

The 10 Commandments of Compliance

By Joanne Johnson and Kim Rust

Not every school has the luxury of a full-time compliance professional on-site providing guidance on issues and answers to every question that comes up. That said, *ignorantia juris non excusat*, which is Latin for “ignorance of the law does not excuse.” Where does this leave the smaller schools or chains where the owners wear many hats, including compliance?

All school types have one thing in common: they are obligated to know and understand the laws and regulations that govern our sector and comply with them, regardless of size. The laws and regulations come from state regulations and individual board requirements, institutional and programmatic standards of accreditation, the *Higher Education Opportunity Act*, *FERPA (Family Educational Rights and Privacy Act)*, *SEVIS (Student Exchange and Visitor Information Service)*, and state and federal labor regulations. The list is long and varies depending on the school—if it is accredited, what state(s) it does business in, the type of programs it offers and its student financing options.

How Could Anyone Know All of This?

Other than compliance specialists and school legal experts, it is rare that anyone knows *all* of the answers. Typically people learn just what they

need to know to do their best to get through each day, hope for the best and that they are not breaking any rules. That does not mean that regulators and the accrediting bodies don't expect much more.

On the contrary, regulators and accrediting agencies make every effort to make the information available and feel that it is the responsibility of school owners, operators and administrators to educate themselves and their key management and staff. Thanks to the Internet, the information we need is available at the click of the mouse. In addition, a call to a regulator or accreditor is very helpful. If you're too busy, then consider asking the pros. Most compliance professionals will provide phone and email time to their clients to answer questions as they arise, and this can prove to be a cost-effective way to get clear, concise information if you cannot afford to hire a full-time compliance director.

Educational Advisors' Ten Commandments

To assist schools in establishing and maintaining a compliance culture, we have come up with common-sense tips (though we've heard that common sense is a thing of the past as most people don't have it these days). While the following is not a complete list of dos and don'ts, it does provide a path to follow to ensure that your organiza-

tion strives for a compliance culture. The list is something you can post on a bulletin board in the staff lounge or email to employees. It's also a great way to stimulate dialogue on the important topic of building a compliance culture at your school.

ONE

You shall base business practices on the most stringent requirements you are governed by.

Base policies, procedures, and minimum expectations on the agency that has the most stringent requirement for each area of the school. Agencies may include one or more of the following: federal Title IV; student loan providers; SEVP; veteran programs; accreditation agency for the school; accreditation agency for program(s); state licensure/approval agency for school and/or program(s); national/state program specific certification/licensure for graduates; Occupational Safety & Health Administration

(OSHA); human resource laws and regulations; and, Workforce Investment boards. *Conduct a compliance review at minimum annually.*

TWO

You shall embrace the career college sector through continuing education.

Continuing education includes instructional programs, attendance at conferences, seminars, and workshops, or activity that brings participants up to date in a particular area of knowledge or skills. Continuing education shall involve all staff through in-services and/or professional development subjects based on their areas of expertise.

- **In-Service:** Training focused on improving an employee's performance within their position.
- **Professional Development:** Participation in activities that promote maintenance or furthering education in the area of expertise.



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Joanne Johnson
Founder and President

For more than 30 years **JOANNE JOHNSON** has worked in education with an emphasis in school management and operations. She has extensive experience in developing and implementing public relations strategies, operating programs funded through local, state and federal sources, and oversight of institutional compliance with state and national standards. She has been vice president of community and governmental affairs of a large corporation that owned as many as 17 schools.

In 2000, Joanne established Educational Advisors with the mission of providing independent support, guidance and solutions to educational entities in matters of risk management, compliance, and regulatory challenges. Joanne has worked with start-up organizations, single-campus and multi-campus schools, distance learning schools, privately owned and publicly traded institutions.

In addition to her many years in the vocational education field, Joanne has also been the recipient of numerous awards in recognition of her impact on disabled individuals, public assistance recipients and ex-offenders through the presentation of personal development seminars. She has served as a gubernatorial appointee under two California governors, served as a regional panelist for the White House Fellowship Program, and has served on evaluation review teams for the Accrediting Bureau for Health Education Schools (ABHES) and the Accrediting Council for Continuing Education & Training (ACCET). Joanne currently sits on the Accreditation Committee of the American Association of Cosmetology Schools (AACCS).



Kim Rust
Vice President of Compliance

KIM RUST joins Educational Advisors with more than 13 years experience in the private postsecondary sector. Kim has worked with several national agencies: ACCSCT, ACICS, ABHES, ACCET, COE, and NACCAS, along with numerous state governing bodies, within the technology, business, allied health, and cosmetology industries. Kim has worked in administration and compliance at both the school and corporate level. Her experience includes research, interpretation and dissemination of regulations, review and guidance on admission and placement processes and documentation, approval obtainment for new schools, change of location, and new programs. Kim compiles agency annual reports, interim reports, self-evaluation reports, and has provided campus support for site visit preparation and employee guidance. Kim received a bachelor's degree in sociology from California State University, Fresno.

THREE

You shall not recruit students already enrolled in another institution.

Student recruitment activities shall not include recruitment of students attending other schools. Support career colleges; there are plenty of potential students to go around.

FOUR

You shall remember your integrity is based on behavior, not words.

Provide clear expectations by demonstrating doing the “right” thing, based on adherence and supporting documentation that follows the most stringent regulatory requirements, facts, and best practices to promote the ethics and values of the school.

FIVE

You shall honor and promote the success of your employees, students/graduates, advisory board members, and employers.

Recognize the commitment, extra efforts, and input from employees, students/graduates, advisory board members, and employers by periodically documenting feedback (results of surveys) that states why or why not actions were taken as a result of feedback obtained. *(Periodically: at a minimum, based on the most stringent regulatory agency governing the school or program.)*

SIX

You shall not jump to conclusions. Gather all facts prior to making a decision.

Take a step back—count to 10! There is always time to gather data and input, after removing the players from the situation, and before making a decision or providing feedback. Check with your legal counsel before acting.

SEVEN

You shall not make up data to meet requirements.

Unethical behavior will cost you time, money, reputation, and your business. Maybe not tomor-

row, next month, or next year...but no doubt soon! You do not want to be the cause of having to meet the men and women with vests and Crown Victorias!

EIGHT

You shall not distribute copyrighted materials without written consent from the author/owner.

Plan to have time to research and gain approvals, as necessary, to distribute materials authored by an individual or group. Note: a) The Internet is *not* a free-for-all; b) Educational materials are not exempt; and c) Obtain written, not verbal authorization.

NINE

You shall not use white-out to hide incorrect information.

A favorite of compliance professionals is, “Throw out the white-out!” Promote transparency by documenting errors or a change with a line through the incorrect information, documenting next to the error the correct information, initialing and dating the correction. If the document is signed by more than one party, both parties must acknowledge by initialing and dating.

TEN

You shall ensure that student files shall communicate a student’s entire enrollment experience without having to ask an employee for an explanation. Every file, including employee files, should speak for itself.

Our favorite...**DOCUMENT, DOCUMENT, DOCUMENT!** Put in date order, most recent on top, the facts and outcomes to tell the student’s experience throughout their time of enrollment and as a result of their withdrawal or graduation. All blanks on any document need to be filled out or acknowledged as to why they are not completed. Signatures and dates, as required, and clearly identify who is documenting each part of the student’s experience.

Remember, if “it” is not documented, “it” did not happen.