

Report of the Commission on International Student Recruitment

to the
National Association for College
Admission Counseling

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National Association for
College Admission Counseling

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Introduction from the Chair

In March 2011, the National Association for College Admission Counseling convened a Commission to begin studying international student recruitment practices and to address the associated, long-running controversy over the use of commissioned agency. From the first conversations about the Commission's charge and composition, NACAC leadership made a commitment to ensure that Commission members would represent both deep experience and a broad range of voices; and from the first gathering of the Commission, members in turn made the commitment to be listeners and learners first and foremost. As Chair of the Commission, I believe both commitments have been honored.

Commission members, though committed to listen and learn, came to the table with impressive expertise and strong views. Professional candor characterized our conversations together. No member was in doubt of what his/her colleagues thought. However, as they listened and learned, the members all changed – not mainly in their personal conclusions or preferences, but through the realization that every one of them truly had student welfare and the welfare of the profession at heart. Because we learned that our commitments were shared, we were able to agree that our conclusions should also be shared. Therefore, the Commission offers the membership of NACAC this report and its conclusions with one voice. We hope that it serves as an educational tool and as a catalyst for thought, discussion and balanced decisions by member institutions.

While the Commission's subject was far ranging and complicated, its goal was simple – to present to the NACAC membership a summary of what Commission members learned together, and to offer recommendations for moving forward, even if those recommendations must be of an interim nature. We learned a great deal. First and foremost, we learned that the environment for international student recruitment practices is dynamic, not static. This means that while commissioned agency and its use is often prevalent in many countries, change is possible and is occurring. The Commission believes that NACAC has an important role in guiding this change, change that may well follow the historical course charted in the United States over the past century or more. This may mean that NACAC must engage the reality of commissioned agency in international contexts if it wishes to promote change. We also learned that while we can gain much from studying the practices of other countries which enroll large numbers of international students and liberally use commissioned agency, their educational, cultural, and administrative environments are substantially different from those which exist in the United States. We found that the 'they do it, so can we' approach does not survive serious inquiry for many reasons. Additionally, we discovered that the institutional and governmental financial and human resources dedicated to responsibly managing commissioned agency usage in the recruitment of international students by countries such as the

United Kingdom and Australia are substantial, and still do not fully mitigate the risk of irresponsibility and student harm. However, we also learned that although many members of the Commission have serious concerns about student welfare within the general context of commissioned agency, there are institutions and organizations which appear to use such agency responsibly and demonstrably for the good of the students they serve. The Commission also perceives that many institutions may not be fully aware of the potential legislative, accreditation-related, and potentially punitive risks they incur by too broadly and uncritically using commissioned agency to recruit and enroll international students.

The Commission also learned more about international student recruitment-related services available to colleges and universities through a variety of federal, not-for-profit, and even state-specific organizations. Elizabeth Thornhill, Branch Chief of EducationUSA, the division of the Department of State's Bureau of Education and Cultural Affairs charged with promoting US higher education abroad, gave testimony before the Commission during its first meeting. She ended her comments with notes of concern and exhortation. She said that the current large influx of international students into US institutions of education is not only an economic boon for individual schools, but also a profound diplomatic and national opportunity to promote peace and understanding. She expressed worry that the rush of many schools to enroll international students primarily for economic reasons, and especially via commissioned agency, was potentially overshadowing and ill-serving the national interest that these students receive both a full welcome and a rich educational and cultural experience. In short, the issues surrounding the recruitment and enrollment of international students at our institutions are of national importance and not only for specific institutional welfare.

How are international students, educational institutions, and the college counseling and admission profession best served here? Throughout our listening, learning and conversations together, Commission members found themselves continually circling back to the touchstones of institutional responsibility and accountability as manifested through the values of transparency and integrity. Therefore, the members of the Commission collegially submit this report, its conclusions and its recommendations to the NACAC membership for consideration and possible reception. While encouraging the membership to accept our specific recommendations, we suggest that it reserve the right to monitor and revisit these recommendations as shifts occur in the current international, legislative, and educational environments. We further recommend that NACAC take a heightened, proactive role in promoting the transformation of the international recruiting environment and the development of professional college counseling practices in other countries.

Commission Recommendation Relative to the Statement of Principles of Good Practice (SPGP)

Members of the NACAC Board of Directors:

The members of the Commission on International Student Recruitment respectfully submit this report for your review and consideration. This report reflects the consensus of the Commission. It does not reflect the full scope of each Commission member's views with respect to the issues covered in the report, but does generally reflect information that the Commission believes is important to a measured consideration of this subject.

COMMISSION RECOMMENDATION

While a majority of members maintain concerns with commission-based recruitment, the Commission reached consensus to recommend that the association revise its Mandatory Practices, Section I.A.3, to specify that, while not encouraged, the ban on commission-based recruitment will be considered as a “best practice” in the area of international recruitment.

Members will not provide [mandatory] incentive compensation based on the number of students enrolled domestically.

Members should not provide [best practice] incentive compensation based on the number of students enrolled internationally.

The Commission further recommends that the association consider additional mandatory practices for institutions that employ third party agents to recruit international students.

The following report provides a background and framework for considering further action on the part of the association, the profession, and institutions of postsecondary education generally.

Institutions that employ third party agents to recruit students will ensure (mandatory) the following:

Institutional Accountability

Institutions shall oversee the actions of those acting on their behalf and recognize their responsibility for providing a high quality educational experience for international students.

As examples of requirements for institutional accountability, the Commission recommends provisions such as:

- Abiding by relevant state and federal laws, as well as regional accreditation standards, for recruitment (as distinct from association good practice, as noted below)
- Protecting against misrepresentation on the part of anyone working on behalf of the institution
- Ensuring an adequate feedback loop to monitor that students receive the services they were promised during recruitment
- Fulfilling the obligation to provide resources for international students to accommodate their unique needs.

Transparency

The terms of transactions between agents, institutions, and students shall be clear and transparent.

As examples of requirements for transparency, the Commission recommends provisions such as:

- Providing clear and conspicuous disclosure of arrangements by institutions with third party agents visible to prospective students and families
- Providing clear and conspicuous disclosure of arrangements by agents with institutions for students and families
- Ensuring that terms of transactions between agents, institutions and families are clear and published.

Integrity

The actions of all involved in recruiting shall follow established legal and ethical guidelines. Where applicable, institutions acknowledge that as institutional members of professional organizations, they have agreed to abide by accepted principles of practice.

As examples of requirements for integrity, the Commission recommends provisions such as:

- Adhering to NACAC's Statement of Principles of Good Practice in international as well as domestic recruitment
- Adhering to standards set by other associations, including NAFSA: Association of International Educators, for international recruitment.

Preface And Summary

Balancing pragmatism with idealism

“Genuine global engagement inherently entails moving all parties involved—whether they are students, faculty, staff, or university leaders—out of a comfort zone laden with familiar operational premises and embedded values. One advantage of such engagement is that it places premises and values in sharp relief and forces clear and, ideally, open consideration of their validity. However, this engagement sets powerful intellectual and emotional forces in motion. Once out of his or her comfort zone, the “believer” may be tempted at first to condemn that which, at least at the level of values, is not as he or she thinks it should be. Ethnocentricity and nativism are the first enemies, and part of the lesson of global engagement is how such narrow perspectives can inhibit understanding and undermine the learning process. Sometimes, though, even the most open and inquiring soul will confront a rule or practice in the new environment which he or she thinks is morally wrong. Such cases demand a choice: whether to engage in order to effect change or whether to refuse to engage until the rule or practice is brought in line with the believer’s morality.” (Center for Internationalization and Global Engagement, American Council on Education, “Strength through Global Engagement: US Higher Education in the 21st Century,” November 2011, p.18.)

COMMISSION BACKGROUND

Interest in international student recruitment among postsecondary institutions in the US has grown considerably over the past three decades, as globalization, enhanced technology, and increased mobility have increased both the demand and supply for international education. More recently, declining state and institutional budgets have made international student recruitment a financial imperative at many postsecondary institutions, as international students’ tuition payments afford much-needed revenue for the institution. As such, international recruiting represents an emerging market for many US institutions. As admission and international recruitment offices find themselves increasingly under mandates to recruit more international students, a small but significant number of non-profit colleges utilize commissioned agents to recruit international students. Per-head compensation is also utilized in certain areas outside the United States.

The use of commission payments as a method of compensation in higher education admission in the US has historically fostered incentives that result in predictable problems, even in systems that attempt to regulate commission payments. Decades of admission practice and government policy suggest that the problems arising from commissioned recruitment are persistent, and not confined to institutions with fraudulent motives. Envisioning a profession that allows commissioned recruitment constitutes a significant departure from accepted professional admission practice as developed by NACAC and other organizations involved in admission and recruitment over the past century.

NACAC and the Statement of Principles of Good Practice

NACAC’s mission is to advocate for and support ethical and professional practice in helping students transition to postsecondary

education. NACAC promotes high professional standards and social responsibility through collaboration, knowledge and education. To that end, NACAC maintains the Statement of Principles of Good Practice (SPGP), which contains principles upon which NACAC member institutions have agreed to abide. NACAC has, from time to time, initiated or participated in conversations about the core principles, and has been called upon to inform policy-makers and other stakeholders about the meaning and implications of our principles.

Historically, NACAC added principles to its *Statement of Principles of Good Practice* (SPGP) cumulatively, as ethical issues arose each year. In more recent years, however, the application process has become increasingly influenced by marketplace forces that raise new and complex ethical questions. In this rapidly-changing admission landscape, it is imperative for NACAC to maintain a document that includes practices and policies reflecting these new concerns for the ethical treatment of students in the admission process. As the recognized leader in college admission counseling, NACAC willingly carries the responsibility of being the only association that protects students’ rights in the transition to postsecondary education process, through monitoring and enforcing ethical standards and practices.

Current Issue

In May 2011, the NACAC Board of Directors issued a proposal to amend the SPGP to clarify that the mandatory provision banning per capita remuneration applied equally to domestic and international recruitment, a move that had previously been supported by the NACAC Assembly in 1993. The 2011 proposal was based on a recommendation from the national Admission Practices Committee

as a result of the intensifying debate over whether such a restriction was applicable in the international context. In conjunction with the proposal, the Board issued a public call for comments, which resulted in more than 300 submissions from individuals, secondary schools, postsecondary institutions, and related organizations. In 2011, the NACAC Board of Directors noted:

The discussion of this issue by our members and other stakeholders is healthy, timely, and important. We recognize that the issue is complex and not likely to be resolved easily in the short term. We also recognize that the issue is viewed through different lenses by our secondary and postsecondary members, among postsecondary institutions with varying viewpoints and institutional characteristics, and among numerous administrative offices on postsecondary campuses.

We understand that colleges and universities face increasing pressure to recruit international students for economic and educational reasons, that outsourcing recruitment by using agents is an appealing and legitimate option for institutions, and that there is a lack of alternatives for dispensing information and college counseling about American higher education in many parts of the world. [We underscore that NACAC does not oppose the use of agents by institutions for international recruitment.](#) Institutions and organizations that offered comments to NACAC in response to the May proposal noted:

- Agents are used in other countries' recruiting strategies
- Agents help students and families, similar to independent counselors in the US (though independent counselors in the US are not also employed by colleges)
- Agents are currently in use by many US institutions
- Agents should be held to standards of professional knowledge and quality

None of these facts are in dispute, and none would be contested or otherwise deemed impracticable by NACAC.

As a result of extensive public feedback and discussion of the issue, the Board agreed to:

- Appoint a commission that will make recommendations to the Admission Practices Committee and the NACAC Board for the promotion of ethical practice in international recruiting and suggest ways in which NACAC can support members who choose to engage in international recruiting. This commission will be asked to consider alternatives to incentive based compensation, ethical standards for best practices for international

recruitment, and new mechanisms to help students gain knowledge about American higher education and help institutions recruit effectively in the international marketplace.

- Defer any recommendation for Assembly (NACAC's governing body of delegates) action on the SPGP as it relates to the recruitment of international students for no more than two years.
- Not process complaints about alleged violations of SPGP Mandatory Practice as it relates to the use of incentive compensation in the recruitment of international students during this period and urge Affiliates to follow the same course.

COMMISSION NOTE

The Commission has taken care not to assert that US experiences and attitudes are superimposed on the rest of the world. Equally importantly, the Commission wishes to stress that the historical evolution of admission and recruitment in the US may be instructive as a case study for the evolution of admission and recruitment practices around the world.

Commission members believed that this issue was best viewed in the context of globalization in higher education. As such, there is fluidity in the environment that suggests that change or evolution, rather than the permanence of any single factor, is more likely to be the defining attribute of the conversation about student recruitment in higher education. Across higher education, from the Bologna Process in Europe to the increasing expansion of US university campuses in countries around the world, the international marketplace for higher education is evolving. Whether the issues of today are resolved as they have been in US higher education in the past remains to be seen. In any event, the Commission has found the history of higher education, as well as student recruitment, in the US to be instructive and potentially indicative of events to come in the global context.

According to the American Council on Education, "[G]lobal engagement will manifest itself in many forms. Moving forward in this new global space will require a set of mapping skills to navigate unfamiliar terrain, skills which are just now developing at most institutions."¹ The Commission finds this statement highly applicable to student recruitment and admission. We offer the following report as an extensive description of the critical components of the Commission's deliberations, and as an attempt to pull together the disparate sets of information that appear relevant to the admission profession—and colleges and universities in general—in the future.

¹ Center for Internationalization and Global Engagement, American Council on Education. "Strength Through Global Leadership and Engagement: US Higher Education in the 21st Century," November 2011.

REPORT FRAMEWORK

As noted above, the Commission was convened specifically to offer a recommendation to the association about its mandatory restriction against commission-based recruiting. As it relates to this primary task, the Commission has recommended that the association maintain a healthy concern over the potential effects of commissioned recruiting, while acknowledging the current state of international recruitment by removing the absolute restriction in favor of a more nuanced, best practice stance.

The Commission wishes, with this report, to ensure that this recommendation is not seen as a blanket endorsement of commission-based recruitment and that readers understand the full depth and breadth of the discussion that took place inside the Commission. To be sure, many members of the Commission remain unconvinced that commission-based recruitment is appropriate for the college admission context. Equally importantly, many members of the Commission felt that the type of international recruitment employed by a substantial number of non-profit colleges and universities in the US is not tantamount to a commissioned “sales” scheme, but is complex in its contractual arrangements and (ideally) well-reinforced with strong feedback loops at colleges and universities. All members agreed that the core consideration—the well-being of the student—was a responsibility primarily borne by the institution.

The report is structured so that the discussion path explored by the Commission is laid out in as much detail as is practical.

[History of Incentive Compensation and Admission in the US](#)

The Commission stresses the importance of NACAC’s involvement with the regulation of incentive compensation as it relates to higher education admission in the US over the past century as being critical to understanding the development of admission practice in the US, and as a possible cautionary note for the development of admission practice globally.

[Commission’s Discussion of Risk Factors Associated with Incentive Compensation](#)

The Commission developed agreement around problematic behaviors in marketing and recruitment for higher education generally. While the Commission was unable to achieve unanimous consensus on whether incentive compensation was to blame for such behaviors, the majority of Commission members believed that incentive compensation tends to compound the likelihood of such problems occurring.

[The International Marketplace for Student Recruitment](#)

The Commission noted that institutions and foreign governments around

the world engaged in a wide range of recruiting practices, most notably in the coordinated promotion of and recruitment for higher education using commissioned, third-party agents. The Commission believes it is important to view each country’s recruitment efforts in context, and note that while there are close resemblances between systems, there are also stark differences that must be taken into account.

[The United States Context](#)

The Commission compares the US higher education landscape, which is much larger and more diverse than any other in the world, to other countries, and notes the absence of a comparable level of governmental coordination and regulation as in other countries. The Commission also noted the presence of numerous standards for international recruitment maintained by regional accrediting agencies.

[Methods of International Recruitment at US Institutions](#)

The Commission believes it is important to acknowledge the breadth and diversity of recruitment practices with a brief overview of the methods employed by US institutions to recruit international students. During its deliberations, the Commission was made aware of numerous institutional and third-party arrangements utilized for international recruitment.

[Use of Agents in International Recruitment at US Institutions](#)

The Commission received a great deal of information about agency-based recruitment for higher education in the US, currently utilized by approximately one-quarter of institutions for the recruitment of degree-seeking international students and likely more for the recruitment of such students to other programs, as well as a small but expanding number of secondary schools. A brief summary of information presented to the Commission about agent-based recruitment for US higher education is included in the report to acknowledge the extent and presence of such practices.

[Institutional Responsibility for International Student Recruitment](#)

The Commission reached unanimous agreement on the importance of institutional accountability for international student recruitment and enrollment. The Commission was told on multiple occasions, and wishes for readers to internalize, that commissioned agents are not to be viewed as a means for recruiting ‘on the cheap.’ The Commission stresses that the need for comprehensive oversight, transparency, and student support requires an investment that is non-trivial, and that must be accounted for in order for enrollment of international students to be effective.



Commission Report

HISTORY OF INCENTIVE COMPENSATION AND ADMISSION

Historical Relevance of the American Domestic Admission Model

While members of the Commission unanimously agreed that a comprehensive assessment of this issue required that they free themselves of pre-conceived notions based on conditioning from working within the American framework, they also agreed that the American model of domestic admission provides, in some measure, an historical record which may, or may not, be predictive of the future of college admission and recruitment globally.

Few observers today know that the American system of higher education, during its developmental years in the 1800s, generally did not maintain a professional admission office similar to those we represent today. Indeed, colleges seeking to expand their domestic student enrollment in the late 1800s, an early ‘boom’ period in American higher education, took a page from the corporate sector:

“[College and university] presidents, who were seldom scholars but commonly were judges, merchants, editors, ex-governors or ex-senators, and clergymen, usually sought to finance their colleges by borrowing one device or another from business and one from the churches. From business, [colleges and universities] selected the salesman. Most institutions had a ‘college agent,’ a combination fund-raiser and admission officer who was employed to travel extensively throughout his

college’s region...drumming up students for the professors.”²

It is not clear whether such agents were paid on commission, but the analogy between early expansion of domestic institutional enrollment contains a parallel to the robust expansion of international enrollment we see in the modern era.

As institutions enrolled increasingly large numbers of students, the demands of recruitment, admission, enrollment, and oversight led away from the use of agents for direct recruitment to the development of the professional admission office, with accompanying professional standards. Between the late 1800s and the early 1900s, the field of recruitment and admission was unregulated. Troubling practices that this Commission discussed at some length—misrepresentation, unscrupulous practices, questionable payment practices—were evident in the domestic admission environment. Indeed, the formation of NACAC as an association in 1937 was a direct response to this type of practice, an effort to develop and enforce professional and ethical practices where institutions seemed unable or lacked incentive to provide sufficient oversight on their own.

“As institutions in the United States and elsewhere embrace the opportunity for engagement, they bring with them principles and practices that have deep roots.” (Center for Internationalization and Global Engagement, American Council on Education, “Strength through Global Engagement: US Higher Education in the 21st Century,” November 2011, p. 17.)

² George Keller, *Academic Strategy: The Management Revolution in American Higher Education*, (Baltimore: Johns Hopkins University Press, 1983), p. 6.

NACAC Statement of Principles of Good Practice

The formation of NACAC led to the development of the Statement of Principles of Good Practice (SPGP). The introduction to the SPGP captures the purpose of this statement as a set of professional boundaries to ensure that students, professionals, and institutions are safeguarded from practices that the membership deems to have a significant risk for harm:

Ethical college admission is the cornerstone of the National Association for College Admission Counseling (NACAC). Since its founding in 1937, when a select number of college and university professionals and high-school counselors came together to create a Code of Ethics within the admission-counseling profession, NACAC has striven to ensure principled conduct among professionals in the recruitment of students and the transition to postsecondary education.

The SPGP contains principles covering an array of practice issues, ranging from binding (enforceable) principles, such as the well-known waiting period provided to prospective students prior to making an enrollment commitment (known colloquially as the “May 1 deadline”), to “best practice” guidance on conducting need-blind admission policies. The Commission’s primary objective was to develop a recommendation pertaining to the SPGP’s binding provision that bans payment of incentive compensation to admission officers and recruiters.

In 1951, NACAC amended the SPGP to include the following statement out of the growing view that the admission office was a professional extension of the university, not simply a sales force working on the institution’s behalf:

[College and university members will] ensure that admission counselors are viewed as professional members of their institutions’ staffs. As professionals, their compensation shall take the form of a fixed salary rather than commissions or bonuses based on the number of students recruited.³

In September 1993, the NACAC Assembly voted to clarify that the SPGP ban on per capita payments applied equally in both domestic and international contexts.⁴ In 2002, the association’s Admission Practices Committee discussed the growing trend of international student recruiting using commissioned agents, and concluded that absent a change in language, such practices would be in violation of the SPGP.⁵

In 2005, NACAC undertook comprehensive revisions to the SPGP, modifying the statement on incentive compensation.⁶

The SPGP contains principles covering an array of practice issues, ranging from binding (enforceable) principles, such as the well-known waiting period provided to prospective students prior to making an enrollment commitment . . .

[Members agree that they will] not offer or accept any reward or remuneration from a secondary school, college, university, agency, or organization for placement or recruitment of students.

Additional clarifying language was added as part of a new “Interpretations of Mandatory Practices.”

[Members will] not offer or accept any reward or remuneration from a secondary school, college, university, agency, or organization for placement or recruitment of students.
Members:

- a. will be compensated in the form of a fixed salary, rather than commissions or bonuses based on the number of students recruited;
- b. will not contract with secondary school personnel for remunerations for referred students.

No subsequent changes have been made to this section since 2005.

Incentive Compensation for Admission in the Domestic (US) Regulatory Context

Beginning in the late 1960s, shortly after the formation of the federal student loan program, the United States Government identified incentive compensation in higher education recruitment as a high risk activity. Unscrupulous recruitment practices, fueled by incentive compensation, existed in the US prior to the inception of the Title IV Higher Education Act programs, and became the subject of regulation almost immediately after the Higher Education Act’s enactment.⁷

Regulation of higher education admission crystalized in 1992 with the enactment of §487(a)(20) of the Higher Education Act (20 USC. 1094(a)(20)), which states that postsecondary institutions wishing to participate in the Title IV federal student aid programs by entering into a program participation agreement with the Department of Education.

³ NACAC Statement of Principles of Good Practice, 1951.

⁴ See NACAC History, 1993: <http://www.nacacnet.org/about/history/Pages/1993.aspx>

⁵ NACAC Admission Practices Committee Minutes, January, 2002. See also NACAC History, 2002: <http://www.nacacnet.org/about/history/Pages/2002.aspx>

⁶ See NACAC History, 2005: <http://www.nacacnet.org/about/history/Pages/2005.aspx>

⁷ See: Statement by the Honorable T. H. Bell, US Commissioner of Education before the Permanent Subcommittee on Investigations of the Senate Committee on Government Operations, November 20, 1975; General Accounting Office (GAO), “Many Proprietary Schools Do Not Comply with Department of Education’s Pell Grant Program Requirements,” August 20, 1984; Education Week, February 17, 1988: “Bennett Asks Congress to Put Curb on ‘Exploitative’ For-Profit Schools,” by Robert Rothman

[W]ill not provide any commission, bonus, or other incentive payment based directly or indirectly on success in securing enrollments or financial aid to any persons or entities engaged in any student recruiting or admission activities in making decisions regarding the award of student financial assistance, except that this paragraph shall not apply to the recruitment of foreign students residing in foreign countries who are not eligible to receive Federal student assistance.

Importantly for the Commission's purpose, the HEA ban on incentive compensation contains a specific exception for international recruitment.

In 2002, the US Department of Education under the Bush Administration enacted regulatory safe harbors that substantially weakened the statutory ban on incentive compensation for admission officers. The safe harbors, which were implemented over the objections of NACAC and the American Association of Collegiate Registrars and Admission Officers (AACRAO), among other organizations, once again resulted in widespread waste, fraud and abuse in federal student aid programs as many for-profit colleges re-instituted a feverish advertising and recruitment campaign, fueled by commissioned recruitment, to harvest federal student aid dollars.

In 2010, NACAC was invited to testify before the Senate Health, Education, Labor and Pensions (HELP) Committee in a hearing on recruiting abuses at for-profit colleges.⁸ NACAC's testimony focused on the centrality of commissioned recruiting as the mechanism that drove the 'recruit at any cost' business practice in many for-profit colleges and on the central principles upon which domestic, non-profit admission practice is founded.

In 2011, the US Department of Education under the Obama administration enacted new "program integrity" regulations aimed at curbing the rampant waste, fraud and abuse in the federal student aid programs.⁹ NACAC was represented on the Department's negotiated rulemaking committee, and advocated for an elimination of the regulatory safe harbors for incentive compensation created by the Bush Administration based on the demonstrated negative effects it had on student experiences and outcomes in the for-profit sector.

In 2012, Senate HELP Committee chairman Tom Harkin (D-IA) observed that an in-depth analysis of business practices at 30 for-profit education companies revealed a resurgence of the negative consequences associated with highly incentivized recruiting using incentive compensation.

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Documents demonstrate that in order to achieve company enrollment goals, recruiting managers at some companies created a boiler-room atmosphere, in which hitting an enrollment quota was the recruiters' highest priority. Recruiters who failed to bring in enough students were put through disciplinary processes and sometimes terminated. Before a ban on incentive compensation was re-instituted in mid-2011, recruiters' salaries at many for-profit colleges were tightly tied to enrolling a certain number of new students.

Among the negative consequences associated with commissioned recruiting included high-pressure sales tactics that focused on "overcom[ing] objections" of potential students, "locat[ing] and push[ing] on the pain in students' lives, and creating a false sense of urgency to pressure students to enroll without due consideration of the ramifications. Recruiters employed an array of misrepresentations to "close the deal," including misleading information about the cost of the program, availability and obligations of Federal aid, the time to complete the program, completion and job placement rates, and the transferability of credit to another institution.¹⁰

In order to capitalize on the availability of Federal student assistance, for-profit institutions were found to have employed "35,202 recruiters, or about one recruiter for every 53 students attending a for-profit college in 2010." The HELP Committee noted that the same for-profit institutions employed only 3,512 career services employees and 12,452 support services employees, resulting in a ratio of more than 2.5 recruiters for every support employee.¹¹

⁸ See <http://www.help.senate.gov/hearings/hearing/?id=19454102-5056-9502-5d44-e2aa8233ba5a>

⁹ See <http://www2.ed.gov/policy/highered/reg/hearulemaking/2009/integrity.html>

¹⁰ Committee on Health, Education, Labor and Pensions. "For Profit Higher Education: The Failure to Safeguard the Federal Investment and Ensure Student Success," Volume I. July 30, 2012.

¹¹ Ibid.

Incentive Compensation in the International Context

Many of the recruitment tools institutions use in reaching students domestically are also utilized in the global marketplace, such as college fairs, school visits by campus representatives, and websites directed at prospective students. But universities have found that reaching this pool of prospective students is an enormous challenge. Several realities have become apparent. The world is a very big place and universities can only cover a tiny corner of it with their own small recruiting staffs and budgets. Even so, institutional representatives can only afford to be present in any given location for a few days per year, and maintaining contact with prospective students is challenging.

The cultural contexts from which students and their families make their decisions vary significantly from country to country and institutions often lack knowledge of these cultural features in trying to recruit.

The cultural contexts from which students and their families make their decisions vary significantly from country to country and institutions often lack knowledge of these cultural features in trying to recruit. Parents are key decision makers in many cultures and often have little or no English, and institutional representatives cannot communicate with them effectively. In addition, the higher education ‘system’ in the United States is vast and complex, proving difficult even for domestic students and families.

Finally, the requirements for admission to postsecondary education in the US often require documents that have no precedent in other countries, such as official transcripts (particularly in countries that rely exclusively on standardized test scores for university placement) and personal essays. When combined with the student visa process, students and families can face considerable challenges even beginning the process of applying to postsecondary education in the US. Educational recruitment agencies offer potential solutions to these special challenges in the global market. A network of recruiting agents can cover a far larger geographic area than can a university’s representatives. Agencies are permanently located in the student’s city or region and are available to assist the student throughout the application process. Agents know the culture of their region and how that affects the decisions of parents and students. They speak the language of the students and parents. For all these

reasons, recruitment agents have established themselves in essential roles in many major international student markets.

Information submitted to the Commission suggests that most agency-based recruitment is structured so that agencies are paid a portion of a student’s tuition once enrolled, or by a fee that is paid only if a student enrolls. Commission members discussed the myriad ways in which contractual arrangements are structured, including structures that pay the recruiter only if students reach certain milestones for persistence.

A key difference between the US domestic context, as regulated by the federal government, and the current international recruitment marketplace is that there is no funding structure from which universities and their recruiters can draw in the international context that parallels the Title IV financial aid programs. Federal financial aid programs have served as a reservoir of funding that institutions have only to surpass minimal standards to secure, provided a student enrolls. As the Harkin/HELP Committee report meticulously documents, unscrupulous institutions have gone to great lengths to enroll students under misleading, high-pressure circumstances, and have ‘rigged’ their processes to ensure that the institution captures as much of the student’s federal financial aid as possible. In the domestic context, the student is often unaware of the risk s/he incurs, and the institution (provided it can manipulate data reported to the federal government, as well as its own academic processes) bears almost no risk if the student does not succeed.

In the international context, there is no such ‘safety net’ on which students and institutions may rely, making it more difficult to develop a mechanism to ‘harvest’ tuition money using incentive-compensation-fueled recruiting. However, the Commission recognizes that the pattern of recruitment abuse, fueled by incentive compensation in the domestic context, is possible—and perhaps likely—to become more widespread outside of US borders as time passes and more institutions expand into the international marketplace. Many publicly-traded for-profit colleges have established a presence, both in recruiting for US-based programs and by obtaining physical campuses, in other countries. Commission members generally acknowledged that protecting students against such recruitment abuses was the central consideration for the group and for the association.

While not all Commission members agreed that problems were endemic to the practice of incentive compensation, members generally agreed that there were circumstances under which incentive compensation could prove problematic by exacerbating tendencies toward misbehavior.

COMMISSION'S DISCUSSION OF RISK FACTORS ASSOCIATED WITH INCENTIVE COMPENSATION

There was no consensus on the Commission as to the appropriateness of commissioned recruiting for US higher education. Indeed, opinions on the acceptability of incentive compensation were strong and unflinching. Some Commission members expressed the opinion that there is nothing inherently wrong with incentive compensation. A majority expressed the opinion that incentive compensation is not a good professional fit with the admission profession, particularly given NACAC's long-standing concerns with it as a practice. Despite these substantial disagreements, however, the Commission was able to arrive at a consensus on a direction for the association. The Commission believed it was important to describe its discussions about incentive compensation in this report.

Problematic Behaviors in Student Recruitment

Absent appropriate institutional oversight and in the 'wrong' hands, incentive compensation can lead to misrepresentation, "high pressure" sales, conflicts of interest, and other forms of detrimental behavior.

By extension, as the Department of State noted in its March 2012 presentation to the Commission, risks associated with these behaviors extend beyond immediate transaction between student, agent, and institution, and into public diplomacy, institution/systemic reputation, and national security, just as positive educational outcomes contribute positively to the same.

Relationship Non-Disclosure

Commission members discussed the idea that an agent's customers or clients, whether institutions or students and families, are not well served if they are not aware of the connections an agent has to other clients. In the case of a student/family, knowing the specific institutions with which an agent has contracts is important in understanding why a certain institution may be presented as a good choice over other, non-client institutions.

In the case of an institution, it is important to understand two facets of an agent's dealings. First, it is important for an institution to know how many and which other institutions are represented by the agent. Second, institutions should know if the agent also receives payment from a student/family for counseling services, and if in doing so there is any explicit or implicit guarantee of admission.

Misrepresentation to Students

Commission members were unanimous in their agreement that material misrepresentation to students and families is a significant consideration in contracting work to third parties in general. Moreover, news articles shared with the Commission during the course of its deliberations indicated that misrepresentation seems to be the key challenge with such disparate recruitment practices.

Commission members could not agree whether incentive compensation would increase the likelihood of misrepresentation in the international recruitment context, though the domestic, for-profit example indicates that under the right conditions, incentive compensation may do precisely that.

One report submitted to the Commission suggested that a substantial number of students from China reported that either they or someone they knew falsified documents, including letters of recommendation written by someone other than the supposed recommender, essays written by someone other than the applicant, and high school grades/transcripts that were fabricated or embellished.

Misrepresentation to Institutions

One report submitted to the Commission suggested that a substantial number of students from China reported that either they or someone they knew falsified documents, including letters of recommendation written by someone other than the supposed recommender, essays written by someone other than the applicant, and high school grades/transcripts that were fabricated or embellished. The report suggested that such behavior is often fueled by intense competition for admission to elite universities, including pressure applied by parents and overly-aggressive agents.¹²

Many Commission members (though not all) mindful of the (US) domestic experience linking incentive compensation and misrepresentation, felt that incentive compensation elevated the possibility or likelihood of misrepresentation of this sort. Some Commission members believed such pressures exist regardless of the method of compensation, noting that pressure to deliver on fixed contracts might result in similar behavior.

¹² "Busted: The Top 5 Ways that Chinese Students Cheat on Their Undergraduate Applications to American Schools (and What Schools Can Do About It)," Zinch China, May 2010.

Remuneration for Financial Aid Awards

Commission members agreed that the practice of agents taking a portion of a student's institutional financial aid award as payment went beyond ethical practice. Some Commission members raised the possibility that the student may still benefit under such scenarios—that without an agent's assistance, the student may receive no aid, while with assistance and a percentage of the aid award, a student receives some aid (i.e., more than zero).

The American International Recruitment Council (AIRC), a recently-created US membership-based NGO that has developed guidelines for the use of agents and offers a voluntary accreditation process for agents (described in more detail below), implemented a restriction against this practice among its agents. Commission members believed that this restriction reflects the widely shared recognition among international educators that agents should not be reducing the amount a campus awards to the student, but rather collecting their fee solely from the fee they have obtained from an institution.

Conflict of Interest

Commission members generally agreed that there was great potential for conflict of interest among agents representing multiple institutions. Since payment amounts by institutions to agencies vary, and since fees for agents are not generally disclosed to students and families, it is possible (some Commission members believed likely) that agents would refer students to institutions based on the amount of payment they would receive rather than the student's best interest. Some Commission members also pointed out that such a scenario was possible under flat fee contracts.

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A specific topic that most Commission members believe is a conflict of interest, but others do not, is “double-dipping.” Double-dipping is the fairly common practice of agents representing both students (as independent counselors) and institutions (as recruiting agents). The Commission notes that this practice is not in keeping with standards maintained by the Independent Educational Consultants Association (see below). It is sufficient for the context of this report to note that the Commission was not able to reach consensus on this practice.

THE INTERNATIONAL MARKETPLACE FOR STUDENT RECRUITMENT

While the Commission wishes to note its understanding that the international recruitment marketplace is truly global in nature, three countries were the focus of the bulk of the Commission's conversation. Two, the United Kingdom and Australia, are oft-cited as analogous to the US example based on the English-language commonality and the similarity in governmental/regulatory structures. The third country, China, was a frequently-discussed topic due to the volume of students flowing into the US, and to the prevalence of agents in their culture and educational environment.

United Kingdom

Background

In the United Kingdom there are 165 institutions of higher education, 115 of which are universities¹³. According to the Higher Education Statistics Agency¹⁴, 1,928,140 undergraduate students were enrolled in higher education in the 2011-2012 academic year. Of those 83,090 are from other EU countries and 142,440 are from countries outside the European Union.

Promotion

Central promotion of higher education in the UK is coordinated through the British Council. The British Council is a Royal Charter charity, established as the UK's international organization for educational opportunities and cultural relations. The Council's 7,000 staff in more than 100 countries works with thousands of professionals and policy makers and millions of young people every year through English, arts, education and society programs. The Council earns over 75 per cent of its annual revenue of nearly £700 million from services for which customers pay, education and development contracts bid for and from partnerships. A UK government grant provides the remaining 25 per cent. The Council matches every £1 of core public funding with over £3 earned in pursuit of its charitable purpose.

The British Council has noted that “agents are an embedded aspect of international student recruitment in the UK.”¹⁵ Universities refer to sector networks and British Council resources to identify potential agents. In addition, the British Council, as well as other arms of the British government, provides oversight of agent-based recruitment (see section below). Importantly, the British Council noted that “due to the cost of supporting an agent network agents are not an alternative or cost-saving measure to recruitment activity.”¹⁶ The Commission believes that this is a critical point for US institutions to absorb.

¹³ According to Universities UK, the representative organization for the UK's universities

¹⁴ “HESA is a private limited company which has formal agreements with government departments to provide the data which they require, and it is funded by subscription from all of the universities and higher education colleges throughout the United Kingdom.”

¹⁵ UK HE and Student Recruitment Agents, NACAC Commission on International Student Recruitment meeting, March 5, 2012

¹⁶ Ibid.

Many of the comments received by NACAC prior to appointing the Commission indicated that colleges and universities faced budget crises, and that agents were an economical way to recruit students. In addition, several comments focused on the “revenue neutral” appeal of commissioned agents—that no payment was required unless the student enrolled. However, the British and Australian experience, as evidenced during the Commission’s March 2012 meeting and supported by discussions throughout, indicates that institutions that believe agent-based recruiting is a means to cost savings are almost certainly underestimating the amount of investment that is required to manage such recruitment responsibly. The amount of oversight needed to ensure that third party agents adhere to institutional standards, to ethical and legal principles, and to contracts or arrangements appeared, to the Commission, to at least match the commitment of resources needed to recruit using institutional staff.

Among the “emerging models” in international recruitment cited by the British Council in their documentation provided to the Commission during its March 2012 meeting were:

- Dedicated agency counselor for a sole university based in an agency office

- University staff member living in-country to support the agent network
- Establish university admission offices to manage in-country applications and manage agent networks¹⁷

As noted above, the Commission noted that there is a possibility that admission practice for universities globally will follow in an ‘evolutionary’ path similar to that followed by US institutions domestically. Namely, that the professionalization of international recruitment may yet become a function of admission offices at institutions worldwide, as institutions discover that challenges associated with management and oversight of the institution’s “brand” are best met using professional staff housed within the institution. Indeed, the emergence of practices in the UK that hint at a more assertive and independent university role in the management of its recruitment practice may be indicative of such a trend.

Regulation

The British Council provided comprehensive information to the Commission about organizational oversight of agents involved in international recruitment in the UK.

Organization	Purpose	Key Document or Service	Comments
Quality Assurance Agency Total HE sector membership	The quality assurance agency represents the UK public interest in the student experience at all UK Higher Education institutions. QAA provides benchmarks for quality assurance, reports through institutional audits and makes recommendations to the UK government on ‘university’ status.	<i>Code of Practice (Section 10: Admissions to HE)</i>	Auditable set of benchmarks used in the quality assurance process. Clearly sets out universities admission responsibilities to students (including promotion). Clearly states that this applies to international students.
British Council Near total membership of relevant sector	With operations in 150 cities and c.7,000 staff the British Council is a strategic internationalization partner for the UK HE sector.	<ul style="list-style-type: none"> - British Council agent strategy - Agent resources - Institution resources for using agents - <i>Student Insight: Why students use agents report</i> - Legal overview of institutions responsibilities when using agents. - ‘London statement’, Statement of Principles on the Ethical Recruitment of International Students by Education Agents and Consultants 	<p>The British Council seeks to build the capacity, effectiveness and quality of agents working on behalf of UK education.</p> <p>Services include a counselor training and certification programs for agents, a good practice guide for agents and dedicated agent events.</p> <p>For institutions the British Council provides agent seminars, coordinates agent familiarization trips, a database of agents and a legal overview of institutions responsibilities in using agents.</p> <p>The British Council’s <i>Student Insight</i> report captures feedback from over a 120,000 respondents from 200 countries and includes a report on <i>Why Students Use Agents – Demand and Supply</i>.</p>
UK Border Agency Total membership of relevant sector	Administers a Points Based Immigration System (Tier 4 International Students) which includes student visas.	<ul style="list-style-type: none"> - Global commitment on reporting visa application fraud - Local programs supporting agents with a good record 	As a student visa sponsor institutions are penalized for high visa refusal rates. This includes loss of sponsor status. Visas are refused if English language requirements, anti-fraud procedures, and financial checks are not satisfied.

¹⁷ UK HE and Student Recruitment Agents, NACAC Commission on International Student Recruitment meeting, March 5, 2012

Organization	Purpose	Key Document or Service	Comments
UK Council for International Student Affairs Near total membership of relevant sector	The UK's national advisory body serving the interests of international students and those who work with them.	<i>Code of Practice</i>	The Code of Practice is explicit in the responsibility of institutions to ensure agents are properly trained, managed and monitored. They need to ensure that advisers and consultants engaged by the institution provide students with accurate, adequate and timely information and advice. Institutions should also ensure that any charges levied are proportional and clearly stated in advance.
Universities and Colleges Admissions Service (UCAS) Near total membership of relevant sector	The organisation responsible for managing applications to undergraduate higher education courses in the UK.	Conditions of membership Support for agents	Institutions must adhere to UCAS's conditions of membership which includes standards in admission. UCAS can provide agent training and allows agents to enroll as an application centre.
Her Majesty's Revenues and Customs Total membership of relevant sector	Responsible for the collection of taxes in the UK.	VAT on education agent services	As a result of changes in UK regulations requiring universities to pay tax on agent services a number of institutions now use template agent contracts.
British Universities International Liaison Association Near total membership of relevant sector	A membership-led organization for HE staff concerned with international work - primarily the recruitment of international students.	Professional network including listserv.	Institutions regularly report on agent practices using this professional network.

The Commission also noted that during its deliberations, the UK, Ireland, New Zealand, and Australia signed the “London Statement,” a document intended to “improve the integrity of education recruitment agents... The ‘London Statement’ stresses the need for professionalism and ethical responsibility on the part of the commission-based agents who help many schools, colleges and universities to recruit international students.” (citation: downloaded from <http://www.britishcouncil.org/press/landmark-international-code-of-ethics-education-agents>, March 25, 2013)

The ‘London Statement’ stresses the need for professionalism and ethical responsibility on the part of the commission-based agents who help many schools, colleges and universities to recruit international students.

A comparison of the London Statement to NACAC’s Statement of Principles of Good Practice is included in Appendix 1.

Australia

Background

Universities are a minority provider of higher education in Australia. Of the 180 institutions of higher education only 39 are universities; the other 141 are a range of schools, colleges and institutes.¹⁸ At all institutions of higher education there were 1,221,008 students enrolled in the 2011-2012 academic year. Of these 27.2 % were international students. Of the 1,221,008 total students, 861,130 were undergraduates. Whether the 27.2% international holds true across the undergraduate population is not clear from the statistics available from the Australian Government's Department of Industry, Innovation, Science, Research and Tertiary Education.¹⁹

Promotion

Like the UK, promotion of Australian higher education is largely coordinated through a concentrated effort on the part of the Australian government to grow education as an export industry. Beginning (roughly) with the development of the Australian-Asian Universities' Cooperation Scheme (AAUCS), which eventually became the International Development Program (IDP), and continuing through to the Australian International Education Foundation (AIEF), the Australian government, in concert with Australian universities, has taken a leading role in promoting the nation's higher education system overseas.²⁰

Regulation

The Australian government's experience with regulation in the recruitment of international students, as evidenced in the successive iterations of the Education Services for Overseas Students Act (ESOS), in some ways mirrors the domestic experience in the US. Challenges related to accurate representation of institutions to students (among other behaviors), the effectiveness of private (for-profit) colleges in meeting labor market needs, and accreditation of private colleges are prominent among issues the Australian government has sought to address via regulation.

One account of the history of international education in Australia notes that "[i]nstitutions, too, had to learn that it was important to keep ADMs (Australian diplomatic missions) informed of their marketing plans and to understand how the diplomatic missions viewed local conditions."²¹

In the early 1990s, "Australia's reputation overseas had been damaged by abuses of the migration program and the failure of some private colleges, which had over-extended themselves in a rush to

A 2009 review of ESOS, in fact, recommended provisions to "[strengthen] the obligations on providers to ensure ethical recruitment practices, including by the education agents they use."²³ Over time, the Australian legislature has developed a "National Code," the purpose of which is to "provide nationally consistent standards for the conduct of registered providers and the conduct of persons who deliver educational services on behalf of registered providers."

expand the market."²² As Australian education "exploded" as an export throughout the 1990s and the first decade of the 21st century, the Australian government revised ESOS to account for an increasingly complex set of diplomatic, regulatory, and educational concerns, including the regulation of recruitment and admission.

A 2009 review of ESOS, in fact, recommended provisions to "[strengthen] the obligations on providers to ensure ethical recruitment practices, including by the education agents they use."²³ Over time, the Australian legislature has developed a "National Code," the purpose of which is to "provide nationally consistent standards for the conduct of registered providers and the conduct of persons who deliver educational services on behalf of registered providers."²⁴ The ESOS National Code contains extensive regulations for international recruitment, including

- Marketing and information practices²⁵
- Student engagement before enrollment²⁶
- Education agents²⁷

Of significance to the Commission's discussion, Australian law requires that institutions publicly disclose the agents working for them:

¹⁸ According to Universities Australia, the "the peak body representing the university sector

¹⁹ <http://www.innovation.gov.au/HigherEducation/HigherEducationStatistics/StatisticsPublications/Pages/default.aspx>

²⁰ Adams, Tony and Lawrence, Robb. "Marketing and Recruitment: Enabling the Industry." Making a Difference: Australian International Education. The International Education Association of Australia, 2011.

²¹ Meadows, Eric. "From Aid to Industry: A History of International Education in Australia." Making a Difference: Australian International Education. The International Education Association of Australia, 2011.

²² *Ibid.*, p.78

²³ Gallagher, Michael. "The Role of Government In International Education: Helping or Hindering?" Making a Difference: Australian International Education. The International Education Association of Australia, 2011.

²⁴ Education Services for Overseas Students Act, Part 4, Division 2 (34).

²⁵ See: <https://aei.gov.au/Regulatory-Information/Education-Services-for-Overseas-Students-ES-OS-Legislative-Framework/National-Code/nationalcodepartd/Pages/ExplanatoryguideD1.aspx>

²⁶ See: <https://aei.gov.au/Regulatory-Information/Education-Services-for-Overseas-Students-ES-OS-Legislative-Framework/National-Code/nationalcodepartd/Pages/ExplanatoryguideD2.aspx>

²⁷ See: <https://aei.gov.au/Regulatory-Information/Education-Services-for-Overseas-Students-ES-OS-Legislative-Framework/National-Code/nationalcodepartd/Pages/ExplanatoryguideD4.aspx>

21A Obligations relating to the agents of registered providers

(1) A registered provider must:

- (a) maintain a list of all the provider's agents; and
- (b) publish that list:
 - (i) on its website; and
 - (ii) in any other manner prescribed by the regulations; and
- (c) comply with any requirements of regulations made for the purposes of subsection (2).

Note: The Minister may take action under Division 1 of Part 6 against a registered provider that has breached this section.

(1A) A registered provider who fails to comply with subsection (1) commits an offence.

Penalty: 60 penalty units.

(1B) An offence under subsection (1A) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the Criminal Code.

(2) The regulations may prescribe requirements that registered providers must comply with in relation to their agents.

Education Services for Overseas Students Act (ESOS), Part 3, Division 1 (21A)

by a PT ministry of education, or accountable to a recognized standard-setting body. As a result, the educational institutions that currently host international students vary widely in terms of quality and accountability. In some cases, these institutions take advantage of international students by offering subpar education, or promise courses or programs of study that they are unauthorized or unequipped to deliver. Such activities hurt Canada's international reputation. Other educational institutions are involved in more unscrupulous activities, such as operating as so-called "visa mills" with the sole purpose of facilitating the entry of foreign nationals into Canada. In these instances, some foreign nationals use study permits as a means to enter Canada for purposes other than study.²⁸

To prevent such problems, the Canadian government's proposed regulations would insist on appropriate accreditations for accepting institutions, among other protections.

Also relevant to the Commission's discussion, an advisory panel to the Canadian government noted the importance of policy coordination to ensure sustainable quality in the delivery of Canadian higher education. Specifically, the panel recommended "mak[ing] internationalizing education in Canada a strategic component of the Government of Canada's official policies and plans." The panel's report noted that it "heard from partners and stakeholders that growth in the number of international students coming to Canada should not occur to the detriment of quality." The advisory report called for training to ensure that staff at postsecondary institutions are properly equipped for campus internationalization. Included among the priorities for training are:

- Preparing for cultural education
- Supporting internationalization and cross-cultural learning in the classroom
- Mental health
- Risk management
- Culture shock
- Immigration and health advising
- Preparing for work in a different cultural context
- Supporting students in their understanding of personal skill development and growth through international experiences
- Creating supportive integration networks on- and off-campus.²⁹

Canada

The Commission was provided information by the Canadian government, which has recently undertaken the task of expanding its federal role in assisting Canadian colleges to recruit international students. An examination of the Canadian government's procedures regarding the issuance of student visas presents an example of the predictability of the path that countries will likely follow as they open their doors to the global marketplace for international education. In December 2012, Citizenship and Immigration Canada (CIC) proposed new regulations aimed at preventing fraud in the International Student Program (ISP).

Under the Act and the Regulations, study permits can be issued to students attending any type of educational institution, whether or not it is accredited, regulated, or overseen

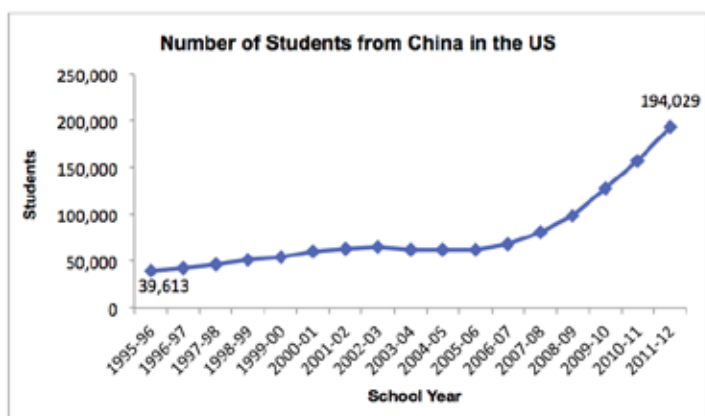
²⁸ Department of Citizenship and Immigration and Canada Border Services Agency, "Regulations Amending the Immigration and Refugee Protection Regulations," December 29, 2012. Downloaded from <http://gazette.gc.ca/rp-pr/p1/2012/2012-12-29/html/reg1-eng.html>, January 11, 2013

²⁹ "International Education: A Key Driver of Canada's Future Prosperity," Advisory Panel on Canada's International Education Strategy," August, 2012.

China

Commission members frequently cited China as an example germane to its discussion. Given the broad scope of agent activity in the country, and specific cultural dimensions of the same, China was not considered representative of the agent marketplace in other parts of the world. For the purpose of general illustration, however, a brief discussion about Chinese agencies and the context in which they operate follows.

China is by far the leading “sending country” of international students in the United States, with nearly twice as many students at American colleges and universities as the second leading source nation, India. Recent growth in total Chinese enrollments in the US has been especially strong. In academic year 2006-07 US colleges and universities hosted 67,723 Chinese students. Five years later that number had nearly tripled, to 194,029. From 2010-11 to 2011-12 alone, Chinese total and undergraduate enrollment in the US grew by 23.1% and 30.8%, respectively.³¹



Source: Institute of International Education. (2013). *Open Doors: Report on International Educational Exchange*. Washington, DC: Institute of International Education.

In response to this accelerating student mobility, American schools have significantly increased their activity in China, which has had a circular effect of generating more interest among Chinese students. US institutions have engaged with Chinese counterparts on an array of collaborative programs. These include dual and joint degree arrangements, preparatory pathway programs with a strong intensive English language focus, and more traditional scholar and student exchanges. US schools have also increasingly turned to agents to assist them with direct Chinese student outreach and recruitment. At the same time, usage of agent services by Chinese students is also high. A recent study examining agent activity in

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China found that among 257 Chinese student respondents at four different colleges and universities in the US, 57 percent reported using an agent for assistance with the college and/or student visa application processes.³²

Large numbers and diverse types of agencies operate in China. These run the gamut from independent sole-proprietorships serving students in a specific locale, to “hub and spoke” organizations constituted by a headquarters in one Chinese city connected to satellite offices in others. In the latter case, the satellites may or may not be part of the same company; given the country’s sheer size, agent and “sub-agent” relationships, involving two or more different companies, are not uncommon. Another agency type found in China is the public-private entity, affiliated with municipalities or Chinese educational institutions. Further, increased demand has spurred many new entrants into the realm of agency services for US-bound Chinese students. Newcomers include those with minimal professional expertise and preparedness, as well as established Chinese agencies practiced in working with other destination countries (examples: the UK; Australia) but without the same experience vis-à-vis US schools. This proliferation of US-focused agencies has gathered steam over the last 5–7 years.

While criteria for admission to American colleges and universities are as diverse as the US higher education landscape itself, university admission within China are predicated almost entirely on Chinese students’ performance on the all-important National College Entrance Exam, aka the “Gaokao”. Students need not write application essays, solicit letters of recommendation, nor highlight extracurricular activity involvement as they aspire to domestic postsecondary education. Non-cognitive attributes play little role in determining a student’s fit or admissibility to a given Chinese college or university. Also, there is limited academic mobility in terms of changes of majors and transfer between schools in the country. Correspondingly, China lacks the extensive college preparation and counseling infrastructure more common in varying degrees elsewhere.

³¹ <http://www.iie.org/Research-and-Publications/Open-Doors/Data>

³² “College Application With or Without Assistance of an Education Agent: Experience of International Chinese Undergraduates in the US,” Zhang and Hagedorn, NACAC Journal of College Admission, Summer 2011

Though Chinese credential evaluation and verification services exist, not all US schools employ these in reviewing applications from mainland Chinese students. The sheer number and variety of different academic transcripts in China can prove challenging for students and schools alike. Meanwhile, in some instances a Chinese student's secondary school may not be in the common practice of issuing academic transcripts. Fraudulent documentation is also problematic. It is not uncommon for third parties, including agents, to forge academic credentials and letters of recommendation for students applying to overseas schools. In other cases, agents and others in their employ pose as the student in authoring application essays, and in more general communications with the overseas schools to which the student is applying.

Myriad factors predispose Chinese students and their families to make use of agency services as they aspire to study in the US. One is the sheer prevalence of agencies and... other Chinese students and families who avail themselves of their assistance. A second is the vast scope and variety of US higher education, often difficult to navigate for even English-speaking Americans...

Myriad factors predispose Chinese students and their families to make use of agency services as they aspire to study in the US. One is the sheer prevalence of agencies and, as mentioned earlier, other Chinese students and families who avail themselves of their assistance. A second is the vast scope and variety of US higher education, often difficult to navigate for even English-speaking Americans; this challenge is heightened considerably by Chinese students' and families' relative unfamiliarity with the US system, and the language barriers which inhibit easy understanding of it. The language barrier can also make direct connections and communications between US schools and Chinese parents difficult at best. Chinese parents wield significant influence on their children's overseas study deliberations. The opportunity to communicate in their native tongue, with a source of hoped-for expertise about the decisions before them, is a powerful draw.

A related cultural dimension informing agency use involves the Chinese concept of "guanxi". Loosely defined as personal relationships and other networks of influence, a prevailing cultural construct is

that it's not what you know but who you know that begets success. In this context, agents implicitly or explicitly demonstrating their connectedness to American admission offices may appear an attractive source of advantage for prospective students. Other factors magnify the high stakes application and admission processes for Chinese families preparing to send their sons or daughters to the US. Distance and time differences between the countries are significant. Furthermore, China's long-standing—though gradually loosening—one-child policy translates into an enormous investment of hope and resources in the outbound Chinese student, by his or her parents, maternal and paternal grandparents and extended family.

As the number of Chinese students in the US grows, American schools eager to host them intensify their China outreach efforts, and agencies offering school and student-facing services proliferate, regulatory and other quality assurance efforts attempt to keep pace. Approximately 450 agencies have been approved by the Chinese Ministry of Education to provide service to students wishing to study overseas.³³ However, this is a small fraction of the total number actually doing the same. China's Ministry of Education is presently considering regulations which would both enhance oversight of domestic agencies, and prohibit foreign agencies from operating in the country. Meanwhile, agent associations in mainland China have formed and are growing in scope. These endeavor to promote industry standards and professional practice, akin to comparable organizations found in other countries. As the agent marketplace in China—and the US-focused segment of the same—matures, it will benefit from the examples of nations with pre-existing track records in this industry realm. It will also serve as a source of lessons for other nations emerging as significant international student "sending countries" in their own right. Last, the examples of regulatory regimes found in other countries discussed in this report may also inform China's quality assurance efforts as it hosts its own fast-growing inbound international student population.

The Commission noted with interest that there are several efforts, including at least one involving the College Board, to promote effective school-based counseling within public schools outside the US; these efforts have targeted outreach within several countries, including China, India, Saudi Arabia, South Korea, and the United Arab Emirates. As many members correctly observed, there is no counterpart to the school counselor in many local school systems outside the US and Canada. However, the Commission was made aware of several substantial efforts to develop capacity for this function, particularly as it relates to advising students who are interested in attending postsecondary education internationally.

³³ <http://www.jsj.edu.cn/index.php/default/intermediary/index>

THE UNITED STATES CONTEXT

The US Higher Education “System”

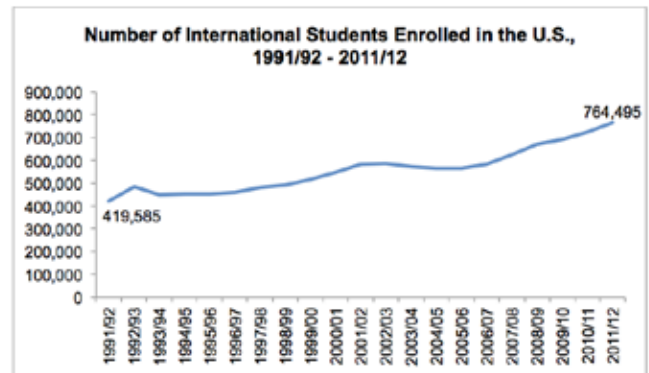
While Commission members appreciated learning about the experiences and practices of other countries, they were also struck by how different the US is from the rest of the world, in size and scope. While some elements of recruitment appear to maintain similarities across systems, the Commission generally recognized that other ‘systems’ are smaller, more centralized, more regulated, and more unified in purpose than the US higher education ‘system.’ A consideration for the association, and indeed for all of higher education in the US, is whether the models presented by other countries’ regulatory and promotional schemes are scalable or applicable to the US environment.

Higher Education in the United States may be characterized as a “system” in that institutions can be organized into distinct categories that generally follow similar patterns for teaching, administration, and governance. However, there is no systemic governance of institutions in the United States beyond the state level, resulting in an environment with—at the very least—50 governance structures (of varying central coordination) for public universities, in addition to governance structures of the thousands of private institutions that populate the US postsecondary landscape.

Overlapping institutions’ primary governance structures—whether state governments, in the case of public institutions, or governing boards for private institutions—are numerous regulatory and accrediting structures, each of which plays a part in shaping the landscape for postsecondary education. Postsecondary institutions, which are often wary of regulation for fear of encroachment on academic and administrative freedom, are nonetheless regulated in various ways.

There are 4,706 degree-granting postsecondary institutions in the United States, 1,649 of which are public and 3,057 of which are private.³⁴ In addition, there are 2,528 non-degree granting institutions that meet the US Department of Education’s eligibility criteria for financial aid program eligibility.³⁵ In addition to the vast quantity of institutions, the Commission noted a complex array of programmatic offerings both within and between institutions. The Commission recognized that the size and scope of the US higher education landscape is vastly larger than many other countries, and for that reason more difficult to draw into a tidy promotional or regulatory umbrella through government or other initiatives.

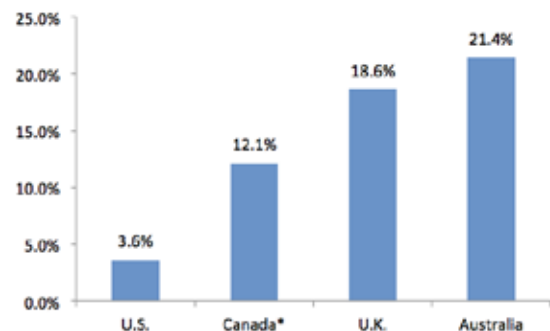
The Commission noted that an increasing number of institutions were focusing on international recruitment, which has further increased the number of students seeking higher education in the US. Over the past 20 years, the number of international students in the US has increased by 82 percent.



Source: Institute of International Education. (2012). “International Student Enrollment Trends, 1949/50-2011/12.” Open Doors Report on International Educational Exchange. Retrieved from <http://www.iie.org/opendoors>

Moreover, the share of enrollment comprised by international students in the US is significantly smaller than the share of enrollments in the countries the Commission discussed, which may account for the significant degree of coordination and effort dedicated to recruiting international students in these countries.

International Enrollment as a Percentage of Total Higher Education Enrollment in 2010/11



Source: Farugia, C. A., Bhandari, R., and Chow, P. (2012). Open Doors 2012 Report on International Educational Exchange. New York: Institute of International Education.

³⁴ National Center for Education Statistics, Digest of Education Statistics, 2012. Table 279.

³⁵ National Center for Education Statistics, Digest of Education Statistics, 2012. Table 281.

The Commission noted that the international recruitment landscape contains scores of organizations that either promote or in some way regulate institutional activities, ranging from individual institutional efforts to non-profit associations like NACAC to institutional and state consortia to federal initiatives like those promoted by EducationUSA and the Department of Commerce, among other agencies.

A Note About US Secondary Schools and International Student Recruitment

There are 44,123 international students enrolled in secondary schools (both public and private) in the United States.³⁶ The Commission frequently noted that secondary schools were becoming increasingly attractive to international students for a variety of reasons, not least of which is ease of entry into postsecondary education. In addition, the Commission notes that international students are becoming increasingly attractive to secondary schools, both public and private, for the same reasons they are attractive to colleges—for the difficult-to-separate reasons of internationalization and revenue. While secondary schools are not the primary focus of the Commission's deliberations or this report, we believe it is worth noting that the issues are substantially similar, and the Commission's recommendations to the association will likely apply equally to the secondary school members of NACAC.

According to NACAC's 2012 Counseling Trends Survey, 20 percent of secondary schools in the US enrolled international students. Seventy percent of secondary schools enrolling international students were private, 30 percent public. Secondary schools use a wide variety of recruitment tools, with varying success, most of which mirror tools used by higher education. Many schools rely on longstanding relationships with consultants and agencies, where the students and the family are the customers, not the secondary school. Others do rely on paid agents and agencies, where the school and, possibly, the families are both paying the agent. According to NACAC's 2012 survey, of the secondary schools that recruited internationally, approximately 59 percent stated that they did not use agents, while 41 percent did. Private secondary schools that recruit international students were more likely (73 percent) than public schools (27 percent) to use agents.

In addition, many secondary schools develop specific relationships with special programs, such as the Afghan Scholars Initiative and the African Leadership Academy, in order to boost diversity and academic standings. Also, within the far smaller world of secondary schools, word of mouth and satisfied families also play a significant

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role in recruitment. Social networking and website/media strategies, as well as direct marketing, are also increasingly important tools. Finally, secondary school administrators—specifically those involved in admission or advancement, and often accompanied by the head of school—frequently travel overseas to meet with parents, families and consultants. Increasingly, trips are organized abroad that include potential state and local trade partners, local governments, and institutions of learning, such as schools and camps.

Promotion

The Commission is aware that there are multiple initiatives throughout agencies of the US (and state) government. The bulk of the Commission's discussion focused on two: EducationUSA and the Department of Commerce. The importance of international student recruitment in the nation's public diplomacy effort is nowhere more apparent than in these initiatives. In addition, the quality of a student's experience with the transition to higher education in the US has an important effect on the students' (and their families and friends) perceptions of the US. At the Commission's March 2012 meeting, the State Department presented information to the Commission about the importance of understanding how the rapid expansion of international recruitment may affect relations with other countries. The exchange of students, ideas, and ideals represents an important diplomatic opportunity for the US, and that the current 'rush' for international students by some US institutions did not sufficiently incorporate concern for the quality of their experience of the institution and/or the country.

Education USA

EducationUSA, an initiative of the US Department of State, constitutes the primary promotional mechanism for US higher education overseas. Commission members agreed that EducationUSA is an under-utilized and under-promoted function within the US government, and that institutions would do well to connect with EducationUSA as a starting point for their international recruitment strategy.

³⁶ Student and Exchange Visitor Information System, General Summary Quarterly Review for the quarter ending December 31, 2012, US Department of Homeland Security. Downloaded from <http://www.ice.gov/doclib/sevis/pdf/by-the-numbers.pdf>

EducationUSA is a network of hundreds of advising centers in 170 countries, where millions of international students each year find accurate, comprehensive, and current information about how to apply to accredited US colleges and universities. The EducationUSA network is supported by the US Department of State's Bureau of Educational and Cultural Affairs (ECA), which strives to foster mutual understanding between the people of the United States and the people of other countries. EducationUSA advisers and staff work with US higher education professionals to promote international student enrollment. EducationUSA also helps advance study abroad opportunities for US citizens. US and international students alike can prepare for leadership roles in today's world through an international education.

EducationUSA Advising Centers may be located in US embassies and consulates, or in a variety of partner institutions, including Fulbright commissions; bi-national cultural centers; US nongovernmental organizations (NGOs) such as AMIDEAST and American Councils/ACCELS; and foreign NGOs, universities, and libraries. These centers share a common goal: assisting students in accessing US higher education opportunities. Advising centers are staffed by EducationUSA advisers, many of whom have first-hand experience studying in the United States. Advisers adhere to EducationUSA ethical standards, abide by the EducationUSA policy to refrain from working with commission-based recruitment agents, and have US State Department-approved training about the US higher education system and application processes.

The US Department of State partners with the Institute of International Education (IIE) to support EducationUSA activities. Through the cooperative agreement, IIE supports the global advising network by

- Building EducationUSA advisers' level of expertise in educational advising for study in the United States through a comprehensive approach to adviser training and professional development
- Promoting the United States as the destination of choice for higher education, maximizing the use of marketing materials, multimedia tools, and interactive platforms
- Increasing collaboration with the higher education community to advance student mobility to and from the United States

Regional Educational Advising Coordinators (REACs) lead the EducationUSA network of advising centers in their world region to foster international student mobility, guide and train EducationUSA advisers, and advance ECA's public diplomacy efforts. REACs collaborate

with US embassies and consulates to advance student mobility and EducationUSA advising programs. REACs are based in 14 locations in Sub-Saharan Africa, Europe and Eurasia, East Asia and the Pacific, North Africa and the Middle East, South and Central Asia, and the Western Hemisphere.

In addition to providing print and online materials at EducationUSA Advising Centers, advisers reach prospective student audiences through fairs and outreach events at local schools, universities, and other public venues. Extending outreach beyond personal interaction, the network reaches millions of students through websites, webinars, and social media platforms to reach prospective students, parents and education administrators within their local community. Explaining the incredibly diverse US higher education landscape and decentralized admission process for thousands of US institutions is a monumental task.

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The Department of State has increased collaboration with the US higher education community to raise awareness among accredited US colleges and universities, professional associations, and member organizations of EducationUSA's support for recruiting, admitting, and retaining qualified international students from diverse backgrounds and locations.

EducationUSA assists US college and university recruiting and admission staff by providing information on trends in higher education overseas, foreign education systems, the importance of recruiting international students, how to utilize the network to recruit effectively, and how to maintain an international-student friendly campus and website. The US Department of State funds the annual *IIE Open Doors Report*, which provides statistics about rates of tertiary international student mobility to and from the United States. Advisers host college and university visits to their centers and at EducationUSA college fairs. More than 1,000 accredited US institutions access a wide range of services and tools for recruitment advice through the EducationUSA website.

The Commission also noted that EducationUSA maintains a policy that it will not work with agents. The Commission understands and appreciates EducationUSA's position as one that is maintained to preserve the control and integrity of the services provided by the US government. EducationUSA's policy states:

ECA's Office of Academic Programs does not permit advising centers that receive support from

ECA to become involved with commercial recruitment agents for the following reasons:

A. Commercial recruitment agents represent only those universities that pay them a fee, and commercial agents recruit exclusively for those universities. These commercial agents do not represent the breadth of the US higher education system, nor can they represent US universities equitably.

B. Commercial recruitment agents restrict the options available to foreign students in the US, a restriction that may lead students to choose a college or university that will not meet their needs. As a result, these students may have a less than satisfactory experience in the US, with lifelong ramifications for their educational and professional activities and views of the United States.

C. Commercial recruitment agents understandably direct their services to students with the ability to pay. EducationUSA center association with commercial agents would undermine our public diplomacy message of outreach to well-qualified students from throughout society, including underserved sectors.

D. Since EducationUSA centers benefit from US taxpayer funds, they should avoid activities that may favor, or create perceptions of favoring, one US institution over another. We can offer specific services either free or for a reasonable fee, but these services must lead to access to the full range of accredited institutions. Partnering with commercial agents would limit us to representing only those institutions with which the agents have a commercial arrangement.

E. By adhering strictly to the ethical standards of providing information that is unbiased, objective, and comprehensive, EducationUSA centers equip foreign students to find the US institutions that are right for them while enabling the full range of US institutions to enroll qualified foreign students. Our goal is to invest in long-term relationships with students and institutional partners.

Institute of International Education (IIE)
is a private, non-profit organization with a global network of more than 1,100 member institutions and 600 staff whose mission includes (1) promoting closer educational relations between the people of the United States and those of other countries; (2) strengthening and linking institutions of higher learning globally; and (3) building leadership skills and enhancing the capacity of individuals and organizations to address local and global challenges.

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IIE's expansive offerings to assist colleges with recruitment internationally include:

- International student fairs overseas
- Education and training for international admission
- Networking opportunities with educators and institutions globally
- Seminars and conferences focused on campus internationalization
- Network of international offices in 18 locations around the world to assist colleges with their campus internationalization projects

³⁷ Institute of International Education, "IIE Network Handbook for International Educators," 2012 edition.

Department of Commerce

The Department of Commerce maintains a number of initiatives to promote US higher education overseas, most of which are housed under the International Trade Administration (ITA) through the US Foreign and Commercial Service. The Foreign and Commercial Service provides a range of services for post-secondary institutions, including assistance with national-level programs, country-specific events, services for individual institutions, and services for state consortia.

National-level events include US trade missions to other countries. Commerce works closely with other government agencies, including the Department of State, to set up multi-tiered missions to promote trade with other countries. Such missions often include the promotion of US higher education, and have more recently been coordinated closely with EducationUSA.

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Country-specific programs include trade shows or college fairs. Commerce frequently assists private organizations and other agencies to set up collective events that showcase US higher education as a trade asset.

Commerce also provides fee-based services for individual institutions, including setting up institutions with audiences in-country. Such audiences may include other postsecondary institutions in the host country, government or business leaders, secondary schools, or recruitment agents. Commerce also assists institutions in setting up events, such as receptions, meetings, or fairs, much of which may be aimed at student recruitment.

Finally, Commerce works with and coordinates, in some cases, state consortia to facilitate programs and events that promote international student enrollment in colleges within a specific state. Such fee-based services are similar to those provided for individual institutions.

Unlike EducationUSA, the Department of Commerce does not have a restriction against working with agents.

State Consortia

At the time of the Commission’s discussions, more than half (33) of all US states had developed consortia to promote opportunities for international students to attend colleges located in the respective states. A list of state consortia is included in the table below.

State Consortia	Web Address
Study Michigan	http://www.maie.us/
Destination Indiana	www.destinationindiana.org
Study Illinois	http://studyillinois.info/
Study Oregon	www.studyoregon.com
Study Washington	www.studywashington.org
Study West Virginia	http://studywv.org/
Discover Ohio	n/a
Campus Philly	www.campusphilly.org
Study Wisconsin	www.studywisconsin.org
Destination California (community colleges)	http://www.destinationca.org/index.php
Study Hawaii	n/a
Study Texas	http://www.studytexas.us/
Study Iowa	www.studyiowa.org
Minnesota International Educators	http://mn-mie.com/MIE/Welcome.html
Study New Jersey	http://studynewjersey.us/
Global Virginia	http://globalvirginia.com
Study Alabama	www.studyalabama.org
Study Georgia	www.studygeorgia.us
Education Kentucky	http://www.educationkentucky.org/
Study Maine	www.studymaine.net
Study Western Mass.	http://www.studywesternmass.org/
Study Missouri	http://studymissouri.net/
Metro NY	http://www.fdu.edu/metronytour
Global Pittsburgh	http://www.study pittsburgh.org
Study Rhode Island	http://www.studyrhodeisland.us
Study Mississippi	http://www.studymississippi.org/
Study New York	www.studynewyork.us
Education Vermont USA	http://www.educationvermontusa.com/
Study Colorado	http://www.studycolorado.org
Study Florida	n/a
Study Montana	n/a
Study North Carolina	http://studynorthcarolina.us
Study North Dakota	http://www.studynd.com

Regulation

Federal Student Aid and Accompanying Regulation

The federal government provided \$141.9 billion in student assistance for US students to attend postsecondary education in 2012.³⁸ While most international students do not receive federal financial aid, most institutions that enroll international students are eligible to enroll students who receive federal financial aid, and therefore maintain “Program Participation Agreements” with the US Department of Education that require the institution to comply with regulations that govern the administration of such funds. As the amount of federal student aid has increased, the federal government has expanded its reach beyond simple administration into areas that include quality control (such as the ‘program integrity’ regulations discussed above), cost of attendance, consumer protection/information, and academic quality.

During the Commission’s March 2012 meeting, staff representing the US Department of Education noted that while the ban on incentive compensation for recruitment applied only to the recruitment of students eligible for federal financial aid, other regulations like the ban on misrepresentation remained applicable in all circumstances. The federal definition of misrepresentation reads as follows:

Any false, erroneous or misleading statement an eligible institution, one of its representatives, or any ineligible institution, organization, or person with whom the eligible institution has an agreement to provide educational programs, or to provide marketing, advertising, recruiting or admissions services makes directly or indirectly to a student, prospective student or any member of the public, or to an accrediting agency, to a State agency, or to the Secretary. A misleading statement includes any statement that has the likelihood or tendency to deceive or confuse. A statement is any communication made in writing, visually, orally, or through other means. Misrepresentation includes the dissemination of a student endorsement or testimonial that a student gives either under duress or because the institution required the student to make such an endorsement or testimonial to participate in a program. (34 C.F.R. 668.71)

Moreover, the consequences for an institution that is found to have violated the Department’s regulations on misrepresentation are potentially serious, including a loss of eligibility for federal financial aid, which would, in effect, represent an existential threat to the institution itself.

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Homeland Security and Student Visas

While the federal government has set the requirements and processes required for international student entry into the United States, it has, since September 11, 2001, developed new procedures and regulations aimed at ensuring that the student visa process is not compromised to the detriment of US domestic security. The Commission did not venture deeply into the regulatory and administrative structure surrounding the immigration process for students, though it acknowledged the importance of this process in the student’s experience.

Rather, the Commission focused on perspectives of the agency involved with security on methods of recruitment. Absent an official policy on working with commission-based recruiters, the Department of Homeland Security recently published guidance³⁹ for students who work with commissioned agents:

³⁸ US Department of Education, Office of Federal Student Aid Annual Report, 2012.

³⁹ Downloaded from <http://studyinthestates.dhs.gov/students/resources/recruiters>, March 18, 2013

What is a Commission-Based Recruiter?

As you begin your journey of preparing to study in the United States, you may be considering the option of consulting service providers to help you in this process. Depending on where you live, such services could include a recruiter, broker or agent who charges fees or receives a commission for such things as helping you obtain a student visa, housing or other services. A recruiter is often known as Zhongjie in China and Yeo Haeng Saa in Korea.

You do not need to use a recruiter in order to obtain a United States student visa. Free information about applying for an F or M visa is available from the US Department of State's website.

It is important to know your rights and responsibilities and the problems you could encounter by hiring an agent or recruiter.

You must ensure that your living arrangements in the United States are adequate for your needs. The arrangements a recruiter makes for you may not match how the recruiter describes them to you. A recruiter cannot prevent you from moving to a new living arrangement. Also, the fees paid for your housing should not be tied to the agent or recruiter.

You must ensure that the school where you enroll meets your educational objectives. If it does not, a recruiter cannot prevent you from transferring to another school.

Be aware that the US government cannot force recruiters to refund fees you have paid to them for not meeting your expectations (such as bad living arrangements or the school program not providing what you expected).

What if I choose to use a recruiter?

If you choose to use a recruiter, the following information comes from students who had successful experiences with their recruiters:

Look for a recruiter with a legitimate reputation in your home community. Ask peers, current teachers or other people who have used the recruiter about their experience.

Be wary of recruiters that do not detail what services will be provided for a particular fee or who do not provide sufficient detail about their background, training or experience in the industry when you ask them.

Be wary of any recruiter who promises that you can work without restrictions while attending school. The designated school official (DSO) at your Student and Exchange Visitor Program (SEVP)-certified school can authorize some types of employment for you and must do so before you can begin. For other types of employment, you need your DSO's recommendation and authorization from US Citizenship and Immigration Services (USCIS). There is no employment that you can legally do in the United States without coordinating with your DSO. Any work pursued outside of this process may be grounds for termination from the school.

Do your own research on the schools with which the recruiter partners and determine how the academic community, both in your country and in the United States, perceives the school. Before you work with the recruiter, determine for yourself if the school is right for you. EducationUSA has more than 400 advising centers in 170 countries around the world. These advisors can help you choose a school and a program of study. There are no fees for receiving their services.

Verify that the schools with which the recruiter partners are SEVP-certified. An F or M student may only attend an SEVP-certified school. You can use the Study in the States school search page to make sure the school in which you are interested is SEVP-certified.

A recruiter should not offer to write an admission essay or significantly alter an admission essay for you on the presumption that a school's admission department can be "fooled."

(Source: Department of Homeland Security)

State Certification and Consumer Protection

State governments maintain their own standards for licensing and certifying postsecondary institutions. In addition, state governments have their own regulatory structures for (a) public institutions under their jurisdiction, (b) all institutions that enroll students who receive state financial assistance for postsecondary education, and/or (c) all institutions that wish to operate under state certification or licensing requirements. Such regulatory structures include student complaint mechanisms.⁴⁰

Accreditation

Accrediting bodies independent of state or federal governments set and verify standards of academic quality to which US institutions are held. Such standards also include provisions for admission and recruitment.

In order to be eligible to receive Title IV federal student aid, institutions in the United States must be accredited by an approved accreditation agency. In addition to opening the door to federal aid, accreditation helps institutions establish the quality of their educational programs in the public eye, facilitates transfer agreements with similarly accredited institutions, and, in some cases, qualifies an institution's graduates to sit for professional licensure exams. It is widely acknowledged that the six regional accreditation agencies represent the "gold standard" among the available accreditation options. Thus, achieving accreditation through these agencies is often considered to be an imperative for high-quality colleges and universities, making the requirements and guidelines of the regional accreditors some of the most prominent quality standards in American higher education.

Title IV of the Higher Education Act (20 USC. 1099b) requires that approved accreditation agencies "effectively address the quality of the institution or program in...Recruiting and admissions practices, academic calendars, catalogs, publications, grading, and advertising."⁴¹ Appendix Z below contains excerpts from the six regional accreditation agencies' standards for admission, recruitment and marketing.

For the Commission's purposes, accreditation standards dictate several important considerations for admission practice, institutional oversight and accommodation, and for association policy. For instance, the Middle States Association of Colleges and Schools states:

Because an accredited institution is responsible for all activities carried out in the institution's name, the Commis-

sion's accreditation standards, policies, and procedures—including those on outcomes assessment, advertising, and recruitment—are fully applicable to any contractual arrangements with another regionally accredited institution or with a non-regionally accredited organization. Contractual relations with for-profit firms or other institutions require diligent care to protect an institution's integrity and to avoid abuse of its accredited status.

Similarly, the North Central Association of Colleges and Schools states

Fundamental to integrity is the provision of fair and accurate information. Teams expect the organization's publications, statements, and advertising to accurately describe the college or university, its operations, and its programs. If an organization's affiliation status includes distant sites, in the United States or in other nations, the organization is also responsible for the advertising and recruitment materials used specifically for those sites.

Core elements of accreditation policy relevant to the Commission's discussion include:

Institutional Oversight

As will be discussed below, the Commission understands the critical role institutions play in overseeing their own processes. Accreditors generally maintain requirements that institutions extend such accountability to third parties working on behalf of the institution. Examples considered by the Commission include:

Middle States, Fundamentals of Contractual Relationships and Affiliated Providers

- "contractual relationships with affiliated providers, other institutions, or organizations that protect the accredited institution's integrity and assure that the institution has appropriate oversight of and responsibility for all activities carried out in the institution's name or on its behalf" (Middle States, "Fundamental of Contractual Relationships and Affiliated Providers")

Northwest Commission on Colleges and Schools

- All candidate and accredited institutions, or individuals acting on their behalf, must exhibit integrity and responsibility in advertising, student recruitment, and representation of accredited status. Responsible self-regulation requires rigorous attention to principles of good practice.

(From "Standards for Contracts with Unaccredited Organizations")

⁴⁰ See: <http://www.shceo.org/sites/default/files/Complaint%20Process%20Links%2012-2012.pdf>

⁴¹ See: http://www2.ed.gov/admins/finaid/accred/accreditation_pg13.html#RecognitionCriteria

Field Agents

- a) An institution is responsible to its current and prospective students for the representations made by its field representatives (including agencies and other authorized persons and firms soliciting students), and therefore should select each of them with the utmost care, provide them with adequate training, and arrange for proper supervision of their work.
- b) It is the responsibility of an institution to conform to the laws and regulations of each of the states in which it operates or solicits students and in particular to see that each of its field representatives working in any such state is properly licensed or registered as required by the laws of the state.
- c) If field representatives are authorized to prepare and/or run advertising or to use promotional materials, the institution should accept full responsibility for the materials used and should approve any such promotional materials in advance of their use.

If the institution enters into contractual agreements with external entities for products or services performed on its behalf, the scope of work for those products or services—with clearly defined roles and responsibilities—is stipulated in a written and approved agreement that contains provisions to maintain the integrity of the institution.

- d) When field representatives are authorized to collect money from an applicant for enrollment, they should leave with the applicant a receipt for the money collected and a copy of the enrollment agreement.
- e) No field representative should use any title, such as “counselor,” “advisor,” or “registrar” which may indicate that duties and responsibilities are other than they actually are.
- f) No field representative should violate, orally or otherwise, any of the standards applicable to advertising and promotional materials.

- If the institution enters into contractual agreements with external entities for products or services performed on its behalf, the scope of work for those products or services—with clearly defined roles and responsibilities—is stipulated in a written and approved agreement that contains provisions to maintain the integrity of the institution. In such cases, the institution ensures the scope of the agreement is consistent with the mission and goals of the institution, adheres to institutional policies and procedures, and complies with the Commission’s Standards for Accreditation. (2.A.26)

Recruitment and Admission Standards

Standards relating to admission and recruitment were central to the Commission’s discussion and recommendations to the association. For purposes of this report, the Commission wishes to underscore the presence of such standards to which institutions must adhere for purposes that are well beyond the scope of NACAC.

Middle States, “Standards for Recruitment and Admission”

1. Student recruitment should be conducted by well-qualified admissions officers and trained volunteers whose credentials, purposes, and position or affiliation with the institution are clearly specified.
2. Independent contractors or agents used by the institution for recruiting purposes shall be governed by the same principles as institutional admissions officers and volunteers.
3. No misrepresentations should be made in student recruitment, including:
 - a. assuring employment unless employment arrangements have been made and can be verified;
 - b. misrepresenting job placement and employment opportunities for graduates;
 - c. misrepresenting program costs;
 - d. misrepresenting abilities required to complete intended program;

New England

- The institution has an orderly and ethical program of admission that complies with the requirements of legislation concerning equality of educational opportunity. Its admission and retention policies and procedures are clear, consistent with its mission and purposes, and available to all students and prospective

students electronically and through other appropriate publications. (6.2)

- Standards for admission ensure that student qualifications and expectations are compatible with institutional objectives. Individuals admitted demonstrate through their intellectual and personal qualifications a reasonable potential for success in the programs to which they are admitted. If the institution recruits and admits individuals with identified needs that must be addressed to assure their likely academic success, it applies appropriate mechanisms to address those needs so as to provide reasonable opportunities for that success. Such mechanisms receive sufficient support and are adequate to the needs of those admitted. The institution endeavors to integrate specifically recruited populations into the larger student body and to assure that they have comparable academic experiences. (6.3)

Northwest Commission on Colleges and Schools and Southern Association on Colleges and Schools

1. Student recruitment should be conducted by well-qualified admissions officers and trained volunteers whose credentials, purposes, and position or affiliation with the institution are clearly specified.
2. Independent contractors or agents used by the institution for recruiting purposes shall be governed by the same principles as institutional admissions officers and volunteers.
3. The following practices in student recruitment are to be scrupulously avoided:
 - a. ensuring employment unless employment arrangements have been made and can be verified;
 - b. misrepresenting job placement and employment opportunities for graduates;
 - c. misrepresenting program costs;
 - d. misrepresenting abilities required to complete intended program; and
 - e. offering to agencies or individual persons money or inducements other than educational services of the institution in exchange for student enrollment. (Except for awards of privately endowed restricted funds, grants or scholarships are to be offered only on the basis of specific criteria related to merit or financial need.)

Student recruitment should be conducted by well-qualified admissions officers and trained volunteers whose credentials, purposes, and position or affiliation with the institution are clearly specified.

Student Support on Campus

The Commission was unanimous in its agreement that recruitment was only part of the process of campus internationalization, and that supporting students once on campus was equally important. Indeed, accreditors generally maintain standards for student supports that apply equally to domestic and international students. In one case, the Western Association of Schools and Colleges (WASC) maintains a statement exclusive to international students (see below).

New England

- The institution demonstrates its ability to admit students who can be successful in the institution's academic program, including specifically recruited populations. It ensures a systematic approach to providing accessible and effective programs and services designed to provide opportunities for enrolled students to be successful in achieving their academic goals. The institution provides students with information and guidance regarding opportunities and experiences that may help ensure their academic success. (6.4)

- The institution measures student success, including rates of retention and graduation and other measures of success appropriate to institutional mission. The institution's goals for retention and graduation reflect institutional purposes, and the results are used to inform recruitment and the review of programs and services. Rates of retention and graduation are separately determined for any group that the institution specifically recruits, and those rates are used in evaluating the success of specialized recruitment and the services and opportunities provided for the recruited students. (6.6)

Northwest Commission of Colleges and Schools

- The institution, in keeping with its mission and admission policy, gives attention to the needs and characteristics of its student body with conscious attention to such factors as ethnic, socioeconomic, and religious diversity while demonstrating regard for students' rights and responsibilities. (3.D.2)

Western Association of Schools and Colleges

If an institution recruits and enrolls international students, the institution must demonstrate that it admits and serves such students in a responsible and sensitive manner.

1. Where the number of international students is significant, the institutional statement of purposes includes the education of international students and recognizes the consequent implications for the institution. Special services, including orientation, community assistance, personal and academic counseling, and special language programs, are adequate, available, and provided by persons specially trained for these purposes.
2. Before international students are admitted:
 - a. Foreign credentials are reviewed by competent evaluators who apply clear and consistent institutional standards. Appropriate English language skills for undergraduate- or graduate-level work are required for admission;
 - b. Representations regarding the institution, both written and oral, are accurate, up-to-date, and effectively communicated; and
 - c. Governmental regulations regarding the issuance of documents for new and continuing international students are made known to students, and are followed.
3. Once international students are on campus, they are subject to the same procedures, safeguards, legal protection, and gener-

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- al opportunities accorded domestic students. The institution should ensure that:
- a. Undue reliance upon tuition or fee income from students who matriculate from one particular country or region is avoided;
 - b. Special fees, if assessed for international students, are dedicated to the provision of additional services for them;
 - c. Tuition and fees for international students are not significantly out of proportion to those charged to other students subject to similar legal residence requirements;
 - d. Required immigration, academic, and special services information is immediately accessible;
 - e. Mandated and technical services are in compliance with US government regulations for international students and are carried out by trained personnel; and
 - f. The academic freedom of international students is protected.

Association Standards

In addition to the numerous regulatory structures superimposed on the US higher education landscape, there exist a large number of agreed-upon standards maintained by education associations. As self-governance measures, the role played by association standards or principles is part of what distinguishes American higher education from other systems. However, the Commission noted that the government does not hesitate to regulate in instances where self-governance proves ineffective. Commission members therefore stress the importance of adhering to association standards and principles of good practice.

NAFSA: Association of International Educators

NAFSA is a non-profit association, established in 1948, of nearly 10,000 members located at more than 3,500 institutions in more than 150 countries. A core part of NAFSA's mission is to support

public policies that promote and enhance international education and exchange between the United States and other nations. A large number of NAFSA's members work on college and university campuses as foreign student advisers and admission officers, study abroad advisers, directors of international programs, teachers of English as a second language, administrators of intensive English programs, overseas educational advisers, community volunteers, and administrators of sponsored exchange programs. NAFSA also draws members from associations and foundations, international and national corporations, research centers, community organizations and cultural groups.

NAFSA provides professional training, expertise in a wide range of international education issues, professional conferences, an electronic communications system and website, and professional publications.

As discussed above, NAFSA has also maintained principles for practice in international education. The most recent "Statement of Ethical Principles" is included in the text box below.

Integrity

We will manifest the highest level of integrity in all our professional undertakings, dealing with others honestly and fairly, abiding by our commitments, and always acting in a manner that merits the trust and confidence others have placed in us.

Respect for the Law

We will follow all applicable laws and regulations and carefully and reflectively advise students and scholars regarding those laws and regulations. We will seek out appropriate guidance and advice when regulations appear contradictory, ambiguous, or confusing or when a situation is beyond our role or competency.

Quality

We will strive constantly to provide high quality and educationally valuable programs and services. We regularly will evaluate and review our work in order to improve those programs and services and will seek out and adopt exemplary practices.

Competence

We will undertake our work with the highest levels of competence and professionalism, regularly seeking and acquiring the training and knowledge necessary to do so. Our commitment to professional competence will extend to exercising thorough oversight of external programs and placements. Through careful planning and the development and implementation of appropriate policies, we will do our utmost to ensure the safety, security, and success of students, staff, faculty, and scholars.

Diversity

In both word and deed we will respect the dignity and worth of all

people and be properly attentive and responsive to the beliefs and cultural commitments of others. In the planning, development, and implementation of programs and services we will engage respectfully with the diversity of peoples and perspectives. We will strive to ensure that our programs reflect the diversity of our institutions and their educational goals.

Transparency

We will demonstrate the appropriate level of transparency in dealings with individuals and organizations. In collaborations with other institutions and individuals we will proceed on the bases of equality and mutuality. Transactions with external providers of programs and services will be conducted professionally, always keeping the welfare of students foremost, and disclosing any potential conflicts of interests. We will provide faculty, staff, students and scholars with the information they need to make good decisions about program participation and to facilitate their adjustment to the locales and cultures where they will study or work.

Access

In planning, developing, and implementing our programs we will strive to ensure that they are accessible to all qualified individuals, doing our utmost to guarantee that international education is available to all who desire it and can benefit from it.

Responsiveness

We will maintain open and readily accessible communication with individuals in our programs and services and with our institutional partners. This includes providing students with the appropriate level of support based on age, experience, language ability, and placement.

American Association of Collegiate Registrars and Admission Officers

The American Association of Collegiate Registrars and Admission Officers (AACRAO) is a nonprofit, voluntary, professional association of more than 11,000 higher education admission and registration professionals who represent more than 2,600 institutions and

agencies in the United States and in over 40 countries around the world. The mission of AACRAO is to serve and advance higher education by providing leadership in academic and enrollment services.

AACRAO also maintains a “Statement of Professional Ethics and Practice” for admission and recruitment staff. Provisions of AACRAO’s statement are included in the text box below.

AACRAO members shall:

- Conduct themselves with integrity, fairness, honesty, and respect for others;
- Avoid conflicts between personal interests and professional responsibilities, and resolve perceived conflicts through full disclosure and independent review;
- Dispense complete, accurate, understandable, and truthful information and advice at all times.

In light of these ethical principles, AACRAO has adopted the following standards of professional practice. AACRAO members shall:

- Serve and advance higher education by safeguarding the academic integrity of their institutions;
- Protect the legitimate privacy interests of all individuals and maintain appropriate confidentiality of institutional and student education records;
- Advance institutional interests through the competent practice of the profession;
- Act as stewards and objective enforcers of institutional policies and practices;
- Promote institutional policies and practices that conform with this statement, especially when existing policies or practices are in conflict with it;
- Promote broad and equal access to higher education for qualified students;
- Adhere to principles of nondiscrimination and equality within the framework of institutional mission and prevailing law;
- Assist students to develop their talents and interests and become responsible citizens;
- Provide to prospective students and their families accurate interpretations of institutional admissions criteria, transfer credit policies, costs, financial aid availability, and educational offerings;
- Recruit distinct student populations (international students, students with learning disabilities, etc.) only when appropriate institutional resources and commitment to serve those populations are in place;
- Avoid practices in the recruitment and enrollment of international students that would not be ethical in the recruitment or enrollment of domestic students;
- Ensure that information management systems protect and maintain the integrity, confidentiality, and security of institutional records;
- Provide accurate interpretations of institutional records;
- Exercise sound management principles, using institutional resources effectively and efficiently;
- Remain knowledgeable of current principles and practices of the profession;
- Contribute to the continuing advancement of the professions;
- Encourage the professional development of individuals at all levels of academic and enrollment services;

NACAC Statement of Principles of Good Practice

As a final illustration of the potential usefulness of the US experience, the Commission wishes to emphasize that NACAC's Statement of Principles of Good Practice exists as the collective conscience of the professional community that has developed over the past century. Particularly when combined with the statements contained in the accreditation agencies' standards, NACAC's standards for admission and recruitment constitute a compendium of agreed-upon principles for practice that bind NACAC member institutions.

A copy of the Statement of Principles of Good Practice (SPGP) is included as an Appendix to this report. Commission members wish to reiterate that individuals working on behalf of educational institutions are also responsible for abiding by the SPGP in both domestic and international contexts.

Given that agents often serve in dual capacities—as recruiters for postsecondary institutions and independent consultants for students—the Commission believed it was relevant to cite the ethical standards maintained by organizations that represent independent educational consultants in the US.

Independent Educational Consultants Association (IECA)

The Independent Educational Consultants Association (IECA) is a not-for-profit, international professional association representing experienced independent educational consultants. Chartered in 1976, IECA sponsors professional training institutes, workshops and conferences, publishes a directory of qualified independent educational consultants, offers information to students and their families regarding school selection issues and works to ensure that those in the profession adhere to the highest ethical and business standards.

IECA maintains a statement of Principles of Good Practice to guide its work. Importantly for the Commission's purposes, the IECA standards for independent educational consulting maintain that independent consultants for students and families will not accept compensation from programs or institutions for placement:

IV. RELATIONSHIPS WITH COLLEGES/PROGRAMS/SCHOOLS

A. Members neither solicit nor accept compensation from Schools/Programs for placing or attempting to place students with them. They scrupulously avoid behavior that might be construed as soliciting or accepting compensation.

As a final illustration of the potential usefulness of the US experience, the Commission wishes to emphasize that NACAC's Statement of Principles of Good Practice exists as the collective conscience of the professional community that has developed over the past century. Particularly when combined with the statements contained in the accreditation agencies' standards, NACAC's standards for admission and recruitment constitute a compendium of agreed-upon principles for practice that bind NACAC member institutions.

- i. Compensation includes, but is not limited to, any form of payment, in money or in kind, and any sort of favor or special treatment to reward or encourage placements, even from Schools/Programs where finder's fees are commonly considered appropriate. Expressly forbidden are quid pro quo relationships involving referral of clients tied with referrals back to members and relationships that promise the exclusive or more favorable use of a particular School/Program. Gifts received from a school or program totaling less than \$75 in a calendar year shall not be considered compensation.
- ii. Expenditures by Schools/Programs to educate IECs regarding particular Schools/Programs are not considered compensation, as long as they are customary, ordinary, and reasonable. Travel, lodging and meals associated with visiting a School/Program or a working lunch when a School/Program representative visits an IEC are customary, ordinary, and reasonable expenditures

Other standards in IECA's statement of principles include:

I. MULTIPLE RELATIONSHIPS AND POTENTIAL CONFLICTS OF INTEREST

A. Multiple relationships exist when a member has a relationship with a School/Program that may create or appear to create a conflict of interest. Such relationships include, but are not limited to, owning or serving as a consultant to or board member or employee of a School/Program.

i. Members are expected to avoid multiple relationships that could reasonably and foreseeably give rise to actual or perceived conflicts of interest, interfere with the ability of the independent educational consultant (IEC) to provide objective service, embarrass the student or family, or compromise the confidence or trust basic to the client-consultant relationship.

B. When such a multiple relationship exists, the member must disclose in writing the existence, extent and nature of that relationship. This disclosure should include a consent form for clients to sign, indicating that they have been informed of this additional role and agree to proceed with the services.

C. When a member provides services to a client in his/her capacity as a member of another licensed profession or professional organization, he/she acts in accordance with the ethical code of that profession or organization and within its guidelines regarding multiple relationships.

D. Members shall avoid not only conflicts of interest but also the appearance of conflicts by being forthcoming with clients, colleagues and Schools/Programs.

III. RELATIONSHIPS WITH STUDENTS AND FAMILIES

A. Members treat students and their families with respect and decency, with sensitivity to their special strengths, values and needs.

i. Members are aware of and sensitive to cultural, individual and role differences, and do not discriminate or condone discrimination based on age, race, gender, sexual orientation, language, religion, ethnicity, disability, national origin or socioeconomic status.

ii. Members shall not write application essays or any portion of an essay for students. Their role is to serve as advisors, to question, coach and encourage students to fully and honestly express the best that is within them.

B. A member's primary obligation is to assess, make recommendations for, and represent each student accurately and fairly based upon a professional evaluation of the circumstances, requirements of the case, and needs of the student.

i. The member has additional obligations to the student's parents/guardians, who are also his/her clients and involved in the placement process.

C. During the placement process, with appropriate consent, members may communicate with other professionals, including School/Program admissions officers, other consultants and therapists, in addition to the student's parents/guardians.

i. Members maintain confidentiality of records, notes and client information and disclose confidential information only with written consent and on a need-to-know basis.

ii. Members provide substantially consistent information to the student, family members and all other professionals involved in the placement.

D. Members are clear and forthright about the nature and scope of their services.

i. Members disclose fees and financial arrangements in writing before services begin.

ii. Members neither guarantee placement nor outcomes.

iii. Members inform clients of their confidentiality policies.

E. Members retain their principles in all social media (Twitter, Facebook, Listservs, etc.) interactions and do not include identifiable personal client references there or in public presentations

Higher Education Consultants Association (HECA)

The Higher Education Consultants Association (HECA) is a professional organization focused exclusively on the practice of independent college admission consulting. Since 1997, HECA has been dedicated to advancing professional standards for the higher educational consulting field while supporting our members as they expertly guide students through the transition from high school to college.

HECA was founded by a group of higher education consultants who recognized the need for standards and professional development for those in the growing field of higher education consulting. The new organization received support and assistance from college admission officials, who welcomed HECA's commitment to advancing high ethical standards for the profession.

Today, HECA has grown from its initial membership of 38 to more than 700 professional college admission consultants around the globe. Members serve the college planning needs of more than 12,000 high school seniors each year. Many of our members also actively assist low income students through pro-bono advice and volunteer service to non-profit organizations and local schools.

HECA has a two-fold mission: (1) Support students and parents during the transition from high

school to college, with a commitment to equity and access to higher education for all students; and (2) Advance professional, ethical conduct, and standards for the profession of college admission consulting. HECA's Standards and Ethics Statement includes the following:

Standards for Working with Students and Families

- A. Serve the interests of students and families by providing accurate, unbiased information about the college planning and decision-making processes.
- B. Respect issues of confidentiality and students' rights to privacy throughout the process. Confidential information is shared with others only with the written consent of the student and family.
- C. Respect the values and expectations of students and families while presenting professional advice that is sound, honest, and candid.
- D. Respect the college planning and decision-making processes as learning opportunities for the student and family. In this spirit, the HECA member counsels and advises in the college research process, provides guidance, direction and review, but does not complete or submit a college application on behalf of a student.
- E. Counsel and encourage students and parents to approach the college application and admission process ethically and honestly.
- F. Advise students and families of the policies and requirements of each college to which they apply and the importance of accuracy, full disclosure, and timeliness in meeting deadlines.

Standards with Respect to Relations with Schools and Colleges

- A. Provide information to students and families that is:
 - Accurate and timely, and is based on research, college visits, participation in professional organizations and attendance at national and regional educational conferences and meetings.
 - Based on evaluation of the student's academic record and interests, activities, and future plans.

B. Respect the procedures and requirements of the student's high school.

C. Neither solicit nor accept remuneration, gifts, services, or rewards from any institution, agency or organization for the placement or recruitment of students. To do so is considered outside the realm of ethical behavior. This policy is not intended to apply to gifts of nominal value (such as school pens, mugs, pennants, notepads with insignias) that do not, in any way, obligate the recipient.

D. Seek to complement the work of high school counselors and to work cooperatively and collaboratively.

Standards for the Educational Consulting Profession

A. Acknowledge one's own limits in terms of knowledge, experience, and expertise and make referrals, as appropriate.

B. Accurately, and with integrity, represent and promote their services in writing, including statements of fees and payments.

C. Agree that promise or guarantee of college and/or university placement is beyond the scope of an education consultant and may not be communicated or inferred from written or verbal statements made by a HECA member.

D. Avoid conflict of interest or the perception thereof. If potential for conflict of interest is present, it is incumbent on the HECA member to acknowledge, in writing, the source and scope of such conflict. The client is thus given the opportunity to proceed or end the relationship.

E. HECA members adhere to and uphold the standards and ethics of the National Association for College Admission Counseling (NACAC) Statement of Principles of Good Practice with particular attention to the Mandatory Practices and Best Practices Sections.

HECA also maintains a Code of Conduct for individual consultants.⁴²

⁴² See: http://www.hecaonline.org/standards_and_ethics

METHODS OF INTERNATIONAL RECRUITMENT AT US INSTITUTIONS

International recruitment at US-based colleges and universities is as diverse in intentions and methods as the countries that send students for a US-based education; the context has been largely driven by four conditions: the availability of a US-based applicant pool from the secondary-school level, the availability of need-based financial aid to fund the choices of that pool, financial support from state governments to their public and state-related colleges, and the institutional priorities as reflected in commitments and resources on college campuses.

For years, most colleges in the United States attained their enrollment goals and sustained their operational revenue from the growth in the number of high-school students who increasingly have chosen higher education as their immediate, post-secondary goal. Similarly, need-based financial aid allowed these students to select the school of their choice regardless of cost (in theory, at least) as long as they had a documented need. In the recent past, a declining economy and the erosion of need-based financial aid as funded by Congress and state legislatures has created financial risks for many colleges. Public institutions have endured additional risk as financial support from state governments eroded in favor of budget cuts and spending on other priorities.

Alongside this domestic reality for most US-based colleges is a global reality for a smaller percentage of schools that have enjoyed international intakes from a variety of methodologies and intentions. Doctoral I universities have attracted large numbers of graduate students for years simply based on their reputation or the availability of graduate assistantships. Similarly, highly competitive schools have attracted international students at all levels and often without regard to financial support, based on perceived reputation and the value in holding a degree from a prestigious school. These colleges and universities have often not had to actively recruit students, save for efforts to achieve greater regional diversity, gender balance, or to fill underrepresented programs. The rest of this cohort has engaged in international recruitment to increase enrollment or consciously to make their campuses more diverse based on mission-related sensibilities.

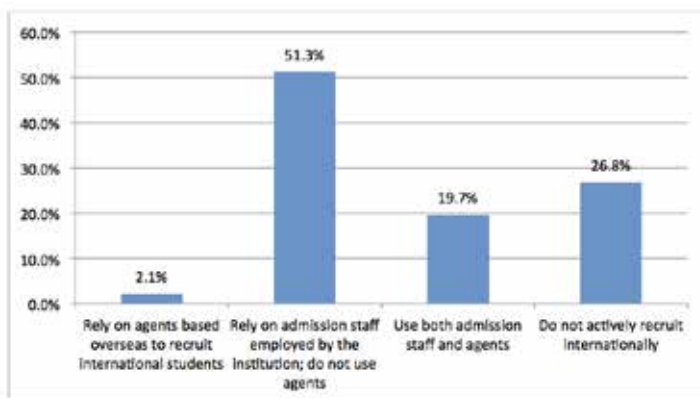
The contractions in both American demographics and public funding, then, has forced an increasingly large number of colleges and universities into the international arena based on perceptions of a global demand for US education, the ability of international students to pay without financial aid, and the perceived ease of attracting

students from diverse and abundant sources. Yet, the marriage of economic needs as defined at home and the expectations as inferred from the successes of a select but small number of schools has not come without negative implications. This growing level of activity has exposed inconsistencies and inaccuracies *in both methodology and implementation*. From the use of commission-based agencies to the existence of proper on-campus support for international students, professional standards are by no means consistent or clearly understood by colleges that are engaging in new regions and at new levels; consequently, unfortunate and unanticipated consequences in enrollment and retention have occurred alongside the rapid growth in international student enrollment. In light of this volatility, it should come as no surprise that positions and perspectives remain diverse, passionate, and rooted in both institutional genre and the staff who engage on an international level.

The inconsistencies among US-based colleges at a number of levels is duplicated in the international community where information on US higher education is concerned; each source provides a perspective that is only one facet of an industry that is defined by all.

Admission Staff and Other University Partners

The first resource for colleges and universities is their own admission staff. The ability of institutional representatives to engage at any level is predicated upon their availability and appropriate resources. According to NACAC's 2010 Admission Trends Survey, roughly 70 percent of admission offices utilize their own admission staff for international (degree-seeking) student recruitment. Slightly more than 50 percent use admission staff without using agents. The Commission noted that the number of institutions utilizing agents for non-degree program recruitment is likely considerably higher.



Some institutions rely on the creation of an institutional presence—in country—through a dedicated center staffed by Americans from the college or from in-country representatives on the payroll of the college. These centers are not numerous but have worked well for those schools highly engaged in the international community—in general, in any one region, and at many levels.

Challenges that Commission members discussed related to staff-based recruitment included:

- limited time to spend “in-country”
- limited ability to cover many countries/regions
- limited knowledge of local education system and customs
- limited knowledge of foreign languages

However, Commission members also discussed challenges with relying on individuals who are not employed directly by the institution, including:

- Limited knowledge of the institution
- Representation of other/competing institutions
- Limited ability for oversight on a consistent basis

Overall, Commission members recognized the difficulty faced by many institutions in conducting international recruitment using only the staff employed by their institution.

The school counseling profession, which is so well known and often taken for granted in the United States, has no public counterpart in many other countries. The near total absence of counseling in public sectors around the world creates an information vacuum that begs to be filled. This need is partially met by the many private secondary schools that mirror their American counterparts in giving both a quality education and college-level counseling.

Recruitment via Contacts with School-Based Counselors and Other Resources

The school counseling profession, which is so well known and often taken for granted in the United States, has no public counterpart in many other countries. The near total absence of counseling in public sectors around the world creates an information vacuum that begs to be filled. This need is partially met by the many private secondary schools that mirror their American counterparts in giving both a quality education and college-level counseling. These schools are few in number and an ideal that most students cannot afford. From these schools come well educated students who seldom need English-language training. Many of these students are the sons and daughters of American citizens who work abroad; yet, a growing number include students of local families who want to groom their children for a reputable college abroad. These students represent a small minority in the total number who are bound for the United States. They are also highly pursued by a growing number of colleges who jockey for attention and final selection.

As noted in our discussion of the Chinese education system, the concept of school-based counseling services is beginning to take root in some places. The College Board is working with the Chinese government and secondary schools to develop infrastructure that will allow more direct contact between postsecondary institutions and schools, as well as more institutionalized support for secondary school students wishing to make the transition to postsecondary education. Several dozen Chinese National high schools have expressed intentions to adopt practices that would better serve their students who wish to enroll in American or other western colleges and universities, including creation of official academic transcripts in English, assignment of a staff member who will serve as liaison between students and western colleges and will host school visits by western admission officers, and creation of web-accessible English language school profiles. This initiative is intended to establish school-based services that support students with the western admission processes and reduces dependence on outside “agents.”

Similarly, the Commission received information from private entities such as Univariety, a Singapore-based organization that partners with schools in Asia to provide a school-based system of university “out-placement.” In addition to developing capacity in secondary schools, Univariety offers universities access to its database of students for a standard fee, similar to lead generators that have traditionally worked with non-profit colleges in the US.

Federal Government Resources

As noted above, EducationUSA and the Department of Commerce constitute readily-available, trusted resources for colleges and universities wishing to recruit overseas. EducationUSA centers, supported by the Department of State, can be found in most countries around the world. EducationUSA is a grass-roots diplomacy effort that promotes US higher education broadly and provides specific services for individual colleges. Services are available to all interested students without regard to institutional affiliation. The staff in the centers is committed to providing unbiased information about colleges and universities, as well as the process for applying to study in the US. The centers also provide resources to US colleges that travel alone or in groups, sometimes at a cost.

The Commission was in general agreement that EducationUSA is an important and underutilized resource among colleges and universities, and that it should constitute a first stop on any institution's path to internationalization. Generally, EducationUSA can assist an institution expand its trusted circle of resources and enhance or amplify the institution's own efforts to recruit before the institution considers moving beyond its own boundaries to contract with third parties. In addition, the Commission agreed that EducationUSA was underfunded based on the actual and potential return on investment that the US realizes from international education.

The Commission was in general agreement that EducationUSA is an important and underutilized resource among colleges and universities, and that it should constitute a first stop on any institution's path to internationalization. Generally, EducationUSA can assist an institution expand its trusted circle of resources and enhance or amplify the institution's own efforts to recruit before the institution considers moving beyond its own boundaries to contract with third parties. In addition, the Commission agreed that EducationUSA was underfunded based on the actual and potential return on investment that the US realizes from international education. The Commission also understands that organizations like NAFSA: Association of International Educators have been calling for a coordinated international education strategy for many years. Such a strategy may allow for more consistent and meaningful support for federal resources to assist colleges and universities, which may help minimize the need for and/or risk associated with third party engagement.

Agents as Third Party Representatives

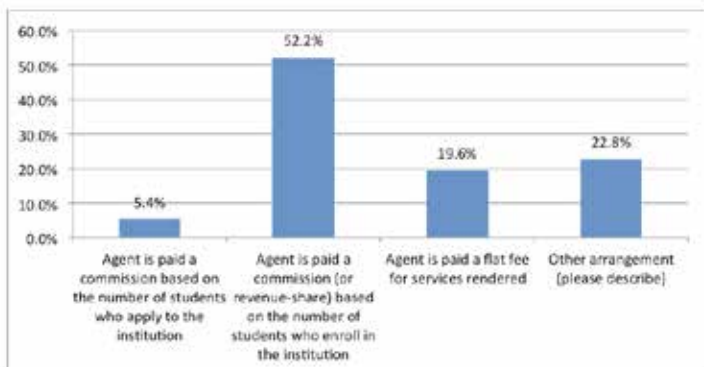
While the broad concept of "agent" is defined below, it is sufficient for purposes of this section to note that colleges and universities may enter into arrangements with individuals or organizations that act as recruiting agents on behalf of the college or university. According to NACAC's 2010 Admission Trends Survey, roughly 22 percent of institutions used agents to recruit internationally. These numbers are generally consistent with subsequent research on the subject. The American Council on Education noted:

The percentage of doctoral, master's, and baccalaureate institutions that fund travel for staff to recruit international undergraduate students increased between 2001 and 2006 and continued to increase over the past five years. Though associate institutions saw an increase between 2001 and 2006, there was a decrease of 1 percentage point reported in 2011. Overall, 31 percent of institutions fund such travel, ranging from 13 percent of special focus institutions to 78 percent of doctoral institutions. Some institutions have also hired overseas student recruiters to fill this role; approximately one in four doctoral institutions and master's institutions use recruiters (24 percent and 27 percent, respectively), along with 16 percent of baccalaureate institutions, 4 percent of associate institutions, and 4 percent of special focus institutions.⁴³

⁴³ "Mapping Internationalization on US Campuses," American Council on Education, 2012.

Surveys by *Inside Higher Ed*, an online trade publication for higher education in the US, found that approximately one fourth of institutions utilized commission-based agent arrangements to recruit international students in 2011 and 2012.⁴⁴

Most such arrangements are based on contracts. Payment for services is often, though not always, based on a proportion of the tuition that the student pays to the institution.



As the Commission discovered, some agents offer to recruit on behalf of the institution for no payment at all. However, the Commission notes that agents often build their reputation and clientele by

claiming connections—sometimes legitimate and sometimes not—to US institutions.

Other Third Party Resources

The final source is in third-party promotional schemes and various forms of media that range from high-gloss magazines to Web-based services. Some originate in the United States; others originate in specific regions or countries. All target US colleges as a means for raising institutional awareness and cultivating interest among students, either regionally or across the globe.

While not the primary focus of the Commission's discussion, we feel it is important to note that universities regularly work with third parties to facilitate components of international student application and admission outside of the area of recruitment. One of the most prominent areas of third party assistance takes place with the evaluation of transcripts, one of the many challenges colleges and universities face in bridging the divide between different countries and educational systems. Organizations like AACRAO and World Education Services (WES) have provided trusted services in this area to colleges and universities for decades. In addition, these organizations maintain resources that colleges and universities can use to expand their recruiting reach.

Case Study: Boston University

In order to identify and attract the most talented students from abroad, the international admission staff spends the most significant portion of their time visiting high schools (American schools, international schools, British schools, and bi-lingual private, and competitive national schools) and participating in college fairs sponsored by high schools, the Council for International Education (CIS), the IIE, and Fulbright or AMIDEAST Advising Offices. The international admission staff also visits Fulbright and US Education Advising Offices overseas to meet with US Education Advisors, give presentations about Boston University as well as the American higher education system, and meet individually with prospective students. The University does not utilize agents in the implementation or oversight of our international recruitment efforts.

A very important component of our international recruitment efforts includes working to develop and foster strong relationships with Boston University alumni and parents of current students overseas. These two constituent groups provide us with a connection to the communities in which we recruit and often assist us to better identify education and economic trends in their countries.

In many parts of the world, specifically India and Asia, parents and alumni both serve as a first contact at prestigious national schools and are able to help us in securing visits to secondary schools that would otherwise be inaccessible. Alumni may also accompany us to school visits or attend college fairs. Alumni and parents of current students are invaluable at receptions or meetings with admitted students. They address issues and concerns from the same cultural perspective and are a tremendous resource.

It is also important to note that the admission evaluation and selection process is rigorous and includes a comprehensive and holistic review of each applicant, including those from abroad. This review includes but is not limited to, their educational, cultural, linguistic, geographic, socio-economic, racial, and ethnic backgrounds. Through this process, BU seeks to bring together a diverse student body comprised of intellectually curious, highly motivated, and academically accomplished individuals from the US and from hundreds of countries around the globe. Applicants must meet the highest standards of academic excellence and English language proficiency in order to be competitive for admission to BU and to ensure successful completion of the University's degree requirements.

⁴⁴ Survey of College & University Admissions Directors, *Inside Higher Ed*. 2011 and 2012.

USE OF AGENTS IN INTERNATIONAL RECRUITMENT AT US INSTITUTIONS

Surveys of US institutions of higher education suggest that roughly one-fourth of postsecondary institutions utilize the services of commissioned agents to recruit international students for undergraduate enrollment.⁴⁵

Defining Agency

An education agent can be an individual, company or organization that provides advice, support and placement services. International agents operate in three primary ways. First, agents can serve as contract representatives of a college or collection of colleges exclusively. As such, they derive their income solely from the college(s) with which they have agreements to work.

Second, agents can represent students, much like independent counselors or educational consultants in the United States. As such, their income is derived from payments by families who have contracted with them for advising services.

Finally, agents can serve as both contract representatives of colleges and representatives for students. As such, their income is derived from payments by colleges and payments by families. In some countries, agents work with large numbers of students who will study abroad.

Institutions that use agents point to several benefits for colleges: a knowledge of the country that is difficult for domestic admission officers to obtain, cost savings (such as travel, salary, benefits for full-time admission staff), and increased reach into new territories with minimal cost to the institution. As with other phases of the admission process, such as developing marketing materials, many institutions have chosen to ‘outsource’ international recruiting for lack of resources and/or expertise on staff.

Historical Perspective on Standards for Third-Party Recruitment

International student recruitment began what we might call its modern incarnation in the 1960s. According to NAFSA: Association of International Educators, the period of marked growth in international recruitment during the 1960s was followed by a period, between the 1970s and 1980s, during which US institutions felt it necessary and desirable to set standards for international recruitment.

During that decade [mid-1970s to 1980s], as the profitable business of third party recruiting expanded, so did the

Finally, agents can serve as both contract representatives of colleges and representatives for students. As such, their income is derived from payments by colleges and payments by families. In some countries, agents work with large numbers of students who will study abroad.

possibilities for abuse. Unethical recruitment practices, incidences of gross misrepresentation of American higher education overseas, and violations of US immigration laws led to growing criticism by students, parents, and officials overseas as well as by educators and the general public in the United States.⁴⁶

In March 1980, the “Wingspread Colloquium” developed criteria for promoting ethical practice in international recruitment and admission. The criteria included:

- Accurate representation of information to prospective international students;
- Establishment of effective institutional policies on international student recruitment, admission and support services;
- Avoiding “contractual arrangements with agents who require fee-for-enrollment payments.”⁴⁷

NAFSA’s guide notes that the Wingspread Colloquium criteria became the basis for NAFSA’s first statement and guidelines for ethical recruitment. The guide also notes that “[t]he early recommendations were subsequently revised and updated according to the needs of both international students and US higher education.”⁴⁸

The Commission wishes to note that many of the principles for recruitment established by the Wingspread Colloquium are also included in the NACAC Statement of Principles of Good Practice for domestic admission.

Agency standards

Recognizing the absence of meaningful quality assurance in the form of certification, particularly in the US context, some organizations have implemented formal standards for agents. The Commission received information directly from two independent organizations involved in setting standards for student recruitment agents or agencies.

⁴⁵ See NACAC Admission Trends Survey, 2009; Inside Higher Ed, “The 2012 Inside Higher Ed Survey of College and University Admissions Directors”, October 2012; American Council on Education, “Mapping Internationalization on US Campuses: 2012 Edition,” June 2012.

⁴⁶ Dunnett, Stephen C., “A Brief History of International Recruitment in US Higher Education,” in NAFSA’s Guide to International Student Recruitment, 2nd Edition, 2009.

⁴⁷ Ibid, p. 5.

⁴⁸ Ibid, p. 5.

ICEF

ICEF is a for-profit company headquartered in Bonn, Germany. ICEF's roots in international education date back to the 1960s, when Karl Badde established a chain of language schools in the Middle East. This chain included centers in Bonn and London by the 1970s, with a specialization in Arabic language training for diplomats and business executives. In 1984, Badde expanded into publishing with his son, Markus Badde, and daughter, Rebecca Stromeyer, producing a series of groundbreaking language travel and education guides as well as directories for the distance education sector and translation industry.

In the 1990s, the Badde family entered the conference and exhibition industry. They formed ICEF (International Consultants for Education and Fairs) in 1991 to spearhead events such as the ICEF Workshop series, which invigorated and internationalized the agent workshop concept, and which has now brought together tens of thousands of institutions and agents from 140 countries.⁴⁹

In 2010, ICEF launched a formal "Agency Recognition Programme," designed to acknowledge international student recruitment agents who meet ICEF's standards. In addition, ICEF maintains a database of more than 20,000 recruitment agents worldwide. Approximately 12 percent of agents in the database have obtained the formal recognition. Others in the database must submit an application to ICEF that includes:

- Company information, including year of foundation and number of employees
- Official registration details
- 150-word description of their activities (in English)
- Detailed information on the programs they are interested in and promote to students
- Total number of students sent abroad each year (by program, education level and destination country)
- Four references from educational institutions they already work with
- Promotional and marketing strategies (e.g. how does the agent recruit students and how do they promote their partner institutions)
- Promotional items (e.g. does the agent publish a brochure? What is the agency's URL?)
- Details of association membership and proof of professional standards

The certification process is patterned on US accreditation procedures. Agents seeking certification must complete a comprehensive self-assessment, reviewing their compliance with the AIRC standards. Agents then must undergo a site visit by an AIRC trained site reviewer(s).

- Accreditation by a reputed entity
- Signed terms and conditions, indicating compliance with ICEF's standards⁵⁰

Other standards maintained by ICEF for agencies maintained in its database are included in the standards summary table below.

American International Recruitment Commission (AIRC)

Another initiative to promote standards and best practices in international recruiting is being led by the American International Recruitment Council (AIRC). AIRC is a nonprofit membership organization that works to safeguard the interests of both international students and enrolling institutions through the promotion of ethical, standards-based international recruitment strategies.

The main thrust of AIRC's approach is a certification program through which international recruitment agents can seek certification based on their conformity with AIRC's Certification Standards. The AIRC Standards fall into five areas: 1) organizational integrity (mission, management, scope of operations, financial integrity), 2) recruitment process integrity (staff knowledge, marketing, accountability, transparency, accuracy, conflicts of interest), 3) student/family engagement (pre-enrollment, post-enrollment), 4) institutional engagement (pre-recruitment, post-recruitment), and 5) the agency's complaint process.

The certification process is patterned on US accreditation procedures. Agents seeking certification must complete a comprehensive self-assessment, reviewing their compliance with the AIRC standards. Agents then must undergo a site visit by an AIRC trained site reviewer(s). The self-assessment and site visit report are then reviewed by the AIRC Certification Board which votes to certify the agency or not. AIRC also provides guidelines for US colleges and universities in conducting international recruitment, especially in relation to working with recruitment agents.

⁴⁹ Paraphrased from <http://www.icef.com/about-us/history.html>, March 15, 2013.

⁵⁰ Downloaded from <http://www.icef.com/agent-quality/agent-screening.html>, February 22, 2013

INSTITUTIONAL RESPONSIBILITY FOR INTERNATIONAL STUDENT RECRUITMENT

Commission View on Commissioned Recruiting and Institutional Responsibility

The result of the information presented above combined with Commission discussions on the topic made several points clear:

- Many more institutions than in the past, due to budget constraints and an expanding interest in internationalization, are recruiting international students
- Many institutions, due to budget and staff constraints, rely on third-party relationships for the recruitment of students
- Many such arrangements are based on remuneration contingent on a student's enrollment in the institution
- While most institutions reserve the decision-making authority to admit or deny an applicant that an agent has recruited, that is not the case with all institutions
- A number of institutions have managed commission-based agent relationships successfully, creating robust “feedback loops” to ensure oversight
- Incentivized recruiting has long been a concern for both domestic and international recruitment, and will continue to be a concern for many if not most admission professionals
- In any circumstance, accountability for ethical recruitment and student support, particularly in the rapidly growing international recruitment market, rests with institutions. To the extent that they are unable to regulate themselves, they can expect to be regulated from without.

Educational institutions should be held responsible for the welfare and success of the students they recruit, wherever the students may come from. Their responsibility includes recruitment, admission, instruction, services and successful attainment of the goals students enroll to gain. Institutions must choose instruments of recruitment, including educational agents, if they use them, which attract the types of students most appropriate for their institutions and ethically serve the interests of students, schools, and themselves.

Commission members unanimously agreed on the need for strong feedback loops on college and university campuses to ensure proper oversight of their international recruitment initiatives. A critical consideration for policy makers is the ability and/or willingness of colleges to establish and take seriously such procedures to ensure against misbehavior.

Delineating comprehensive institutional strategies

“Global outreach and engagement must take place within the framework of an overarching institutional strategy that aligns closely with the institution’s mission, history, and values. Thus, as the institution works to clarify objectives, build internal and external support for these objectives, and make key decisions (especially those involving the use of resources), institutional decision makers must take pains to ensure that their deliberations adhere to the institution’s defining qualities and principles. Many institutions—indeed, perhaps most of them—suffer because global engagement has grown haphazardly and ad hoc as individual programs and faculty members have pursued international interests independently. That often forces institutional leaders to then struggle post hoc to articulate a rationale for the institution’s particular mix of international activities and to tie that rationale to the institution’s mission and history. The result often is a collection of discrete initiatives that may be broad but is often not deep or cohesive, and that does not advance significantly the strategic priorities of the institution.” (Center for Internationalization and Global Engagement, American Council on Education, “Strength through Global Engagement: US Higher Education in the 21st Century,” November 2011, p.19.)

Impetus and Governance

Commission members agreed that the impetus for institutional entry into international recruitment was an important consideration. Commission members unanimously agreed that the tendency of institutions to see international students as a ‘quick fix’ for budgetary problems virtually guarantees problems. Similarly, Commission members unanimously agreed that a comprehensive effort to plan for international students was necessary to ensure success for both students and institutions.

In discussing both the successes and challenges associated with international recruitment, Commission members also agreed that university leaders—presidents, trustees, and senior administrators—can have a significant influence on the success, or failure, of international recruitment programs. The American Council on Education noted, “The data show that among all potential catalysts for spurring internationalization, the president/CEO is the most common catalyst at institutions that reported an accelerated focus on internationalization in recent years.”⁵¹

⁵¹ “Mapping Internationalization on US Campuses,” American Council on Education, 2012.

The Commission is mindful that in pointing to the importance of executive decision-making, it is not breaking new ground. However, it remains apparent that executive demands for increased revenue and internationalization continue to be made at many institutions without appropriate foresight into the investment the institution must make to properly equip itself to serve international students well.

Institutional Organizational Strategy

The Commission also noted that coordination of international recruitment with other services on campus was not always well-designed or well-managed.

“Overall, 40 percent of institutions have a full-time professional staff or faculty member who oversees or coordinates multiple internationalization activities or programs. However, there was considerable variation by sector, ranging from 84 percent of doctoral institutions to 22 percent of special focus institutions. Comparatively, the 2011 percentages represent a slight decline from 2006 in each sector except for baccalaureate institutions, which saw an increase in this area of 6 percentage points (from 47 percent to 53 percent).”⁵²

Commission members agreed that the impetus for institutional entry into international recruitment was an important consideration. Commission members unanimously agreed that the tendency of institutions to see international students as a ‘quick fix’ for budgetary problems virtually guarantees problems.

Commission members were made aware of widely differing organizational structures for international student recruitment and management at US colleges and universities. In many cases, two (or more) programs on the same campus operated completely independently of each other to recruit students using two (or more) distinct methods of recruitment. The offices were not coordinated by a single supervisory function. At other institutions, international student recruitment and oversight was coordinated in a single office of international student affairs. While the Commission does not recommend a specific organizational structure, members generally agreed that coordination was an essential component of effective oversight.

Case Study: Mid-Size Public Four-Year Institution

Consider a mid-sized public four-year university with this structure: 1) responsibility for domestic undergraduate recruitment and admission in the Admission Office reporting to associate provost for student services and enrollment, where units include admission, financial aid, registrar, and a number of other areas typically found under the “student affairs” umbrella; 2) responsibility for domestic graduate recruitment and admission with the Graduate School and academic departments, reporting to the provost; 3) responsibility for international recruitment in the Office of International Programs, reporting to the provost; 4) responsibility for international undergraduate admission (processing/decisions) in the Admission Office. Consider, in addition, a change in leadership at the provost level, an urgent desire to find new markets to boost enrollment and meet the Board’s goals of “internationalizing” the campus, and the hiring of a new leader of the international programs area whose experiences had been outside the admission profession.

Later, it was learned that over 40 agreements with agents were signed, and that institutional oversight was negligible or non-existent. As far as the director of admission could ascertain, there was no way to know from applications and documents received in the Admission Office whether or not an agent played a role in that particular applicant’s discovery of or communication to our institution. The numbers bear out that, at least in the short term, and during and shortly after the tenure of that particular international programs director, there were no increases in international student enrollment.

This institution has recently hired a new international programs director after a year of interim leadership. This individual has worked with agents before and sees value in appropriate relationships in certain circumstances. The new leader immediately began to review agency contracts, contact those principals, and assess the status of agreements in order to determine where relationships should end and which, if any, should be renewed but with an emphasis on close institutional oversight. It is a positive step that an understanding of NACAC’s work in this regard was sought and it seems there will be more transparency in the process internally as we move forward.

⁵² “Mapping Internationalization on US Campuses,” American Council on Education, 2012.

Institutional Accommodation for International Students

Commission members agreed that accommodating international students is a complicated and cost-intensive phenomenon. Commission members were keen to note that institutions seeking an inexpensive, quick way to drum up enrollments or revenue were doomed to fail in the international market. This message was made abundantly clear to the Commission by a range of experts, including representatives of foreign governments, organizational representatives, and practitioners from institutions with a long history of serving international students well.

While the Commission believes the accommodation of international students on campus is a critical issue, it realizes that there are other organizations, ranging from presidential organizations like the American Association of State Colleges and Universities (AASCU), the National Association of Independent

Commission members agreed that accommodating international students is a complicated and cost-intensive phenomenon.

Colleges and Universities (NAICU), and the American Association of Community Colleges (AACC), to organizations with more a more specific focus on international student accommodation, such as NAFSA: Association of International Educators, the American International Educators Association (AIEA), NAS-PA-Student Affairs Administrators in Higher Education, and the Institute of International Education, that have well-established policies, publications, and resources to help institutions serve international students well.

Case Study: Green River Community College

Green River Community College in Auburn, WA hosts over 1,500 international students from more than 50 countries (Fall 2012). It currently ranks 10th among the approximately 1,200 US community colleges in international student enrollment. Most international students come to Green River for its nationally recognized “2+2” transfer program to top US universities. As a community college, Green River is not selective in admission, but accepts students from a wide variety of backgrounds and circumstances. The college provides comprehensive services for its international students, including English training, on- and off-campus housing, community involvement opportunities and individual advising for academic, personal and university transfer matters. As a result of these services, the college’s close ties to transfer universities and the students’ hard work, Green River international students are admitted to top universities all over the US, including University of Washington, UCLA, Michigan, Ohio State, Rutgers, Texas, UC Berkeley, Indiana, Cornell, USC, Boston U, North Carolina and many other excellent schools.

Green River’s primary overseas marketing challenge is the fact that the 2+2 university transfer system exists only in the United States and Canada, and is little known or understood abroad. Because of this, conventional educational marketing

techniques such as advertising and recruitment fairs are not effective for the college. Accordingly, Green River relies heavily on word of mouth from students and parents, alumni connections, pipeline programs with cooperating high schools and universities, and high quality educational advisory services to carry its message.

Green River has found that working with reputable educational advisory agencies with extensive knowledge of the college has been particularly beneficial to students, their parents, the agencies themselves and to Green River. Green River staff visit its top agencies twice a year, and agency officials visit the college usually once a year, so the agents are intimately familiar with Green River. The college works through its agents to involve parents in their students’ experience in the US, increasing support and accountability to make their children more successful. Agents also identify and work with partner schools, helping to make such relationships stable and productive. College officials frequently present to prospective students and their parents at partner schools with an alumnus, his or her parents, a partner school official and the agent all speaking and interacting. Green River has found that this depth of relationships, generally of long standing and focusing on the actual experience of the students themselves, to be the key ingredient of the college’s overseas marketing success.

Institutional Oversight and Research

Institutions interested in increasing enrollment of international students must commit resources and ensure that appropriate services and infrastructure are in place to admit, support and retain international students. Central to the admission process is transparency and institutional “fit.” Therefore it is imperative that institutions using agents be forthcoming in disclosing relationships with agents and that families be made aware of forms of compensation. Institutions are ultimately responsible for quality control and must invest the energy to monitor those serving as their agents to protect their brand and reputation as well as ensuring the best fit and appropriate outcome for all applicants.

During the Commission’s deliberations, an audit by the North Dakota University system of Dickinson State University emerged as a cautionary tale and provided an important illustration of the need for oversight. Problems that surfaced at Dickinson State included:

- Students admitted who did not meet minimum requirements for admission;
- Official documents required for admission not received for some admitted students;
- Accuracy of transcripts and other records not verified;
- Transfer credits not handled in accordance with university policy.

Among the issues that led to these conditions was an over-reliance on third parties for recruitment without sufficient oversight on the part of the institution.⁵³

A key, albeit not primary, consideration for the Commission was the need for more research to ensure (1) a comprehensive understanding of international recruitment and (2) adequate institutional oversight of their own recruitment practices. Commission members agreed that research on persistence and completion should be an essential part of a comprehensive plan for internationalization on campus. Commission members also agreed that research on persistence and completion should, given the diversity of recruitment practices used to attract international students, include variables related to the method(s) by which the students were recruited to the institution.

Commission members also discussed that institutions should have a way of gauging student experiences with the recruitment process. Commission members observed that gauging the experiences of both enrolled students and students who were recruited (but did not

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enroll) may provide insight into the effectiveness and performance of recruiters working on behalf of the institution.

In 2012, NAFSA: Association of International Educators published a guide entitled, “Measuring and Assessing International Education,” that provides a useful framework for evaluating internationalization efforts generally, but also specifically for the student experience. Included among the guide’s considerations for universities:

- Understanding the importance of faculty engagement in assessing campus internationalization and student support;
- Appreciating the importance of assessing student learning and outcomes for the student experience;
- Developing an assessment process on campus;
- Developing assessment rubrics and instruments;
- Evaluating and incorporating assessment results into practice on campus.⁵⁴

Commission members defer to the significant body of work readily available from organizations like NAFSA, AIEA, IIE, and ACE (among others) that may assist universities in this area. The Commission wishes to note, however, that the urgency behind mandates to recruit international students at many institutions continue to be implemented without proper attention to the meticulous planning, oversight, and research that has been developed in the international education profession over the past 40 years.

⁵³ Internal Review Report: International Transfer Agreement Review, Dickinson State University; North Dakota University System, February 10, 2012.

⁵⁴ Greene, Madeleine F. “Measuring and Assessing Internationalization,” NAFSA: Association of International Educators, 2012.

CONCLUSION

First and foremost, the Commission observed that the environment for international student recruitment practices is dynamic, not static. While commissioned agency is prevalent in many countries, change is possible and is occurring. The Commission believes that NACAC has an important role in guiding this change: change that may follow the historical course charted in the United States over the past century or more, but that may also diverge as the market for international education matures. This means that NACAC must engage the reality of commissioned agency in international contexts if it wishes to promote change.

The Commission also observed that while we can gain much from studying the practices of other countries which enroll large numbers of international students and liberally use commissioned agency, their educational, cultural, and administrative environments are substantially different from those which exist in the United States. Additionally, the Commission observed that the institutional and governmental financial and human resources dedicated to responsibly managing commissioned agency usage in the recruitment of international students by countries such as the United Kingdom and Australia are substantial, and still do not fully mitigate the risk of

irresponsibility and student harm. However, we also learned that although many members of the Commission have serious concerns about student welfare within the general context of commissioned agency, there are institutions and organizations which appear to use such agency responsibly and demonstrably for the good of the students they serve. The Commission also perceives that many institutions may not be fully aware of the potential legislative, accreditation-related, and potentially punitive risks they incur by too broadly and uncritically using commissioned agency to recruit and enroll international students.

Additionally, the Commission's specific recommendations for the NACAC Statement of Principles of Good Practice should be continually monitored and assessed, as the rapid expansion of international recruitment to institutions that have not previously engaged in this market may produce rapidly-changing developments that may necessitate change.

Finally, NACAC must be globally proactive in helping to promote a more intensely student-focused college transition and admission counseling culture. The Commission believes that NACAC would have many dedicated and experienced professional association partners in such an important effort.

APPENDIX 1: COMPARISON OF LONDON STATEMENT AND NACAC SPGP

The London Statement	SPGP (Mandatory Practices)
Agents and consultants practice responsible business ethics.	<p>Members agree that they will:</p> <ol style="list-style-type: none"> 1. accurately represent and promote their schools, institutions, organizations, and services; 2. not use disparaging comparisons of secondary or postsecondary institutions; 3. not offer or accept any reward or remuneration from a secondary school, college, university, agency, or organization for placement or recruitment of students; 4. be responsible for compliance with applicable laws and regulations with respect to the students' rights to privacy. <p>Postsecondary Members agree that they will:</p> <p>not knowingly recruit students who are enrolled, registered, have initiated deferred admission, or have declared their intent, or submitted contractual deposits to other institutions unless the students initiate inquiries themselves or unless cooperation is sought from institutions that provide transfer programs.</p>
Agents and consultants provide current, accurate and honest information in an ethical manner.	<p>Members agree that they will:</p> <p>be responsible for ensuring the accurate representation and promotion of their institutions in recruitment materials, presentations, and scholarship materials.</p>
Agents and consultants develop transparent business relationships with students and providers through the use of written agreements.	<p>Postsecondary Members agree that they will:</p> <p>State clearly the requirements for the first-year and transfer admission and enrollment processes... by:</p> <ol style="list-style-type: none"> a. being responsible for the accurate representation and promotion of their admission calendar, academic offerings, housing application and deposit deadlines; and campus and community descriptions; written and electronic communications; and presentations for students, parents and counseling personnel; b. being responsible for the development of publications, written communications presentations, i.e., college nights, college days and college fairs, used for their institution's promotional and recruitment activity;
Agents and consultants protect the interests of minors.	<p>Introduction:</p> <p>As the recognized leader in college admission counseling, NACAC willingly carries the responsibility of being the only association that protects students' rights in the transition to postsecondary education process, through monitoring and enforcing ethical standards and practices.</p> <p>Core Values:</p> <p>We believe the effectiveness of our profession, college counseling, admission and enrollment management is enhanced when we work together to promote and protect students and their best interests.</p>
Agents and consultants provide current and up-to-date information that enables international students to make informed choices when selecting which agent or consultant to employ.	<p>All postsecondary members agree that they will state clearly the requirements for admission... by:</p> <ol style="list-style-type: none"> c. stating clearly and precisely the requirements for secondary preparation, admission tests and transfer student admission; d. providing students, families and secondary schools with the most comprehensive information about costs of attendance and opportunities for all types of financial aid, and state the specific relationship between and among admission and financial aid practices and policies; e. providing accurate information about opportunities/selection for institutional housing, deadline dates for housing deposits, housing deposit refunds, and describing policies for renewal availability of such institutional housing; f. speaking forthrightly, accurately and comprehensively in presenting their institutions to counseling personnel, prospective students and their families; g. identifying the source and year of study when institutional publications and/or media communications cite published academic programs, academic rigor or reputations, or athletic rankings; h. providing accurate and specific descriptions of any special programs or support services available to students with handicapping conditions, physical and/or learning disabilities and/or other special needs; i. clearly stating all deadlines for application, notification, housing, and candidates' reply requirements for both admission and financial aid; j. clearly publicizing policies relating to placement by tests, awarding of credit and other policies based on test results.
Agents and consultants act professionally.	<p>Generally Comparable to the SPGP overall.</p>
Agents and consultants work with destination countries and providers to raise ethical standards and best practice.	<p>Core Values:</p> <p>We believe the effectiveness of our profession, college counseling, admission and enrollment management is enhanced when we work together to promote and protect students and their best interests.</p>

APPENDIX 3: NACAC SPGP



Statement of Principles of Good Practice

Approved by the 2012 Assembly

Introduction

Ethical college admission is the cornerstone of the National Association for College Admission Counseling (NACAC). Since its founding in 1937, when a select number of college and university professionals and high-school counselors came together to create a Code of Ethics within the admission-counseling profession, NACAC has striven to ensure principled conduct among professionals in the recruitment of students and the transition to postsecondary education.

This code of conduct is known today as the Statement of Principles of Good Practice (SPGP).

Historically, NACAC added principles to the SPGP cumulatively, as ethical issues arose each year. In more recent years, however, the application process has become increasingly influenced by marketplace forces that raise new and complex ethical questions. In this rapidly-changing admission landscape, it is imperative for NACAC to maintain a document that includes practices and policies reflecting these new concerns for the ethical treatment of students in the admission process. As the recognized leader in college admission counseling, NACAC willingly carries the responsibility of being the only association that protects students' rights in the transition to postsecondary education process, through monitoring and enforcing ethical standards and practices.

Member schools, colleges and universities, as well as other institutions, organizations and individuals dedicated to the pursuit of higher education, believe in the dignity, worth and potential of each and every student. To enable all students to make the dream of higher education a reality, these institutions and individuals develop and provide programs and services in postsecondary counseling, admission and financial aid. They strive to eliminate bias within the education system based on ethnicity, creed, gender, sexual orientation, age, political affiliation, national origin, and disability. They understand and value the importance of college counseling and view it as a fundamental aspect of their job as educators.

They support, therefore, the following Statement of Principles of Good Practice of the National Association for College Admission Counseling.

Statement of Principles of Good Practice Introduction

Core Values

Core Values represent statements of the association's vision and beliefs and are the purview of the Board of Directors.

Professionalism

We believe our work in counseling, admission and enrollment management is professional only to the extent that we subscribe to and practice ethical behavior, as stated in our Member Conventions. We are responsible for the integrity of our actions and, insofar as we can affect them, the actions of our member institutions and organizations.

Collaboration

We believe the effectiveness of our profession, college counseling, admission and enrollment management is enhanced when we work together to promote and protect students and their best interests.

Trust

We believe our profession, college counseling, admission and enrollment management is based upon trust, mutual respect and honesty, with one another and with students.

Education

We believe in and are committed to educating students, their families, the public, fellow education professionals, and ourselves about the transition to and within postsecondary education.

Fairness and Equity

We believe our members have a responsibility to treat one another and students in a fundamentally fair and equitable manner.

Social Responsibility

We believe we have a duty to serve students responsibly, by safeguarding their rights and their access to and within postsecondary education.

Member Conventions

Member conventions represent a set of understandings or agreements to frame our code of ethics. These statements are the purview of the Board of Directors.

All members of NACAC agree to abide by the following:

1. Members will make protecting the best interests of all students a primary concern in the admission process.
2. Members will evaluate students on the basis of their individual qualifications and strive for inclusion of all members of society in the admission process.
3. Members will provide accurate admission and financial aid information to students, empowering all participants in the process to act responsibly.
4. Members will honor students' decisions regarding where they apply and choose to enroll.
5. Members will be ethical and respectful in their counseling, recruiting and enrollment practices.
6. Members will strive to provide equal access for qualified students through education about financial aid processes and institutional financial aid policies.
7. Members will abide by local, state and federal laws regarding the treatment of students and confidential information.
8. Members will support a common set of admission-related definitions and deadlines.
9. Members will support and enforce the Statement of Principles of Good Practice.

Statement of Principles of Good Practice

Mandatory Practices

(* Refers the reader to *Interpretations of Mandatory Practices*, pages 6 – 12, for an expanded clarification)

I. All Members—Mandatory Practices

A. Promotion and Recruitment

Members agree that they will:

- * 1. accurately represent and promote their schools, institutions, organizations, and services;
- * 2. not use disparaging comparisons of secondary or postsecondary institutions;
- * 3. not offer or accept any reward or remuneration from a secondary school, college, university, agency, or organization for placement or recruitment of students;
- * 4. be responsible for compliance with applicable laws and regulations with respect to the students' rights to privacy.

B. Admission, Financial Aid and Testing Policies and Procedures

Members agree that they will:

- * 1. not publicly announce the amount of need-based aid awarded to any student without his/her permission;
- 2. not guarantee admission or specific college placement or make guarantees of any financial aid or scholarship awards prior to an application being submitted, except when pre-existing criteria are stated in official publications;
- * 3. not make unethical or unprofessional requests of other admission counseling professionals;
- * 4. send and receive information about candidates in confidence;
- * 5. consider transcripts official only when transmitted in a confidential manner, from the secondary or postsecondary institution(s) attended by the applicant;
- * 6. not use minimum test scores as the sole criterion for admission, advising or for the awarding of financial aid;
- 7. be responsible for ensuring the accurate representation and promotion of their institutions in recruitment materials, presentations, and scholarship materials;
- 8. provide, in a timely manner, accurate, legible and complete transcripts for all students for admission or scholarships;
- * 9. counsel students to abide by the application requirements and restrictions when they file;
- 10. permit pending Early Action, Restrictive Early Action and Early Decision candidates to initiate any Regular or Rolling Decision applications.

II. Postsecondary Members—Mandatory Practices

A. Promotion and Recruitment

Postsecondary members agree that they will:

- * 1. state clearly the requirements for the first-year and transfer admission and enrollment processes, including secondary school preparation, standardized testing, financial aid, housing and notification deadlines, and refund procedures;

Statement of Principles of Good Practice *Mandatory Practices*

2. not knowingly recruit students who are enrolled, registered, have initiated deferred admission, or have declared their intent, or submitted contractual deposits to other institutions unless the students initiate inquiries themselves or unless cooperation is sought from institutions that provide transfer programs.

B. Admission, Financial Aid and Testing Policies and Procedures

Postsecondary members agree that they will:

1. accept full responsibility for admission and financial aid decisions and for proper notification of those decisions to candidates;
- * 2. not require or ask candidates or the secondary schools to indicate the order of the candidates' college or university preferences, except under Early Decision;
- * 3. permit first-year candidates for fall admission to choose among offers of admission, financial aid and scholarships until May 1 and will state this deadline explicitly in their offers of admission;
- * 4. not offer exclusive incentives that provide opportunities for students applying or admitted Early Decision that are not available to students admitted under other admission options;
5. work with their institutions' senior administrative officers to ensure that financial aid and scholarship offers and housing options are not used to manipulate commitments prior to May 1;
6. establish wait list procedures that ensure that no student on any wait list is asked for a deposit in order to remain on the wait list or for a commitment to enroll prior to receiving an official written offer of admission; written notification may include mail or electronic communications;
- * 7. state the specific relationship among admission and financial aid practices and policies;
8. notify accepted aid applicants of financial aid decisions before the enrollment confirmation deadline, assuming all requested application forms are received on time;
9. clearly state policies on renewal of financial aid that will typically include a review of students' current financial circumstances;
- * 10. not knowingly offer financial aid packages to students who are committed to attend other institutions, unless the students initiate such inquiries. Athletic scholarships, which adhere to nationally-established signing periods, are a recognized exception to this provision;
- * 11. initially report on all first-year admitted or enrolled students, including special subgroups in the reporting of test scores. If data on subgroup populations are also provided, clear explanations of who is included in the subgroup population will be made;
- * 12. not establish any application deadlines for first-year candidates for fall admission prior to October 15 and will give equal consideration to all applications received by that date;

Statement of Principles of Good Practice *Mandatory Practices*

13. not notify first-year candidates for fall admission prior to the receipt of a transcript that reflects completion of the final semester of the junior year of high school or the equivalent. Institutions that require only an application prior to extending an offer of admission, including many community colleges, may accept students at the time of application.

III. Counseling Members—Mandatory Practices

A. Promotion and Recruitment

Counseling members agree that they will:

- * 1. establish a policy for the release of students' names and other confidential information consistent with applicable laws and regulations.

B. Admission, Financial Aid and Testing Policies and Procedures

Counseling members agree that they will:

- * 1. provide colleges and universities with a description of the school's marking system that, if available, will provide some indication of grade distribution that may include the rank in class and/or grade point average;
- * 2. provide, as permissible by law, accurate descriptions of the candidates' personal qualities that are relevant to the admission process;
- 3. sign only one pending Early Decision or Restricted Early Action agreement, when applicable, for any student;
- 4. follow, when applicable, the process used by the candidates' high schools for filing college applications;
- 5. not reveal, unless authorized, candidates' college or university preferences;
- 6. work with school officials and other relevant individuals to keep test results confidential as governed by law and local regulations;
- * 7. report on all students within a distinct class (e.g., freshman, sophomore, junior, and senior) and subgroups, including non-native speakers, in the reporting of standardized test scores.

Statement of Principles of Good Practice

Interpretations of Mandatory Practices

The following statements correspond with the same statement number in the Mandatory Practices section.

I. All Members—Interpretations and Monitoring

A. Promotion and Recruitment

All members agree that they will:

1. Accurately represent and promote their schools, institutions or services by:
 - a. providing precise information about their academic majors and degree programs. Such information shall include a factual and accurate description of majors, minors, concentrations, and/or interdisciplinary offerings that apply toward the completion of the undergraduate degree;
 - b. describing in detail any special programs, including overseas study, credit by examination or advanced placement.

2. Not use disparaging comparisons of secondary or postsecondary institutions;
 - a. Members will refrain from publicly disseminating biased, unflattering, and/or potentially inaccurate information about secondary or postsecondary institutions, their admission criteria, and/or their curricular offerings.

3. Not offer or accept any reward or remuneration from a secondary school, college, university, agency, or organization for placement or recruitment of students.
Members:
 - a. will be compensated in the form of a fixed salary, rather than commissions or bonuses based on the number of students recruited;
 - b. will not contract with secondary school personnel for remunerations for referred students.

4. Be responsible for compliance with applicable laws and regulations with respect to the students' rights to privacy by:
 - a. establishing policies with respect to secondary school and college and university representatives for the release of students' names. Any policy that authorizes the release of students' names should indicate that the release be made only with the students' permission and be consistent with applicable laws and regulations;
 - b. recognizing that permission may take the form of a general consent to release of the students' names;
 - c. abiding by regulations in the *Family Educational Rights and Privacy Act* (FERPA), when applicable.

Statement of Principles of Good Practice *Interpretations of Mandatory Practices*

B. Admission, Financial Aid and Testing Policies and Procedures

All members agree that they will:

1. not publicly announce the amount of need-based aid awarded to any student without his/her permission;
 - a. Given the complexity of aid packaging and the possibility that merit-based scholarships may also have some basis in financial need, members must take great care in publishing or posting, electronically or in print, the scholarship amounts of individual students when doing so may inadvertently reveal information about need-based awards.

3. not make unethical or unprofessional requests of other admission counseling professionals. Examples of unprofessional or unethical requests could include:
 - a. making disparaging remarks about the services of school-based counselors or independent counselors when responding to requests from parents or students;
 - b. independent counselors contacting school officials directly, instead of working through their clients for academic or personal information.
 - c. coercing or demeaning postsecondary institutional representatives if such institutions are unable to participate or attend local school events;
 - d. offering favors in return for counselors' listing of their best or strongest students for recruitment purposes;
 - e. creating an expectation of entitlement with regard to admission to specific institutions.

4. send and receive information about candidates in confidence by honoring all applicable laws and regulations with respect to the confidential nature of such data. Members will honor applicable school policies, laws, regulations including the Family Education Rights and Privacy Act (FERPA).
Examples include:
 - a. admission officers not revealing the admission or denial status of applicants when using Web site or group email announcements;
 - b. secondary school personnel should not post lists of admitted students to specific colleges when doing so reveals applicants who were denied admission.

5. consider transcripts official only when transmitted in a confidential manner, from the secondary or postsecondary institution(s) attended by the applicant;
 - a. The receiving institution will have full discretion in determining preferred and/or acceptable methods of transmission.

Statement of Principles of Good Practice *Interpretations of Mandatory Practices*

6. Financial aid is defined as grants, loans, work-study and scholarships. This practice does not apply to scholarship and financial aid programs that fall under state mandates.

9. counsel students to abide by the application requirements and restrictions when they file.

The use of multiple admission plans by colleges and universities often results in confusion among students, parents and college admission counseling professionals. NACAC believes institutions must clearly state policies, and counselors are advised to assist students with their understanding of the various admission decision options. The following outlines agreed-upon definitions and conditions.

Non-Restrictive Application Plans: All of these plans allow students to wait until May 1 to confirm enrollment.

- **Regular Decision** is the application process in which a student submits an application to an institution by a specified date and receives a decision within a reasonable and clearly stated period of time. A student may apply to other institutions without restriction.
- **Rolling Admission** is the application process in which an institution reviews applications as they are completed and renders admission decisions to students throughout the admission cycle. A student may apply to other institutions without restriction.
- **Early Action (EA)** is the application process in which students apply to an institution of preference and receive a decision well in advance of the institution's regular response date. Students who are admitted under Early Action are not obligated to accept the institution's offer of admission or to submit a deposit prior to May 1. Under non-restrictive Early Action, a student may apply to other colleges.

Restrictive Application Plans: These are plans that allow institutions to limit students from applying to other early plans.

- **Early Decision (ED)** is the application process in which students make a commitment to a first-choice institution where, if admitted, they definitely will enroll. While pursuing admission under an Early Decision plan, students may apply to other institutions, but may have only one Early Decision application pending at any time. Should a student who applies for financial aid not be offered an award that makes attendance possible, the student may decline the offer of admission and be released from the Early Decision commitment. The institution must notify the applicant of the decision within

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a reasonable and clearly stated period of time after the Early Decision deadline. Usually, a nonrefundable deposit must be made well in advance of May 1. The institution will respond to an application for financial aid at or near the time of an offer of admission.

Institutions with Early Decision plans may restrict students from applying to other early plans. Institutions will clearly articulate their specific policies in their Early Decision agreement.

- **Restrictive Early Action (REA)** is the application process in which students make application to an institution of preference and receive a decision well in advance of the institution's regular response date. Institutions with Restrictive Early Action plans place restrictions on student applications to other early plans. Institutions will clearly articulate these restrictions in their Early Action policies and agreements with students. Students who are admitted under Restrictive Early Action are not obligated to accept the institution's offer of admission or to submit a deposit prior to May 1.

II. Postsecondary Members—Interpretations and Monitoring

A. Promotion and Recruitment

All postsecondary members agree that they will:

1. state clearly the requirements for the first-year and transfer admission and enrollment processes, including secondary school preparation, standardized testing, financial aid, housing and notification deadlines, and refund procedures by:
 - a. being responsible for the accurate representation and promotion of their admission calendar, academic offerings, housing application and deposit deadlines; and campus and community descriptions; written and electronic communications; and presentations for students, parents and counseling personnel;
 - b. being responsible for the development of publications, written communications presentations, i.e., college nights, college days and college fairs, used for their institution's promotional and recruitment activity;
 - c. stating clearly and precisely the requirements for secondary preparation, admission tests and transfer student admission;
 - d. providing students, families and secondary schools with the most comprehensive information about costs of attendance and opportunities for all types of financial aid, and state the specific relationship between and among admission and financial aid practices and policies;
 - e. providing accurate information about opportunities/selection for institutional housing, deadline dates for housing deposits, housing deposit refunds, and describing policies for renewal availability of such institutional housing;
 - f. speaking forthrightly, accurately and comprehensively in presenting their institutions to counseling personnel, prospective students and their families;

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- g. identifying the source and year of study when institutional publications and/or media communications cite published academic programs, academic rigor or reputations, or athletic rankings;
- h. providing accurate and specific descriptions of any special programs or support services available to students with handicapping conditions, physical and/or learning disabilities and/or other special needs;
- i. clearly stating all deadlines (including time zone) for application, notification, housing, and candidates' reply requirements for both admission and financial aid;
- j. clearly publicizing policies relating to placement by tests, awarding of credit and other policies based on test results.

B. Admission, Financial Aid and Testing Policies and Procedures

All postsecondary members agree that they will:

- 2. not require or ask candidates or the secondary schools to indicate the order of the candidates' college or university preferences, except under Early Decision;
 - a. Postsecondary members can assess the students' level of interest, but not through any type of rank order or question about first choice.
- 3. permit first-year candidates for fall admission to choose among offers of admission, financial aid, and scholarships until May 1 and will state this deadline explicitly in their offers of admission.
 - a. It is understood that May 1 will be viewed as the postmark and/or submission date for electronic submissions. When May 1 falls on a Sunday or holiday, May 2 becomes the recognized date.
 - b. Offers of admission must clearly state whether deposits voluntarily submitted by students prior to May 1 are refundable or non-refundable.
 - c. Colleges will neither retract nor adversely alter their offers of admission and/or financial aid prior to May 1, for candidates who choose not to reply until that date nor will they state or imply that candidates might incur such a penalty by waiting until May 1 (including time zone) to submit an enrollment deposit;
 - d. Candidates admitted under an Early Decision program are a recognized exception to this practice.
- 4. not offer exclusive incentives that provide opportunities for students applying or admitted Early Decision that are not available to students admitted under other admission options. Examples of exclusive incentives include special dorms for ED admits; honors programs only for ED admits; full, need-based financial aid packages for ED admits only; special scholarships for ED admits only; or any promise of an advantage in the admission process if student(s) convert from Regular Admission to Early Decision.

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6. establish wait list procedures that ensure that no student on any wait list is asked for a deposit in order to remain on the wait list or for a commitment to enroll prior to receiving an official written offer of admission. Written notification may include mail or electronic communications.
 - a. Wait list is an admission decision option utilized by institutions to protect against shortfalls in enrollment, in light of fluctuations in yields. By placing a student on the wait list, an institution does not initially offer or deny admission, but extends to the candidate the possibility of admission not later than August 1.
 - b. Institutions should state if they are recognizing the time zone for the institution's location or student's location.

7. state the specific relationship among admission and financial aid practices and policies. Colleges and universities may apply enrollment strategies to decisions to admit, wait list or deny students on the basis of stated or unstated financial need. Examples include:
 - a. colleges that might prioritize wait lists by students' level of financial need;
 - b. institutions that employ "need aware" admission for the bottom 10 percent of the class.

10. not knowingly offer financial aid packages to students who are committed to attend other institutions, unless the students initiate such inquiries. Athletic scholarships, which adhere to nationally-established signing periods, are a recognized exception.

The National Collegiate Athletic Association (NCAA) has established bylaws, operational manuals and legislative directives guiding Division I, II, and III sports for men and women. Each NCAA division has its own set of rules and bylaws that govern intercollegiate athletics. In addition to divisional regulations, there are playing rules committees that set rules for specific sports. Each sport includes calendars regulating quiet periods, dead periods, evaluation periods, contact periods, and eventually, National Letter of Intent signing dates that occur in November, February and April. All such dates are in advance of May 1, the National Candidates Reply Date for admission. NACAC will continue to work with the NCAA to recognize May 1 as a critical date on the admission calendar. For more information on NCAA deadlines, dates and requirements, visit www.NCAA.org.

11. initially report on all first-year admitted or enrolled students, including subgroups in the reporting of test scores. If data on subgroup populations

are also provided, clear explanations of who is included in the subgroup population will be made.

- a. Postsecondary members will furnish data describing the currently enrolled freshman class and will describe in published profiles all members of the enrolling freshman class;
 - b. Subgroups within the profile may be presented separately because of their unique character or special circumstances.
12. Colleges and universities may welcome the initiation of applications from first-year students prior to the notification date and earliest application deadlines. The Earliest Application Deadline does not apply to juniors who have completed their requirements for high school graduation and are seeking early admission or joint opportunities to attend high school and community or postsecondary institutions. Admission officers should advise secondary school counselors of their policies to ensure compliance.

III. Counseling Members—Interpretations and Monitoring

A. Promotion and Recruitment

Counseling members agree that they will:

1. establish a policy for the release of students' names and other confidential information, consistent with applicable laws and regulations.
 - a. Permission may be a general consent to any release of the students' names;
 - b. Secondary school members should be sensitive to the students' academic, athletic or other abilities, when releasing students' names.

B. Admission, Financial Aid and Testing Policies and Procedures

Counseling members agree that they will:

1. provide colleges and universities with a description of the school's marking system that, if available, will provide some indication of grade distribution that may include the rank in class and/or grade point average;
 - a. Members will disclose and clearly explain any type of weighing system that is used in determining class rank, grade point average, and/or individual grades.
2. provide, as permissible by law, accurate descriptions of the candidates' personal qualities that are relevant to the admission process;
 - a. The phrase "permissible by law" includes school policies as well as state or local regulations governing the release of student information.
 - b. Counselors or school personnel will provide as much information as permitted by the Family Education Rights and Privacy Act (FERPA) and/or applicable school, local or state policies with the understanding that permission may take the form of a general consent to any release of student information.

6. work with school officials and other relevant individuals to keep test results confidential as governed by law and local regulations;
 - a. School personnel should recognize that individual test scores are the property of the student and should not be revealed for any purpose without prior permission.
 - b. If individual test score information is requested or required by a postsecondary institution or third party, counselors and school personnel will honor the Family Educational Rights and Privacy Act (FERPA) and/or applicable school, local or state policies and regulations. Permission may take the form of a general consent to any release of student information.

Statement of Principles of Good Practice

Best Practices

I. All Members—Best Practices

All members should:

- A. indicate that their institution is a NACAC member and has endorsed the principles contained in the association's Statement of Principles of Good Practice (SPGP);
- B. inform those involved in counseling students in the postsecondary process about the content of the SPGP;
- C. be sensitive to students applying for admission to postsecondary institutions in other countries that may have different deadlines and timelines than those in the United States.
- D. Familiarize themselves with published inter-association standards for educational and psychological testing, particularly with respect to test score use and interpretation, test bias, and score differences between subgroups.
- E. educate staff in understanding the concepts of test measurement, test interpretation, and test use so they may consider standardized tests in their appropriate context. Such education may be obtained from NACAC, institutions of higher education, or other associations that are independent of companies that sponsor the test or test preparation activities or have stated positions for or against test usage. In addition, all members that make use of admission tests should acquire education and/or training in the appropriate use of specific tests from the sponsoring agencies.

II. Postsecondary Members—Best Practices

A. Promotion and Recruitment

All postsecondary members should:

1. exercise appropriate responsibility for all people whom the institution involves in admission, promotional and recruitment activities (including alumni, coaches, students, faculty, and other institutional representatives);
2. be responsible for assuring that admission consulting or management firms engaged by the institution adhere to the principles of the SPGP;

B. Admission, Financial Aid and Testing Policies and Procedures

All postsecondary members should:

1. provide in the notification letter or electronic communication of those applicants offered a place on the wait list a history that describes the number of students offered places on the wait lists, the number accepting places, the number offered admission, and the availability of financial aid and housing;
2. allow students a reasonable amount of time (at least 72 hours) to respond to an offer of admission from that institution's wait list and gain admission to that institution's incoming class. This offer of admission should be a written and/or electronic communication to the student. Postsecondary institutions should also strive to fully inform wait list students of their financial aid and housing opportunities, if different from their normal policies;
3. make applicants aware, in official communications, of summer or mid-year admission if such programs are available;
4. not apply newly-revised requirements to the disadvantage of a candidate whose secondary school courses were established in accordance with earlier requirements;

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5. not discriminate in the admission selection process against applicants based on the particular application form that an applicant uses, provided that the college or university has agreed explicitly to accept the particular version of the application;
6. admit candidates on the basis of academic and personal criteria rather than financial need. This provision does not apply to international students ineligible for federal student assistance;
7. conduct institutional research to inquire into the most effective use of tests for admission decisions;
8. refrain from the public reporting of mean and median admission test scores and, instead, report scores by the middle 50 percent of the scores of all first-year applicants, admitted and/or enrolled students;
9. view financial aid as supplementary to the efforts of students' families when students are not self-supporting;
10. meet the full need of accepted students to the extent possible, within the institutions' capabilities;
11. should state that eligibility for, and packaging of, need-based and merit aid will be comparable for students admitted under Early and Regular programs;
12. refrain from asking students where else they have applied;
13. utilize an equitable process of needs analysis methodology in making expected estimates or awards of the amount of financial aid that may be available to students after documentation is provided;
14. notify accepted aid applicants of financial aid decisions as soon as possible before the enrollment notification deadline date, assuming all requested application forms are received on time;
15. include a current and accurate admission calendar in publications and Web sites. If the institution offers special admission options, such as Early Admission, Early Action, Early Decision, wait lists, or Restrictive Early Admission, the publication should define these programs and state deadline dates (including time zone), notification dates, required deposits, refund policies, and the date when the candidates must reply;
16. notify secondary schools, when possible, of admission decisions in a timely and proper manner;
17. report test scores for special subgroups that may include athletes or non-native speakers. Universities with more than one undergraduate division may report first by division and then by special subgroups within divisions. Clear explanations of who is included in the subgroup should be made. Those institutions that do not require tests or for which tests are optional will only report scores if the institution clearly and emphatically states the limits of the scores being reported;
18. clearly publicize policies, such as placement and awarding of credit, that are based on test results;

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19. issue a statement of disclosure as to how demonstration of student interest is used in the application process. Demonstration of student interest includes such measures as evaluating students on whether they visited campus, contacted admission representatives before or during a school visit, or the frequency of email or mail contacts initiated by the students.

III. Counseling Members—Best Practices

A. Admission, Financial Aid and Testing Policies and Procedures

Counseling members should:

1. provide a program of counseling that introduces a broad range of postsecondary opportunities to students;
2. encourage students and their families to take the initiative in learning about colleges and universities;
3. provide information about opportunities and requirements for financial aid;
4. urge students to understand and discharge their responsibilities in the admission process in a timely manner;
5. counsel students and their families to notify and withdraw applications from other institutions when they have accepted an admission offer;
6. encourage students to be the sole authors of their applications and essays and counsel against inappropriate assistance on the parts of others;
7. report any significant change in a candidate's academic status or qualifications, including personal school conduct record between the time of recommendation and graduation, where permitted by applicable law;
8. establish a written policy on disclosure of disciplinary infractions in their communications to colleges;
9. provide a school profile, when applicable, that clearly describes special curricular opportunities (e.g., honors, advanced placement courses, seminars) and a comprehensive listing of all courses with an explanation of unusual abbreviations and any information required for proper understanding;
10. inform students about the tests needed for admission, where students may take them, how to interpret the results, and how test results are used for admission;
11. report, in the case of secondary schools, the middle 50 percent of all students tested by discrete grade level;
12. refrain from encouraging students to apply to particular colleges and universities to enhance the high schools' statistical records regarding the number or amount of scholarship awards received;
13. counsel students not to submit more than one admission deposit, which indicates their intent to enroll in more than one institution;
14. work with school officials and other relevant individuals to keep test results in perspective;
15. counsel students to comply with requests for information in a timely manner;
16. counsel students who have deferred admission that they should follow any conditions imposed by the deferring institution.

APPENDIX 4: COMMISSION MEETINGS AND RESOURCES

The Commission held two meetings, the first in March 2012 in Washington, DC, and the second in October 2012 at the NACAC National Conference in Denver, CO. Public summaries of both meetings, as well as video footage of the first meeting in Washington, DC, is available on the NACAC website at www.nacacnet.org/about/Governance/Comm/Pages/Commission-on-International-Student-Recruitment.aspx.