

CAPPS 41st Annual Conference

Strive to Thrive

“Telling It Like It Really Is And Keeping Things Straight: Best Practices for Fair and Accurate Communications and Avoiding Student & Employee Claims”



Hyatt Regency La Jolla

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COMMUNICATION – CORE OF HUMANITY CAN BE COSTLY IF IT IS CARELESS



...But It Can
Co\$t You

Careless communications, on Tik Tok, a school FB page, or during a school tour, can get your school in trouble. PAY ATTENTION OR PAY LATER!

Culture & Controls

Counter Communications Risks

- ❑ Admissions Process: High Risk Zone (not 1/25 lost)
- ❑ Risk of miscommunications/errors/oversights
- **Culture** built on mission with controls
- **Mission** is students' interests – core of culture
- **Structure** is review, reporting & oversight practices



Communication Errors: Risk Claims

Higher Education Under Scrutiny

- ❑ **General Discontent** with higher education
- ❑ **Failing Value Judgment:** rising tuition and debt but uncertain delivery on job opportunities, plus cultural uprisings
- ❑ **Confidence:** Gallup July 2024 Poll: only 1/3 but Vanderbilt Sept. '25 says 47%
- ❑ **Value Question** highlighted in 9-8-25 speech of Secretary McMahon at Hillsdale
- ❑ **Point:** heightened scrutiny/expectations

Fair And Accurate Communications

Best Practices: Agenda Today

1. Legal Baseline

- ▣ **A) USDOE requirements - claims**
- ▣ **B) Other Agency requirements – claims**

2. Culture of Company: develop/retain

3. Controls Over Communications

- ▣ **A) Practices - People**
- ▣ **B) Systems – Information Technology**

4. Avoidance/Resolution of Claims:

Structure and management involvement

Your claim stories

1. Legal Baseline: Ban on Misrepresentation

- ❑ Federal regulations prohibit **substantial misrepresentations** about
 - **educational** programs
 - **financial** charges
 - **employability** of graduates
- ❑ Advertising, promotional, marketing or sale materials for courses or programs
- ❑ Given orally, visually or in writing
- ❑ False, misleading or tendency to mislead
- ❑ Content focus, but coercive Process also banned
 - ❑ **34 CFR 668.71 – 668.75**

1. Legal Baseline: Ban on Misrepresentation

- ❑ **California Priv. Postsec. Educ. Act 2009**
- ❑ **Section 94897**: Prohibits any material untrue or misleading statements and any other fraud upon students
- ❑ **Material matters**: credentials of school and programs, outcomes, job availability, salaries
- ❑ **Section 94910**: Requires **Performance Fact Sheet** with completion rate, placement rate, licensure rate, salary info, latest CDR and % of students with Direct Loans. Cannot use Fact Sheet with non-CA residents.

1. Baseline: Performance Fact Sheet Example

ABC Success College

_____ Program Highlights & Information on Careers

Program Schedule Sequence & Time	Total weeks: Hours per week: Classroom weeks: Clinic/externship weeks:
Academic Progress Requirements & Assistance	Outline SAP points Requirements for T4 aid Appeal opportunities & assistance for tutoring Maximum time for T4 aid Cost for "extra" hours
Placement Services Summary	Outline schedule for interaction with students
Vocational Field Outlook	BLS information on job growth – sourced to BLS link
Vocational Salary Range	BLS information on salary – sourced to BLS link
Some Employers of Program Graduates in 20__	
Licensure Requirements	(State) qualifications to sit for exam
Optional Certifications	Exams – qualification Whether program graduates can sit for exam
Physical Requirements	For example: Dexterity (electrician) Work on your feet (cosmetology) Auditory acuity (court reporting) Tolerance of exposure to chemicals (cosmetology, esthetics)
Social Demands	Enjoy interaction with clients (cosmetology, massage, nursing) Limited public interaction (accounting)
Typical Work Schedule	For example: Saturdays for best success (cosmetology) Alternating 12 hour shifts on alternating days (nursing)
For important gainful employment information about this program	Visit: xxxxxxxxxxxxxxxxxxxxxxxxx.com

I acknowledge that I was provided with this summary and read it prior to enrollment in the _____ program at ABC Success College.

Signature:

Date:

1. Baseline: Substantial Misrepresentations Can Lead to Agency Actions & Student Claims

- ❑ **USDOE**: revoke provisional PPA or bring LS&T action; BPPE – seek license revocation
- ❑ **FTC**: injunctive relief actions, FTC Act § 5; Oct. 2021 Penalty Notice to 70 colleges
- ❑ **BDR Claims**: can be brought under Trump BDR regulation, 34 CFR § 685.222, per § 85001 of OBBA: court judgment, breach of contract, substantial misrepresentation
- ❑ **Student Lawsuits**: by aggressive plaintiffs' lawyers asserting fraud, breach of contract

2. Culture of Company

- **Ethos/Mission**: set by management
- **Institutional Goal**: student success, not sheer numbers
- **Communication Goals**: accurate and effective communications in all areas
- **Admissions Goals**: identify prospective students whose interests and objectives match with what school offers (DC Cir.
- * Don't force match that doesn't exist
- * Matched/Motivated students succeed

2. Culture of Company

- ❑ **Institutional Code**: capture key principles
- ❑ **Periodic Training**: reinforce commitment to code/school mission
- ❑ **Value Hiring**: character to match culture
- ❑ **Oversight**: devise and consistently and fairly use oversight to ensure principles are followed: shopping, surveys
- ❑ **Discipline**: be prepared to discipline up to termination intentional and persistent violation of key code principles

3. Controls Over Communications

- **Practices – People**

- No free license for reps to create materials
- Marketing firms need approval for content
- Accuracy of all written communications must be reviewed periodically- schedule

- **Inspect v Expect**

- Reps must follow set process
- Oversight by sitting in on interviews/Shoppers
- Social Media Policy – restrict talk about school
- Rogue employees – training/discipline

3. Controls Over Communications



❑ **Systems – Information Technology**

❑ **Marketing External Teams**

- External teams should provide **marketing content** for **review prior to publication**.
- **Monitor** third parties owned and operated content and the traffic sources they use to drive to O&O.
 - Ads, Path, Content, Consent Collection
- **Tools:**
 - **Layer AI onto marketing repositories for quick review**
 - **Use a third-party monitoring service for unknown risks**
 - **Use seeding to vet and audit operational gaps**

3. Controls Over Communications



□ **Systems – Information Technology**

□ **Marketing Internal Teams**

- Quarterly Internal **Audit** or **Automation**
- Website links, BLS or other statements, consent collection, Paid Search, Ads, Social
- **Tools:**
 - **Use a repository to store all advertising for quarterly audits**
 - **Use a web crawler to quickly identify broken links, old statements, and other updates on the website**
 - **Use seeding to vet and audit operational gaps**
 - **Check your Google Search Partner Network settings in paid search and monitor if you choose to use it.**

3. Controls Over Communications





❑ Systems – Information Technology

- ❑ Little known fact: SearchArb makes 100's of Millions off of unwitting organizations

Active

Library ID: 1985824855588126


Started running on Sep 8, 2025

Platforms  

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Learn more

clauses to ensure program completion.

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Featured CDL Apprenticeship Programs (2025)

Program Name	Carrier	Location(s)	Wage & Structure
Prime Inc Paid CDL Training	Prime Inc.	Various	\$20/hr during 5 weeks school + 2 weeks supervised driving; transitions to \$60k/yr
Schneider CDL	Schneider	Multiple	\$19/hr for 4 weeks classroom & range,

School Website

3. Controls Over Communications



□ **Systems – Information Technology**

□ **Rep oversight**

- Monitor at least 15% of your rep in person and remote interviews
- **Tools:**
 - Use tablets at reception which can serve more than one purpose: interview checklist, the most current data for reps to repeat, and to record (with permission)
 - Use a third-party monitoring service for random selections of interview and remote interview audits
 - Use seeding to vet and audit rep behavior

3. Controls Over Communications



❑ **Systems – Information Technology**

❑ **Consent and Data**

○ **Tools:**

- **Use the DNC scrub, Litigator scrub and Reassigned Number Database scrub to avoid professional plaintiffs**
- **Implement a delete process to ensure request to delete data is done internally and with any third parties**
- **Implement opt out processes for marketing texts, emergency texts or any other texts you or a third party acting on your behalf send**
- **Review your privacy policies annually**

4. Avoidance/Resolution of Claims

- **Setting Achievable Mutually Agreeable expectations:** CA Fact Performance Sheet, Catalog, Enrollment Agreement, Orientation Materials & Process – all describing clearly what school is providing, and, where appropriate, what it is not (e.g., no assurance that credits transfer)
- **Consumer Disclosures:** documenting receipt by prospective students of all federal and state required disclosures
- **Student Support Services:** timely and helpful responses to struggling students

4. Avoidance/Resolution of Claims

- ▣ **Visible and User-Friendly Grievance Policies:** genuine process for student to be heard and with early management involvement
- ▣ **Anonymous Reporting Options:** 1-800 phone number or confidential link. Mixed views???

4. Avoidance/Resolution of Claims

- ❑ **Legal Disclaimers:** no warranties
- ❑ **Who Can Sue You:**
 - Students
 - Employees
 - Potential Students
 - Employee Applicants
 - Clinic Customers
 - Vendors / Landlords
 - People Slipping on your Sidewalk.
 - Any Crazy Person with an ax to grind.
- ❑ **In America – Anybody!**

4. Avoidance/Resolution of Claims

- ❑ **What does a lawsuit cost you vs the person suing you?**
- ❑ Legal Fees
- ❑ Key Employee time
- ❑ Lost productivity
- ❑ Insurance - Deductibles & Premium Increase
- ❑ Social Media reviews

4. Avoidance/Resolution of Claims

- ❑ **How to minimize lawsuit costs.**
- ❑ Get involved. Listen and Validate
- ❑ Allow Key staff to fix before it escalates.
- ❑ Should you offer Insurance information?
- ❑ Formal / Informal Mediation
- ❑ Don't derail a settlement with a surprise complicated release.

4. Avoidance/Resolution of Claims

- ❑ **Lawsuit Examples and Horror Stories from the audience**
- ❑ **Tell us your story**
- ❑ **But keep it short!**
- ❑ **There will be prizes!!**

Fair And Accurate Communications

Best Practices

QUESTIONS ???

Thank you for attending and feel free to contact any of the presenters by email

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“What the People Need”

A School Rap by Ron Holt

- What the people need are schools**
- Schools that follow all the rules**
- Rules on how to be the best**
- How to teach beyond the test**

What the People Need

A School Rap (by Ron Holt)

- **They need teachers who can show**
- **What to do and what to know**
- **How to find your place in life**
- **Use God's gifts to do what's right**

What the People Need

A School Rap (by Ron Holt)

Need to teach our children well

Push our people to excel

Need to use our federal aid

**To help our students make the
grade**

What the People Need

A School Rap (by Ron Holt)

They need me and they need you
At our best in all we do
Need to lead and need to give
Truth on how to really live

What the People Need

A School Rap (by Ron Holt)

Then all people will believe
And they really will achieve
Live their dreams with hope and
grace
Make the world a better place

What the People Need

A School Rap (by Ron Holt)

And the good news I can share
Is your schools are ones that care
Know you set the bar up high
Help your students reach the sky

What the People Need

A School Rap (by Ron Holt)

**Know you teach your staff the
creed**

That every student should succeed

**That's what really makes you
shine**

Their future's always on your mind

What the People Need

A School Rap (by Ron Holt)

So we celebrate your schools
For going far beyond the rules
Making students number one
When it all is said and done!!