned a B.A. from The College of the Holy Cross and a J.D. from Catholic University.



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Mr. Walker has been admitted to practice in the Commonwealth of Virginia since 2005. He works closely with the postsecondary education law group and has participated in a broad range of investigations, including regulatory and civil matters with the U.S. Department of Education, as well as state and accrediting agencies.

He has also focused on criminal investigations, including issues involving or relating to the administration of Title IV, HEA program funds. He helps clients assess and then address compliance matters as well as submit data to various regulatory bodies.

Mr. Walker received his law degree from the University of California Hastings College of Law, where he was on the staff of the Hastings Law Review and also served as a legal extern for Chief Judge Marilyn Hall Patel in the Northern District of California. He earned a Bachelor of Arts degree from the University of Virginia.



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