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Department of Education Issues Final Regulations Dealing with Campus Sexual Assault

The Department of Education has issued final regulations implementing changes made by the Violence Against Women Act (VAWA) to the Clery campus safety provisions of the Higher Education Act.

The final regulations closely track the proposed regulations published in June. Under the new regulations, institutions will be required to:

- Include information in annual security reports about the number of incidents of dating violence, domestic violence, sexual assault, and stalking. These terms are defined in the regulations.
- Include gender identity and national origin as categories of bias in hate crime reports.
- Conduct prevention and awareness programs and campaigns related to sexual violence.
- Provide information regarding the institution’s disciplinary proceedings, possible sanctions, and range of protective measures that may be offered to address allegations of sexual violence.
- Provide for prompt and impartial disciplinary proceedings where the accuser and the accused are treated equitably, including having the same opportunity to have the advisor of their choice present at the proceedings.

Those regulations reflect the consensus agreement of the negotiated rulemaking committee appointed to consider the regulatory changes. Among the few changes made to the proposed regulations are modifications in the reporting of stalking, and the addition of requirements related to the reporting of “unfounded” crimes.

The new regulations will take effect on July 1, 2015. However, because the statutory provisions took effect in March 2014, institutions were required to make a “good faith effort” to include statistics for
dating violence, domestic violence, sexual assault, and stalking in the annual security report that was due October 1. Additional information regarding these requirements is outlined in a guidance letter issued by the Department of Education.

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

White House Schedules Second Summit on College Opportunity

The White House plans to convene a second higher education summit on College Opportunity on December 4 with a focus on four areas related to helping more students prepare for and graduate from college. The deadline for nominations to reach the White House is Friday, October 31.

NAICU President David Warren wrote to Association member presidents October 22 at the request of the White House outlining event details, including the nomination process. Each higher education leader in attendance will be asked to announce a new initiative to improve college access and completion for low-income students in one of four areas:

- **College Completion Collaboration**—Colleges and universities are establishing collaborations around graduating more students, particularly low-income students. These networks demonstrate what can be accomplished when colleges and universities work together to pilot and evaluate promising practices that help students persist, share what is learned, and scale what works. If you plan to make a commitment in this area, please contact Ajita Menon at the White House Domestic Policy Council at amenon@who.eop.gov.

- **K-16 Collaboration**—Higher education institutions are working in partnership with school districts, community organizations, business and philanthropy to increase the share of high school students who are on track to enter and succeed in college. If you plan to make a commitment in this area, please contact Lauren Thompson at the Department of Education at lauren.thompson@ed.gov.

- **K-12/Postsecondary Counseling and Advising**—The third area involves counseling and advising efforts, a topic of special interest to the First Lady through her Reach Higher initiative. The White House is especially interested in initiatives that connect high school counselors with higher education institutions to recruit and enroll at-risk students and projects that align access efforts with college readiness standards. If you plan to make a commitment in this area, please contact Eric Waldo in the first lady’s office at ewaldo@who.eop.gov.

- **STEM Degree Production**—Increasing the number of Science, Technology, Engineering and Mathematics (STEM) college graduates is the final area of focus. The White House is especially interested in initiatives that focus on college completion for low-income, women, and underrepresented minority STEM students, improve retention in STEM fields, especially by overhauling introductory STEM courses, and support student connections to research and career pathways. If you plan to make a commitment in this area, please contact Danielle Carnival in the Office of Science and Technology Policy at dcarnival@ostp.eop.gov.

Since the White House is looking for new, not existing commitments, it is less likely that proven programs will have the opportunity to be highlighted.

White House officials will be inviting as many college and university presidents and other senior higher education leaders taking action in these areas to attend the summit as space will allow, so
space will be limited. All decisions on who will be invited will be made by Administration officials.

If you are interested in announcing a commitment at the White House summit, please contact one of the four points of contact (above) or, for general inquiries, Sophie Shulman at the White House Domestic Policy Council at sshulman@who.eop.gov.

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

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**PLUS Loans Final Rule Published; More Borrowers Should Qualify**

The Department of Education published final regulations redefining “adverse credit history,” the financial disqualification for PLUS Loans. Using this revised definition, the Department estimates that an additional 370,000 PLUS borrowers, some of whom would have been deemed ineligible under the previous standards, would now be eligible for the loans.

Citing member institutions with parents and graduate students who depend on these loans, NAICU President David Warren expressed support for the revised definition in a letter to the Department, writing that the new definition would “establish fairer eligibility standards for parent and student PLUS Loans.”

Controversy about the adverse credit definition arose sometime after the elimination of the FFEL program when the Department assumed total responsibility for PLUS Loans in 2010. In late 2011, the Department suddenly tightened the eligibility standards used in the definition under the Direct Loan Program. This abrupt change had an adverse effect on many PLUS borrowers. (See Washington Update, Getting a PLUS Loan May be Slightly Easier.)

Earlier this year, the Department conducted a comprehensive negotiated rule-making session that included the definition of adverse credit history used to qualify borrowers for PLUS Loans. The definition was one of the only items upon which the negotiators reached consensus. The agreement underlies the NPRM that was published in August of this year. The final rule, which the Department describes as providing a balance between making credit available for low-income borrowers and preventing over-borrowing, closely follows the NPRM. It makes two notable changes:

1. Including an inflation factor in determining the threshold amount of delinquent debt, proposed at $2,085 in the NPRM, used in determining adverse credit history, and

2. Requiring mandatory loan counseling for borrowers with adverse credit history who are approved for a PLUS Loan based on obtaining an endorser of their loan, as was already proposed for borrowers with adverse credit history who qualified based on extenuating circumstances.

The final regulations apply to both Parent PLUS and Grad PLUS Loans and go into effect on July 1, 2015. According to the Department, Secretary Duncan hopes to provide for early adoption of the rule and will publish a separate notice when this might be possible.

For more information, contact Maureen Budetti, Maureen@naicu.edu
Cohort Default Rates Dip

Earlier this month, the Department of Education published institutional student loan cohort default rates (CDR) showing that the percentage of students who defaulted on a federal student loan had decreased. According to the Department, the national three-year rate for FY 2011 declined from 14.7 percent last year to 13.7 this year, but remained higher than the FY 2009 rate of 13.4 percent.

CDRs in all sectors went down, even the for-profit sector. The overall private nonprofit sector dropped from 8.2 to 7.2 percent. The rate for 4-year private nonprofit colleges declined from 8 to 7 percent (the FY 2009 percentage for nonprofits was 7.5 percent). The for-profit sector still has the highest cohort default rate at 19.1 percent. The public sector rate (2-year and 4-year institutions) is 12.9 percent. It is 8.9 percent for 4-year public colleges.

The Department attributes the reduction in default rates to many factors, most notably, better outreach to students regarding repayment options, especially the availability of income-based repayment plans, including President Obama’s pay as you earn (PAYE) plan which enables borrowers to repay their loans at no more than 10 percent of their discretionary income. Additional factors cited by the Department included increased counseling and efforts to improve the loan servicing.

This is the first year in which penalties are in effect for institutions that had 3 years of CDRs of 30 percent or more. The Department found that about 400 institutions across sectors had reached the 30 percent threshold for Title IV program elimination. Because it was a new threshold, and because the loans involved in calculating the CDRs were included in loan repayment and collection processes during the period of transition from the bank-based loans of the Federal Family Education Loan Program (FFELP) to the Department’s Direct Loan Program, the Department decided not to count certain loans where borrowers had “split servicing” of their loans.

The Department looked at those institutions that would have lost eligibility because of high defaults to see if the situation of multiple servicers per borrower was a factor. The Department determined that borrowers at these identified institutions were not considered in default if repayment of one loan was current, even if another loan, handled by a different servicer, was in default. Defaults in such cases were removed from an institution’s rate. In the end about 20 of the nearly 400 institutions, half of which were beauty/barber schools, lost eligibility for Title IV programs.

Additional resources

- Three-year CDRs by state

For more information, contact Maureen Budetti, Maureen@naicu.edu

Culture of Respect Seeks to Help Campuses Prevent Sexual Assault

Earlier this month, Culture of Respect, a nonprofit established to help colleges and universities strengthen their prevention efforts related to sexual assault on campus, launched with the introduction of a new website (CultureofRespect.org). According to the organization, Culture of Respect is designed to assist all constituents and stakeholders at colleges and universities by providing resources to support campus-based efforts to address sexual assault by providing research, information, and programs and strategies for prevention, response, adjudication, and policy.

A key resource offered by Culture of Respect is the CORE (Culture of Respect Engagement) Blueprint, which contains numerous strategies that institutions can use to guide the design of or
updates to their sexual assault prevention and response initiatives.

For more information about Culture of Respect and the CORE Blueprint, visit CultureofRespect.org. Representatives from Culture of Respect will be presenting information about their work during **NAICU’s Annual Meeting** in Washington, DC, on February 3 from 8:00 – 8:45 a.m.

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

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**Save the Date for the 2015 NAICU Annual Meeting**

Hold the dates February 1-4, 2015 on your calendar for the 2015 NAICU Annual Meeting in Washington, DC.

*For more information, contact Debora Sykes Reilly, Deborah@naicu.edu*

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