



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF POSTSECONDARY EDUCATION

**Proposed Regulatory Text for Issue Papers #6, 7, and 8:
Borrower Defense to Repayment – Aggressive and Deceptive Recruitment Tactics or Conduct
Session Three: December 6-10, 2021**

Part 668: General Provisions

SUBPART R: Aggressive and Deceptive Recruitment Tactics or Conduct

§668.500 Scope and purpose.

(a) This subpart establishes the types of activities that constitute aggressive and deceptive recruitment tactics or conduct by an eligible institution. An eligible institution is deemed to have engaged in aggressive and deceptive recruitment tactics or conduct when the institution itself, one of its representatives, or any ineligible institution, organization, or person with whom the eligible institution has an agreement to provide educational programs, marketing, advertising, lead generation, recruiting or admissions services, engages in one or more of the prohibited practices in section 668.501. Aggressive and deceptive recruitment tactics or conduct are prohibited in all forms, including those made in any advertising, promotional materials, or in the marketing or sale of courses or programs of instruction offered by the institution.

(b) If the Secretary determines that an eligible institution has engaged in aggressive and recruitment tactics or conduct, the Secretary may -

(1) Revoke the eligible institution's program participation agreement, if the institution is provisionally certified under § 668.13(c);

(2) Impose limitations on the institution's participation in the title IV, HEA programs, if the institution is provisionally certified under § 668.13(c);

(3) Deny participation applications made on behalf of the institution;

(4) Initiate a proceeding against the eligible institution under subpart G of this part.

§668.501 Aggressive and deceptive recruitment tactics or conduct.

(a) Aggressive and deceptive recruitment tactics or conduct include but are not limited to actions by the institution, any of its representatives, or any institution, organization, or person with whom the institution has an agreement to provide educational programs, marketing, recruitment, or lead generation that:

(1) Demand or pressure the student or prospective student to make enrollment or loan-related decisions immediately, including on the same day of first contact;

(2) Falsely claim that the student or prospective student would lose the ability to attend the institution if they did not enroll immediately;

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(3) Take advantage of a student's or prospective student's lack of knowledge about, or experience with, postsecondary institutions, postsecondary programs, or financial aid to pressure the student into enrollment or borrowing;

(4) Discourage the student or prospective student from consulting an adviser, a family member, or other resource or individual prior to making enrollment or loan-related decisions;

(5) Fail to respond to the student's or prospective student's requests for more information, including about the cost of the program and the nature of any financial aid;

(6) Obtain the student's or prospective student's contact information through websites that:

(i) appear to offer assistance to individuals seeking federal, state or local benefits;

(ii) falsely advertise employment opportunities; or

(iii) present false rankings of the institution or its programs;

(7) Falsely present an individual involved in recruiting as if they are a neutral party or someone operating solely in the best interest of the student or prospective student, including by giving these individuals titles such as counselor, academic advisor, or financial planner;

(8) Use threatening or abusive language or behavior toward the student or prospective student;

(9) Involve repeated unsolicited contacts for the purpose of enrolling or reenrolling after the student or prospective student has requested not to be contacted further; or

(10) Use emotional manipulation to enroll a student or prospective student.

(b) [reserve]