

Civil Rights Principles for Higher Education

Policy recommendations to achieve equity and protect civil rights

July 2019



The Civil Rights Principles for Higher Education were developed collaboratively by the members of the Higher Ed Civil Rights Coalition, whose logos are listed below, in Winter 2018. That coalition, convened by The Leadership Conference Education Fund and The Leadership Conference on Civil and Human Rights, sought to identify fundamental elements of a higher education system that advances equity and protects students' civil rights. The coalition continues to engage and educate diverse stakeholders and policymakers in pursuit of a higher education system that offers meaningful equal opportunity and success for all of the nation's students, especially those who have been historically marginalized. The policy recommendations that follow are informed by the knowledge, experience, and perspectives of the Higher Ed Civil Rights Coalition.



Civil Rights Principles for Higher Education

PRINCIPLE #1: CIVIL RIGHTS ENFORCEMENT Ensure robust implementation and enforcement of civil rights laws across all postsecondary institutions that accept federal funds and ensure federal funds only go towards institutions that do not discriminate based on race, color, national origin (including religion, language, ethnic characteristics, and immigration status), sex (including pregnancy status, family status, sexual orientation, and gender identity), disability, or age.

PRINCIPLE #2: ACCESS Remove barriers to enrollment and promote meaningful access for historically marginalized students (including students of color, Native students, low-income students, English learners, students with disabilities, adult learners, pregnant and parenting students, opportunity youth, immigrant students, LGBTQ students, homeless students, youth in or exiting foster care, currently incarcerated individuals, and individuals who have had prior contact with the justice system), including by providing for quality educator preparation so that students are prepared for success after K-12, and address barriers in access to a post-secondary education caused by historic and present-day race-based exclusionary policies and practices.

PRINCIPLE #3: PERSISTENCE AND COMPLETION Increase student persistence in and completion of a quality, racially equitable postsecondary education, such that students who enroll will have meaningful access to all aspects of student life and the support they need to succeed. Increase culturally competent wrap around support services such as academic advising, counseling, mental health services, and child and family care services.

PRINCIPLE #4: AFFORDABILITY Make college affordable for low-income students and ensure that federal student aid takes into account the totality of a family's economic circumstances and full college cost, which may include child care, transportation, and housing, and prioritize investments in grant aid first to reduce the disparate student loan debt burden placed on low-income students, first-generation students, women, and students of color.

PRINCIPLE #5: DATA Provide for the collection and reporting of higher education data that is disaggregated, crosstabulated, and broadly available without personally identifiable information and ensure that students and families have meaningful access to figures about programmatic quality, affordability, student borrowing, attendance costs, measures of student success, campus safety and climate, and investigations of the institution regarding fraudulent, abusive, and deceptive practices.

PRINCIPLE #6: ACCOUNTABILITY Design accountability systems to ensure students receive value from their higher education, and not in a way that limits opportunity for or disincentivizes enrollment of low-income students or other students who might face greater barriers to degree completion. Create incentives to improve institutional quality by requiring that a majority of federal financial aid is spent on instruction and student supports and provide additional resources to non-profit and public institutions that serve large shares of low-income and historically marginalized students and that are actively working to provide the supports necessary to improve student outcomes. Ensure accountability is differentiated and takes into account an institution's history, mission, and resources.

PRINCIPLE #7: FOR-PROFITS Exclude for-profit colleges, including covert for-profit colleges masquerading as non-profit, from federal financial aid programs unless they have demonstrated their value to students through increased student earnings and they rely, at least partially, on non-federal sources of funding.

PRINCIPLE #8: BORROWERS Protect student loan borrowers from abusive and fraudulent practices and exploitation in the federal and private student loan servicing and debt collection markets and provide access to accurate and complete information about their loans, access to affordable repayment options, access to administrative loan discharges, and access to legal remedies if they need further relief.

PRINCIPLE #9: CAMPUS CLIMATE Ensure safe and inclusive campus climates free of harassment and violence, including sexual harassment, gender-based harassment and violence, and other forms of harassment and violence based on race, national origin, religion, disability, or any combination thereof, and ensure that campus programs, policies, and practices are inclusive, equitable, fair, and advance the safety and well-being of all students.

PRINCIPLE #10: HBCUs and MSIs Invest in and support institutions that serve high populations of traditionally underrepresented students, including Historically Black Colleges and Universities (HBCUs), Hispanic Serving Institutions (HSIs), Predominantly Black Institutions (PBIs), Tribal Colleges and Universities (TCUs), Alaska Native and Native Hawaiian-serving Institutions (ANNHIs), Native American-serving Nontribal Institutions (NASNTIs), and Asian American and Native American Pacific Islander Serving Institutions (AANAPISIs).

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PRINCIPLE #1:

Ensure robust implementation and enforcement of civil rights laws.

Ensure robust implementation and enforcement of civil rights laws across all postsecondary institutions that accept federal funds and ensure federal funds only go towards institutions that do not discriminate based on race, color, national origin (including religion, language, ethnic characteristics, and immigration status), sex (including pregnancy status, family status, sexual orientation, and gender identity), disability, or age.

Introduction: Ensuring the right to an equal educational opportunity through robust enforcement of federal civil rights laws increases the likelihood that marginalized students will enroll and succeed in postsecondary education. Without federal oversight, institutions would be able to deny reasonable accommodations to students with disabilities or adequate support for pregnant and parenting students. Some in Congress have proposed hiding information about colleges and universities' compliance with the law, specifically when institutions allow discrimination because of a religious affiliation. The Trump administration's attacks on historically underrepresented communities, including students of color, undocumented students, survivors of sexual violence, and transgender and gender nonconforming students, create barriers for students to be successful, complete their degrees, and realize the promise of higher education. Federal civil rights laws must be enforced so that campus communities are inclusive of the full diversity of students in America.

Background: Federal civil rights laws were created in response to the exclusion of students from higher education based on their race, sex, religion, or disability. Those exclusionary policies and practices, and their more current manifestations, have created a higher education system in which communities are underrepresented because of a lack of equal opportunity. As a result, colleges and universities are denying marginalized students the opportunity for social and economic mobility, and denying our nation the talents and skills of students who are left out. As highlighted in a University of Southern California report, the majority of public universities are under-enrolling Black students when compared to their state populations.¹

Racially hostile campus climates, and the failure to prevent racial discrimination, contribute to the under-enrollment of students of color and hinder these students' success on campus. For example, at the University of Missouri, there were numerous incidents of Black students being called racial epithets with inadequate responses from university administration, resulting in large student protests.² Additionally, many women, in spite of Title IX's prohibitions on pregnancy discrimination, encounter obstacles to staying in school while pregnant when they are not allowed to make up work, are told to drop out of programs because they are pregnant, or are forced to change their plans because their schools refuse to accommodate pregnancy-related medical restrictions the way they do other medical conditions. Similarly, recent attacks on affirmative action and constitutionally protected efforts to increase campus diversity only threaten to exacerbate the underrepresentation of marginalized students.³ Implementation and enforcement of federal civil rights laws continue to be foundational to ensuring equal opportunity in higher education.

Racially hostile campus climates, and the failure to prevent racial discrimination, contribute to the under-enrollment of students of color and hinder these students' success on campus.

¹ Harper, Shaun R. and Simmons, Isaiah. "[Black students at public colleges and universities: A 50-state report card](#)." Los Angeles: University of Southern California, Race and Equity Center. 2019.

² Izadi, Elahe. "[The Incidents that Led to the University of Missouri President's Resignation](#)." *The Washington Post*. November 9, 2015.

³ Fessenden, Ford and Keller, Josh. "[How Minorities Have Fared in States With Affirmative Action Bans](#)." *The New York Times*. 2016.

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Policy Recommendations

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Support funding for the U.S. Department of Education’s Office for Civil Rights (OCR) and ensure institutions are in compliance with civil rights and educational laws.

Institutions of higher education and the Department of Education must robustly investigate all reported incidents of discrimination and harassment and enforce appropriate remedies. OCR must be provided with sufficient funding to fully investigate the complaints it receives in a timely fashion. Without this, students’ civil rights are at risk.

Require institutions of higher education that request or receive religious exemptions under Title IX of the Education Amendments of 1972 to inform students of the nature and scope of religious exemptions requested or received, as well as students’ rights under Title IX.

If institutions fail to notify students of religious exemptions, it is impossible for students to know whether they will be protected from discrimination on campus.

Clarify that, consistent with the Americans with Disabilities Act (ADA) and other laws, students should not be penalized for behavior related to a disability where individualized, reasonable accommodations could mitigate the behavior.

Since disabilities can manifest in many different ways, if there is a documented disability and the manifested behavior is penalized, then that student’s civil rights are, in fact, being violated.

Ensure non-discrimination of all persons with disabilities attending institutions of higher education in accordance with the ADA and Section 504 of the Rehabilitation Act of 1973, including timely and usable access to instructional materials, technologies, devices, and operating systems.

This is essential for the success of students with disabilities. If students are not allowed the support or modifications guaranteed to them by the ADA and Section 504, then students are less likely to persist and graduate.

Amend the Department of Education Organization Act to allow the Secretary of Education to levy fines against institutions for violating federal civil rights law.

In an effort to give the Department of Education more tools at their disposal to ensure that the civil rights of all students are protected, we recommend granting the Secretary the power to levy fines against institutions when they violate federal civil rights law. The threat of a fine provides a powerful incentive for institutions to ensure all students’ rights are secured.

Require schools receiving federal financial aid to have a publicized, written policy on pregnant and parenting students, including procedures for addressing pregnancy discrimination complaints under Title IX and contact information for the school's Title IX coordinator. The policy should:

- Make clear that students are not required to take a leave of absence because of pregnancy, and the school will excuse all pregnancy-related, medically necessary absences and allow students to make up the work missed while absent. The policy also should encourage faculty and staff to work with students to craft an individualized plan for making up missed work.
- Clearly indicate the process for requesting accommodations and the type of accommodations available, making clear that pregnancy-related medical conditions should be reasonably accommodated.
- Accommodate breastfeeding and lactation as pregnancy-related medical conditions by providing excused breaks from classes and clean, private spaces to breastfeed.

Require data to be collected regarding police contact with students.

If there are police on campus, their role should be to maintain the safety of all students, faculty, and staff, and when police are present, it is important to have transparency about their actions to ensure they fulfil this responsibility. This is crucial because of the implicit bias that has been well-documented amongst police and the need to guarantee that all students are being treated fairly. This transparency would allow the public to see which institutions have police forces that are excelling in public safety, which means “everyone feels safe, regardless of race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, age, disability, familial status, immigration status, veteran status, health status, housing status, economic status, occupation, proficiency with the English language, or other personal characteristic,”⁴ and which institutions are falling into the same dangerous patterns of off-campus police by over-policing students of color and students with disabilities.

Strengthen protections for students to be free from racial harassment on campus.

Incidents of racial harassment are too common on college campuses,⁵ and school administrations need more support and guidance in preventing and responding appropriately to such incidences. In addition to increasing funding for OCR, colleges and universities should be required to track and publicly report disaggregated data on incidences of racial harassment as well as designate Title VI coordinators, similar to the requirement for Title IX coordinators.

⁴ The Leadership Conference Education Fund. “[New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing](#).” 2019.

⁵ Anderson, Melinda D. “[How Campus Racism Could Affect Black Students' College Enrollment](#).” *The Atlantic*. October 19, 2017.

Additional Resources:

[Black Students at Public Universities: A 50 State](#)

[Report Card](#): A report highlighting how all states are doing when it comes to enrolling Black students at their public universities.

[Hidden Discrimination: Title IX Religious](#)

[Exemptions Putting LGBT Students at Risk](#): This report highlights how much more harassment LGBT students face particularly when schools invoke religious exemptions.

[AHEAD White Paper on Students with Intellectual Disabilities and Campus Disability](#)

[Service](#): This white paper highlights the rights guaranteed to students with intellectual disabilities by their college campus.

[Know Your Rights](#): This resource provides a breakdown of constitutional rights of immigrants.



PRINCIPLE #2

Remove barriers to enrollment and promote meaningful access.

Remove barriers to enrollment and promote meaningful access for historically marginalized students (including students of color, Native students, low-income students, English learners, students with disabilities, adult learners, pregnant and parenting students, opportunity youth, immigrant students, LGBTQ students, homeless students, youth in or exiting foster care, currently incarcerated individuals, and individuals who have had prior contact with the justice system), including by providing for quality educator preparation so that students are prepared for success after K-12, and address barriers in access to a post-secondary education caused by historic and present-day race-based exclusionary policies and practices.

Introduction: Higher education has long been understood to be the gateway to greater financial and social mobility in America – and to a more engaged citizenry. There can be no true equity in America until we guarantee that the most marginalized students have meaningful access to high-quality higher education.

For a significant time in our nation's history, people of color, women, and some people of faith were systematically and intentionally excluded from enrolling in postsecondary education. Though many of these more obvious barriers no longer exist, there are still many others that prevent these students from being admitted to, enrolling in, and graduating from colleges and universities.

Background: While the signing of the Higher Education Act in 1965 removed some of the barriers to access by providing for federal financial support, and the Civil Rights Act of 1964 and other civil rights laws outlawed segregation, students from marginalized communities are still being excluded from quality postsecondary education based on their identities. Evidence of disproportionate exclusion can be seen in the underrepresentation of Black and Latino students at public flagship institutions. In fact, Black student enrollment in elite public colleges has remained stagnant or declined in many states even though the high school graduation rate for Black and Latino students has increased significantly over the last 20 years.¹

In addition to barriers based on race, other student experiences are limiting access to postsecondary education. Justice-impacted people, for example, have also been unfairly excluded from higher education, which has a disproportionate effect on Black and Latino prospective students. According to the Bureau of Justice Statistics, the racial composition of the incarcerated population was 37.8 percent Black, 21 percent Hispanic, and 39 percent White, even though Black people only comprise 13 percent of the country’s overall population, those of Hispanic origin comprise 16 percent, and White people are 64 percent.² Limiting opportunities for justice-impacted people to attend college, whether it is in response to a conviction, or during or after incarceration, ignores the rehabilitative responsibility of the justice system, puts those who are currently incarcerated at a significant disadvantage when they are released with no more credits or credentials than when they entered, risks high rates of recidivism, and compounds other racial barriers to enrollment.

Longstanding disparities in college enrollment and completion have resulted in large gaps in degree attainment by race, with 47 percent of White adults holding an associate degree or higher, compared to just 30.8 percent of Black adults and 22.6 percent of Latino adults.

	BACHELOR'S DEGREE ATTAINMENT	PERCENT OF POPULATION	PERCENT OF BA+ HOLDERS
→ Black	21.2%	12.4%	8.2%
→ Hispanic	15.5%	16.5%	8.0%
→ White	36.5%	62.6%	71.2%

¹ Huelsman, Mark. “[Social Exclusion: The State of State U for Black Students](#).” Demos. December 12, 2018.
² Carson, E. Ann. “[Prisoners in 2016](#).” U.S. Department of Justice, Bureau of Justice Statistics. August 7, 2018.

In addition to barriers based on race, and the disproportionate effect of barriers based on status as a justice-impacted person, other marginalized students face barriers to higher education and its benefits. For example, less than 3 percent of foster youth receive a four-year degree.³ These young adults currently have a slim chance of making it to college due to barriers such as financial challenges, housing insecurity, a general lack of support, and inadequate access to networks that can encourage enrollment.

Students with disabilities also face significant barriers to enrolling in higher education. The federal National Longitudinal Transition Study (NLTS2) followed roughly 12,000 students receiving special education for 10 years as they transitioned from high school to adult life. Although they make up only 34 percent of students with disabilities receiving services under the IDEA in elementary and secondary school,⁴ students identified in elementary or secondary school as having specific learning disability (SLD) accounted for the largest portion (67 percent) of the study's students who enrolled in some type of postsecondary education, which means that there are a number of students being removed from the educational pipeline.⁵ However, even among those students now enrolled, only one-fourth of students with SLD informed their college that they have a disability, limiting their access to appropriate support when they enroll in their postsecondary institution.⁶

Black student enrollment in elite public colleges has remained stagnant or declined in many states even though the high school graduation rate for Black and Latino students has increased significantly over the last 20 years.

³ National Foster Youth Institute. "[Education](#)."

⁴ National Center for Education Statistics. "[The Condition of Education 2019: Children and Youth with Disabilities](#)." U.S. Department of Education, Institute of Education Sciences. May 2019.

⁵ National Center for Learning Disabilities. "[The State of the LD: Transitioning to Life After High School](#)."

⁶ Ibid.

Policy Recommendations

Remove consideration of justice involvement in the determination of federal aid.

Currently, students who have a drug conviction while receiving federal student aid face restrictions in receiving further federal aid and students who are incarcerated are prohibited from receiving federal funds to finance their education.⁷ Given the disproportionate impact of the justice system in the lives of Black and Latino students, these barriers only serve to reinforce other racial barriers to accessing higher education. Additionally, denying students access to education does not make sense in the context of the rehabilitative responsibility of the justice system. These policies should be changed to remove consideration of criminal background in the determination of federal aid.

While barriers to funding pose the clearest obstacle for justice-impacted prospective students, the inclusion of questions on admission applications regarding an individual's contact with the justice system can have a chilling effect on students' pursuit of higher education. These questions should be excluded from a student's application to enroll.

Increase available grant size and increase participation for pregnant and parenting students under Gaining Early Awareness and Readiness for Undergraduate Programs ("GEAR UP").

GEAR UP is a grant program authorized by the Higher Education Act that is designed to increase the number of low-income students who are prepared to enter and succeed in postsecondary education. GEAR UP provides six-year grants to states and public-private partnerships to provide services at high-poverty middle and high schools. To maximize the benefit to students, the available grant size under GEAR UP should be increased, "disconnected students" should be defined to include pregnant and parenting students, and schools should be encouraged to recruit pregnant and parenting students to participate in GEAR UP programs.

⁷ Federal Student Aid. "[Students with criminal convictions have limited eligibility for federal student aid](#)," U.S. Department of Education. Accessed June 24, 2019.

Continue investments in programs that help underserved and low-income students.

It is essential that the federal government continue to invest in programs that help underserved and low-income students prepare for and enroll in college, such as TRIO,⁸ GEAR UP, High School Equivalency Program (HEP) and College Assistance Migrant Program (CAMP), so they enter postsecondary programs prepared to succeed. Students of color – who are disproportionately first-generation college-goers⁹ – and their families need transparent and complete information, delivered in a culturally competent and personalized way, to make the most informed decisions about college. Access to this information before enrolling in a program equips students with the information necessary to successfully complete their program of study.

Require counselor training programs to include culturally competent college counseling.

Currently only one state, Delaware, requires college counseling as a part of its school counselor preparation program,¹⁰ much less a culturally competent college counseling training. This lack of training for counselors presents a significant obstacle that is only compounded by the fact that the average student-to-counselor ratio is 482 to 1, with an ever-diversifying student population.¹¹ Culturally competent college counseling allows for counselors to take the whole student into account in an effort to guide them to schools at which they will be successful, persist, and graduate. Culturally competent college counseling allows counselors to be more intentional while facilitating conversations with diverse students and families about different support systems available on different campuses for different students, which allow them to flourish with more holistic supports. Research has shown that there is a clear difference in expectations for Black students vs. White students. For example, in an educational longitudinal survey, high school teachers expected 58 percent of their White students to obtain four-year bachelor degrees, but only expected the same from 37 percent of their Black students.¹² This can often bleed over into college conversations with students and affect the success of students of color. Funds should be provided to colleges of education to implement cultural competence training as a component of their counselor preparation programs.

Require recipients of Teacher Quality Partnership Grants to provide teachers preparation around culturally responsive teaching and provide additional funding to meet the costs of this additional requirement.

It would be a misnomer to continue to include “quality” in the name of this grant if it did not include culturally responsive teaching. Culturally responsive teaching uses the cultural knowledge, prior experiences, and performance styles of diverse students to make learning more appropriate and effective for them; it teaches to, and through, students' strengths.¹³ Culturally responsive teaching will create a context for marginalized students' academic success and will contribute to the elimination of longstanding achievement gaps. Funding should be provided to colleges of education to allow for the establishment and expansion of these programs.

⁸ The Federal TRIO Programs include eight programs targeted towards helping low-income and first-generation college students, and individuals with disabilities progress from middle schools to postbaccalaureate programs. The programs include Educational Opportunity Centers, Ronald E. McNair Postbaccalaureate Achievement Scholarships, Student Support Services, Talent Search, Training Program for Federal TRIO Program staff, Upward Bound, Upward Bound Math-Science, and Veterans Upward Bound.

⁹ Redford, Jeremy and Hoyer, Katherine M. “[First-Generation and Continuing-Generation College Students: A Comparison of High School and Postsecondary Experiences](#).” U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics. September 2017.

¹⁰ American School Counselor Association. “[State Certification Requirements](#).”

¹¹ Fuschillo, Alanna. “[The Troubling Student-to-Counselor Ratio That Doesn't Add Up](#).” *Education Week*. August 14, 2018.

¹² Jaschik, Scott. “[Expectations, Race and College Success](#).” *Inside Higher Ed*. October 24, 2017.

¹³ National Education Association. “[Diversity Toolkit: Cultural Competence for Educators](#).”

High school
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Streamline and simplify the financial aid process so that financial aid complexity does not discourage students from accessing higher education.

The current application process for federal financial aid can be intimidating. Students who have experienced housing insecurity, who are first generation, or who have to serve as the translator in their family often face numerous barriers on the road to completing student aid applications. Removing FAFSA questions that are unnecessary and have a racially disproportionate impact, such as question 23¹⁴ regarding a student's past drug conviction, will also ease the path to higher education for many students. Even if the application is completed and submitted, understanding and comparing the Student Aid Report (SAR) from different institutions can be overwhelming and unclear. Standardizing this form will make the financial aid process more transparent and easier for those new to the process to understand.

Support access to student loans for students in Transition and Postsecondary Programs for Students with Intellectual Disability (TPSID) programs, in addition to the current Pell grant and work study eligibility.

Currently the families of students in TPSID programs have to pay for most of the program out of pocket. This presents a major barrier to enrollment, especially for students with disabilities from low-income families. TPSID students should have access to more federal funds, particularly the Direct Stafford Loans (both subsidized and unsubsidized as well as Direct PLUS loans) available to undergraduate students without disabilities, in order to make enrolling in a postsecondary institution easier.

Increase funding for technical assistance centers and infrastructures for students with disabilities.

Increase funding for technical assistance centers that teach professors how to provide accommodations for students with disabilities, including students with attention and learning issues, and the National Coordinating Center for Students with Intellectual Disabilities, which provides parents and students with information on disability services in one place. Institutions of higher education must also be more transparent about support for students with disabilities, as currently only six out of 400 colleges describe disability services on College Navigator.¹⁵

¹⁴ Question 23 of the FAFSA form asks the applicant, "Have you been convicted for the possession or sale of illegal drugs for an offense that occurred while you were receiving federal student aid (grants, work-study, and/or loans)?"

¹⁵ National Center for Learning Disabilities. "[The State of the LD: Transitioning to Life After High School](#)."

Require institutions to accept Individualized Education Programs (IEPs) or 504 Plans.

Accommodations policies must be simplified and transition from high school made easier by requiring colleges to accept students' high school IEP or 504 plans as proof of disability. Less than half of all colleges that require documentation of a disability accept a student's IEP or 504 plan as valid documentation. In these cases, as a result, students must undergo new, costly evaluations to meet the requirements of many colleges and universities or must forgo receiving the accommodations they are entitled to. The risk of not graduating increases when students wait to receive accommodations or do not receive them at all. By contrast, students who disclose and obtain accommodations early for their disability can see an increase in their GPAs.¹⁶

Ensure all students have equal access to campus housing, particularly students with disabilities and low-income students.

Inability to attain housing near where an institute of higher education is located acts as a significant barrier to enrollment. Living outside the state or significantly far away from campus may limit a student's attendance and reduce the amount of time they have available to study and focus on their academic success. Commuting long distances by car or by using public transportation may be unaffordable, particularly for lower-income students. Due to school policy, many students with intellectual or developmental disabilities (such as TPSID students) may nonetheless be prohibited from living on campus in the same dorms as students without disabilities. In order to ensure equal opportunity for students with disabilities, all students (including TPSID students) must have equal access to the same campus housing and campus facilities (nurse's offices, counseling, etc.), such that students in TPSID programs are able to live on campus and therefore successfully enroll in and attend school.

Prohibit discrimination in higher education admissions on the basis of a student's immigration status or the immigration status of their parents.

Students must not be denied access to attend any institution of higher education – public or private – because of their immigration status, or the immigration status of their parents. This includes discrimination by states, boards of governors, state Departments of Education, public and private institutions, admissions officers, and other higher education officials who influence college admissions and in-state residency decisions.

Prohibit discrimination in determinations of in-state residency on the basis of immigration status.

Immigrant students and students of immigrant parents must have access to in-state tuition. Differentiated rates of tuition for students who meet all the requirements of in-state residency, but who are immigrants or the children of immigrants, creates unfair barriers to enrollment for these students and has no place in an equitable higher education system.

¹⁶ Ibid.

Additional Resources:

[Social Exclusion: The State of State U for Black Students:](#)

Dēmos' Social Exclusion series explores individual instances of hostility toward people of color in the United States and analyzes how that hostility is perpetuated by policy. This report evaluates selective public colleges to determine their progress toward making their institutions affordable, accessible, and safe for Black students.

[Beyond the Box Increasing Access to Higher Education for Justice-Involved Individuals:](#)

The Department of Education created this guide to aid postsecondary institutions in identifying and eliminating barriers that individuals with any connection to the criminal justice system may encounter when applying for admissions. This guide provides data on the effects of considering criminal justice information in college admissions and offers recommendations for improvement.

[Boxed Out: Criminal History Screening and College Application](#)

[Attrition:](#) This Center for Community Alternatives report helps explain the impact of criminal history questions on college applicants' behavior and how such questions erect barriers to higher education for qualified candidates.

[Culturally Responsive Teaching Matters!:](#) This report from Equity Alliance delineates the role and importance of culturally responsive teaching in fostering conducive classroom environments and, in particular, allowing teachers to fully engage their students from non-dominant cultures. The report also explores how culturally-informed interactions improve students' educational experiences.

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[We the People: Why Congress and U.S. States Must Pass](#)

[Comprehensive LGBT Nondiscrimination Protections](#): The Center for American Progress published this report to describe the areas of public life in which LGBTQ individuals face discrimination and experience inadequate protections from the law. The report specifically discusses discrimination in higher education for LGBTQ people in areas such as admissions, housing, health services, and campus safety.

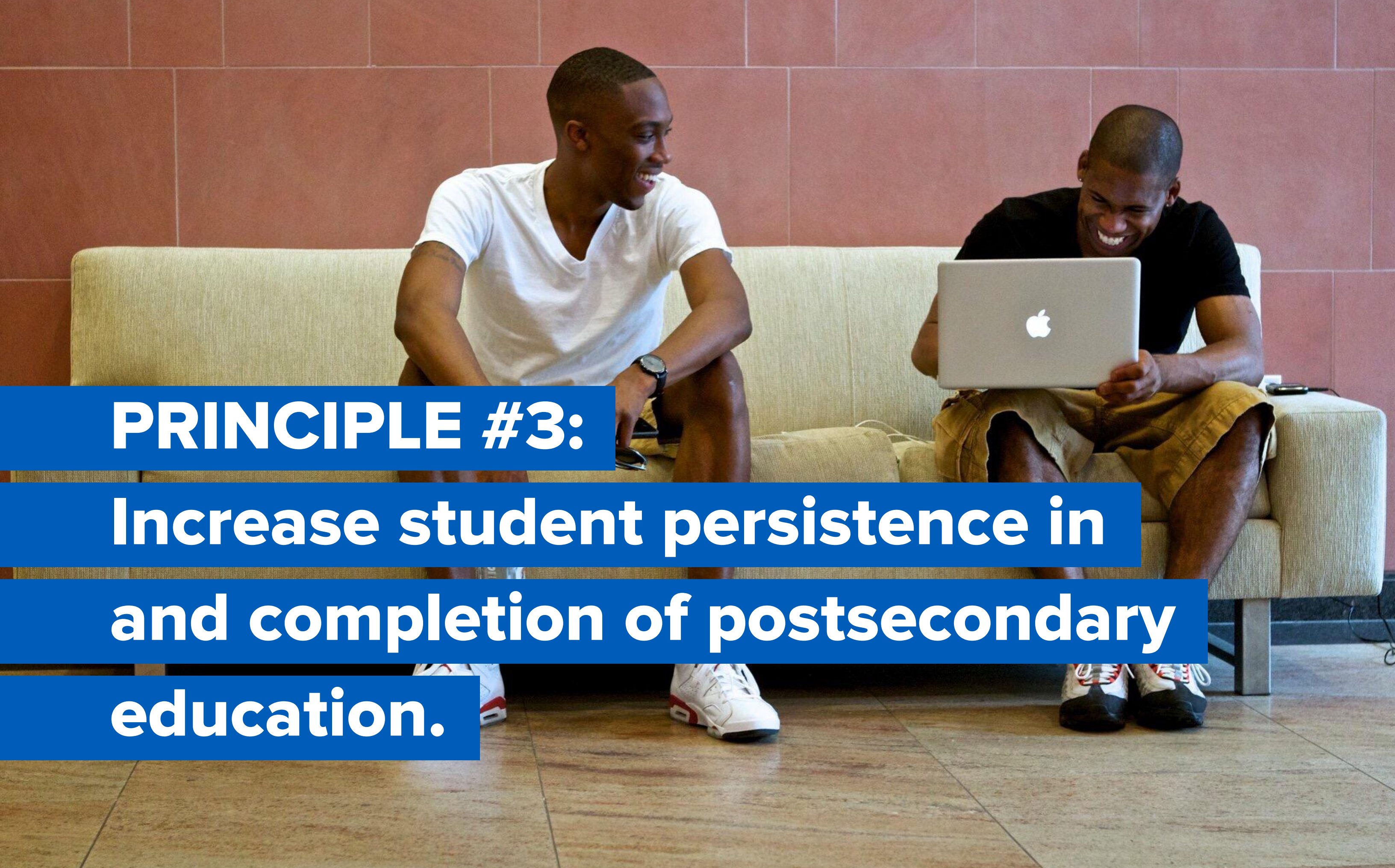
[A Dream Deferred: The devastating consequences of restricting undocumented student access to higher education in Georgia](#):

This report from Project South and Freedom University analyzes the impact of Georgia laws and policies on undocumented students, their families, and all Georgians. This report specifically looks at the educational, economic, and health related effects of the law on these communities.

[Students with Disabilities Face Financial Aid Barriers](#): The National Council on Disability conducted a study to evaluate how disability limits students' access to financial aid. This report analyzes the successes and difficulty in funding higher education and discusses whether the Higher Education Act adequately addresses the needs of students with disabilities.

[Pathways to Postsecondary Education for Pregnant and](#)

[Parenting Teens](#): This report from the Institute for Women's Policy Research and the Student Parent Success Initiative examines trends in educational attainment for pregnant and parenting teens. The report also analyzes policy initiatives for improving their high school graduation and college enrollment rates.



PRINCIPLE #3:

**Increase student persistence in
and completion of postsecondary
education.**

Increase student persistence in and completion of a quality, racially equitable postsecondary education, such that students who enroll will have meaningful access to all aspects of student life and the support they need to succeed.

Increase culturally competent wrap around support services such as academic advising, counseling, mental health services, and child and family care services.

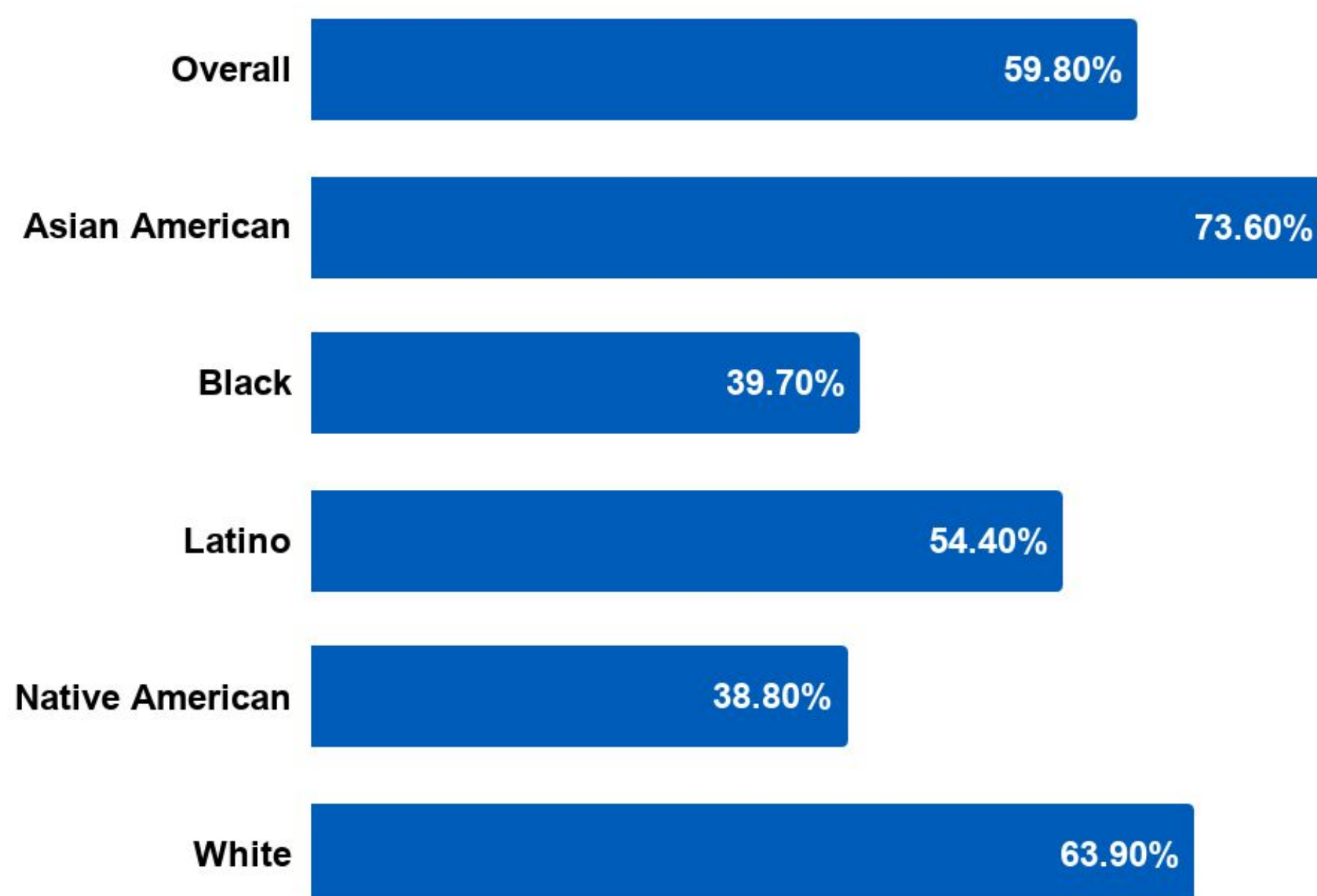
Introduction: An equitable postsecondary education system must ensure that students have what they need to persist from year to year, to participate fully in and have access to all aspects of school life that enrich learning (including equitable treatment by school staff and access to campus housing and all extracurricular activities), and to complete degree requirements. Higher education policy should eliminate barriers to completion for non-traditional or first-time college students and eliminate unnecessary segregation of students (such as high family campus housing costs or the refusal to allow Transition and Postsecondary Programs for Students with Intellectual Disability (TPSID) students and/or students in comprehensive transition and postsecondary programs (CTPs) to use the campus housing available to other students).

Campus support services – such as child care services, clinics, disability support services, and mental health counseling – enhance student persistence and completion by allowing a student the ability to perform necessary self-care and tend to other aspects of their lives. A school without such services, with limited services, or that refuses to serve a particular class of students has a disproportionate negative effect on students of color, women, parenting students, students with disabilities, LGBTQ students, survivors of sexual assault, and immigrants. Robust culturally responsive and trauma-informed academic advising, counseling, disability services, mental health services and child and family care services increase the likelihood that marginalized students will succeed in postsecondary pathways and beyond and are critical to advancing civil rights and equity in higher education.

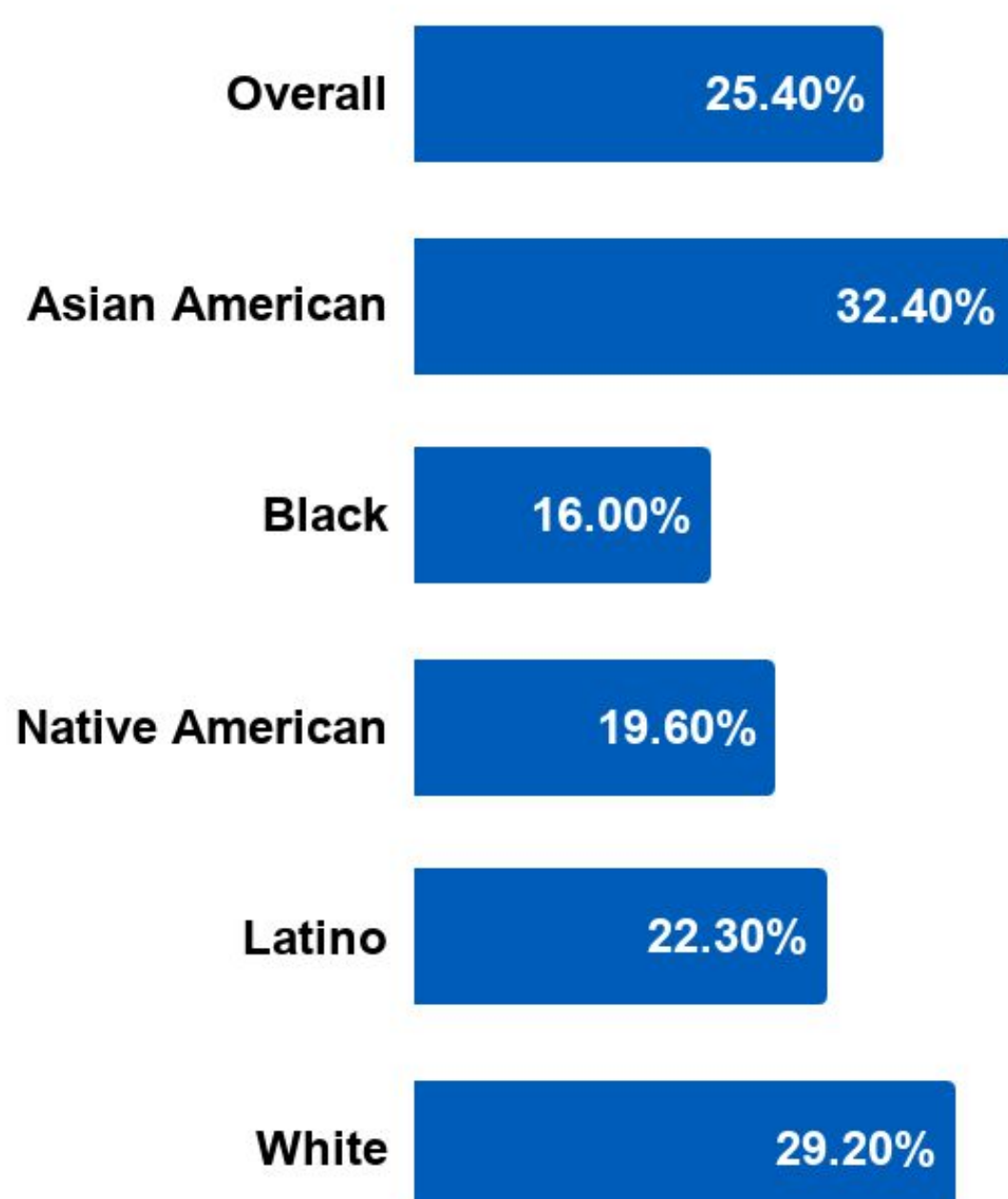
Background: The makeup of students in colleges and universities has become increasingly diverse over the past few decades, requiring institutions to think differently about the experiences they are creating. Increasingly, college student bodies are made up of students who are themselves parents, adults returning to college, returning citizens (people who were formerly incarcerated), students of color, people with disabilities, and other groups of students who need comprehensive, culturally responsive, and diverse supports. Inadequate services and supports available to student parents, students with disabilities, sexual assault survivors, and other students facing barriers to completion contribute to racial disparities in graduation rates.

Robust culturally responsive and trauma-informed academic advising, counseling, disability services, mental health services and child and family care services increase the likelihood that marginalized students will succeed in postsecondary pathways and beyond and are critical to advancing civil rights and equity in higher education.

2016 6YR Graduation Rates¹ at 4-Year Institutions by Race/Ethnicity:



2016 6YR Graduation Rates at PUBLIC 2-Year Institutions by Race/Ethnicity:



¹ NOTE: These graduation rates only include first-time, full-time students and so are limited in what they can show.

Student parents face unique challenges to accessing and completing postsecondary education programs. Being a student parent is associated with higher levels of unmet financial need, lower levels of college completion, and higher levels of debt upon graduation.² Nearly half of student parents work full-time when enrolled,³ on top of their caregiving responsibilities, which are often heavier for enrolled mothers than for enrolled fathers. Parents of dependent children made up 4.8 million college students in 2012,⁴ representing more than one in four (26 percent) of all college students. Women – who constitute 71 percent of all student parents – are disproportionately likely to be balancing college and parenthood. 2.1 million of those women – 11 percent of all undergraduate students – are single mothers.⁵ Female college students of color are more likely than other college students to have dependent children: nearly half (47 percent) of African-American women students, 39.4 percent of Native American women students, and 31.6 percent of Latina students are mothers.⁶ Higher education policy must address the barriers these students face and ensure that institutions are able to support students by providing options or aid for child care, excusing absences related to pregnancy or children, and providing reasonable accommodations for parenting students as outlined in Title IX.

² Miller, Kevin, Gault, Barbara, and Thorman, Abby. “[Improving Child Care Access to Promote Postsecondary Success Among Low-Income Parents](#).” *Institute for Women’s Policy Research*. March 22, 2011.

³ Ibid.

⁴ Gault, Barbara, Reichlin, Lindsey, and Román, Stephanie. “[College Affordability for Low-Income Adults: Improving Returns on Investment for Families and Society](#).” *Institute for Women’s Policy Research*. April 2014.

⁵ Institute for Women’s Policy Research. “[Single Mothers in College: Growing Enrollment, Financial Challenges, and the Benefits of Attainment](#).” September 2017.

⁶ Gault, Barbara, Reichlin, Lindsey, and Román, Stephanie. “[College Affordability for Low-Income Adults: Improving Returns on Investment for Families and Society](#).” *Institute for Women’s Policy Research*. April 2014.

Students who identify themselves as people with disabilities make up approximately 10-11 percent of undergraduate students enrolled in postsecondary schools.⁷ Only about one-third of students with disabilities enrolled in four-year institutions actually complete their programs.⁸ The number of students with disabilities who disclose their disability status drastically decreases between high school and postsecondary education. Among the top reasons for the lack of disclosure are the stigma associated with having a disability and the lack of knowledge among students about the services and supports available to them in college. Teachers and administrative staff may have discriminatory assumptions about students with disabilities or may fail to provide them with reasonable accommodations and modifications necessary for full and equal participation, such as student-specific modifications to classroom or administrative policies. Students with intellectual disabilities in TPSIDs and/or CTPs may face barriers such as limited financial aid and denial of access to campus facilities and campus housing. Services for students with disabilities, training for faculty and staff on disability services, and outreach to students to let them know about any available disability services, need to be improved in order to fully meet the needs of students with disabilities.

For too many students, sexual assault creates a barrier to their persistence in, and completion of, postsecondary education. More than 1 in 5 women and nearly 1 in 18 men are sexually assaulted in college.⁹ The impact of sexual violence on a student's ability to succeed in school without the proper supports and school engagement is significant – 34 percent of survivors drop out of college.¹⁰ While we work to make campuses safe and free from sexual violence, it is crucial that policies regarding the way sexual assault is handled on campus also facilitate persistence and completion for survivors.

⁷ Snyder, Thomas D., de Brey, Cristobal, and Dillow, Sally A. "[Digest of Education Statistics 2015](#)." U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics. December 2016.

⁸ National Center for Special Education Research. "[The Post-High School Outcomes of Young Adults with Disabilities Up to 8 Years after High School: A Report From the National Longitudinal Transition Study-2 \(NLTS2\)](#)." U.S. Department of Education, Institute of Education Sciences. 2011. Pgs. 47-48.

⁹ David Cantor et al. "[Report on the AAU Campus Climate Survey on Sexual Assault and Sexual Misconduct](#)." Association of American Universities and Westat. September 2015.

¹⁰ Mengo, Cecilia and Black, Beverly M. "[Violence Victimization on a College Campus: Impact on GPA and School Dropout](#)." *Journal of College Student Retention: Research, Theory & Practice*. May 11, 2015. Pgs. 234, 244.

**The number of
students with
disabilities who
disclose their
disability status
drastically decreases
between high school
and postsecondary
education.**

Policy Recommendations

Expand affordable child care for parents in school.

In order to ensure that postsecondary education is accessible to student parents, existing programs such as Child Care Access Means Parents in School (CCAMPIS), the only federal program that specifically supports low-income parents pursuing postsecondary education by providing campus-based child care, should be expanded. Making the CCAMPIS program a matching grant program and providing increased funding to allow every Pell-eligible¹¹ student parent access to on-campus child care resources would improve postsecondary access and completion for these students.

Require institutions to develop a plan for pregnant and parenting students.

In order to identify and remove barriers to access and success, institutions should develop plans to assist their pregnant and parenting students with access to affordable child care, housing, and additional resources particularly needed by student parents. At many colleges, parenting students do not have access to campus housing and are pushed into unaffordable off-campus housing markets. Schools should appoint an expectant and parenting student liaison and create a dedicated webpage to help connect student parents to the resources they need. Schools should also be encouraged to provide affordable, on-campus housing for students with families. These provisions will build support for the retention and completion of postsecondary studies by young parents.

Female college students of color are more likely than other college students to have dependent children:

47%

of African-American women students are mothers.

39.4%

of Native American women students are mothers.

31.6%

of Latina students are mothers.

¹¹ NOTE: This is included as a proxy for low-income students. Some low-income students may not yet be Pell-eligible based on immigration status or connect with the justice system and should not be denied access to child care resources.

Require institutions to accept Individualized Education Programs (IEPs) or 504 Plans.

Accommodations policies must be simplified and transition from high school made easier by requiring colleges to accept students' high school IEP or 504 plans as proof of disability. Less than half of all colleges that require documentation of a disability accept a student's IEP or 504 plan as valid documentation. In these cases, as a result, students must undergo new, costly evaluations to meet the requirements of many colleges and universities or must forgo receiving the accommodations they are entitled to. The risk of not graduating increases when students wait to receive accommodations or do not receive them at all. By contrast, students who disclose and obtain accommodations early for their disability can see an increase in their GPAs.¹²

Standardize financial aid practices so there are not significant changes between years.

Changes in financial aid can be the difference between a student graduating or dropping out. Students who lose between \$1,500 to \$2,000 in aid are more likely to drop out than students who see their aid remain the same. The likelihood of dropping out increases as the reduction in aid increases.¹³ Many institutions cover a large share of financial aid for a student's first year but significantly drop the aid in subsequent years. These policies force the student to decide between assuming debt or leaving the institution. This practice is unfair and makes it impossible for a student or their family to adequately prepare for the financial demands of pursuing higher education.

Provide undocumented immigrant young adults with a pathway to legal permanent residency and citizenship.

Immigration status can create several barriers to college completion such as prohibitive cost of attendance, fewer job prospects, and increased mental health risks.¹⁴ With only about 29 percent of undocumented immigrants having at least some college education, it is clear that these barriers to completion are taking a toll on undocumented students.¹⁵ Providing a pathway to citizenship allows for many of the impediments to be removed, which would then increase the likelihood of completion.

¹² National Center for Learning Disabilities. "[The State of the LD: Transitioning to Life After High School](#)."

¹³ Tam, Donna and Scott, Amy. "[Top College Students Who Lose Small Amounts of Financial Aid More Likely to Drop Out](#)." *Marketplace*. November 2, 2016.

¹⁴ Juarez, Christian. "[The Obstacles Unauthorized Students Face in Postsecondary Education](#)." *Center for American Progress*. December 21, 2017.

¹⁵ Hines, Annie L. "[Undocumented Students and Higher Education](#)." *Center for Poverty Research at the University of California, Davis*. October 2018.

Provide Dreamers, Temporary Protected Status (TPS) holders, and undocumented immigrant young adults with culturally responsive academic advising, mental health services, legal services, and emergency grants.

Dreamers, TPS holders, and undocumented young adults have different needs than citizen students when it comes to support services offered by institutions. Their lives can often be less predictable due to concerns about their families' status and as a result, they can need much more targeted services including legal services that focus in immigration, or emergency grants to help students get home quickly in case of emergency.

Provide students access to successful student support services.

There is growing evidence to support models of student support that lead to greater success for students, especially marginalized students attending under-resourced institutions.¹⁶ Upfront investments in high quality student support services pay off for students and the nation as a whole.¹⁷ Funding should be available to support successful implementation of these programs.

Provide emergency grant aid (micro-grant) programs.

For students with limited financial resources, even a small financial emergency can lead to dropping out of college. Providing small-dollar emergency grants for students in crisis can enable the most marginalized students to persist through to graduation.¹⁸

Ensure the affordability and accessibility of all housing and support services offered to students of a particular institution and ensure nondiscrimination.

Accessible, affordable campus housing and support services can be the difference between successfully attending and completing postsecondary education programs and not attending college at all. Schools should be encouraged to reduce the pricing of on-campus housing to enhance its affordability to low-income students and ensure that campus housing and facilities are fully compliant with the Americans with Disabilities Act. School policies should make clear that discrimination in school support services and campus housing is prohibited on the basis of sex (including sexual orientation and gender identity), age, race, national origin, and disability, regardless of the student's program or course of study.

¹⁶ Goldrick-Rab, Sara and Cady, Clare. "[Supporting Community College Completion with a Culture of Caring: A Case Study of Amarillo College](#)." *Amarillo College, No Excuses Poverty Initiative*. June 2018.

¹⁷ See, e.g., Fain, Paul. "[Living Up to the Hype](#)." *Inside Higher Ed*. February 26, 2015.

¹⁸ Dachelet, Karole and Goldrick-Rab, Sara. "[Investing in Student Completion: Overcoming Financial Barriers to Retention Through Small-Dollar Grants and Emergency Aid Programs](#)." *Wisconsin HOPE Lab*. December 2015.

Additional Resources:

[**College Results Online \(CRO\)**](#): This database from the Education Trust allows users to see graduation rates from nearly all four-year colleges and universities in the United States.

[**Access to Postsecondary Education Toolkit**](#): This toolkit from the National Immigration Law Center highlights the social and economic impact of improving access to higher education for immigrant students.

[**United We Dream's The Dream Educational Empowerment Program \(DEEP\)**](#): This resource repository educates, connects, and empowers immigrant students, parents, and educators to close the opportunity gap and engage in local efforts to improve educational equity.

[**Navigating College**](#): This resource provided by the Autistic Self Advocacy Network allows researchers, educators, and students with disabilities to access helpful resources for successfully supporting students with disabilities to graduation.

[**It's Illegal Yet it Happens All the Time**](#): This article highlights how institutions are illegally pushing out pregnant and parenting students.



PRINCIPLE #4

Make college affordable for low-income students.

Make college affordable for low-income students and ensure that federal student aid takes into account the totality of a family's economic circumstances and full college cost, which may include child care, transportation, and housing, and prioritize investments in grant aid first to reduce the disparate student loan debt burden placed on low-income students, first-generation students, women, students of color.

Introduction: Policies that create and maintain equitable access to public higher education systems are paramount if we hope to fulfill the promise in each and every student. Institutional leaders and policymakers have a responsibility to allocate resources in ways that ensure equitable opportunity for all people. Insufficient household income and other hidden financial burdens remain a barrier students must overcome in order to realize the benefits of a postsecondary education and contribute greatly to the racial and socioeconomic gaps in access and degree completion.

Facing total college costs that exceed their available financial resources including grant aid, many students have little choice but to finance their education with loans. Long-term debt burdens fall disproportionately on low-income students and students of color. The rising cost of college education – fueled in large part by the Great Recession and state cuts to funding of their public college systems – has kept postsecondary education out of reach for many low-income students unless they rely heavily on student loans.

Background: Black and Hispanic families face enormous gaps in household wealth and income compared to White families. In 2016, White families had an average of \$933,700 in family wealth, nearly five times that of Hispanic families (\$191,200) and seven times that of Black families (\$138,200).¹ Due to these significant differences in wealth, Black and Latino students borrow significantly more money than their White peers to finance postsecondary education. This has a far-reaching impact on the future of these students, such as preventing them from purchasing cars, houses, and even starting families.² Among these students there is nearly a 50 percent default rate, showing the long term consequences of student borrowing and the myriad economic barriers confronting Black and Latino students.³ Nearly half of indebted millennials no longer think college is worth the debt they incurred,⁴ despite the ongoing substantial wage advantage college graduates have over those with only a high school diploma.⁵

For low-income women, the cost of college and the insufficiency of grant aid means taking on massive amounts of debt and devoting high percentages of their earnings to loan repayment.⁶ Women, especially those of color, who are paid less than men, even with a college degree, find themselves particularly marginalized by our current system.⁷

Affordability itself must be defined in terms inclusive of the full array of necessary costs – including food, housing, and transportation – associated with attending and completing college.

¹ Federal Reserve. "[Recent Trends in Wealth-Holding by Race and Ethnicity: Evidence from the Survey of Consumer Finances](#)." September 27, 2017.

² Smith, Kelly A. "[Survey: Student Loan Debt Delays Major Financial Milestones for Millions](#)." Bankrate. February 27, 2019.

³ Miller, Ben. "[New Federal Data Show a Student Loan Crisis for African American Borrowers](#)." Center for American Progress. October 16, 2017.

⁴ Hoffower, Hillary. "[Nearly half of indebted millennials say college wasn't worth it, and the reason why is obvious](#)." Business Insider. April 11, 2019.

⁵ Abel, Jaison R. and Deitz, Richard. "[Despite Rising Costs, College Is Still a Good Investment](#)." Liberty Street Economics. June 5, 2019.

⁶ Miller, Kevin, Dice, Sarah, and Nelson, Raina. "[Deeper in Debt: Women and Student Loans](#)." American Association of University Women. May 2017.

⁷ Carnevale, Anthony P., Smith, Nicole, and Gulish, Artem. "[Women Can't Win: Despite Making Educational Gains and Pursuing High-Wage Majors, Women Still Earn Less than Men](#)." Georgetown University Center on Education and the Workforce. 2018.

Given high costs of attendance and limitations to the current Pell Grant, this primary source of grant aid for lower-income students is not enough to protect students from high debt loads. Pell Grant recipients, the vast majority of whom have family incomes under \$40,000,⁸ are more than twice as likely as other students to have student loans (57 percent vs. 27 percent). More than 8 out of 10 Pell Grant recipients who graduate from four-year colleges have student loans, and their average debt is \$4,500 more than their higher-income peers. Pell Grant recipients are also more than five times as likely to end up in default⁹ as their higher income peers.

A more affordable higher education ensures that lower-income students are not burdened by untenable debt and are able to benefit fully from their education. Affordability itself must be defined in terms inclusive of the full array of necessary costs – including food, housing, and transportation – associated with attending and completing college. In order to accomplish the goal of an affordable equitable higher education system, federal financial aid needs to better help low-income people afford the total costs associated with higher education. The Pell Grant is the federal government’s most vital investment in higher education, yet 2019-20’s maximum award amount will cover the lowest share of college costs in the program’s history.¹⁰ Furthermore, the grant is no longer automatically adjusted for inflation each year and is still suffering from harmful cuts enacted in the wake of the 2008 recession.

57%

of students who receive Pell Grants also need to take out student loans

27%

of students who don't receive Pell Grants need to take out student loans

The vast majority of Pell Grant recipients have family incomes under

\$40K

⁸ The Institute for College Access & Success. “[Students at Greater Risk for Loan Default](#).” April 2018.

⁹ Ibid.

¹⁰ The Institute for College Access & Success. “[Pell Grants Help Keep College Affordable for Millions of Americans](#).” July 23, 2018.

The Pell Grant is the federal government's most vital investment in higher education, yet 2019-20's maximum award amount will cover the lowest share of college costs in the program's history.

Policy Recommendations

Ensure predictable funding for Pell Grants.

Key investments in the Pell Grant are urgently needed, including significantly strengthening its purchasing power and permanently restoring the grant's prior annual inflation adjustments. To protect the program and ensure predictability for recipients, the program should be funded through mandatory spending and not be subject to annual appropriations. This will help ensure that students who are already Pell-eligible are not subject to shortfalls in the event more students are granted the Pell Grant than estimated, which can result in eligibility restrictions.

Ensure aid eligibility for students regardless of immigration status and justice-impacted status.

All students, regardless of immigration status or the immigration status of their parents, should have access to federal student aid and in-state tuition. In addition, barriers to higher education for incarcerated people and those convicted of drug offenses while receiving aid should be removed, including the ban on Pell access. Lifting the ban would create a much-needed lifeline for a community with no clear, affordable path to higher education.

Increase eligibility for maximum Pell and improve verification process.

Currently, the household income threshold for an automatic zero-estimated family contribution (which makes students attending school full-time eligible for the maximum Pell Grant) is \$26,000. Raising the threshold to \$36,000 and tying it to inflation would simplify the aid process for low-income students whose household income is slightly above the current threshold and would provide these students much needed additional financial support. Additionally, income verification in the financial aid process needs to be corrected so that it does not disproportionately target the lowest-income students, adding an additional barrier to completion.¹¹

¹¹ Smith, Ashley A.. "[Income Verification for Federal Aid Hinders Low-Income Students](#)." *Inside Higher Ed*. October 12, 2018.

Modify the Income Protection Allowance.

The Income Protection Allowance (IPA) – which is the amount of income a student can shield from consideration when applying for financial aid – should be increased with consideration for the different financial needs of dependent students, independent students, and independent students with children.¹² The IPA should also be modified to protect a certain amount of income for the costs associated with parenting, calculated based on the cost of child care, food, housing, transportation, and other basic daily needs for a student with dependents; for example, using Wider Opportunities for Women’s Basic Economic Security Tables (BEST) Index or the Economic Policy Institute’s Family Budget Calculator.¹³ These modifications will help to ensure that student parents – the majority of whom are women – who shoulder greater expenses than traditional students, are able to access higher education.

Equip all students and families to participate in and understand the financial aid process.

Financial aid information should be made widely available and accessible to all prospective students and parents, including Limited English Proficient parents and students in the languages with which they are most comfortable, as well as people with disabilities. All colleges receiving federal aid should be required to use a similar standardized format for financial aid offers (“award letters”) and consistent terminology in financial aid communications so that students have clear, comparable information about how much a college will cost them and their options for covering that cost.

Accommodate very low-income students and working students.

The Expected Family Contribution (EFC) is an estimate of how much a family can contribute toward a student’s higher education and is used to determine aid eligibility. For some families with very low incomes, resources are so limited that students would need financial assistance simply to meet their basic needs, before family resources would even be available for higher education. The EFC calculation should be altered to allow students to demonstrate negative need. This allows institutions to see how much additional aid would be required for the neediest of students to attend the school. Additionally, new avenues for calculating financial aid that take into account working students’, especially student parents’, lost income due to reduced hours in order to succeed in school, and the high housing costs that parenting students often must pay, should be explored.

¹² García, Rosa. “[Making College Affordable and Accessible](#).” *Center for Social Law and Policy*. February 2019.

¹³ Institute for Women’s Policy and Research. “[The Economic Security Database](#).”

Additional Resources:

[**TICAS' Pell Grant resource page**](#): This page holds a number of resources that provide insight into how important Pell can be for people from low-income communities and how the federal government can best keep Pell helpful for those communities.

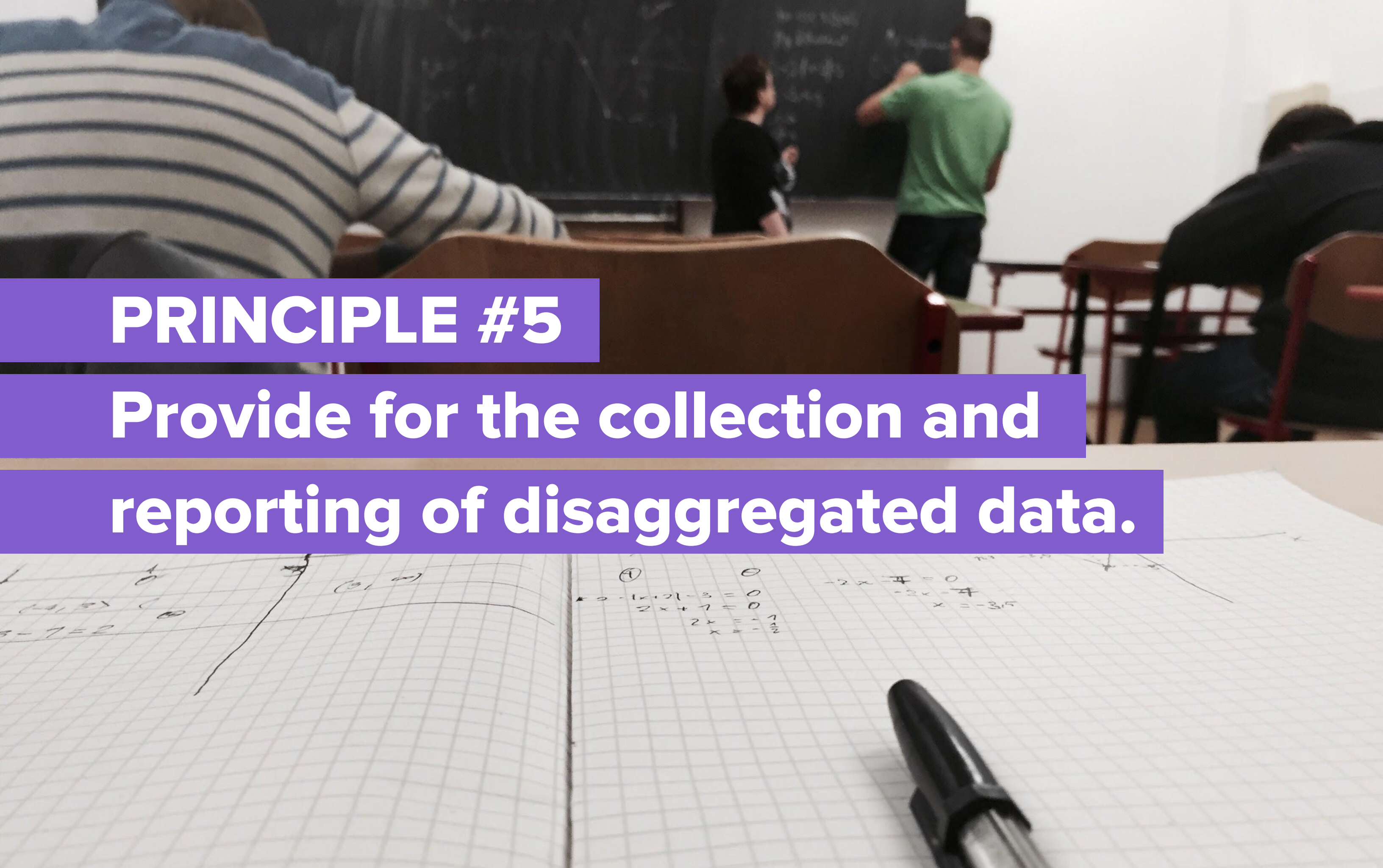
[**Unkept Promises: State Cuts to Higher Education Threaten Access and Equity**](#): The Center on Budget and Policy Priorities' report shows how much state disinvestment hurts access for marginalized communities.

[**Limited Means, Limited Options: College Remains Unaffordable for Many Americans**](#): This report from the Institute for Higher Education Policy highlights just how unaffordable higher education has become for so many Americans and offers additional ways policymakers and institutions can make higher education much more attainable.

[**Trends in College Pricing 2018**](#): The cost of college continues to increase and this report from the College Board does a deep dive into how institutions are spending their money and how this affects students.

[**College Affordability: A Defining Issue for Young Americans this Election**](#): Young Invincibles' post highlights just how much of an issue affordability is for millennials in the United States.

[**Understand College Affordability**](#): The Urban Institute's report on how students, institutions, and the public pay for higher education shows how each stakeholder is currently asked to finance postsecondary education.



PRINCIPLE #5

Provide for the collection and reporting of disaggregated data.

Provide for the collection and reporting of higher education data that is disaggregated, crosstabulated, and broadly available without personally identifiable information and ensure that students and families have meaningful access to figures about programmatic quality, affordability, student borrowing, attendance costs, measures of student success, campus safety and climate, and investigations of the institution regarding fraudulent, abusive, and deceptive practices.

Introduction: High-quality, disaggregated data are needed to shine a light on inequities within higher education and to inform policies that combat those inequities. Without better information about how institutions and programs are serving students, racial, socioeconomic, and other inequities will remain hidden and our system will continue to fail the students who can benefit most from a college education. Simply put, students who are not counted do not factor in when decisions are being made, so we must commit to counting all students as a necessary first step to building policies to better support the most marginalized students, and to helping students make informed choices.

Background: Significant data gaps obscure how higher education policies affect the most marginalized communities, even while some student outcome data are available about several different communities. Comprehensive, student-level disaggregated data are critical to ensuring equity and advancing civil rights in higher education.

For example, federal graduation rates only count 47 percent of today's college students, leaving out part-time students and transfer students who are disproportionately students of color or low-income students.¹ These graduation rates also fail to count transfer from a two to a four-year program as a successful outcome. The Department of Education recently added completion rates for part-time and transfer students to a national longitudinal survey,² but these data are not disaggregated by race, gender, age, or disability, so key questions of equity and postsecondary completion remain unanswered.

Another example of a data gap that affects the most marginalized communities is post-college employment and earnings, where federal data omit those individuals who do not receive federal financial aid – about 30 percent of college students nationwide. Furthermore, median salaries are only available at the institutional (college) level, clouding important differences in outcomes between programs, and cannot be matched with students' and workers' demographic information. In some institutions and systems, large proportions of students are left out. For example, about three-quarters of students in the California Community Colleges System are omitted from these earnings metrics because they do not receive federal aid.³ A student-level data network would shed light on which programs and institutions are successfully closing racial and ethnic employment gaps.

**Federal graduation
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¹ Whitmire, Richard. "[Alarming Statistics Tell the Story Behind America's College Completion Crisis: Nearly a Third of All College Students Still Don't Have a Degree Six Years Later.](#)" *The 74*. April 8, 2019.

² Fain, Paul. "[Wealth's Influence on Enrollment and Completion.](#)" *Inside Higher Ed*. May 23, 2019.

³ California Community Colleges. "[Methodology for Student Profile Metrics.](#)"

Affordability data are similarly limited. Current data for each college only reflect the prices paid by first-time, full-time students who receive financial aid. In addition to leaving out the majority of today’s college students – part-time or transfer students – these data exclude students who do not receive federal aid. These exclusions can be problematic for understanding how students of color and low-income students, who lack easy access to financial aid, are faring in the system. Data on how much students pay at public universities can be even more misleading since they leave out students who pay out-of-state tuition. Although each college’s pricing data are disaggregated by income, they are not broken out by race or other predictors of inequality. The absence of disaggregated data is unhelpful given the vast difference in wealth between people of different racial backgrounds.

Data should also be disaggregated further within major race/ethnicity categories, where students from different subgroups can have vastly different higher education experiences and attainment. For example, 36.2 percent of Asian American adults aged 25 or older have earned either an Associate’s or Bachelor’s degree, compared to only 20.2 percent of Cambodian American adults, 22.6 percent of Hmong American adults, and 18.8 percent of Laotian American adults. Attainment among Latino adults can also vary substantively within the group. The percentage of Mexican Americans ages 25-64 years old with at least an Associate’s degree is 17.4 percent, compared with nearly 30 percent for Puerto Ricans and nearly 40 percent for Cuban Americans.⁴

Adults aged 25 or older who have earned either an Associate’s or Bachelor’s degree:

36.2%

Asian American

20.2%

Cambodian American

22.6%

Hmong American

18.8%

Laotian American

⁴ Crandall, Jennifer R. “[Pan-Asian Student Classifications in Higher Education: What the Data Do and Don’t Tell Us.](#)” *Higher Education Today*. December 13, 2017.

**Comprehensive,
student-level
disaggregated data
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ensuring equity and

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in higher education.



Policy Recommendations

Overturn the student-level data ban.

A decade-old ban on the collection of student-level data stymies efforts to uncover inequitable outcomes within individual colleges and programs. A secure, privacy-protected student-level data network (SLDN) disaggregated by key student characteristics would make available more comprehensive and useful data on college access, affordability, and outcomes. This information should be available publicly at the institution- and program-level, equipping students, families, policymakers, and institutions to make better-informed decisions. It would provide advocates with the information they need to more effectively fight for the most marginalized students.

Maintain, continuously update, and improve the College Scorecard.

A robust, consumer-friendly, centralized online resource like the College Scorecard is critical for allowing students and families easy access to up-to-date, meaningful, and comparable information about schools and programs. While students need access to information about future earnings and career opportunities related to certain fields of study, value must not be defined in narrow terms. For example, there are some programs that have a high initial return on investment immediately after graduation and others that take longer to show their full value for students (i.e. STEM programs vs. liberal arts). The College Scorecard should provide useful and accessible data without narrowing students' options by defining value in narrow terms.

Disaggregate Asian American and Pacific Islander (AAPI) data.

Without disaggregating data for AAPI students, it is not possible to see the significant barriers to a quality higher education that different groups within this diverse community are facing. For example, the barriers to college access and success Southeast Asian American (SEAA) students face are more like those faced by Black and Latino students than other groups of Asian American students. Often students from low-income, refugee communities affected by war, genocide, and displacement to the United States, SEAA students have limited access to high-quality education and meaningful educational support to succeed to the same degree as their peers. Without the opportunity to understand the experiences of diverse student groups through meaningful and detailed data, inequities will be missed and colleges and universities will continue to fail students.

Allow for cross-tabulation of data.

It is critical to have access to cross-tabulated data that allows for an understanding of student experience at the intersection of identities. Latino students with disabilities, for example, may have a very different experience from Latino students without disabilities or White students with disabilities. These data allow communities, educators, researchers, and policymakers to identify what is working for different groups of students and where interventions are needed.

Additional Resources:

[SEARAC's Data Disaggregation General Fact Sheet:](#)

Southeast Asia Resource Action Center (SEARAC) has broken down what data disaggregation is and why it is so important to ensuring that data is not being incorrectly lumped together. SEARAC also uses this fact sheet to debunk any myths regarding data disaggregation.

[Postsecondary Data Collaborative \(PostsecData\):](#)

This resource hub from IHEP serves as a depository for all of their resources related to student data, including resources to ensure student privacy.

[A Blueprint for Better Information:](#)

[Recommendations for a Federal Postsecondary Student-Level Data Network:](#)

IHEP's recommendations for what a network of student-level data could look like for the federal government.

[Student Agenda for Data Reform:](#) Young Invincibles created a resource hub that includes the perspective of current and recent college students, as well as useful recommendations.

[A Look at Black Student Success \(current](#)

[graduation rates\):](#) This report from the Education Trust looks at which schools are graduating their Black students at the highest and lowest rates.

[A Look at Latino Student Success \(current](#)

[graduation rates\):](#) This report from the Education Trust looks at which schools are graduating their Latino students at the highest and lowest rates.



PRINCIPLE #6

Design accountability systems to ensure students receive value from their higher education.

Design accountability systems to ensure students receive value from their higher education, and not in a way that limits opportunity for or disincentivizes enrollment of low-income students or other students who might face greater barriers to degree completion. Create incentives to improve institutional quality by requiring that a majority of federal financial aid is spent on instruction and student supports and provide additional resources to non-profit and public institutions that serve large shares of low-income and historically marginalized students and that are actively working to provide the supports necessary to improve student outcomes. Ensure accountability is differentiated and takes into account an institution's history, mission, and resources.

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Introduction: Well-designed higher education accountability systems ensure students are benefitting from their education, and that investments from students, families, and taxpayers are well spent. Accountability systems should be designed to advance equity and ensure that historically marginalized communities benefit from their college education and experience and that barriers based on identity are removed. As evidence of inadequate accountability systems, high-cost, low-quality predatory for-profit institutions actively market to and disproportionately enroll¹ low-income Black and Latino students. These schools often leave students with debt and worthless degrees that do not lead to gainful employment. Well-designed accountability measures will result in more students, especially low-income students and students of color, getting value from their college experience, graduating, and having better economic prospects. Currently, accountability structures allow institutions to benefit from the federal student aid system while not providing the value that students and taxpayers expect and deserve, with the burden falling greatest on students of color and other marginalized students.

¹ Please see: The Leadership Conference on Civil & Human Rights. "[Gainful Employment: A Civil Rights Perspective](#)." October 2014.

Background: At one in five colleges (21 percent, or 781 colleges), most students borrow and few can repay their loans.² For-profit colleges are substantially overrepresented in this category, accounting for 73 percent of schools where borrowers cannot repay the money they borrowed for their education. This is the result of low-quality programs not being monitored and accountability systems going unenforced. The higher education sector is also seeing outcomes like those noted in the National Bureau of Economic Research study, showing that “for-profit certificate programs do not pay off for the average student” – demonstrating the pervasiveness of low-quality programs in that sector and the need for better accountability.³

Stronger accountability systems would prevent issues such as enrollment stratification. Enrollment stratification describes how students from lower-income families are limited to non-selective or for-profit postsecondary educational institutions by resource constraints and structural failures while students from higher-income families can choose from the full range of institutions.⁴ Stronger accountability systems would prevent enrollment stratification and other similar issues by ensuring greater equity in student outcomes across institution types and by protecting students who have less access to the information and resources from low-quality programs. Our current system of inadequate guardrails results in students acquiring massive student debt from schools that do not provide them with the skills they need to obtain jobs that pay enough to pay off that debt. According to the Department of Education, more than 350,000 students graduated from the worst-performing career education programs with nearly \$7.5 billion in student loan debt that they are unlikely to be able to pay off.⁵ This denies students a return on their investment, disproportionately those who can least afford it. This mix of debt burden and low-quality credentials has long-lasting effects on families, preventing people from building wealth and improving their economic station. In a recent report from the Center for Responsible Lending, when asked, 56 percent of adults in Maine who had attended a for-profit institution shared that their student loan debt reduced the amount they were able to put away for retirement.⁶ If people are not able to adequately save for retirement, that burden is transferred to their families and the government. The current system allowing low-quality institutions will continue to burden families who should be experiencing the economic mobility potential of higher education.

² The Institute for College Access & Success. “[Colleges Where Most Students Borrow and Few Repay](#).” April 2018.

³ Cellini, Stephanie R. and Turner, Nicholas. “[Gainfully Employed? Assessing the Employment and Earnings of For-Profit College Students Using Administrative Data](#).” *National Bureau of Economic Research*. January 2018.

⁴ See, e.g., Perna, Laura W. and Ruiz, Roman. “[Reducing the Stratification of College ‘Choice’](#).” *The Pell Institute for the Study of Opportunity in Higher Education, the Alliance for Higher Education, and the Democracy of the University of Pennsylvania*. 2016.

⁵ The Institute for College Access & Success. “[How Much Did Students Borrow to Attend the Worst-Performing Career Education Programs? The Need for a Strong Gainful Employment Rule](#).” August 22, 2018.

⁶ Maine Center for Economic Policy. “[Banners from a Statewide Phone and Online Survey of 400 Adults with Education Debt in Maine](#).” October 3-19, 2018.

Our current system of inadequate guardrails results in students acquiring massive student debt from schools that do not provide them with the skills they need to obtain jobs that pay enough to pay off that debt.

Policy Recommendations

Ensure career programs prepare people for gainful employment in a recognized occupation through reinstatement and enforcement of a robust Gainful Employment requirement.

The recently rescinded⁷ Gainful Employment rule compares students' loan debt to earnings to determine whether a career education program provided graduates with an education that enabled them to repay their student loans. Programs where graduates consistently have more debt than they can repay must improve or lose eligibility for federal funding.⁸ This critical accountability measure ensures that the basic theory of student loans – that borrowing now will increase students' earning power sufficient to cover the cost of the loan – functions as designed and that the Department of Education is not setting students up for failure. The Gainful Employment debt-to-earning measure is critical to ensuring equity and protecting civil rights in higher education and must be maintained and enforced.

Ensure robust protection through an effective and clear borrower defense to repayment process for students who were lied to or mistreated and make more relief automatic.

Borrower defense to repayment allows students who were lied to or mistreated by their college to have their federal student loan debt forgiven.⁹ This critical accountability measure creates a disincentive for institutions to misrepresent information or lie to prospective students. Approved borrower defense claims may lead to the collection of funds from schools to cover the cost of loan forgiveness. The borrower defense to repayment protection should be maintained and clarified to require full discharge of loans for approved borrower defenses, to provide automatic discharge for groups of students where there is evidence of widespread and systemic misconduct by the institution, and to prevent the use of mandatory arbitration clauses. Group and automatic relief should also be preserved and fully implemented for students who qualify for other relief, such as closed school discharges.

⁷ Douglas-Gabriel, Danielle. "[Trump administration formally rescinds rule governing career training programs.](#)" *The Washington Post*. June 28, 2019.

⁸ The Institute for College Access & Success. "[Same Program, Different Results: Better Options Exist for Students in the Worst-Performing Gainful Employment Programs.](#)" September 14, 2018.

⁹ Federal Student Aid. "[Borrowers may be eligible for forgiveness of the federal student loans used to attend a school if that school misled them or engaged in other misconduct in violation of certain laws.](#)" *U.S. Department of Education*. Accessed June 20, 2019.

Robustly enforce the incentive compensation ban.

Institutions of higher education are banned from paying commissions, bonuses, or other incentive payments to individuals based on their success in enrolling students (incentive compensation). This ban is designed to eliminate abusive recruiting practices in which schools mislead or pressure students to enroll and then receive federal student aid funds.¹⁰ Institutions engaging in prohibited practices must be held accountable because if they are allowed to continue, underserved communities with less access to information are particularly vulnerable to manipulation and exploitation.

Prohibit the use of federal financial aid funds for marketing and recruitment.

Federal student aid funds are meant to enable students to complete degree requirements through instruction and student supports. However, during an investigation of 30 for-profit college companies, it was discovered that an average of 22.4 percent of revenue went to marketing and recruiting, while less than 18 percent went to instruction.¹¹ Student borrowers and federal taxpayers should not be asked to subsidize institutional profit-making activities disguised as education.

Ensure that a substantial majority of federal financial aid funds are spent on instruction and student supports.

One basic accountability metric is to ensure that federal financial aid funds are being spent to support students and not private investors. Instructional spending offers a clear measure of whether an institution is using federal financial aid dollars to accomplish the basic purpose of those dollars – to support the education of students.¹²

Overturn the student-level data ban.

High quality data is critical to measuring institutional quality and holding colleges and universities accountable for the value they provide to students. A decade-old ban on the collection of student-level data stymies efforts to uncover inequitable outcomes within individual colleges and programs. A secure, privacy-protected student-level data network (SLDN) disaggregated by key student characteristics would make available more comprehensive and useful data on college access, affordability, and outcomes. This information should be available publicly at the institution- and program-level, equipping students, families, policymakers, and institutions to make better-informed decisions. It would provide advocates with the information they need to more effectively fight for the most marginalized students.

¹⁰ U.S. Government Accountability Office. "[Higher Education: Information on Incentive Compensation Violations Substantiated by the U.S. Department of Education](#)." February 23, 2010.

¹¹ Lewin, Tamar. "[Senate Committee Report on For-Profit Colleges Condemns Costs and Practices](#)." *The New York Times*. July 29, 2012.

¹² For a discussion of metrics and methodology see, e.g., Cheslock, John J. "[Examining Instructional Spending for Accountability and Consumer Information Purposes](#)." *The Century Foundation*. February 28, 2019.

Additional Resources:

[**Protect Students and Taxpayers**](#): This website documents the efforts of civil rights, student, consumer, veteran, and college access organizations advocating for greater accountability in career education programs. This site has a host of resources about key accountability policies and lists the organizations that support and advocate for greater accountability.

[**The Institute for College Access & Success**](#): TICAS regularly publishes research on higher education accountability policy with an eye towards access and success for all students.

[**The Project on Predatory Student Lending at Harvard**](#): The Project was formed in 2012 to combat the massive fraud that was being perpetrated against students and taxpayers by for-profit colleges. The Project represents thousands of former students across the country and litigates landmark cases against the predatory for-profit college industry. Many of the Project's clients are people of color, veterans, immigrants, and the first in their family to attend college. The Project works in support of its broader goals of economic justice and racial equality.

[**Gainful Employment: A Civil Rights Perspective**](#): The Leadership Conference on Civil and Human Rights, and several other civil rights organizations, published this brief to highlight the importance of a strong gainful employment rule.

[**Center for Responsible Lending**](#): The Center for Responsible Lending published a map with state-specific information (total undergraduate enrollment, total for-profit undergraduate enrollment, and the three largest for-profit colleges by undergraduate enrollment).

[**National Consumer Law Center**](#): National Consumer Law Center published the brief, "Defend the Borrower Defense Rule," which explains why this rule is necessary to providing accountability to students and taxpayers.



PRINCIPLE #7

Exclude for-profit colleges from federal financial aid programs unless they have demonstrated their value to students.

Exclude for-profit colleges, including covert for-profit colleges masquerading as non-profit, from federal financial aid programs unless they have demonstrated their value to students through increased student earnings and they rely, at least partially, on non-federal sources of funding.

Introduction: While most institutions of higher education want to serve students well, some prey on first-generation students, students of color, and other marginalized communities through deceptive recruiting practices and false marketing claims about job placement, graduate salaries, and program duration, costs, or graduation rates.¹ There is a long, scandalous history² of for-profit colleges and “covert” for-profit colleges³ taking advantage of marginalized students who are committed to postsecondary education. Whenever accountability measures have waned, for-profit colleges have consistently taken advantage of gaps in oversight to over-promise and under-deliver. While the squandering of precious tax dollars would be reason enough for greater scrutiny, for-profit colleges disproportionately harm communities of color because they target and disproportionately enroll low-income Black and Latino students for their high-cost, low-quality programs and leave such students buried under unaffordable debt burdens.⁴ Without clear evidence they provide a reasonable return-on-investment for students and taxpayers, for-profit colleges should not be able to access federal student aid.

¹ U.S. Government Accountability Office. “[For-Profit Colleges: Undercover Testing Finds Colleges Encouraged Fraud and Engaged in Deceptive and Questionable Marketing Practices](#).” August 4, 2010.
² The Century Foundation. “[The Cycle of Scandal at For-Profit Colleges](#).”
³ Shireman, Robert. “[The For-Profit College Story: Scandal, Regulate, Forget, Repeat](#).” *The Century Foundation*. January 24, 2017.
⁴ Please see: The Leadership Conference on Civil & Human Rights. “[Gainful Employment: A Civil Rights Perspective](#).” 2014.

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Studies have shown many for-profit college programs do not provide a wage premium for graduates, leaving them saddled with significant debt and no means with which to repay.⁵ Millions of students have been left in default, foreclosing any future chance at higher education. The federal government should enforce strong protections governing access to the federal student aid program by for-profit schools to ensure that the program supports sound investments by students and taxpayers in education and economic mobility rather than serving as a boondoggle for corporations that leaves students facing potentially ruinous debt.

Background: For-profit institutions are among the weakest economic engines in higher education. Recent research shows⁶ that for-profit certificate students experience “statistically insignificant gains in annual earnings after attendance” and that “for-profit certificate programs do not pay off for the average student” demonstrating the pervasiveness of low-quality programs in that sector and the need for better oversight of institutions participating in the federal aid program.⁷ Compound this fact with implicit racial and gender bias in hiring and it is easy to see how the effects of for-profit institutions can be economically catastrophic for their largest constituent group: people of color and particularly women of color.

For-profits have preyed on the most marginalized people, using predatory recruiting tactics to meet their enrollment goals. Although only 10 percent of all postsecondary students attend a for-profit institution, 98 percent of students filing borrower defense claims – an indication that students believe they have been lied to or otherwise mistreated by their college – attended for-profit colleges.⁸ For-profit colleges have made explicit appeals to prospective students who hope to improve their life circumstances following graduation. The resulting student body includes an overrepresentation of people with the most on the line if the education they are being sold does not pay off – for example, single mothers. According to the Institute for Women’s Policy Research, single mothers make up 26 percent of the student body in for-profits, while only comprising 11 percent of all undergraduate students.⁹ Low-income people, racial minorities, and veterans are also overrepresented in for-profits. Many students fit into a number of these buckets, resulting in compounding marginalization.

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⁵ Cellini, Stephanie R. and Turner, Nick. “[Gainfully Employed? Assessing the Employment and Earnings of For-Profit College Students Using Administrative Data](#).” *National Bureau of Economic Research*. June 18, 2016.; Lang, Kevin and Weinstein, Russell. “[Evaluating Student Outcomes at For-Profit Colleges](#).” *National Bureau of Economic Research*. June 2012.

⁶ Ibid.

⁷ Ibid.

⁸ Cao, Yan and Habash, Tariq. “[College Fraud Claims Up 29 Percent Since August 2017](#).” *The Century Foundation*. May 30, 2018.

⁹ Anderson, Julie, Cruse, Lindsey R., and Gault, Barbara. “[Single Mothers Overrepresented at For-Profit Colleges](#).” *Institute for Women’s Policy Research*. September 6, 2017.

Policy Recommendations

Strengthen gainful employment.

The gainful employment (GE) requirement is one of the most important accountability safeguards and must be preserved and strengthened. Under the 2014 rule, career education programs where graduates consistently do not earn enough money to be able to repay their debts must improve or lose eligibility to accept Title IV student aid funding. This gainful employment rule must be strengthened and codified. Gainful employment should protect low-cost programs where most graduates do not borrow. This allows for programs that do not burden student borrowers with debt to continue to serve those students for whom postsecondary education can have the greatest effect.

Reinstate the 85/15 rule.

The 85/15 rule stipulates that 15 percent of a school's funds must come from sources other than the federal government. The worst colleges generally struggle to garner any other sources of funding for their low-quality offerings. A strong 85/15 rule with no loopholes would ensure that colleges must at least meet a minimal market test of quality. One of the most significant loopholes, the exclusion of veterans'¹⁰ benefits from the calculation of federal funds, should be closed to disincentivize the rampant targeting and exploitation of veteran students¹¹ and to make the requirement a meaningful standard of quality for all students.

Ensure robust protection through an effective and clear borrower defense to repayment process for students who were lied to or mistreated.

Borrower defense to repayment allows students who were lied to or mistreated by their college to have their federal student loan debt forgiven.¹² Approved claims may lead to the collection of funds from the schools that broke the law or otherwise engaged in misconduct to cover the cost of loan forgiveness. The borrower defense to repayment protection should be maintained and strengthened to require full discharge of loans with approved borrower defenses, to provide automatic discharge for groups of students where there is evidence of widespread and systemic misconduct by the institution, and to prevent the use of forced arbitration clauses and class action bans.

¹⁰ Ochinko, Walter. "[Despite a 2016 Statute, the GI Bill Still Pays for Degrees that Don't Lead to a Job.](#)" *Veterans Education Success*. April 2018.

¹¹ Jackson, Abby. "[Military veterans are being targeted by an industry 'infamous for saddling people with debt and useless degrees'.](#)" *Business Insider*. December 5, 2017.

¹² Federal Student Aid. "[Borrowers may be eligible for forgiveness of the federal student loans used to attend a school if that school misled them or engaged in other misconduct in violation of certain laws.](#)" Accessed June 20, 2019.

Ensure access to the courts.

Colleges and universities participating in the Title IV program should be prohibited, as a condition of participation, from including forced arbitration clauses or class action bans, which prevent students from accessing the courts to challenge unlawful school conduct.

Additional necessary consumer protections.

In addition to those provisions identified above, additional protections are needed to ensure that students are receiving value from their education and the integrity of the financial aid program is preserved. The cohort default rate, for example, prompts action when too many students from an institution are defaulting on their student loans. Prohibiting incentive compensation provides an important safeguard to reduce high-pressure and deceptive sales tactics to enroll students. Bans on marketing and lobbying with federal financial aid funds, and instructional spending requirements, would ensure that federal student aid dollars are used to provide an education and support students. Additionally, ensuring the accuracy and quality of data related to job placement and earnings rates and other measures of institutional quality is critical to the effectiveness of other consumer protections. Strengthening accreditation to prevent conflicts of interest and improve transparency, and restoring consumer disclosures and other important information to the College Scorecard, similarly assists the Department of Education in meeting its oversight responsibilities as well as assisting students in making informed decisions.

Provide guardrails around for-profit to non-profit conversions.

In recent years, some for-profit schools have attempted to evade regulatory compliance by seeking to adopt the “non-profit” or “public” label while structuring deals so that owners continue to maintain control and conduct the school as a business interest.¹³ To ensure that predatory institutions are not able to evade appropriate oversight, guardrails surrounding for-profit conversions are needed.

¹³ Shireman, Robert. [“These Colleges Say They’re Nonprofit—But Are They?”](#) *The Century Foundation*. August 23, 2018.

Treat different types of institutions appropriately.

Policies that do not recognize the need for additional student protections that govern for-profit colleges fail to recognize both the clear evidence that additional oversight is needed based on for-profit school misconduct and actions that put students at risk, as well as overlook the clear difference in oversight and control structures between for-profit schools vs. public and nonprofit schools.

Maintain the current standard of the credit hour and regular and substantive interaction.

Watering down the definition of a credit hour could allow predatory for-profit colleges to charge large amounts of money for very little education provided. Changing the regular and substantive interaction requirement could allow these schools to essentially provide access to an online textbook while charging students as if they were enrolled in a legitimate college class.¹⁴ The current standards should be maintained.

Enforce all existing protections.

Administrative policies that fail to enforce the applicable protections render meaningless the legal protections students have. Policies should provide for sufficient funding and oversight and transparency around the Department of Education's enforcement activities. Allowing these protections to go unenforced puts the most marginalized students at risk.

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¹⁴ See, e.g., [a letter to Secretary Betsy DeVos](#), September 13, 2018.

Additional Resources:

[**Protect Students and Taxpayers**](#): This website documents the efforts of civil rights, student, consumer, veteran, and college access organizations advocating for greater accountability in career education programs and includes a host of resources about key accountability policies and lists the organizations that support and advocate for greater accountability.

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[**2014 Brief: Gainful Employment: a Civil Rights Perspective**](#): This white paper highlights the needs for maintaining and strengthening gainful employment as a civil rights imperative.

[**Defend the Borrower Defense Rule**](#): This issue brief from the National Consumer Law Center highlights why the borrower defense rule is a crucial accountability tool for for-profit institutions.

[**The Policies That Work—and Don't Work—to Stop Predatory For-Profit Colleges**](#): This report by The Century Foundation discusses ways to strengthen current and reinstate old government guardrails meant to protect students from predatory for-profit institutions.

[**The State of For-Profit Colleges**](#): This state-by-state analysis by the Center for Responsible Lending provides details on the disproportionate harms for-profit colleges have on low-income students, African Americans, and women.

A close-up photograph of two hands shaking, symbolizing agreement or partnership. One hand is from a person wearing a blue shirt, and the other is from a person wearing a white shirt. The background is blurred.

PRINCIPLE #8

Protect student loan borrowers.

Protect student loan borrowers from abusive and fraudulent practices and exploitation in the federal and private student loan servicing and debt collection markets and provide access to accurate and complete information about their loans, access to affordable repayment options, access to administrative loan discharges, and access to legal remedies if they need further relief.

Introduction: Black and Latino borrowers (students and their parents) have disproportionately high debt burdens relative to White borrowers¹ and face greater obstacles in paying down their student loan debt due to structural inequities in family wealth, education, and employment² and overrepresentation in high-cost, low-quality schools. Because of their high debt burden, fair debt relief options and remedies, high-quality loan servicing, and access to repayment options that reflect their life circumstances are especially important for borrowers of color. Federal and state agencies and regulators must protect student loan borrowers, particularly marginalized students who are at greater risk of exploitation, from abusive and inadequate loan servicing and debt collection.

Differences in borrowing can be seen along lines of gender as well as race. On average across degree levels, women in college took on initial student loan balances that were about 14 percent greater than men's in 2015–16. Upon completion of a bachelor's degree, women's average student debt is about \$2,700 greater than men's, and Black women take on more student debt on average than do members of any other group. Difficulty repaying student loans is reflected in default rates, which are higher for women than for men, and in reports that debt-holding graduates are unable to meet essential expenses, such as rent or mortgage payments. Women – especially women of color – are most likely to experience difficulties: 34 percent of all women and 57 percent of Black women who were repaying student loans reported that they had been unable to meet essential expenses within the past year.³

¹ Scott-Clayton, Judith and Li, Jing. "[Black-White disparity in student loan debt more than triples after graduation](#)." *The Brookings Institution*. October 20, 2016.

² Miller, Ben. "[New Federal Data Show a Student Loan Crisis for African American Borrowers](#)." *Center for American Progress*. October 16, 2017.

³ AAUW. "[Women's Student Debt Crisis in the United States](#)." May 2019

Background: The student debt crisis is currently untenable. The national debt burden is quickly approaching \$1.6 trillion with more than one million student loan borrowers defaulting on their loans within the last year.⁴ This crisis becomes even more dire when the analysis is narrowed to communities of color. Currently, on average, Black students owe \$7,400 more than their White peers at graduation and the gap triples to \$25,000 during the first three years of repayment. While Latino students take out similar amounts of student loans as White students, Latino borrowers struggle with repayment more frequently, likely due to a number of societal factors such as discrimination in employment and housing. Overall, Black and Latino borrowers experience higher rates of default than White borrowers (49 percent, 36 percent, and 21 percent respectively).⁵

Pairing these issues with racial discrimination in loan servicing creates an environment ripe for the exploitation of marginalized communities. Problems with loan servicers like Navient have raised concerns and warranted an investigation from the Consumer Financial Protection Bureau (CFPB). These issues range from misinformation that led students to pay more than they had to by placing borrowers in forbearance where interest still accumulates instead of adjusting the payment plans, to obscuring information

borrowers needed to maintain a lower, income-driven repayment.⁶ These abusive practices negatively impact the economic security of student loan borrowers.

Additionally, closed school discharges (meant to provide protection to students who owe debt from an education they could not complete due to a school closure) and borrower defense discharges (which provide relief to borrowers who attended predatory schools that engaged in unlawful or deceptive conduct) have been provided in full to only a small number of people even though many more are eligible for the debt relief. When for-profit colleges close, students of color and low-income students are disproportionately harmed. Seventy percent of students displaced by for-profit college closures were students of color and 58 percent were Pell recipients.⁷ Further, predatory schools tend to target people of color, people who are the first in their family to attend college, and other marginalized communities with misleading and unfair recruiting practices that result in unaffordable debt burdens taken on to attend programs that fail to live up to their promises. It is crucial that the system does more to protect students and to ensure that student loan borrowers who are entitled to relief get it.

⁴ Friedman, Zack. "[Student Loan Debt Statistics In 2019: A \\$1.5 Trillion Crisis](#)." *Forbes*. February 25, 2019.

⁵ Ibid.

⁶ Consumer Financial Protection Bureau. "[CFPB Sues Nation's Largest Student Loan Company Navient for Failing Borrowers at Every Stage of Repayment](#)." January 18, 2017.

⁷ Vasquez, Michael and Bauman, Dan. "[How America's College-Closure Crisis Leaves Families Devastated](#)." *The Chronicle of Higher Education*. April 4, 2019.

**Black and Latino
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due to structural
inequities.**

Policy Recommendations

Ensure the Consumer Financial Protection Bureau (CFPB)’s Student Loan Ombudsman is strong and independent.

The Dodd-Frank Act created the position of the CFPB Student Loan Ombudsman to assist borrowers, collect and track borrower complaints, and make recommendations regarding student loans. That office has returned more than \$750 million to students harmed by illegal lending and servicing practices. The position of the ombudsman must be filled by a student-centered expert with the authority to pursue bad actors both in the private loan and federal loan markets.

Ensure robust protection through an effective and clear borrower defense to repayment process for students who were lied to or mistreated and make more relief automatic.

Borrower defense to repayment allows students who were lied to or mistreated by their college to have their federal student loan debt forgiven.⁸ Approved claims may lead to the collection of funds from schools to cover the cost of loan forgiveness. The borrower defense to repayment protection should be maintained and clarified to require full discharge of loans for approved borrower defenses, to provide automatic discharge for groups of students where there is evidence of widespread and systemic misconduct by the institution, and to prevent the use of mandatory arbitration clauses. Group and automatic relief should also be preserved and fully implemented for students who qualify for other relief, such as closed school discharges.

Streamline and improve Income-Driven Repayment (IDR).

IDR is a critical safeguard for borrowers, allowing students’ loan repayment to be tied to their ability to repay their debt. This ensures that people are not over-burdened by unaffordable payments. The current array of IDR plans creates unnecessary confusion and barriers to enrolling in these plans. They should be streamlined for the benefit of borrowers.⁹ Additionally, the current taxation of debt forgiven after decades of payment in IDR¹⁰ represents an unfair and potentially unaffordable tax burden.¹¹ Forgiven student debt is not a windfall of income and should not be treated as such in the tax code.

⁸ Federal Student Aid. “[Borrowers may be eligible for forgiveness of the federal student loans used to attend a school if that school misled them or engaged in other misconduct in violation of certain laws](#).” U.S. Department of Education. Accessed June 20, 2019.

⁹ Cheng, Diane and Thompson, Jessica. “[Make it Simple, Keep it Fair: A Proposal to Streamline and Improve Income-Driven Repayment of Federal Student Loans](#).” *The Institute for College Access & Success*. May 2017.

¹⁰ See, e.g., Cheng, Diane. “[Tax Penalty Hits Student Loan Borrowers in Income-Driven Repayment Plans for the First Time](#).” *The Institute for College Access & Success*. April 12, 2018.

¹¹ The Institute for College Access & Success. “[Tax Consequences of Loan Discharges for Borrowers in Income-Driven Repayment Plans](#).” November 8, 2017.

Maintain and strengthen the Public Service Loan Forgiveness Program (PSLF).

PSLF allows for debt forgiveness for borrowers who are working in the public sector after 10 years of repayment. These programs benefit many low-income borrowers. For example, one estimate shows that it would take a low-income borrower 138 years to repay a \$30,000 loan if these options were no longer available.¹² The promise of these programs allows people to make the decision to work in fields that may not pay as much as the private sector but allow them to give back to their communities knowing that they will not be saddled by loans for the rest of their lives.

Improve oversight and accountability for student loan servicers, including a servicer handbook and contract.

The U.S. Department of Education should establish strong, uniform servicing guidelines to deliver the level of service that borrowers require and deserve, and consistently hold servicers accountable when they fail to meet these standards. The Department should ensure that borrowers have access to accurate and complete information about their loan statuses, payment histories, and repayment options. Additionally, to protect loan holders, there should be a fiduciary duty for servicers to borrowers.

Allow students to enforce their rights via private action.

Students and borrowers must have the opportunity to sue and have their day in court when schools, servicers, debt collectors, or other entities violate their rights. In this way, individual students and borrowers will be able to stand up for themselves and enforce their rights alongside the state and federal agencies who are responsible for doing the same. This right is particularly important because those agencies have limited resources and may not be able to take on every violation of the law – even if the violation caused significant harm to a student or a group of students.

Currently, on average, Black students owe \$7,400 more than their White peers at graduation and the gap triples to \$25,000 during the first three years of repayment.

¹² National Consumer Law Center. [“House Education Bill Ends Key Student Protections that Will Lead to a Lifetime of Debt.”](#)

Ensure equitable collection practices.

Additional protections are needed to ensure students are treated fairly when they hold student loans. For example:

- ➔ Prohibit unnecessarily punitive (disproportionate) collection activity due to default, including tax offsets that swipe the Earned Income Tax Credit, offsets of Social Security Retirement and Social Security Disability benefits.
- ➔ Restore a statute of limitations on collection of student loans, and restore real access to discharge in bankruptcy of student loans.
- ➔ Eliminate the concept of default and the acceleration of loan balances. In the interim, promote multiple opportunities for students to get out of default (removing limits on the number of times borrowers can consolidate and rehabilitate their student loans to cure default; remove other barriers to accessing consolidation; allow borrowers to cure by simply paying past-due amounts).
- ➔ Reduce the amount that can be collected through administrative wage garnishment or federal salary offset to the amount the borrower would pay if enrolled in an income-driven repayment plan.
- ➔ Stop spending taxpayer dollars to hire private collection agencies to collect on defaulted loans.
- ➔ Ensure that the U.S. Department of Education and U.S. Treasury collect data on their debt collection activities involving student loan borrowers, including demographic information such as the borrower's race/ethnicity, and that these agencies make that information publicly available.

Additional Resources:

[**National Consumer Law Center's Student Loan Borrower Assistance \(SLBA\) Project**](#) provides information about student loan rights and responsibilities for borrowers and advocates. The project seeks to increase public understanding of student lending issues and to identify policy solutions to promote access to education, lessen student debt burdens, and make loan repayment more manageable.

[**The Institute for College Access & Success**](#): For more information on income-driven repayment, see TICAS' [**IDR resource page**](#), where you can also read TICAS' detailed proposal to streamline and improve income-driven repayment of federal student loans.

[**Student Loan Servicing Report of the Consumer Financial Protection Bureau**](#): This is the CFPB's guide to improving student loan servicing. This report also contains public opinion regarding several different aspects of loan servicing.

[**Debt to Society: The Case for Bold, Equitable Student Loan Cancellation and Reform**](#): This report by Dēmos highlights the racial inequities in student loan debt. The report proposes student loan relief policies that reflect the disparities different groups face in paying off their debt.

[**Black-White Disparity in Student Loan Debt More Than Triples After Graduation**](#): This article highlights how much more of the student loan burden Black borrowers carry when compared to their White counterparts, as well as potential policy implications of this study.



PRINCIPLE #9

Ensure safe and inclusive campus climates.

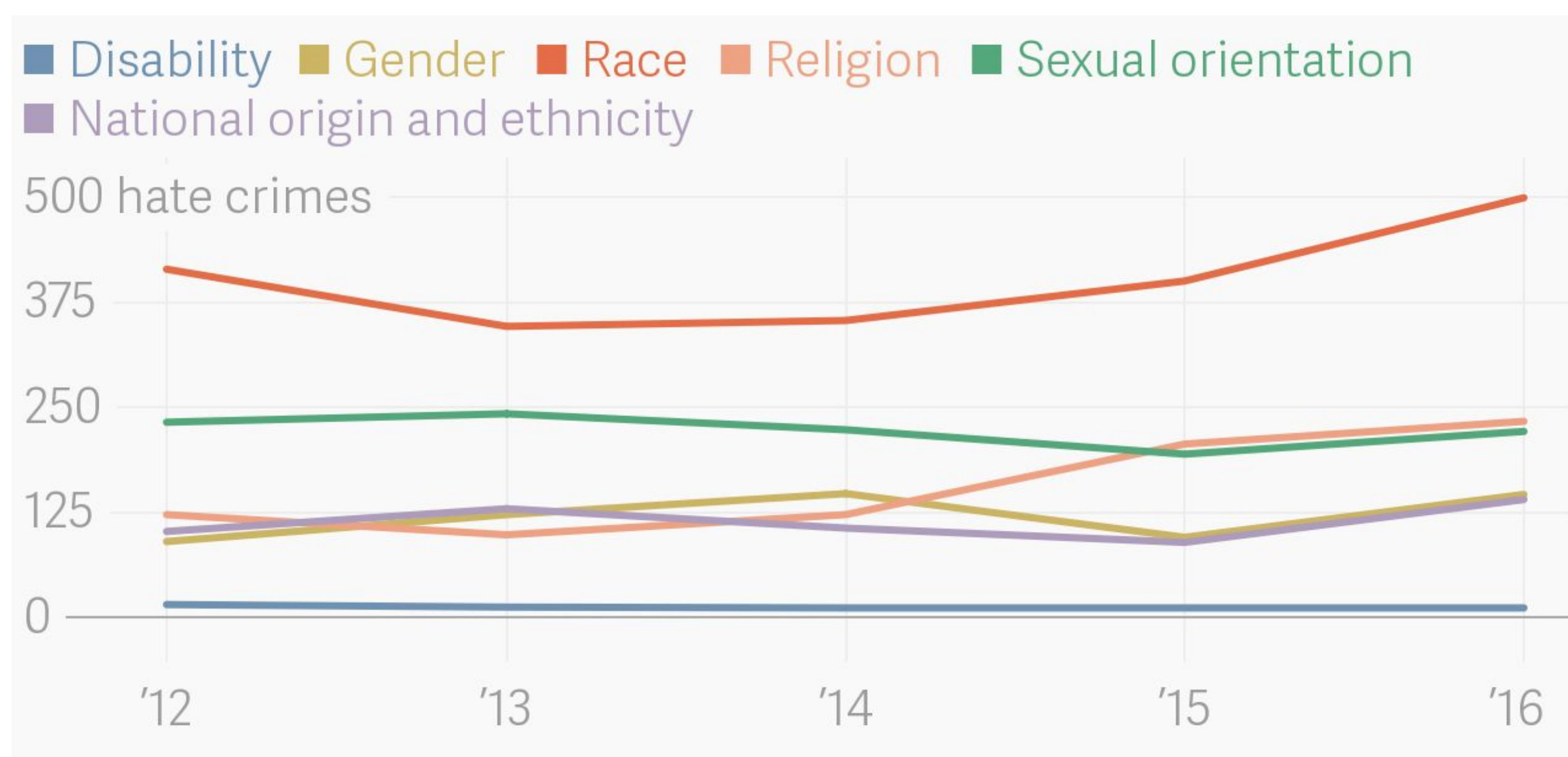
Ensure safe and inclusive campus climates free of harassment and violence, including sexual harassment, gender-based harassment and violence, and other forms of harassment and violence based on race, national origin, religion, disability, or any combination thereof, and ensure that campus programs, policies, and practices are inclusive, equitable, fair, and advance the safety and well-being of all students.

Introduction: Higher education is a key pathway to economic and social mobility for students, especially for those who have been historically underrepresented in post-secondary institutions. As institutions focus on driving enrollment of a diverse student body, it is imperative that students of color, immigrants, LGBTQ students, women, and students with disabilities have full access to the educational opportunities offered by an institution; are treated equally and fairly; and feel a sense of belonging and empowerment. In order for students to exercise their right to participate equally in their higher education, they need to feel safe and respected on their campus. Under federal civil rights laws, institutions have a responsibility to intervene when students’ safety is undermined by harassment and should proactively create positive climates that elevate the learning of all students.

Additionally, it is essential for students to see themselves in the education programs offered by institutions, including within curriculum content and faculty. This ability to identify with all parts of the academic process helps promote persistence and graduation.

Background: Data from the Anti-Defamation League demonstrates that hate crimes and speech are on the rise, with White supremacist groups accelerating their spread of propaganda on college campuses by 77 percent during the 2017-2018 school year.¹ The 292 cases of propaganda reported that year involved distribution of fliers, stickers, banners, and posters of anti-Semitic, racist, and Islamophobic rhetoric.² Hate speech, whether verbal or written, promotes a sense of fear and anxiety among its victims and can often escalate to acts of violence. A notable example of this occurred in 2017 on the University of Virginia campus, where a White supremacist rally resulted in the death of three individuals.³

Incidents of hate crimes, defined as criminal offenses where victims are intentionally targeted because of a perpetrator's bias against them, have steadily been on the rise across college campuses.⁴ The 2016 presidential election accelerated this trend, with the number of hate crimes reported increasing dramatically during that year.⁵ Data collected by the U.S. Department of Education indicate that the number of hate crimes rose nearly 25 percent from 2015 to 2016.⁶ Race, religion, and sexual orientation accounted for a majority of the motivating biases behind these crimes.⁷



Source: <https://www.chronicle.com/article/After-2016-Election-Campus/242577?cid=rclink>

¹ Anti-Defamation League. "[White Supremacist Propaganda Nearly Doubles on Campus in 2017-18 Academic Year](#)." 2018.

² Ibid.

³ Heim, Joe. "[How a rally of white nationalists and supremacists at the University of Virginia turned into a "tragic, tragic weekend."](#) *The Washington Post*. August 14, 2017.

⁴ U.S. Department of Education, Office of Postsecondary Education. "[Campus Safety and Security \(CSS\) survey](#)." Accessed June 20, 2019.

⁵ For additional information about the rise of hate incidents, see The Leadership Conference Education Fund. "[Hate Magnified: Communities in Crisis](#)." 2019.

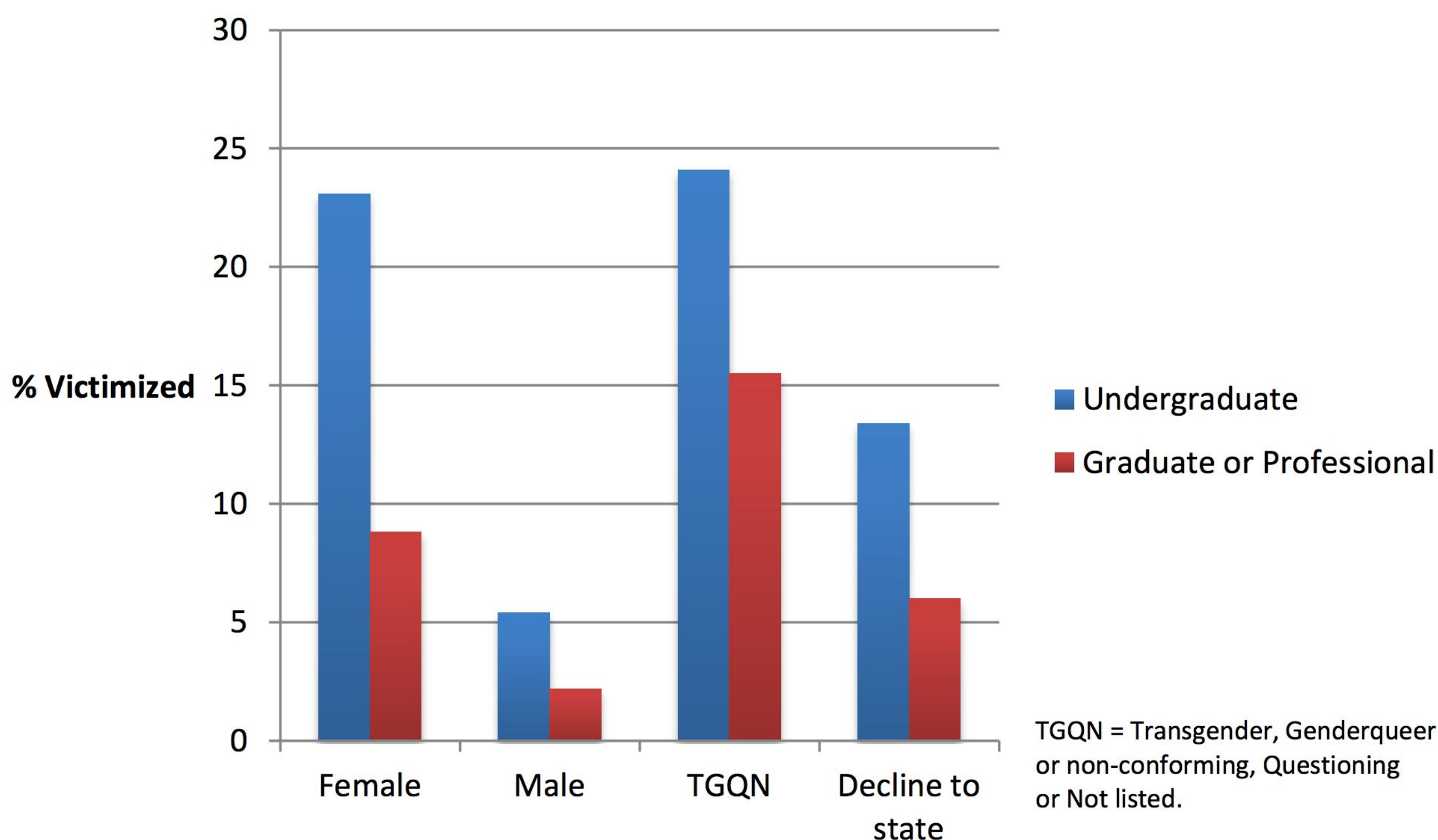
⁶ Ibid.

⁷ Ibid.

Background: A national rise in hate crimes parallels the trend on campus. More than 7,100 hate crimes were reported in 2017 – a 17 percent increase from 2016,⁸ marking the third consecutive year of a rise in reported crimes.⁹ These crimes were driven by the same biases motivating on-campus hate crimes.

Sexual harassment, including sexual violence, is also all too common on college campuses. Research conducted by AAUW and detailed in its report, *Drawing the Line: Sexual Harassment on Campus*, found that 62 percent of college students experience sexual harassment. The most common forms of sexual harassment in college include unwanted comments, jokes, or gestures, flashing or mooning, and unwanted touching.¹⁰ In addition to sexual harassment, more than 1 in 5 women, nearly 1 in 18 men, and nearly 1 in 4 transgender and gender-nonconforming students experience some form of sexual assault in college.¹¹ Rates of sexual assault are disproportionately higher among Black women, LGBTQ students, and students with disabilities.^{12, 13}

Percent of students reporting nonconsensual sexual contact involving physical force or incapacitation since enrolling in the college



Source: https://www.aau.edu/sites/default/files/%40%20Files/Climate%20Survey/AAU_Campus_Climate_Survey_12_14_15.pdf

⁸ Eligon, John. "Hate Crimes Increase for the Third Consecutive Year, F.B.I. Reports." *The New York Times*. November 13, 2018.

⁹ Ibid.

¹⁰ Hill, Catherine and Silva, Elena. "Drawing the Line: Sexual Harassment on Campus." *American Association of University Women Educational Foundation*. December 2005.

¹¹ Cantor, David et al. "Report on the AAU Campus Climate Survey on Sexual Assault and Sexual Misconduct." *Association of American Universities and Westat*. September 21, 2015.

¹² Coulter, Robert W.S., et al. "Prevalence of Past-Year Sexual Assault Victimization Among Undergraduate Students: Exploring Differences by and Intersections of Gender Identity, Sexual Identity, and Race/Ethnicity." August 2017.

¹³ Schulman, Karen, Patrick, Kayla, and Chaudhry, Neena. "Let Her Learn: Stopping School Pushout for: Girls With Disabilities." *National Women's Law Center*. 2017.

Unfortunately, only 12 percent of college survivors report sexual assault to the police or their schools,¹⁴ often due to fears that they will be disbelieved or blamed, that they will experience reprisal, or that they will not be helped.¹⁵

In the rare instances when students do report sexual harassment, many institutions rely on rape myths to minimize or dismiss their reports – despite the reality that men and boys are far more likely to be victims of sexual assault than to be falsely accused of it.¹⁶ As a result, many students who report sexual harassment are ignored or even punished by their schools for engaging in premarital sex¹⁷ or for merely talking about their assault with other students.¹⁸ Women of color, especially Black women,¹⁹ LGBTQ students,²⁰ and students with disabilities²¹ are more likely to be disbelieved or punished by their schools when they report sexual harassment, due to biases and stereotypes based on their sex (including gender identity and sexual orientation), race, color, national origin, and disability.

Under Title IX law, schools are required to take necessary steps to prevent sexual violence, including having an anti-sex discrimination policy, investigating claims of harassment or assault, and providing suitable grievance procedures and accommodations to address the effects of such incidents.²² While neither the prevalence of sexual violence nor Title IX requirements are new, schools often do not have adequate policies or effective enforcement practices to address sexual violence.

¹⁴ The Washington Post. [“Poll: One in 5 women say they have been sexually assaulted in college.”](#) June 12, 2015.

¹⁵ Kimble, Cameron and Chettiar, Inimai M. [“Sexual Assault Remains Dramatically Underreported.”](#) Brennan Center for Justice. October 4, 2018.

¹⁶ Dampier, Cindy. [“Your son is more likely to be sexually assaulted than to face false allegations. Explaining the fear of #HimToo.”](#) Chicago Tribune. Oct. 12, 2018.; Kingkade, Tyler. [“Males Are More Likely to Suffer Sexual Assault Than to Be Falsely Accused of It.”](#) HuffPost. October 16, 2015.

¹⁷ See, e.g. Brown, Sarah. [“BYU Is Under Fire, Again, for Punishing Sex-Assault Victims.”](#) The Chronicle of Higher Education. August 6, 2018.

¹⁸ See, e.g. Kingkade, Tyler. [“When Colleges Threaten to Punish Students Who Report Sexual Violence.”](#) HuffPost. September 9, 2015.

¹⁹ Cantalupo, Nancy C. [“And Even More of Us Are Brave: Intersectionality & Sexual Harassment of Women Students of Color.”](#) Harvard Journal of Law and Gender. December 2, 2018.

²⁰ Chadwick, Gillian, R. [“Reorienting the Rules of Evidence.”](#) Cardozo Law Review. 2018.; Dorwart, Laura. [“The Hidden #MeToo Epidemic: Sexual Assault Against Bisexual Women.”](#) Medium. December 3, 2017.

²¹ Vera Institute of Justice. [“Examining Criminal Justice Responses to and Help-Seeking Patterns of Sexual Violence Survivors with Disabilities.”](#); Davis, Leigh A. [“People with Intellectual Disabilities and Sexual Violence.”](#) The Arc. March 2011.

²² Kilpatrick, Dean G. et al. [“Drug-facilitated, Incapacitated, and Forcible Rape: A National Study.”](#) February 1, 2007.

Students who experience sexual violence are more likely to suffer from depression, PTSD, substance abuse, and other mental health-related problems that seriously affect their ability to learn.²³ This inability to fully participate in their education often results in a drop in GPA, which increases the chances of survivors dropping out of school altogether.²⁴

When students feel safe and welcome on their campus, they are more successful in the classroom. Several factors contribute to a student's sense of belonging within their campus climate. A recent study published in *The Journal of Higher Education* found that negative diversity interactions among students, i.e. hostile situations with students who are categorically different from them, harm their development of critical thinking skills.²⁵ Students of color experience these negative interactions at nearly twice the rate of White students.²⁶

There are a number of benefits to having a diverse faculty teaching across campuses. Students feel a stronger sense of belonging when there are faculty and staff with whom students can identify. Having professors from a variety of backgrounds allows for students to have a much more comfortable learning environment and highlights that senior positions in the institution can be held by people like them.²⁷ Additionally, students are exposed to different backgrounds, which helps them engage with the world around them much more successfully.

²³ Mengo, Cecilia, & Black, Beverly M. "[Violence Victimization on a College Campus: Impact on GPA and School Dropout](#)." *Journal of College Student Retention: Research, Theory & Practice*. May 11, 2015.

²⁴ U.S. Department of Education, Office for Civil Rights. "[Dear Colleague Letter: Sexual Violence Background, Summary, and Fast Facts](#)." April 4, 2011.

²⁵ Tate, Emily. "[Digging Deeper Into Campus Diversity](#)." *Inside Higher Ed*. February 6, 2017.

²⁶ Lisak, David et al. "[False Allegations of Sexual Assault: An Analysis of Ten Years of Reported Cases](#)." *SAGE Journals*. December 16, 2010.

²⁷ Williams, Ronald A. "[Faculty Diversity: It's All About Experience](#)." *Community College Week*. August 21, 2000.

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Policy Recommendations

Both new and improved policies are needed to address the problems students from underrepresented and marginalized communities face on college campuses. Many postsecondary institutions have failed to ensure that all students feel supported, valued, and safe. Since the Higher Education Act of 1965 was first passed, enrollment of racial, ethnic, and gender minorities has increased significantly. Institutions must be intentional in their efforts to improve interactions, teaching, and student learning and success for historically marginalized students.

Require schools to administer climate surveys.

In order for institutions to adequately address, prevent, and understand sexual and racial harassment, including violence, on campus, climate surveys should be administered to all enrolled students. Rather than relying upon national data, climate surveys provide campus-specific data that measure the prevalence of race- and gender-based harassment within a school's own community, ensuring institutions are better equipped to determine the effectiveness of existing practices and are able to develop new strategies to target sexual assault and other threats to student safety and positive campus climates. Surveys should be developed by the Department of Education in consultation with local, state, or national sexual harassment and violence, dating violence, domestic violence, and stalking victim advocates, victim services, and prevention organizations; and researchers and advocates who are knowledgeable about and working to end racial harassment on campuses. Campus-level data in a manner that permits comparisons across schools and campuses should be reported.

Require schools to have enumerated anti-harassment policies.

Anti-harassment policies protect all students but having enumerated policies ensure that the students most likely to face harassment are able to access protections. In schools with enumerated policies, students experience less harassment and feel safer overall, while educators are more likely to intervene to address instances of harassment.²⁸ Institutions should be required to have enumerated anti-harassment policies that include protections based on actual or perceived race, color, national origin, sex (including sexual orientation and gender identity), disability, and religion.

²⁸ GLSEN. "[Enumeration](#)."

Require schools to provide resources to survivors of gender-based violence at no cost to them.

Services, including, but not limited to, mental health and substance abuse services, medical services not covered by health insurance, housing assistance, disability services, and academic support services, can mean the difference between student persistence and dropping out, and should be made available. As the analysis of the data shows, gender-based violence negatively affects survivors' mental health and learning. Schools must provide adequate support to survivors so that they are able to successfully continue with their education.

Require schools to reimburse survivors for lost tuition and student loan interest.

Gender-based violence results in negative physical, mental, and educational outcomes for survivors. Schools are responsible for ensuring adequate support for survivors, which should include providing financial relief to survivors who are unable to graduate, but still carry student debt.

Require schools to provide equal appellate rights and timely access to accommodations (i.e. interim measures).

It is crucial that complainants and respondents have equal rights in student misconduct proceeding, including during the appeals process, and immediate access to accommodations (i.e. interim measures) to mitigate any resulting impediment to academic progress. This includes clear communication of these rights to both parties so that they can make the most informed decisions for themselves.

Mandate that administrative findings or determinations be based on a preponderance of the evidence, which is the most equitable and appropriate evidentiary standard for proceedings related to students' civil rights.

Institutions that move from “preponderance of the evidence” to a more stringent evidentiary standard, such as “clear and convincing evidence” unfairly tilt the scale toward respondents and make it more difficult for complainants to prove that misconduct occurred. A more stringent standard is especially harmful to women of color, LGBTQ students, and students with disabilities, whose credibility is often already questioned due to unlawful stereotypes based on sex (including gender identity and sexual orientation), race, color, national origin, and disability.²⁹

Require schools to address both on- and off-campus harassment that creates a hostile environment, guaranteeing both complainants and respondents equal rights to appeal.

Students interact with each other in a variety of settings, and a Department of Justice student found that 95 percent of sexual assaults of female college and graduate students occur outside of school.³⁰ Therefore, when harassment occurs among students, institutions should address the claims in the same manner regardless of where the harassment takes place, in order to ensure a safe learning environment.

Women of color, especially Black women, LGBTQ students, and students with disabilities are more likely to be disbelieved or punished by their schools when they report sexual harassment, due to biases and stereotypes based on their sex (including gender identity and sexual orientation), race, color, national origin, and disability.

²⁹ Brake, Deborah L. [“Why a ‘Preponderance’ Standard Makes Sense for Fair Campus Investigations of Sexual Misconduct Allegations.”](#) *Scholars Strategy Network*. May 29, 2018.

³⁰ Sinozich, Sofi and Langton, Lynn. [“Rape and Sexual Assault Victimization Among College-Age Females, 1995–2013.”](#) *U.S. Department of Justice, Bureau of Justice Statistics*. December 2014.

Prohibit schools from punishing survivors for drug/alcohol use or consensual sex acts prior to their assault.

If schools are able to punish students for activities preceding or following a sexual assault, students will be less likely to come forward, thereby preventing the possibility of investigating and addressing the assault.

Prohibit schools from mediating sexual assault cases, using sexual history evidence, or mandating police referrals.

Allowing for mediation of sexual assault cases, using sexual history evidence, and/or mandating police referrals are invasive practices and can lead to less safe campuses because they would likely lead to underreporting.³¹ Schools that push survivors to “work it out” with their rapists foster a climate where students are afraid to come forward.³² Similarly, schools that consider the survivor’s sexual history in determining whether an assault occurred can unfairly blame survivors for their own assault. Furthermore, policies that mandate police referrals do not take into account the mistrust that many communities rightfully have with police officers and can deter survivors from seeking help from their schools at all.³³

Prohibit schools from allowing direct cross-examination in live administrative hearings.

Allowing live cross-examination would incorrectly import criminal law principles into a student conduct context, which does not serve the purpose of student misconduct proceedings, which is to understand whether harassment occurred and to repair the learning environment moving forward. Furthermore, requiring survivors to undergo cross-examination by their rapist or rapist’s advisor would unnecessarily retraumatize survivors and deter many of them from coming forward at all.

Require schools to provide culturally competent resources and accommodations, particularly for students of color, LGBTQ students, and students with disabilities.

Students of color, LGBTQ students, and students with disabilities are regularly forced to adjust to campus communities that were never designed for them. Institutions must adjust and provide support for the increasingly diverse student body they are enrolling.

³¹ Know Your IX. “[Resisting Mandatory Police Referrals.](#)”

³² Know Your IX. “[Student Survivors Urge Department of Education to Withdraw Their Proposed Regulation on Title IX.](#)” January 31, 2019.

³³ Ibid.

Require schools to track and report incidents of hate speech on campus.

The Clery Act currently requires institutions of higher education to report hate crimes on campus.³⁴ However, there is no requirement to report hate speech that also undermines campus safety and inclusivity. Guaranteeing that institutions are creating welcoming environments requires that institutions acknowledge and track incidents of hate speech, which will provide them with information to understand and confront the factors that lead to this type of behavior.

Require data to be collected regarding police contact with students.

If there are police on campus, their role should be to maintain the safety of all students, faculty, and staff. When police are present, it is important to have transparency about their actions to ensure they fulfil this responsibility. This is crucial because of the implicit bias that has been well-documented among police and the need to guarantee that all students are being treated fairly. This transparency will allow the public to see which institutions have police forces that are excelling in public safety, which means “everyone feels safe, regardless of race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, age, disability, familial status, immigration status, veteran status, health status, housing status, economic status, occupation, proficiency with the English language, or other personal characteristic,”³⁵ and which institutions are falling into the same dangerous patterns of off-campus police by over-policing students of color and students with disabilities.

Strengthen protections for students to be free from racial harassment on campus.

Incidents of racial harassment are too common on college campuses,³⁶ and school administrations need more support and guidance in preventing and responding appropriately to such incidences. In addition to increasing funding for the Department of Education’s Office for Civil Rights, colleges and universities should be required to track and publicly report disaggregated data on incidences of racial harassment as well as designate Title VI coordinators, as they are required to do with Title IX coordinators.

³⁴ Kingkade, Tyler. “[When Colleges Threaten To Punish Students Who Report Sexual Violence](#).” *HuffPost*. September 9, 2015.

³⁵ The Leadership Conference Education Fund. “[New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing](#).” 2019.

³⁶ Anderson, Melinda D. “[How Campus Racism Could Affect Black Students' College Enrollment](#).” *The Atlantic*. October 19, 2017.

Additional Resources:

[**HBCU Diversity and Inclusion Training**](#): This resource from the Human Rights Campaign gives an overview of LGBTQ inclusive practices and policies to further promote equality on college campuses and communities for students, faculty/staff, and administration.

[**Forcing Students to Report Sexual Assault to the Police Makes Them Less Safe: What You Should Know About Mandatory Police Referral Bills**](#): This fact sheet from the National Women's Law Center raises a number of issues that may arise from efforts to force institutions to report all sexual misconduct to the police.

[**White Supremacist Propaganda Surges on Campus**](#): This Anti-Defamation League generated report details the rise of White supremacists targeting college campuses for recruitment and intimidation.

[**I Finally Agree, College Isn't for Everyone**](#): This article answers the question of whether or not White supremacists should be welcome on campuses.

[**Know Your IX**](#): Know Your IX is a survivor- and youth-led project of Advocates for Youth that aims to empower students to end sexual and dating violence in their schools and provides resources on the implications of Title IX for a number of different communities, such as immigrants and LGBTQ students.



PRINCIPLE #10

Invest in and support institutions that serve high populations of traditionally underrepresented students.

Invest in and support institutions that serve high populations of traditionally underrepresented students, including Historically Black Colleges and Universities (HBCUs), Hispanic Serving Institutions (HSIs), Predominantly Black Institutions (PBIs), Tribal Colleges and Universities (TCUs), Alaska Native and Native Hawaiian-serving Institutions (ANNHIs), Native American-serving Nontribal Institutions (NASNTIs), and Asian American and Native American Pacific Islander Serving Institutions (AANAPISIs).

Introduction: When Black students in the United States first pursued higher education, they were almost always harshly denied access to existing institutions. Subject to this legalized discrimination and systemic denial of opportunity, they created their own institutions where they could educate their own community. Black colleges facilitated the creation of a Black middle class, incubated and strengthened the Civil Rights Movement, and enabled some of the most influential Americans to rise to leadership. Since their very beginnings, Historically Black Colleges and Universities (HBCUs) have been systematically under-resourced compared to historically White institutions. This pattern continued even after HBCUs gained official recognition from the federal government in 1862.¹ HBCUs educate a large share of America’s Black teachers, lawyers, and health care professionals.² For more than 100 years, HBCUs have played a critical role in providing higher education to Black students, a role whose significance continues in spite of the end of legalized segregation.

¹ Arnett, Autumn A. “[Funding Continues to be Separate and Unequal](#).” *Diverse: Issues in Higher Education*. May 31, 2015.
² Goode, Robin W. “[The HBCU Debate: Are Black Colleges & Universities Still Needed?](#).” *Black Enterprise*. February 15, 2011.

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While HBCUs draw their status from their historical missions and federal designations, Minority Serving Institutions (MSIs) are identified based on their current enrollment of students of color or Native students and of low-income students. Hispanic Serving Institutions (HSIs), Predominantly Black Institutions (PBIs), Tribal Colleges and Universities (TCUs), Alaska Native and Native Hawaiian-serving Institutions (ANNHIs), Native American-serving Nontribal Institutions (NASNTIs), and Asian American and Native American Pacific Islander Serving Institutions (AANAPISIs) all play a critical role in postsecondary success for marginalized students. As institutions, they face many barriers similar to those faced by the students themselves: less funding than institutions with a higher share of White and wealthier students and greater barriers for student completion. Investing in and supporting HBCUs and MSIs will disproportionately benefit marginalized students and is critical to an equitable system of higher education.

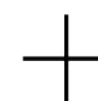
Background: Across all institution types, four-year HBCUs and MSIs propel more students from the lowest income quintile to the top income quintile than four-year non-MSIs. The mobility rate at AANAPISIs, PBIs, and HBCUs was double that of non-MSIs.³ As the American population becomes more diverse, it is critical that policymakers begin to equitably fund institutions that are dedicated to meeting the unique needs of people of color and Native people. Between 1990 and 2014, there was a 218 percent increase in the number of eligible Hispanic Serving Institutions.⁴ If these institutions are not fairly funded, then communities that have historically been both underserved and under-resourced will continue to be negatively affected.

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³ Espinosa, Lorelle L., Kelchen, Robert, and Taylor, Morgan. "[Minority-Serving Institutions As Engines of Upward Mobility](#)." *American Council on Education*. 2018.

⁴ Savage, Gia. "[New Report Brings Facts to Light on Minority Serving Institutions](#)." *Diverse: Issues in Higher Education*. September 6, 2017.

Policy Recommendations



Reauthorize and increase authorization and funding levels for HBCUs and MSIs.

Adequate and predictable federal funding is essential to maintaining and strengthening institutions as well as planning out access, persistence, and completion support for students. As the country becomes increasingly diverse, it is crucial that sufficient funding is provided across all HBCUs and MSIs. If these institutions continue to be under-resourced, the racial inequality that limits the success of students of color and Native students will continue to be exacerbated. Given historic and current barriers to adequate funding, HBCUs and MSIs are at greater risk of closure than historically White institutions for reasons outside of academic quality. Unfair treatment of those institutions serving students of color and Native students only reinforces the discrimination students experience.

Ensure that MSIs continue to have separate and robust programs and funding streams.

Under current law, institutions serving diverse student groups can receive only one MSI grant, forcing institutions to choose between underserved student groups. Eligible institutions should be permitted to accept an MSI grant for each student group they serve to ensure that all students receive the resources to help them succeed.

Extend mandatory funding for HBCUs and MSIs.

Unlike annual appropriations, mandatory funding streams provide the predictability institutions, especially those operating at a financial disadvantage, need to thrive.

Fund and support the 37 Tribal Colleges and Universities (TCUs).

The 37 TCUs experienced a 9 percent growth in enrollment between 2002-2003 and 2012-2013, enrolling nearly 28,000 full- and part-time students.⁵ It is imperative that these institutions are funded and supported so that they can continue to serve their student population.

⁵ Ibid.

Additional Resources:

[***Penn Center for Minority Serving Institutions***](#): This research center is home to a robust set of resources that explains the history and impact of all types of minority serving institutions.

[***Minority Serving Institutions In Focus: Enrollment and Outcomes at MSIs***](#): This blog series sheds a light on enrollment and completion for students who attend MSIs and provides insight into how these institutions serve students in unique and exemplary ways.

[***Comprehensive Funding Approaches for Historically Black Colleges and Universities***](#): This brief highlights the current state of play with HBCU funding in comparison to their predominantly White counterparts.

[***More about the AANAPISI program***](#): This site offers a number of resources for the AANAPISI program, including the history, definition, and listing of AANAPISIs.

[***Students speak! Understanding the value of HBCUs from student perspectives***](#): This report explores the benefits of HBCUs from the perspective of students at the nation's private historically black colleges and universities.

[***American Indian Higher Education Consortium***](#): This organization serves as the unifying voice of the nation's Tribal Colleges.

[***HBCUs Make America Strong: The Positive Impact of Historically Black Colleges and Universities***](#): This study by the United Negro College Fund highlights the positive impact HBCUs have on their students and communities, driving economic activity.





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