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House Committee Unanimously Approves Three Higher Education Bills

The House Committee on Education and the Workforce approved three bills today intended to serve as building blocks towards the comprehensive reauthorization of the Higher Education Act (HEA). Despite a September 30 expiration date, work on a comprehensive HEA bill is unlikely to be completed before Congress adjourns this fall.

The bills that advanced through the committee establish a demonstration program for competency-based education, require annual student loan and Pell Grant counseling, and simplify consumer information for students and families. Earlier this week, NAICU joined a number of higher education associations in a letter applauding the committee for moving forward in these areas and expressing our continued cooperation in refining the measures as they advance through the legislative process.

Underlying the comity of the committee in offering unanimous support for these measures was a preview of the political battles that lie ahead when Congress tackles a comprehensive HEA reauthorization bill. Democratic members of the committee put forward a series of amendments addressing student debt and for-profit institutions—calling for the refinancing of student loans, disclosure of repayment rate information, and including veterans’ education benefits in the 90-10 rule. All three amendments fell on party-line votes.

The full House is expected to consider these and other narrowly-focused HEA measures throughout the remainder of the 113th Congress. If a full HEA reauthorization bill is not passed by the end of September, Congress is likely to pass an extension to ensure federal financial aid programs and other provisions of the current bill remain in effect in fiscal year 2015.

For more information, contact Susan Hattan, Susan@naicu.edu
All Institutions Participating in the Department of Defense Tuition Assistance Program Must Sign Another New Form; Deadline Extended To September 5

The Department of Defense has informed institutions in the Tuition Assistance (TA) program of an update to the previous Memorandum of Understanding issued in May 2014. Institutions wishing to participate in the TA program after September 5, 2014, must sign a certification statement—even if they have already signed the revised Memorandum of Understanding (MOU) published in May of this year.

The further revised document contains only one minor change: namely, the addition of a paragraph header in an appendix.

If your institution:

- **Signed the May 2014 version of the MOU**, you must now submit the signed certification statement acknowledging being notified of the change in order to continue participation in the TA program after September 5.

- **Has not yet signed the May 2014 version of the MOU**, you will need to sign the July 2014 version, known as Change 3, in order to participate.

Additional information about the change may be found in the frequently-asked-questions section on the Department of Defense website. Questions 31 through 34 specifically address the certification requirement.

**Additional Resources**


*For more information, contact Susan Hattan, Susan@naicu.edu*

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**Senator McCaskill Releases Findings of Campus Sexual Violence Survey**

The findings of the campus sexual violence survey, released by Senator Claire McCaskill on July 9, assess how institutions report, investigate, and adjudicate sexual violence. Overall, the findings are critical of every aspect of how campuses are handling sexual assaults on campus.

The report, "Sexual Violence on Campus: How too many institutions of higher education are failing to protect students," highlights issues ranging from low levels of awareness of the problem, to a lack of support for survivors, to failures in sexual assault training, reporting, investigation, and adjudication.

Specific findings highlighted by Sen. McCaskill show that more than 40% of the schools responding to the survey had not conducted a single sexual assault investigation over the past five years, and eight of the largest private institutions conducted fewer investigations than the number of sexual assaults they reported under the Clery Act.

The report was also critical of institutions that give athletic departments oversight of sexual violence cases involving student-athletes—a practice of over 20% of the institutions surveyed. Sen. McCaskill
raised her concerns with NCAA President Mark Emmert at a hearing before the Senate Commerce Committee that focused on the well-being and academic success of college athletes.

She indicated that she is continuing to work with a bipartisan group of Senators to develop legislation addressing the issues raised in the report.

The survey was distributed in April to a national sample of 350 four-year institutions, representing all sectors of higher education. The survey generated 236 responses, a 67% response rate. The survey was also sent to two additional samples: the 50 largest public four-year institutions; and 40 private non-profit institutions with enrollments of 15,000 or more. Response rates to the additional samples were 98% and 85%, respectively.

For more information, contact Susan Hattan, Susan@naicu.edu

NAICU Joins in an Amicus Brief in Northwestern Case Arguing that Athletes are Students and not Employees

NAICU has joined ACE and three other higher education associations in an amicus brief to the National Labor Relations Board on the question of whether student-athletes (in this case, football players) are eligible to form a union and bargain collectively about the terms of their participation in their sport. The brief argues that, as a matter of both law and fact, these athletes are students and not employees, and therefore not subject to the National Labor Relations Act.

At an earlier stage of the case, Northwestern football players had voted in an election supervised by the local office of the NLRB. Those ballots were then sealed and will be counted only after the Board rules in this case.

However the NLRB decides, it is likely that their ruling will be appealed through the federal court, a process that usually takes several years.

For more information, contact Jon Fuller, Jon@naicu.edu

FY 2015 Student Aid Funding Stalled

While there’s no appetite in Congress for a government shutdown, the bipartisan congressional appropriators’ attempt at regular order for passing the FY 2015 spending bills has stalled. Completion of the spending bills, including student aid funding, will most likely be delayed until a post-election lame duck session.

The Senate Committee on Appropriations has written 7 of the 12 annual spending bills, but has been unsuccessful at gaining passage on the floor. It has not acted on spending bills for Labor-HHS-Education, which funds student aid, Interior, Defense, Energy or Financial Services. The House Committee on Appropriations has written 10 of the 12 annual spending bills, but passed only five on the floor. It also has not passed a Labor-HHS-Education appropriations bill. No appropriations bills have been sent to the president for signature.

Senate Labor-HHS-Education Appropriations Subcommittee Chairman Tom Harkin (D-Iowa) wrote an education funding bill in June that funds the scheduled $100 increase in the Pell Grant maximum award and increases all other student aid programs. The same bill also restores funding for medical research at the National Institutes of Health to $30 billion. Sen. Harkin was poised to have the full committee take up the bill and prepare for floor time when the tentatively planned markup was indefinitely postponed. Rumors of numerous amendments on the Affordable Care Act,
unaccompanied alien children, and spending levels squashed the possibility of bipartisan regular order.

In the House, the full Appropriations Committee has not given up on the possibility of a markup of its version of a Labor-HHS-Education bill. However, the mark-up will not be scheduled until after the July 22 run off primary election for the seat held by Subcommittee Chairman Jack Kingston (R-Ga.). The election date is two weeks before the scheduled August recess.

Because there are only 26 days when Congress is in session before the October 1 start of the next fiscal year, it is expected that Congress will pass a continuing resolution at the end of September to keep the government running through the mid-term elections.

For more information, contact Stephanie Giesecke, Stephanie@naicu.edu

Net Neutrality Principles Endorsed

NAICU joined ten other higher education and library associations this week in a statement of net neutrality principles as the Federal Communications Commission (FCC) prepares to reconsider the issue.

In the statement announcing the principles, the organizations said they support the FCC’s adoption of “net neutrality” policies to ensure that the Internet remains open to free speech, research, education and innovation. The group believes "Internet Service Providers (ISPs) should operate their networks in a neutral manner without interfering with the transmission, services, applications, or content of Internet communications. Internet users often assume (and may take for granted) that the Internet is inherently an open and unbiased platform, but there is no law or regulation in effect today that requires ISPs to be neutral."

“NAICU’s support of net neutrality is based on several important academic and transparency factors,” said NAICU President David Warren. “Providing open and equitable access to the Internet is critically important to the academic and research pursuits of our member institutions, and, indeed, all of higher education. That access should not be encumbered in any way. By its very nature, the vast diversity of NAICU’s membership, including traditional liberal arts colleges, major research universities, church- and faith-related institutions, historically black colleges, Hispanic-serving institutions, single-sex colleges, art institutions, two-year colleges, and schools of law, medicine, engineering, and business, requires net neutrality policies to ensure that the Internet remains open to free speech, research, education, and innovation.”

Among the 11 net neutrality principals are:

- **Ensure Neutrality on All Public Networks**: Neutrality is an essential characteristic of public broadband Internet access. The principles that follow must apply to all broadband providers and Internet Service Providers (ISPs) who provide service to the general public, regardless of underlying transmission technology (e.g., wireline or wireless) and regardless of local market conditions.
- **Prohibit Blocking**: ISPs and public broadband providers should not be permitted to block access to legal web sites, resources, applications, or Internet-based services.
- **Protect Against Unreasonable Discrimination**: Every person in the United States should be able to access legal content, applications, and services over the Internet, without “unreasonable discrimination” by the owners and operators of public broadband networks and ISPs.
- **Prohibit Paid Prioritization**: Public broadband providers and ISPs should not be permitted to sell prioritized transmission to certain content, applications, and service providers over other Internet traffic sharing the same network facilities.
The FCC opened a new proceeding on “net neutrality” in May 2014 to explore what “net neutrality” policies it should adopt.

For more information, contact Susan Hattan, Susan@naicu.edu

William “Bro” Adams Confirmed as Chairman of the National Endowment for the Humanities

Former Colby College President William D. “Bro” Adams was confirmed Wednesday by the United States Senate as the 10th chairman of the National Endowment for the Humanities (NEH). Adams is expected to begin as chairman in the coming days.

Adams retired from Colby College on June 30, 2014, concluding a 14-year tenure as president at the Maine college. He is an advocate for liberal arts education and brings to the NEH a long record of leadership in higher education and the humanities.

NAICU President David Warren endorsed the appointment: “I applaud and support the Obama Administration for nominating and the Senate for confirming Bro Adams to be chairman of the National Endowment for the Humanities (NEH). I have known Bro for many years and his leadership and commitment to the humanities, lifelong learning, and providing access to cultural and historical education, will prove valuable as the NEH advances its funding and educational mission.”

A native of Birmingham, Michigan, and son of an auto industry executive, Adams earned an undergraduate degree in philosophy at Colorado College and a Ph.D. from the University of California at Santa Cruz History of Consciousness Program. He studied in France as a Fulbright Scholar before beginning his career in higher education which has included appointments at Santa Clara University (CA), the University of North Carolina at Chapel Hill and Stanford University (CA). He also has served as vice president and secretary of Wesleyan University and president of Bucknell University.

Founded in 1965, the National Endowment for the Humanities is an independent grant-making institution of the United States government dedicated to supporting research, education, preservation, and public programs in the humanities.

The complete announcement is available on the NEH website.

For more information, contact Paul Hassen, Paul@naicu.edu

Tax-Filing Help for Pell Recipients

Many students fail to maximize the tax benefits they deserve, missing out on critical financial support as they work to achieve a postsecondary education.

As part of the Obama Administration’s effort to promote college affordability, the Treasury Department posted a fact sheet on its website in mid-June to help taxpayers claim college benefits, particularly Pell Grant recipients eligible for the American Opportunity Tax Credit (AOTC).

Due to confusion about their eligibility for the ATOC, the families of as many as 9 million high-need students may pay higher taxes than required.

Working with the Education Department, Treasury has provided “a fact sheet that outlines how and when a student should allocate the Pell Grant to tuition, fees, and course related materials, or to living expenses when filing a tax return.”

For more information, contact Paul Hassen, Paul@naicu.edu
Students have a choice in the allocation and the choice can affect their AOTC benefit and the taxes owed. The student or family's allocation on the tax form may differ from the manner in which the institution allocates the Pell Grant.

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