

Your Comment Tracking Number: 1jx-886m-6hff

Comments regarding
OMB Control No. 2900—NEW (Principles of Excellence Complaint System Intake)
Filed Oct. 15, 2013

We applaud and thank VA for its work establishing the veterans' student complaint system, in accordance with Executive Order 13607. The VA's student complaint system is a much-needed and critical tool, for the reasons articulated by the President when he announced Executive Order 13607. We support VA's decision to leverage the Defense Department's complaint system and utilize its software platform in light of insufficient funds at the VA. We concur with VA's decision to make the complaint system accessible through both the GI Bill website and the e-Benefits portal. It is important to make the complaint system readily available so that veterans are aware they have the right to complain.

We suggest a few improvements:

Complaint Intake Interface

The interface for veterans to file complaints is user-friendly, for the most part. We would, however, recommend more user-friendly word choices for some of the "issues" listed under "Describe Your Issue" on the second screen that veterans encounter in the complaint intake system. The goal is to make it very easy for veterans to report abuses. The form should be easily understood by veterans of all education levels. It is also important to make clear, through the questions, what types of abuse are no longer tolerated, so that veterans understand the types of issues about which they may file a complaint.

In particular, VA should consider re-wording "Recruiting/Marketing Practices," since not all veterans may understand what is included in that category. "Recruiting/Marketing" are terms that policy-makers use, but even the "bad actors" the President warned of don't call their recruiters "recruiters"; instead they refer to them as "military advisors" or "admissions advisors." But it would likely be unwise to name the category "Admissions Issues," because that could imply to veterans questions about whether they were admitted or rejected – not whether they were deceived by recruiters or advertisements. Indeed, "Recruiting/Marketing" captures several different "issues," including, as Executive Order 13607 made clear, both "deceptive and fraudulent" and "unduly aggressive" recruiting and marketing, including "payment of incentive compensation" and recruiting on military installations. However, neither "aggressive recruiting" nor "deceptive marketing" are accessible, user-friendly phrases, nor is "payment of incentive compensation." We would recommend several accessible, user-friendly phrases to capture the elements the Executive Order covers:

- a. "I felt pressured to sign up or they didn't give me time to read the papers before I signed up"
- b. "The school's admissions staff lied to me or misled me"
- c. "The school's advertising tricked me"
- d. "The school pays recruiters/admissions officers for each student"
- e. "The school aggressively recruits on military bases"

VA might also consider user-friendly accessible phrases to capture "Transfer of Credit issues," since some veterans may be unaware that they were tricked by a school without a sample question from VA prompting them to better understand their rights, such as: "My credits don't transfer, but I was told they would."

Second, the fourth screen on the interface for student veterans in the complaint intake system is titled "Institution/Employer Information." There are two problems with this: (1) "Institution" presumably refers to "institution of higher education," a phrase that VA and policy-makers use, but one that is not a user-friendly term for all veteran students. More accessible wording might be "School/College/Program of Study"; and (2) the inclusion of "Employer" may be a typographical error. If it is not a typographical error, its inclusion would be confusing to veteran students. Why would a veteran's employer be relevant for a complaint system regarding institutions of higher education? If a veteran has a job at a hardware store but is taking classes at a college, why is the hardware store relevant to a veteran's complaint about the college? Assuming that VA does not, in fact, require veterans to report the name of their employer, the fourth screen of the interface might nevertheless scare off a veteran from filing a complaint against his college if he fears he will need to disclose his employer and risk having his employer alerted to the fact that he filed a complaint against the school or that he has a problem outside of work. VA presumably means simply "School/College/Program of Study" – not "Employer."

Third, VA should preface the complaint system – both at the beginning of the first page of the intake screen, and also on the GI Bill website and e-Benefits portal – with encouragement to veterans to speak up and file a complaint. Veterans may need encouragement to file a complaint because they may blame themselves for being tricked by a predatory college, or because they may not understand they have rights (particularly rights they did not have prior to Executive Order 13607). They may also need a reminder that by stepping up and filing a complaint, they can protect their buddies by alerting VA to the "bad actors" that the President warned of when he announced Executive Order 13607. VA should include an encouraging phrase at the beginning of the intake interface and also on the GI Bill website and e-Benefits portal that recalls the President's speech, such as: "Protect your buddies. File a complaint."

Fourth, as the attached "Bill of Rights" section 3 states, VA must include a "Know Before You Enroll" heads-up for veterans on the GI Bill website, e-Benefits

portal, and through the Transition GPS exit program to alert veterans and servicemembers to the potential for fraud. We attach a recommended “Know Before You Enroll” developed by veterans service organizations. VA’s warning system, or adoption of “Know Before You Enroll,” should include the very critical personal stories that can serve as a warning for other veterans (in case veterans do not read all of the VA’s advisory language and in light of the reality – recognized by advertising firms and documented in business and psychology journals – that humans are often best warned by relating to personal stories). Veterans and servicemembers must be educated about the risks of the “bad actors” the President warned of.

Currently, the GI Bill website does contain advice on "Choosing a School": http://www.gibill.va.gov/resources/education_resources/choosing_a_school.html, including a tipsheet: http://www.gibill.va.gov/documents/factsheets/Choosing_a_School.pdf. The tipsheet does warn veterans about unaccredited schools and schools that are not respected by employers. But it is missing key information that veterans need to avoid scams. That information is attached on the proposed “Know Before You Enroll” warnings.

Also, the VA tipsheet gets backwards the much-needed warning about transfer of credits. The problem is not whether low-quality schools accept credits from elsewhere. The problem is that a low-quality school’s credits are worthless when a student tries to transfer, or when the student graduates and tries to apply to graduate school or get a job. President Obama explained the problem when he signed Executive Order 13607 on April 27, 2012: “[T]here are some bad actors out there. . . . They’ll say that if you transfer schools, you can transfer credits. But when you try to actually do that, you suddenly find out that you can’t.” Ironically, VA’s current warning may mislead veterans into enrolling at some of the worst schools, whose credit acceptance policies are the most generous precisely because they lack academic rigor.

Finally, the VA “Supporting Statement” states that VA will allow anonymous complaints, as recommended by CFPB and FTC. We support this decision. VA’s complaint intake interface, as well as the GI Bill website and e-Benefits portal should make clear that anonymous complaints are permitted.

Follow CFPB and Make Public Redacted Complaints

VA’s guidance states that it will not make public any of the complaints. VA should follow the lead of CFPB, which makes public the name of the school and the type of complaint, but redacts the student’s name. This enables prospective students – as well as law enforcement – to discover through an Internet search if there are significant complaints regarding a particular school. This will help the public to avoid the “bad actors” that the President warned of when he signed Executive Order 13607, and help law enforcement to prevent additional violations.

Complaint Resolution

The VA's proposed system for resolving student complaints may be inadequate. The VA "Supporting Statement for Principles of Excellence Complaint System Intake" currently states:

"VA will review the complaint and on behalf of the complainant will share the complaint with the institution which is subject of the complaint. VA will request the institution to formally respond to the complaint within 90 days. If an institution fails to respond within 90 days, VA will contact the institution and request a status update. Once VA receives a response from the institution, VA will forward the response to the complainant. At this point, VA will close the case."

VA should not close the case simply after receiving a response from the institution. Does that mean that any response from an institution (particularly a "bad actor" the President warned of) is sufficient? VA must protect veterans abused by predatory institutions. Veterans have only the VA to protect them, while colleges – especially predatory colleges – are armed with teams of lawyers and recruiters who sometimes act in despicable ways. President Obama accurately captured the problem when he announced Executive Order 13607. We also attach, for your review, the "Bill of Rights" that the nation's major veterans and military organizations delivered to the White House, which served as an impetus for the Executive Order, and addresses these organizations' views on protecting veterans and resolving their complaints.

Therefore, VA must take action to:

- 1) Act as the complaining veteran's advocate to force a resolution of the complaint that is favorable to the veteran; and
- 2) Force the school to institute changes to avert similar abuses in the future.

To that end, VA's current estimate of the amount of VA staff time needed to follow up on student complaints may be insufficient. VA may wish to consider leveraging staff resources from other agencies.

Risk-Based Program Reviews

Executive Order 13607 requires risk-based program reviews. VA's "Supporting Statement" states that it will compile a profile at the institutional level of the types of complaint received both for use by the streamlined tool to compare institutions and for risk-based compliance surveys.

We applaud both these steps. It is critical that the streamlined comparison tool enable veterans to notice if a school they are considering has lots of complaints from fellow veterans. It is also critical that federal government program review staff is alerted to any complaint of serious abuse or patterns of complaints against a school. SAA's should also be alerted. Any school with a single complaint of serious abuse (such as unduly aggressive and deceptive marketing) or a pattern of complaints (such as on transfer of credits) must be subject to risk-based program reviews. Such risk-based program reviews cannot happen if serious complaints and patterns of complaints are not highlighted and passed along to program review staff and SAA's. We attach, for your review, the "Bill of Rights" that the nation's major veterans and military organizations delivered to the White House, which served as an impetus for the Executive Order, and addresses these organizations' views on the need and standards for risk-based program reviews.

In addition, VA should check Consumer Sentinel for reports by other agencies – such as the Defense Department or Education Department – to include in the institutional profile and as triggers for program reviews. For example, if VA is sending GI Bill dollars to a college that is currently being sued by the Justice Department for deceptive recruiting (a true example), or has been found guilty of defrauding the Education Department or violating the ban on incentive compensation (also real examples), or about which the Defense Department has logged serious complaints on Consumer Sentinel, or against which a state Attorney General has filed a consumer protection suit (multiple real examples) – then VA must conduct a risk-based program review to protect veterans and GI Bill dollars from abuse by that college. In other words, not only must VA share with other agencies its knowledge of abuses via Consumer Sentinel, but VA must also take proactive action to learn of abuses that other federal and state agencies have discovered that may affect veterans and GI Bill dollars.

Uploading Valid Complaints onto Consumer Sentinel

VA plans to upload any "valid" complaint onto Consumer Sentinel. This is important for federal law enforcement agencies to access complaints. We caution, however, that VA should upload not only complaints that seem to raise a valid federal claim, but also complaints that may raise valid state claims, since state Attorneys General also make use of Consumer Sentinel but do so using different legal standards (since state laws differ from federal laws). So long as VA defines "valid" broadly enough to include any legitimate complaint, veterans should be adequately protected.

Conclusion

VA should prioritize the needs of veterans above and beyond any concerns about burdens on institutions of higher education. Bear in mind the problem at hand, as explained by the President when he announced Executive Order 13607 on April 27, 2012:

“Some of you guys can relate; you may have experienced it yourselves. You go online to try and find the best school for military members, or your spouses, or other family members. You end up on a website that looks official. They ask you for your email, they ask you for your phone number. They promise to link you up with a program that fits your goals. Almost immediately after you’ve typed in all that information, your phone starts ringing. Your inbox starts filling up. You’ve never been more popular in your life. All of these schools want you to enroll with them.

And it sounds good. Every school and every business should be out there competing for your skills and your talent and your leadership -- everything that you’ve shown in uniform. But as some of your comrades have discovered, sometimes you’re dealing with folks who aren’t interested in helping you. They’re not interested in helping you find the best program. They are interested in getting the money. They don’t care about you; they care about the cash.

So they harass you into making a quick decision with all those calls and emails. And if they can’t get you online, they show up on post. One of the worst examples of this is a college recruiter who had the nerve to visit a barracks at Camp Lejeune and enroll Marines with brain injuries -- just for the money. These Marines had injuries so severe some of them couldn’t recall what courses the recruiter had signed them up for. That’s appalling. That’s disgraceful. It should never happen in America.

I’m not talking about all schools. Many of them -- for-profit and non-profit -- provide quality education to our servicemembers and our veterans and their families. But there are some bad actors out there. They’ll say you don’t have to pay a dime for your degree but once you register, they’ll suddenly make you sign up for a high interest student loan. They’ll say that if you transfer schools, you can transfer credits. But when you try to actually do that, you suddenly find out that you can’t. They’ll say they’ve got a job placement

program when, in fact, they don't. It's not right. They're trying to swindle and hoodwink you. And today, here at Fort Stewart, we're going to put an end to it. We're putting an end to it."

Thank you for your work and consideration of these comments.

Signed,

Association of the U.S. Navy
Initiative to Protect Student Veterans, University of San Diego Law
School
Iraq & Afghanistan Veterans of America
National Guard Association of the U.S.
Student Veterans of America
Veterans Education Success
Veterans for Common Sense
Veterans' Student Loan Relief Fund
VetJobs
VetsFirst, a program of United Spinal Association
Vietnam Veterans of America

[Additional organizations wished to sign but were unable to finalize clearance because of the significant toll on veterans because of the federal government shutdown]