

Misrepresentation Policy

(Pending Board Approval)

This statement addresses the U.S. Department Regulatory Citation: 34 CFR § 668.71 through 668.74, regarding the Prohibition of Misrepresentation to Students and Others at KBOCC.

The Department of Education has provided numerous examples in the regulations of topics that cannot be misrepresented within each of the three areas covered by statute 20 USC § 1094(c)(3). Those three areas include:

- The nature of the institution's educational programs.
- The institution's financial charges.
- The employability of the institution's graduates.

Definitions: The current regulations define “misrepresentation” and “substantial misrepresentation.”

Misrepresentation as defined by the Department of Education is any false, erroneous, or misleading statement made to a student or prospective student, to the family of an enrolled or prospective student, or to the Department. This includes disseminating testimonials and endorsements given under duress.

Substantial misrepresentation as defined by the Department of Education is any misrepresentation on which the person to whom it was made could reasonably be expected to rely, or has reasonably relied, to that person's detriment.

Misrepresentation of the educational program includes, among other things, false or misleading statements about the school's accreditation or the school's size, location, facilities, or equipment. Misrepresentation of financial charges includes, among other things, false or misleading statements about scholarships provided for the purpose of paying school charges. To be considered a scholarship, a grant must actually be used to reduce tuition charges made known to the student before the scholarship was offered to the student. (The tuition charges must be charges that are applied to all students whether or not they are receiving a scholarship.) It is also considered misrepresentation if the school gives false or misleading information as to whether a particular charge is a customary charge for that course at the school.

Misrepresentation includes making any false or misleading statements about the employability of the school's graduates.

Procedure: KBOCC strives to provide accurate, honest and clear information in print, online, broadcast media or oral presentations. The College will make every effort to avoid misrepresentation to students and others in communications made in writing, visually, orally, or through other means. All misrepresentations should be avoided; however, this procedure specifically applies to the three areas stated above covered by statute 20 USC § 1094(c)(3).

Reporting: Concerns about possible misrepresentation may be reported to President Debra Parrish at 906-353-4601 or at dparrish@kbocc.org