

ARKANSAS TECH UNIVERSITY BOARD POLICY

Policy Number: 502

Subject: Financial Aid Code of Conduct

Date Adopted: March 2009

Revised: _____

(1) BAN ON REVENUE-SHARING ARRANGEMENTS

(A) PROHIBITION-Arkansas Tech University shall not enter into any revenue-sharing arrangement with any lender.

(B) DEFINITION- For the purpose of this paragraph, the term "revenue-sharing arrangement" means an arrangement between an institution and a lender under which:

(i) a lender provides or issues a loan that is made, insured, or guaranteed under this title to students attending the institution or the families of such students;
and

(ii) Arkansas Tech University recommends the lender or the loan products of the lender and in exchange, the lender pays a fee or provides other material benefits including revenue or profit sharing, to Arkansas Tech University, an officer or employee of Arkansas Tech University, or an agent.

(2) GIFT BAN

(A) PROHIBITION- No officer or employee of Arkansas Tech University who is employed in the financial aid office of Arkansas Tech University or who otherwise has responsibilities with respect to education loans, or agent who has responsibilities with respect to education loans, shall solicit or accept any gift from a lender, guarantor, or servicer of education loans.

(B) DEFINITION OF A GIFT-

(i) IN GENERAL- In this paragraph, the term "gift" means any gratuity, favor, discount, entertainment, hospitality, loan, or other item having a monetary value of more than a de minimus amount. The term includes a gift of services, transportation, lodging, or reimbursement after the expense has been incurred.

(ii) EXCEPTIONS- the term "gift" shall not include any of the following:

(I) Standard material, activities, programs on issues related to a loan, default, aversion, default prevention, or financial literacy, such as a brochure, a workshop, or training.

(II) Food, refreshments, training, or informational material furnished to an officer or employee of an institution, or to an agent, as an integral part of a training session that is designed to improve the service of a lender, guarantor, or servicer of education loans to Arkansas Tech University, if such training contributes to the professional development of the officer, employee, or agent.

(III) Favorable terms, conditions, and borrower benefits on an education loan provided to a student employed by Arkansas Tech University if such terms, conditions, or benefits are comparable to those provided to all students of Arkansas Tech University.

(IV) Entrance and exit counseling services provided to borrowers to meet Arkansas Tech University's responsibilities for entrance and exit counseling as required by subsections (b) and (l) of section 485, as long as-

(aa) Arkansas Tech University's staff is in control of the counseling, (whether in person or via electronic capabilities); and

(bb) such counseling does not promote the products or services of any specific lender.

(V) Philanthropic contributions to Arkansas Tech University from a lender, servicer or guarantor of education loans that are unrelated to education loans or any contribution from any lender, guarantor, or servicer that is not made in exchange for any advantage related to education loans.

(VI) State education grants, scholarships, or financial aid funds administered by or on behalf of a State.

(iii) RULE ON GIFTS TO FAMILY MEMBERS- For purposes of this paragraph a gift to a family member of an officer or employee of Arkansas Tech University, to a family member of an agent, or to any other individual based on that individual's relationship with the officer, employee, or agent, shall be considered a gift to the officer, employee, or agent if-

(I) the gift is given with the knowledge and acquiescence of the officer, employee, or agent; and

(II) The officer, employee, or agent has reason to believe the gift was given because of the official position of the officer, employee, or agent.

(3) CONTRACTING ARRANGEMENTS PROHIBITED

(A) PROHIBITION- An officer or employee who is employed in the financial aid office of Arkansas Tech University or who otherwise has responsibilities with respect to education loans, or an agent who has responsibilities with respect to education loans, shall not accept from any lender or affiliate of any lender any fee, payment, or other financial benefit (including the opportunity to purchase stock) as compensation for any type of consulting arrangement or other contract to provide services to a lender or on behalf of a lender relating to education loans.

(B) EXCEPTIONS- Nothing in this subsection shall be construed as prohibiting-

(i) An officer or employee of Arkansas Tech University who is not employed in the Arkansas Tech University financial aid office and who does not otherwise have responsibilities with respect to education loans, or an agent who does not have responsibilities with respect to education loans, from performing paid or unpaid service on a board of directors of a lender, guarantor, or servicer of education loans;

(ii) An officer or employee of Arkansas Tech University who is not employed in the Arkansas Tech University financial aid office but who has responsibility with respect to education loans as a result of a position held at Arkansas Tech University, or an agent who has responsibility with directors of a lender, guarantor, or service of educational loans, from performing paid or unpaid service on a board of directors of a lender, guarantor, or servicer of education loans if Arkansas Tech University has a written conflict of interest policy that clearly sets forth that such officers, employees, or agents must recuse themselves from participating in any decision of the board regarding education loans at Arkansas Tech University; or

(iii) An officer, employee, or contractor of a lender, guarantor, or servicer of education loans from serving on a board of directors, or serving as a trustee, of Arkansas Tech University, if Arkansas Tech University has a written conflict of interest policy that the board member or trustee must recuse themselves from any decision regarding education loans at Arkansas Tech University.

(4) INTERACTION WITH BORROWERS

Arkansas Tech University shall not-

(A) For any first-time borrower, assign, through award packaging or other methods, the borrower's loan to a particular lender; or

(B) Refuse to certify, or delay certification of, any loan based on the borrower's selection of a particular lender or guaranty agency.

(5) PROHIBITION ON OFFERS OF FUNDS FOR PRIVATE LOANS

(A) PROHIBITION- Arkansas Tech University shall not request or accept from any lender any offer of funds to be used for private education loans (as defined in section 140 of the Truth in Lending Act), including funds for an opportunity pool loan, to students in exchange for Arkansas Tech University providing concessions or promises regarding providing the lender with-

- (i) a specified number of loans made, insured or guaranteed under this title;
- (ii) a specified loan volume of such loans; or
- (iii) a preferred lender arrangement for such loans.

(B) DEFINITION OF OPPORTUNITY POOL LOAN-In this paragraph, the term "opportunity pool loan" means a private education loan made by a lender to a student attending Arkansas Tech University or the family member of such a student that involves a payment directly or indirectly, by Arkansas Tech University of points, premiums, additional interest, or financial support to such lender for the purpose of such lender extending credit to the student or the family.

(6) BAN ON STAFFING ASSISTANCE

(A) PROHIBITION- Arkansas Tech University shall not request or accept from any lender any assistance with call center staffing or financial aid office staffing.

(B) CERTAIN ASSISTANCE PERMITTED- Nothing in paragraph (1) shall be construed to prohibit the institution from requesting or accepting assistance from a lender related to-

- (i) Professional development training for financial aid administrators;
- (ii) Providing educational counseling materials, financial literacy materials, or debt management materials to borrowers, provided that such materials disclose to borrowers the identification of any lender that assisted in preparing or providing such materials; or
- (iii) Staffing services on a short term, nonrecurring basis to assist the institution with financial aid-related functions during emergencies, including State-declared or federally declared natural disasters, federally declared national disasters, and other localized disasters and emergencies identified by the Secretary.

(7) ADVISORY BOARD COMPENSATION

Any employee who is employed in the financial aid office of Arkansas Tech University, or who otherwise has responsibilities with respect to education loans or other student financial aid of Arkansas Tech University, and who serves on an advisory board, commission, or group established by a lender, guarantor, or group of lenders or guarantors, shall be prohibited from

receiving anything of value from the lender, guarantor, or group of lenders or guarantors, except that the employee may be reimbursed for reasonable expenses incurred in serving on such advisory board, commission, or group.