

February 8, 2016

Kate Mullan
Acting Director
Information Collection Clearance Division
U.S. Department of Education
400 Maryland Ave, SW
LBJ, Room 2E103
Washington, DC 20202
(submitted electronically via regulations.gov)

RE: Comments regarding the Enterprise Complaint System
Docket ID: ED-2015-ICCD-0138

Dear Ms. Mullan:

In response to the Federal Register notice published on December 10, 2015, we write to comment on the state-of-the-art federal student aid complaint and feedback system envisioned in the March 2015 Presidential memorandum on a student aid bill of rights.

The Institute for College Access & Success (TICAS) is an independent, nonprofit organization that works to make higher education more available and affordable for people of all backgrounds. Through nonpartisan research, analysis, and advocacy, we aim to improve the processes and public policies that can pave the way to successful outcomes for students and for society.

We joined more than 50 organizations in submitting [coalition comments](#) supporting the creation of a comprehensive student and borrower complaint tracking system and urging the Department to make the system public, searchable, link it to the systems at other agencies, and make it easier to use. We expand on these recommendations below.

The systematic tracking and reporting of student and borrower complaints is essential to providing quality customer service, ensuring college and loan servicer and collector accountability, and preventing waste, fraud, and abuse of taxpayer dollars. We support the Department's plan to create such a system. We applaud the Department for proposing a complaint tracking system that accepts complaints about many experiences in higher education, including loans, other aid, and institutions participating in the Title IV program. We are also glad that the Department plans to offer both English and Spanish in the system's online, phone, and chat functions. Lastly, we appreciate that the system will protect consumer privacy and ensure users who wish to remain anonymous can do so.

As the Department has acknowledged, “Currently, there is no single contact or system for the receipt of these types of student [or] borrower complaints to Federal Student Aid. Instead separate business units in FSA handle these types of complaints on an ad-hoc basis and there is no cross checks for duplication of effort.”¹ To increase accountability and transparency, the President committed to providing all student loan borrowers with access to an efficient and responsive complaint and feedback system. The White House’s explanation of the system’s purpose is for “students and borrowers [to] be able to ensure that their complaints will be directed to the right party for timely resolution, and the Department of Education will be able to more quickly respond to issues and strengthen its efforts to protect the integrity of the student financial aid programs.”² To fulfill the Administration’s goal, we believe the complaints system needs to be public and searchable, connected to the complaint systems used by other federal and state agencies, and clearer and easier to use. Only then will the system be well suited to resolve complaints in a timely fashion, provide useful consumer information, and identify trends for the government’s enforcement efforts.

Publicly Track Complaints and Link ECS with Existing Complaints Systems

As explained in the coalition comments we joined, we believe the Department’s complaint and feedback system must be public, searchable and connected to the systems at other agencies. As it stands, the Department’s proposal appears to create an independent, private system.

We urge the Department to implement a public, linked complaints system that:

- Is searchable, including optional consumer complaint narratives.
- Is connected to the Federal Trade Commission’s (“FTC”) Consumer Sentinel Network so federal and state agencies have immediate access to all complete complaints.
- Refers complaints directly to the relevant entity, whether a contractor, guaranty agency, state, accreditor, or other federal agency.
- Includes deadlines for action and resolution.
- Asks the consumer if they are satisfied with the outcome and ensures agency staff reviews complaints where the consumer is not satisfied.

¹ Supporting Statement Part A for Paperwork Reduction Act Submission on Enterprise Complaint System announced in the *Federal Register* on December 10, 2015, p 76678-9. Statement is available at <http://www.regulations.gov/#!docketDetail;D=ED-2015-ICCD-0138>.

²The White House Office of the Press Secretary, *FACT SHEET: A Student Aid Bill of Rights: Taking Action to Ensure Strong Consumer Protections for Student Loan Borrowers*, March 10, 2015, <https://www.whitehouse.gov/the-press-office/2015/03/10/fact-sheet-student-aid-bill-rights-taking-action-ensure-strong-consumer->

These changes are essential to efficiently using taxpayer resources and maximizing accountability for students and borrowers on the part of lenders, servicers, institutions, and contractors.

Increase Ease of Use for Students and Borrowers

As explained in the coalition comments we joined, we believe the Department's complaint and feedback system must be easy to use and utilize language that is clear to students and borrowers.

To improve usability and effectiveness of the system, we recommend the following:

- Make it clear that the system accepts all types of complaints.
- Replace the "report suspicious activity" function with a section specifically for whistleblowers, and consolidate all other complaints under "submit a complaint."
- Request the consumer's personal information *after* the complaint information.
- Make the text clearer and friendlier to consumers.

Recently we tested a portion of the complaints system for usability, organization, content, and style, and the comments below reflect our experience as well as a review of the ECS baseline text. We find some of the language, instructions, and structure of the system unclear and unsuitable for many consumers and urge the Department to make the following improvements:

- **Do not require users to categorize their complaints in order for them to be accepted into the system, tracked, and addressed.** When testing the system we found that it forces users to self-categorize complaints in ways that could prevent them from moving through the system. For example, to file a complaint, the user would answer numerous questions about her application without being presented with the option to select "I am not sure" or "this does not apply to my situation." This would likely result in a high degree of user error and inconsistency in categorizing complaints. Instead, the system should route complaints to the proper entity regardless of how a consumer categorizes a complaint and give users the option to select "I am not sure" or "This does not apply to my situation" in all stages of the complaint categorization section.
- **Allow anonymous complainants and complainants without FSA IDs to track complaints using a unique code or username.** All complainants should be able to determine key information about filed complaints, including but not limited to: date filed, current status of the complaint, and more. If the complaint has been resolved, all users should be able to log in to see the resolution date, and to dispute the resolution. For example, the Consumer Financial Protection Bureau (CFPB) allows complainants to create their own usernames and passwords. Complainants then use their username and password to log in to review their complaints. It is reasonable to expect that anonymous complainants would want to follow up on the details of their complaints. It is also reasonable to expect that

parents and relatives may file complaints on behalf of students and borrowers, in which case FSA IDs would not apply to these users.

- **Give users the option to call a toll-free number and chat on-screen for assistance with complaints, and display this option prominently on the complaints portal.** Many users may have little experience with navigating the portal and will need assistance by phone to file complaints. Some users may also feel more comfortable conducting business by phone. The Department should provide users with this option and display the toll-free number prominently on the portal at every stage of the complaint filing process. We thank the Department for exploring the option to provide users with an on-screen chat option. Complainants should also be able to call a toll-free number for assistance. Lastly, if complainants feel more comfortable using the phone, they should be able to check on the status of their complaints by providing their FSA IDs or unique codes by phone.
- **Accept and address complaints about debt relief scams and deceptive lead generation websites.** The Department should develop a plan for dealing with these types of abuses, which have become more common.
- **Use “hoverable” explanations** in cases where plain language is not straightforward enough for the general public to understand.
- **Ensure ECS works on numerous platforms, including mobile phones.** Many complainants will only have internet access on their mobile phones. ECS should function fully on mobile platforms.

Thank you for making the coordinated tracking of consumer complaints a priority. We stand ready to assist you in improving and promoting such a system to ensure student and borrower complaints are systematically accepted, tracked, and reported to protect students, help them make informed decisions, and improve oversight and accountability. If you have any questions about these comments, you may contact me at 202-854-0230

Sincerely,

Jennifer Wang
Director, DC Office