

**MONDAY, FEBRUARY 14, 1994**  
**10:15 - NOON**

**CONCURRENT SESSION THREE**

**Admissions Law Workshop**

**Faculty:**

**Joan Van Tol**  
**James Vaseleck**



# **ADMISSIONS LAW WORKSHOP HOT TOPICS AND UPDATE**

**PRESENTERS:**

**JOAN E. VAN TOL**

**CORPORATE COUNSEL  
LAW SCHOOL ADMISSION SERVICES  
NEWTOWN, PENNSYLVANIA**

**CO-AUTHOR:**

**JAMES M. VASELECK, JR.**

**DEPUTY CORPORATE COUNSEL  
LAW SCHOOL ADMISSION SERVICES  
NEWTOWN, PENNSYLVANIA**

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**ADMISSIONS LAW WORKSHOP  
HOT TOPICS AND UPDATE:**

**Summary of Issues**

- I. Statement of Principles of Good Practice
- II. Student Records
  - A. Access to and disclosure of information from students' education records
    - 1. FERPA update
    - 2. Disclosures to licensing authorities
  - B. Use of Social Security numbers: update on Krebbs and its progeny
  - C. Records Retention policies
  - D. E-Mail issues
- III. Test Use Issues
  - A. Testing Legislation
  - B. Test Use Scrutiny
  - C. Cautionary Policies
- IV. The Americans with Disabilities Act in the Admissions Process
  - A. Application of ADA to Testing Agencies
  - B. Use of tests and admission criteria under the ADA
  - C. Prohibition on Pre-Admission Inquiries
- V. Affirmative Action Update

## Disclosure to Bar Admission Authorities

### A. Why we Disclose - Eligibility

1. Completion of degree requirements
2. Character and fitness
3. Accommodations for bar examination

### B. Types of Information That Might be Disclosed

1. Prelaw school misconduct
2. Academic misconduct in law school (cheating)
3. Misconduct in student organization activities (i.e., misappropriation of organization funds)
4. Misconduct in law school environment (i.e., lying on a resume)
5. Misconduct on campus or at university functions (i.e., stealing dorm furniture)
6. Irresponsible behavior at the law school (i.e., failure to return client phone calls in a Clinic program)
7. Sexual harassment
8. Violation of administrative rules (i.e., lying about number of outside work hours)
9. Misconduct or behavior off campus (i.e., conviction of child molestation)
10. Treatment for mental health or substance problems or observed behavior related to such problems
11. Conduct discovered after graduation but occurring during law school (i.e., something that would have been an Honor Code violation, but where the law school may no longer have "jurisdiction")
12. Conduct occurring after graduation and discovered before bar admission certification; after bar admission (i.e., writing hot checks)
13. Failure to repay student loans

### C. Relevant Questions to Reporting Such Behavior

1. Is there a procedural mechanism for determining the accuracy of such behavior? Should there be?
2. What obligation is there to inform a student that conduct is being reported? What other procedural requirement should there be?
3. What potential liability is there for reporting conduct? (Rothman case)

(excerpted from presentation made by Laura Rothstein, Professor, University of Houston and used with her permission.)

## Test-Use Scrutiny

Stetson Law and Higher Education Conference, 1994

Prepared by Jim Vaseleck  
Deputy Corporate Counsel, Law School Admission Services  
215.968.1140

New York State recently enacted a series of amendments to its laws regulating standardized testing. (See N.Y. Education Law, Title 16, §343.) Most of the amendments directly impact testing agencies, providing for additional state reporting-requirements for test sponsors, or describing procedures that test sponsors must follow when test scores are called into question. One important provision, however, is likely to have at least indirect impact on score users like you.

Beginning with tests administered after July 1, 1993, test sponsors are required to provide to each test taker, either at the time of test-registration or with score reporting, "a statement of the test agency's recommendations as to how test scores shall be used by an institution to which scores are reported, including any recommendation regarding the importance that the institution should give to such scores relative to other factors, such as prior academic record, in making any decision affecting a test subject." Although this provision is enforceable only in New York, test sponsors are likely to provide the information to all test takers.

Each testing agency publishes a set of test-use guidelines, or cautionary policies, for score-users. These guidelines typically describe proper and improper uses of admission tests, as well as the steps that should be taken to ensure that a test is working properly in your admission context. (The LSAT Cautionary Policies are appended as an example.) Test takers have had access to the guidelines in the past but, typically, only upon request. The New York statute will place this information directly in the hands of each test taker. Admission offices can expect, therefore, greater candidate scrutiny of their standardized test-score use. Although this statute does not convert test-use guidelines into law, applicants dissatisfied with an admission decision can be expected to cite them in a general challenge to your admission practices.

There are several preventive measures you can take to prepare for such scrutiny. First, find your copy of your testing program's test-use guidelines and refamiliarize yourself with them. Then carefully review your written admission policies and procedures to make sure that nothing in them strays from those guidelines--check not only your internal memos and policies, but also your catalogs, letters to alumni, and any other written source of test-score information. Don't stop there--ask yourself whether your *unwritten* policies and practices conform to the guidelines as well--review how scores actually are used in your admission process. If you find a serious discrepancy between one of your practices and the guidelines, review the practice to determine how best to adapt it to the guidelines.

A second level of review should look beyond the admission office to see how other offices use test scores. Does your registrar post test scores on transcripts? If so, why? Test-use guidelines almost uniformly discourage the use of admission tests for course placement, diploma-granting, and employment purposes. Is there really an appropriate reason for posting test scores on transcripts? You also should look at the role of test scores in your financial aid process. If test scores are a factor in awarding first-year financial aid, does the financial aid office weigh the score in the same way that you do? Your school will have a difficult time defending a practice that uses test scores in one way for admission decisions, and another way for awarding financial aid.

Because the admission office is the front-line contact with testing agencies, it is perhaps in the best position to ensure proper test use throughout the university. A broad review of your policies and actual practices, concurrent with a review of your testing program's guidelines, is an ounce of prevention that may well be worth several pounds of cure.

*Adapted from an article written for the NAGAP Journal, Winter 1993.*



## Cautionary Policies Concerning LSAT Scores and Related Services

These Cautionary Policies are intended for those who set policy and criteria for law school admission, interpret LSAT scores and LSDAS reports, and use other LSAC/LSAS services. The Policies are intended to inform the use of these services by law schools, and to promote wise and equitable treatment of all applicants through their proper use.

### I. The Law School Admission Test

Because LSATs are administered under controlled conditions and each test form requires the same or equivalent tasks of everyone, LSAT scores provide a standard measure of an applicant's proficiency in the well-defined set of skills included in the test.

Comparison of a law school's applicants both with other applicants to the same school and with all applicants who have LSAT scores thus becomes feasible. However, while LSAT scores serve a useful purpose in the admission process, they do not measure, nor are they intended to measure, all the elements important to success at individual institutions. LSAT scores must be examined in relation to the total range of information available about a prospective law student. It is in this context that the following restraints on LSAT score use are urged:

#### 1. Do not use the LSAT score as a sole criterion for admission.

The LSAT should be used as only one of several criteria for evaluation and should not be given undue weight solely because its use is convenient. Those who set admission policies and criteria should always keep in mind the fact that the LSAT does not measure every discipline-related skill necessary for academic work, nor does it measure other factors important to academic success.

#### 2. Evaluate the predictive utility of the LSAT at your school.

In order to assist in assuring that there is a demonstrated relationship between quantitative data used in the selection process and actual performance in your law school, such data should be evaluated regularly so that your school can use LSAT scores and other information more effectively. For this purpose Law School Admission Council/Law School Admission Services annually offers to conduct correlation studies for member schools at no charge. Only by checking the relationship between LSAT scores, undergraduate grade-point average, and law school grades will schools be fully informed about how admission data, including test scores, can be used most effectively by that school.

#### 3. Do not use LSAT scores without an understanding of the limitations of such tests.

Admission officers and members of admission committees should be knowledgeable about tests and test data and should recognize test limitations. Such limitations are set forth in the Law School Admission Reference Manual and are regularly discussed at workshops and conferences sponsored by Law School Admission Council/Law School Admission Services.

#### 4. Avoid improper use of cut-off scores.

Cut-off LSAT scores (those below which no applicants will be considered) are strongly discouraged. Such boundaries should be used only if the choice of a particular cut-off is based on a carefully considered and formulated rationale that is supported by empirical data, for example, one based on clear evidence that those scoring below the cut-off have substantial difficulty doing satisfactory law school work. Note that the establishment of a cut-off score should include consideration of the standard error of measurement in order to minimize distinctions based on score differences not sufficiently substantial to be reliable. Significantly, cut-off scores may have a greater adverse impact upon applicants from minority groups than upon the general applicant population. Normally, an applicant's LSAT score should be combined with the undergraduate grade-point average before any determination is made of the applicant's probability of success in law school.

#### 5. Do not place excessive significance on score differences.

Scores should be viewed as approximate indicators rather than exact measures of an applicant's abilities. Distinctions on the basis of LSAT scores should be made among applicants only when those score differences are reliable.

#### 6. Do not misuse repeater scores.

LSAC/LSAS research indicates that when an applicant has taken the LSAT more than once, the average of the scores has more predictive validity than any one of the separate scores unless special circumstances that undermine the predictive validity of one of the scores are present. In the absence of such circumstances, a decision to use one of the separate scores rather than the average is probably unwise.

#### 7. Carefully evaluate LSAT scores earned under accommodated or nonstandard conditions.

LSAS has no data to demonstrate that scores earned under accommodated conditions have the same meaning as scores earned under standard conditions. Because the LSAT has not been validated in its various accommodated forms, accommodated tests are identified as nonstandard and an individual's scores from accommodated tests are not averaged with scores from tests taken under standard conditions. The fact that accommodations were granted for the LSAT should not be dispositive evidence that accommodations should be granted once a test taker becomes a student. The accommodations needed for a one-day, multiple choice test may be different from those needed for law school coursework and examinations.

Despite the range of test accommodations available to candidates with disabilities, some applicants with disabilities may be unable to take the LSAT; they should, without prejudice, be considered solely on the basis of other information available.

#### 8. Avoid encouraging use of the LSAT for other than admission functions.

The LSAT was designed to serve admission functions only. It has not been validated for any other purpose. LSAT performance is subject to misunderstanding and misuse in other contexts, as in the making of an employment decision about an individual who has completed most or all law school work. These considerations suggest that LSAT scores should not be included on a law school transcript, nor routinely supplied to inquiring employers. Without the student's specific authorization, the Buckley Amendment would preclude the latter, in any event.

## II. The Law School Data Assembly Service

The LSDAS summarizes undergraduate academic records in uniform fashion. It does not reflect differences in grading patterns or overall student body ability from college to college. LSDAS Reports therefore provide only generalized information, the specifics of which must be probed in the decision-making process.

#### 9. Do not rely on the grade average reported by LSDAS without examining necessary additional information.

Decisions should not be based on cumulative averages as they appear on the LSDAS Report alone. The following information is found on the LSDAS Report and accompanying student transcripts and should be considered when interpreting grade-point averages:

- the undergraduate institution at which the averages were earned, and (when known) the colleges or departments within the institution;
- the distribution of grades at the institution, and the applicant's approximate rank in that distribution;
- the applicant's performance from year to year; and
- the types of courses in which the applicant excelled or did poorly.

Do not treat the one-page LSDAS Report as a substitute for the actual transcript.

Interpretive information about college transcripts and grades can be obtained by consulting the Guide to Undergraduate Colleges (furnished by LSAC/LSAS) and the transcript(s) which accompany each LSDAS Report. The transcript tells much more than the LSDAS Report alone and should always be examined.

Do not misuse the predictive index available on the LSDAS Report.

LSAC/LSAS will produce an index calculation on the LSDAS Report to the law school. The index calculation is unique for each law school. The index is a convenient starting place for the evaluation of each applicant. It is based on a combination of LSAT score and undergraduate grade-point average (UGPA), as specified by the law school. A law school should base its index formula on evidence of the predictive value of LSAT and UGPA for that particular law school. The validity study available annually to each law school by LSAC/LSAS provides a formula for the statistically optimal combination of these two predictors. A law school should have a carefully considered justification if it uses any other index formula.

The simplicity and seeming precision of the index figure poses a risk that excessive weight will be placed on it. Admissions officials should remember that the index is derived using methods that are subject to limitations discussed in the Law School Admission Reference Manual.

For application deadline purposes, a transcript's receipt at LSAC/LSAS should be considered timely by the law school if the receipt date at LSAC/LSAS is at least four weeks before the school's deadline.

Processing and mail delays can occur in the LSDAS system, particularly during peak periods; applicants should not be disqualified or disadvantaged as a result of these delays.

### III. The Law School Candidate Referral Service

The Candidate Referral Service enables eligible law schools to search the LSAS database to identify registrants who have characteristics specified by the schools and

who have given their permission to be in the Candidate Referral Service. While this service provides candidates an opportunity to be made aware of educational and scholarship possibilities that they might not otherwise have considered, it places a concomitant responsibility on law schools to be sensitive and realistic in their encouragement of applications. Accordingly:

- Law schools using Candidate Referral Service data to initiate communications with prospective applicants should identify this source.
- Law schools should attempt to recruit only those persons who appear to have a reasonable chance for acceptance if they apply, and who, if admitted, would have a reasonable chance to succeed academically.
- Persons contacted should be provided with information about admission procedures and standards, so they may understand their chances of being accepted.
- Candidate Referral Service information should be used for recruiting purposes only by the law school to which the information has been released.

### IV. Law School Admission Test and Employment

- Employers of law school students or graduates should not seek or use LSAT scores of individual students.
- Law schools should neither include LSAT scores on student transcripts nor supply individual LSAT scores to employers.

### V. General Statement on Confidentiality of Law School Admission Council/Law School Admission Services Data

Law schools that use LSAT scores, LSDAS Reports, and related data should maintain a system for protecting the privacy of applicants. In particular, they should:

- treat such data confidentially;
- release such data to persons not associated with the admission process only with the consent of the applicant (except where the data may be aggregated in a form not identifiable with individuals); and
- use summary and other aggregated data with discretion and for the purposes intended.

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ords, an impartial hearing with opportunity for participation by the person's parents or guardian and representation by counsel, and a review procedure. Compliance with the procedural safeguards of section 615 of the Education of the Handicapped Act is one means of meeting this requirement.

#### § 104.37 Nonacademic services.

(a) *General.* (1) A recipient to which this subpart applies shall provide non-academic and extracurricular services and activities in such manner as is necessary to afford handicapped students an equal opportunity for participation in such services and activities.

(2) Nonacademic and extracurricular services and activities may include counseling services, physical recreational athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the recipients, referrals to agencies which provide assistance to handicapped persons, and employment of students, including both employment by the recipient and assistance in making available outside employment.

(b) *Counseling services.* A recipient to which this subpart applies that provides personal, academic, or vocational counseling, guidance, or placement services to its students shall provide these services without discrimination on the basis of handicap. The recipient shall ensure that qualified handicapped students are not counseled toward more restrictive career objectives than are nonhandicapped students with similar interests and abilities.

(c) *Physical education and athletics.* (1) In providing physical education courses and athletics and similar programs and activities to any of its students, a recipient to which this subpart applies may not discriminate on the basis of handicap. A recipient that offers physical education courses or that operates or sponsors interscholastic, club, or intramural athletics shall provide to qualified handicapped students an equal opportunity for participation in these activities.

(2) A recipient may offer to handicapped students physical education

and athletic activities that are separate or different from those offered to nonhandicapped students only if separation or differentiation is consistent with the requirements of § 104.34 and only if no qualified handicapped student is denied the opportunity to compete for teams or to participate in courses that are not separate or different.

#### § 104.38 Preschool and adult education programs.

A recipient to which this subpart applies that operates a preschool education or day care program or activity or an adult education program or activity may not, on the basis of handicap, exclude qualified handicapped persons from the program or activity and shall take into account the needs of such persons in determining the aid, benefits, or services to be provided under the program or activity.

#### § 104.39 Private education programs.

(a) A recipient that operates a private elementary or secondary education program may not, on the basis of handicap, exclude a qualified handicapped person from such program if the person can, with minor adjustments, be provided an appropriate education, as defined in § 104.33(b)(1), within the recipient's program.

(b) A recipient to which this section applies may not charge more for the provision of an appropriate education to handicapped persons than to nonhandicapped persons except to the extent that any additional charge is justified by a substantial increase in cost to the recipient.

(c) A recipient to which this section applies that operates special education programs shall operate such programs in accordance with the provisions of §§ 104.35 and 104.36. Each recipient to which this section applies is subject to the provisions of §§ 104.34, 104.37, and 104.38.

### Subpart E—Postsecondary Education

#### § 104.41 Application of this subpart.

Subpart E applies to postsecondary education programs and activities, including postsecondary vocational edu-

education programs and activities, that receive or benefit from Federal financial assistance and to recipients that operate, or that receive or benefit from Federal financial assistance for the operation of, such programs or activities.

#### § 104.42 Admissions and recruitment.

(a) *General.* Qualified handicapped persons may not, on the basis of handicap, be denied admission or be subjected to discrimination in admission or recruitment by a recipient to which this subpart applies.

(b) *Admissions.* In administering its admission policies, a recipient to which this subpart applies:

(1) May not apply limitations upon the number or proportion of handicapped persons who may be admitted;

(2) May not make use of any test or criterion for admission that has a disproportionate, adverse effect on handicapped persons or any class of handicapped persons unless (i) the test or criterion, as used by the recipient, has been validated as a predictor of success in the education program or activity in question and (ii) alternate tests or criteria that have a less disproportionate, adverse effect are not shown by the Assistant Secretary to be available.

(3) Shall assure itself that (i) admissions tests are selected and administered so as best to ensure that, when a test is administered to an applicant who has a handicap that impairs sensory, manual, or speaking skills, the test results accurately reflect the applicant's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the applicant's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure); (ii) admissions tests that are designed for persons with impaired sensory, manual, or speaking skills are offered as often and in as timely a manner as are other admissions tests; and (iii) admissions tests are administered in facilities that, on the whole, are accessible to handicapped persons; and

(4) Except as provided in paragraph (c) of this section, may not make preadmission inquiry as to whether an applicant for admission is a handi-

capped person but, after admission, may make inquiries on a confidential basis as to handicaps that may require accommodation.

(c) *Preadmission inquiry exception.* When a recipient is taking remedial action to correct the effects of past discrimination pursuant to § 104.6(a) or when a recipient is taking voluntary action to overcome the effects of conditions that resulted in limited participation in its federally assisted program or activity pursuant to § 104.6(b), the recipient may invite applicants for admission to indicate whether and to what extent they are handicapped, *Provided, That:*

(1) The recipient states clearly on any written questionnaire used for this purpose or makes clear orally if no written questionnaire is used that the information requested is intended for use solely in connection with its remedial action obligations or its voluntary action efforts; and

(2) The recipient states clearly that the information is being requested on a voluntary basis, that it will be kept confidential, that refusal to provide it will not subject the applicant to any adverse treatment, and that it will be used only in accordance with this part.

(d) *Validity studies.* For the purpose of paragraph (b)(2) of this section, a recipient may base prediction equations on first year grades, but shall conduct periodic validity studies against the criterion of overall success in the education program or activity in question in order to monitor the general validity of the test scores.

#### § 104.43 Treatment of students; general.

(a) No qualified handicapped student shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any academic, research, occupational training, housing, health insurance, counseling, financial aid, physical education, athletics, recreation, transportation, other extracurricular, or other postsecondary education program or activity to which this subpart applies.

(b) A recipient to which this subpart applies that considers participation by students in education programs or ac-

## **NATIONAL ASSOCIATION OF COLLEGE ADMISSION COUNSELORS STATEMENT OF PRINCIPLES OF GOOD PRACTICE**

Ethics in recruiting students and awarding scholarships provided the impetus for creating NACAC in 1937. As a reflection of that major purpose, one of the first actions taken by the founders was the creation of a Code of Ethics. After many years of reviewing, updating, and rewriting, this code is today's *Statement of Principles of Good Practice*.

While the code originally applied only to NACAC members, the importance of ethical practices in the admission process for all institutions was recognized by those in the profession. As a result, a joint statement utilizing the basic philosophy of NACAC's Code of Ethics was developed in tandem with the American Association of Collegiate Registrars and Admission Officers of The College Board, and was endorsed by the American Council on Education, the National Association of Secondary School Principals, the United States Student Association, and the National Association of Student Personnel Administrators.

The *Statement of Principles of Good Practice* is reviewed annually and revised to reflect new concerns for ethical admission practices and policies.

High schools, colleges, universities, other institutions and organizations, and individuals dedicated to the promotion of formal education believe in the dignity, the worth, and the potentialities of every human being. They cooperate in the development of programs and services in postsecondary counseling, admission, and financial aid to eliminate bias related to race, creed, gender, sexual orientation, age, political affiliation, national origin, and disabling conditions. Believing that institutions of learning are only as strong ultimately as their human resources, they look upon counseling individual students about their educational plans as a fundamental aspect of their responsibilities.

They support, therefore, the following *Statement of Principles of Good Practice* for members of the National Association of College Admission Counselors:

### **I. ADMISSION PROMOTION AND RECRUITMENT**

#### ***A. College and university members agree that they will:***

1. Ensure that admission counselors are viewed as professional members of their institutions' staffs. As professionals, their compensation shall take the form of a fixed salary rather than commissions or bonuses based on the number of students recruited.
2. Be responsible for the development of publications, written communications, and presentations; i.e., college nights, college days, and college fairs, used for their institutions' promotional and recruitment activity. They will:
  - a) State clearly and precisely the requirements for secondary school preparation, admission tests, and transfer-student admission.
  - b) Include a current and accurate admission calendar. If the institution offers special admission options such as early admission, early action,

early decision, or waiting list, the publication should define these programs and state deadline dates, notification dates, required deposits, refund policies, and the date when the candidates must reply. If students are placed on wait lists or alternate lists, the letter that notifies the students of the placement should provide a history that describes the number of students placed on the wait lists, the number offered admission, and the availability of financial aid and housing. Finally, if summer admission or mid-year admission is available, students should be made aware of the possibility in official communication from the institutions.

- c) Give precise information about costs, opportunities, and requirements for all types of financial aid, and state the general relationship between admission practices and policies and financial aid practices and policies.
  - d) Describe in detail any special programs, including overseas study, credit by examination, or advanced placement.
  - e) Include pictures and descriptions of the campus and community which are current and realistic.
  - f) Provide accurate information about the opportunities/selection for institutional housing, deadline dates for housing deposits, housing deposit refunds, and describe policies for renewal availability of such institutional housing.
  - g) Provide accurate and specific descriptions of any special programs or support services available to students with handicapping conditions, learning disabilities, and/or other special needs.
  - h) Identify the source and year of study when institutional publications and/or media communications cite published ratings of academic programs, academic rigor or reputations, or athletic rankings.
  - i) Indicate that the institution is a NACAC member and has endorsed the principles contained in this *Statement*.
3. Exercise appropriate responsibility for all people whom the institution involves in admission, promotional, and recruitment activities (including their alumni, coaches, students, faculty, and other institutional representatives) and educate them about the principles outlined in this *Statement*.
4. Speak forthrightly, accurately, and comprehensively in presenting their institutions to counseling personnel, prospective students, and their families. They will:

- a) State clearly the admission requirements of their institutions, and inform students and counselors about changed admission requirements so that candidates will not be adversely affected in the admission process.
  - b) State clearly all deadlines for application, notification, housing, and candidates' reply requirements for both admission and financial aid.
  - c) Furnish data describing the currently enrolled freshman class. Describe in published profiles all members of the enrolling freshman class. Subgroups within the profile may be presented separately because of their unique character or special circumstances.
  - d) Not use disparaging comparisons of secondary or postsecondary institutions.
  - e) Provide accurate information about the use/role of standardized testing in their institution's admission process.
5. Not use unprofessional promotional tactics by admission counselors and other institutional representatives. They will:
- a) Not contract with secondary school personnel for remuneration for referred students.
  - b) Not offer or pay a per capita premium to any individual or agency for the recruitment or enrollment of students international as well as domestic.
  - c) Not encourage students to transfer if they have shown no interest in doing so.
  - d) Not compromise the goals and principles of this *Statement*.
6. Refrain from recruiting students who are enrolled, registered, or have declared their intent or submitted contractual deposit with other institutions unless the students initiate inquiries themselves or unless cooperation is sought from institutions which provide transfer programs.
7. Understand the nature and intent of all admission referral services utilized by their institutions (including their alumni, coaches, students, faculty, and other institutional representatives) and seek to ensure the validity/professional competency of such services.

## **II. ADMISSION PROCEDURES**

### **A. *College and university members agree that they will:***

1. Accept full responsibility for admission decisions and for proper notification of those decisions to candidates and, when possible, to their secondary schools.
2. Receive information about candidates in confidence and respect completely, consistent with federal, state, or local regulations, the confidential nature of such data.
3. Notify high school personnel when the institution's admission selection committee includes students.
4. Not apply newly revised requirements to the disadvantage of a candidate whose secondary school courses were established in accordance with earlier requirements.
5. Notify candidates as soon as possible if they are clearly inadmissible.
6. Admit candidates on the basis of academic and personal criteria rather than financial need. This provision shall not apply to foreign nationals ineligible for federal student assistance.
7. Not require candidates or the secondary schools to indicate the order of the candidates' college or university preferences, except under early decision plans.
8. Not make offers of admission to students who have not submitted admission applications.
9. Permit first-year candidates for fall admission to choose, without penalty, among offers of admission and financial aid until May 1. Colleges that solicit commitments to offers of admission and/or financial assistance prior to May 1 may do so provided those offers include a clear statement that written requests for extensions until May 1 will be granted, and that such requests will not jeopardize a student's status for admission or financial aid. Candidates admitted under an early decision program are a recognized exception to this provision.
10. Work with their institution's administration to ensure that financial aid and scholarship offers and housing options are not used to manipulate commitments prior to May 1.
11. If necessary, establish a wait list that:
  - a) Is of reasonable length.



- b) Is maintained for the shortest possible period and in no case later than August 1.
  - c) Does not require a deposit.
12. Establish wait list procedures that ensure:
    - a) Students on the wait list will not be asked for a commitment to enroll prior to receiving an official written offer of admission.
    - b) Candidates for financial aid will receive financial aid decisions at the time of admission.
  13. State clearly the admission procedures for transfer students by informing candidates of deadlines, documents required, courses accepted, and course equivalency and other relevant policies.
  14. Inform students and counselors about new or changed requirements which may adversely affect candidates who have met all required deadlines, deposits, and commitments according to the students' original notification from the institution.
  15. Exercise their responsibility to the entire educational community.
  16. Accept, for the purposes of documenting student academic records, only official transcripts in the admission or registration process that come directly from the counseling, guidance, or registrar's offices of the institution(s) the candidate attends or has attended or from other appropriate agencies.

### **III. STANDARDIZED COLLEGE ADMISSION TESTING**

Members accept the principle that fairness in testing practices should govern all institutional policies. Because test results can never be a precise measurement of human potential, members commit themselves to practices that eliminate bias of any kind, provide equal access, and consider tests as only one measure in admission/counseling practices.

#### **A. *College and university members agree that they will:***

1. Use test scores and related data discreetly and for purposes that are appropriate and validated.
2. Provide prospective students with accurate and complete information about the use of test scores in the admission process.
3. Refrain from using minimum test scores as the sole criterion for admission, thereby denying certain students because of small differences in scores.

4. Use test scores in conjunction with other data such as school record, recommendations, and other relevant information in making decisions.
5. Encourage the use of all pertinent information, not just test scores, as appropriate measures of institutional rank or admission selectivity.
6. Conduct institutional research to inquire into the most appropriate use of tests for admission decisions.
7. Refrain from using tests, as they pertain to the admission of students and to the packaging of financial aid, to discriminate against students whose scores may reflect socioeconomic status, race, gender, disabling conditions, and/or ethnic background.
8. Educate staff in understanding the concepts of test measurement, test interpretation, and test use so they may make informed admission decisions from the test data.
9. Counsel students to take only a reasonable number of tests and only those necessary for their postsecondary plans.
10. Maintain the confidentiality of test scores.
11. Publicize clearly policies relating to placement by tests, awarding of credit, and other policies based on test results.
12. Refrain from the public reporting of mean and median admission test scores and instead, depending upon the requested information, report scores by any or all of the following methods:
  - a) Middle 50 percent of the scores of all first-year applicants.
  - b) Middle 50 percent of the scores of all first-year students admitted.
  - c) Middle 50 percent of the scores of all first-year students enrolled.
  - d) Appropriate score bands for all first-year students applied, admitted, and enrolled.

Furthermore, members agree that, when using the above guidelines in their published profiles, they will report first on all first-year admitted or enrolled students, or both, including special subgroups (e.g., athletes, nonnative speakers, etc.) and then, if they wish, may present separately the score characteristics of special subgroup populations. Universities with more than one undergraduate division may report first by division and then by special subgroups within divisions. Clear explanations of who is included in the subgroup population should be made. Those institutions that do not require

tests or for which tests are optional will only report scores if the institution clearly and emphatically states the limits of the group being reported.

#### **IV. FINANCIAL AID**

Member institutions are encouraged to support the principle of distributing financial aid funds on the basis of proven financial need. No-need scholarship funds should not in any way reduce the total amount of funds available to students with demonstrated need.

##### **A. *College and university members agree that they will:***

1. Offer financial aid to candidates in the form of scholarships, grants, loans, or employment, either alone or in combination.
2. Strive, through their publications and communications, to provide students, families, and schools with factual information about their institutions' costs, aid opportunities, programs, and practices.
3. View financial aid from colleges, universities, and other sources as supplementary to the efforts of students' families when the students are not self-supporting.
4. Employ methods in determining the financial contributions of candidates' families that assess ability to pay in a consistent and equitable manner, such as those developed by the College Scholarship Service, the American College Testing Program, and other need analysis services.
5. State clearly to candidates for admission the total yearly cost of attending the institution, and report to students seeking financial aid an estimate, after documentation, of the amount of aid that may be available to them.
6. Permit first-year candidates for fall admission to choose, without penalty, among offers of financial aid until May 1. Colleges that solicit commitments to offers of need-based and/or merit-based financial aid prior to May 1 may do so provided those offers include a clear statement that written requests for extensions until May 1 will be granted, and that such requests will not jeopardize a student's status for housing and/or financial aid. Candidates admitted under an early decision program are a recognized exception to this provision.
7. State clearly policies on renewal of financial aid.
8. Not publicly announce the amount of need-based aid awarded to candidates; however, amounts of no-need scholarship awards may be a matter of public record.

9. Not use financial need as a consideration in selecting students. This provision shall not apply to foreign nationals ineligible for federal student assistance.
10. Notify accepted aid applicants of institutional financial aid decisions before the date by which a reply must be made to the offer of admission, assuming all forms are in on time.
11. Meet, to the extent possible within the institution's capabilities, the full need of accepted students.
12. Make awards to students who apply for renewal of financial aid by reviewing their current financial circumstances and establishing the amount of aid needed.
13. Not make financial aid awards to students who have committed to attend other institutions unless the students initiate such inquiries.
14. Not make financial aid awards to students who have not submitted admission applications.
15. Refrain from withholding financial aid awards until the awards from the student's other college choices have been announced.

## **V. ADVANCED STANDING STUDENTS AND THE AWARDING OF CREDIT**

### **A. *College and university members agree that they will:***

1. Design placement, credit, and exemption policies to augment educational placement opportunities, not to recruit students.
2. Evaluate student competency through the use of validated methods and techniques.
3. Define and publish in the institution's preadmission information the policies and procedures for granting credit.
4. Evaluate previously earned credit, published by the admitting college or university, in a manner which ensures the integrity of academic standards as well as the principle of fairness to the students.

Excerpted from the National Association of College Admission Counselors' *Statement of Principles of Good Practice*.