

# CHANGES TO NATIONAL CODE OF COLLEGE ADMISSION ETHICS

**Below is a summary of recent changes to NACAC's Code of Ethics followed by a response from one of our highly respected colleagues, John Mahoney, Vice President of Enrollment at Boston College.**

In late September 2019, members of the National Association for College Admission Counseling (NACAC) met at their annual national conference and approved changes in their code of ethics which describes how students should be treated in the college admission process. NACAC ([www.nacacnet.org](http://www.nacacnet.org)) is an organization representing more than 15,000 professionals in college admissions/college counseling and its ethical code is followed by institutions and individuals throughout the United States. Annette Cleary and Connie Bennett and both active and engaged members in NACAC as well as our state-affiliate, WACAC. At the national conference, NACAC made changes in its code, called *the Code of Ethics and Professional Practices (CEPP)*, **that could have a direct impact on students and their college process.**

**Background:** For the last two years, the Department of Justice (DOJ) has led an investigation into NACAC, holding the opinion that some of the rules in the CEPP restrain how colleges compete for students. To settle, NACAC removed a few CEPP provisions that the DOJ believes inhibits competition among colleges.

- A. Changes to Early Decision:** The CEPP previously stated that colleges could not offer any incentive to students to encourage them to apply under a binding Early Decision (ED) program. Examples include the promise of special housing, enhanced financial aid packages, or special scholarships for ED admits. Following votes taken at the NACAC conference, that prohibition was removed, effective immediately. This means that colleges *could* begin to offer students incentives to apply under a binding ED program. Early Decision is a very serious commitment, and we don't encourage students to apply ED unless it is a clear first choice and the student and family fully understand the financial ramifications of applying to a binding program. We are already aware of some colleges adding incentives for ED applicants for the Class of 2020. **We ask students to inform their college counselors if they receive any unusual solicitations from colleges to apply ED, and we ask that you, as parents, also keep an eye out for such offers.**
  
- B. May 1 Response Date:** May 1 is known as the universal reply date in college admission. It is the deadline for students offered admission to a college to commit their enrollment (usually done with a monetary enrollment deposit). Previously, the CEPP prohibited colleges from trying to "poach" a student who had already indicated his intent and committed to enroll in another college — no incentives to change their mind, no last-minute scholarships or other benefits. That rule, also, was removed from the CEPP, effective immediately. We will not know the impact of this rule change until after May 1. We are hopeful that most colleges will still respect the ethical guidelines spelled out in other parts of the CEPP and will respect a student's right to make a college choice free from harassment and the stress of confusing offers and counter offers.

**NACAC Response:** The CEPP remains a very strong statement of professional ethics and guidelines. It emphasizes NACAC's belief that "advocating for the best interests of students in the admission process is the primary ethical concern of our profession." NACAC's elected leadership has asked member institutions to uphold our beliefs, even in the absence of those explicit rules.

**The Plan for Now:** We plan to keep you and your students informed, keep actively discussing this issue in our various national forums, and keep an eye out for changes in behavior by colleges. **Again, as admission marketing materials are not directed to us, you and your students will be a critical source of information for us, and we strongly urge you to let us know if you see any unusual behavior by colleges.**

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# The New Ground Rules for Admissions

The Justice Department has failed colleges and students, writes John L. Mahoney. *John L. Mahoney is Vice Provost for Enrollment Management at Boston College*

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As colleges are releasing admission decisions to this year's high school seniors, it's important that students and their families understand the impact that recent litigation will have on the college admission process moving forward. In December, the Justice Department, following a two-year investigation, [sued the National Association for College Admission Counseling](#) for allegedly violating antitrust regulations by limiting competition among colleges to enroll students. The case was immediately settled under the terms of a proposed consent decree based on NACAC's vote in September to delete three provisions from its professional code of ethics.

The NACAC provisions pertained to early-decision programs, the recruitment of students who have already made enrollment commitments and the recruitment of transfer students.

These provisions did not impose onerous standards on colleges in terms of the recruitment and enrollment of students. Rather, they ensured that a process, which has become more byzantine and emotionally wrenching for families with each passing year, maintained basic standards of integrity and respect for students.

The first provision related to early-decision programs, which require students to make a binding commitment to enroll at a college, if admitted. High school counselors, in general, caution middle- to lower-income families against early decision, because it limits their ability to negotiate the financial aid they need to afford college. Until now, NACAC had prohibited colleges from offering incentives exclusive to students who apply through early-decision programs. Its rationale was that access to special academic programs, preferred campus housing, early course registration or other benefits should be available to all students regardless of their socioeconomic background.

Now, colleges will be free to use early-decision programs to conduct bidding wars for students from the wealthiest families. Once again, as this year's Varsity Blues scandal revealed, students from wealthy families will enjoy access and opportunities in the college admission process that elude middle- to lower-income families.

The second provision established May 1 as the date by which students had to commit to the college of their choice. Most colleges communicate admission decisions no later than the end of March. This has allowed ample time for colleges to compete for students on the basis of cost, and for students to weigh their options. Once students made their decision, it was considered final unless they were offered acceptance from another college's waiting list.

But the Justice Department believed that colleges should be able to continue recruiting students they've admitted even after those students have declared their intention to enroll elsewhere. Far from restricting competition, the May 1 deadline brought closure to the years-long college search process, freeing students to celebrate their final weeks of high school with proms and graduations and to focus on their next destination. Consider now a post-May 1 world where colleges strive to dissuade students from their thoughtfully considered decisions. Imagine this pursuit continuing through summer as students attend orientation programs and register for fall classes. Imagine students arriving on campus in August only to find competing colleges in booths on the sidewalk outside offering last-minute deals to change their minds. The May 1 deadline protected students from such tactics as they prepared to enroll at the college of their choice.

In a similar vein, the Justice Department investigation prompted NACAC to eliminate a third provision that protected students' right to privacy at the colleges they've chosen. NACAC's code of ethics recognized there would be students who, dissatisfied with their experience at a particular college, will seek to transfer to another institution. When such students initiated the transfer process with a college, that institution was free to recruit them however they wished.

But the Justice Department, citing freedom of competition, has now empowered colleges to actively recruit students who are prospering at the institutions where they've chosen to enroll. These students, believing they've closed the book on the college admission process, would again see their email accounts inundated and their mailboxes overflowing with invitations and promotional brochures.

Colleges can and should compete for students on the basis of academic programs, extracurricular offerings, financial aid, sports, study abroad opportunities, recreational facilities, job placement and other variables. Given demographic and enrollment challenges facing higher education today, prospective students already benefit from intense competition among colleges.

No one disputes that costs and financial aid are crucial considerations for any family on the brink of a college decision. However, equally important is the opportunity for young people to choose the learning environment and campus setting that best fits their academic and personal aspirations.

By pushing NACAC to abandon fundamental ethical principles, the Justice Department has made unbridled competition among colleges its top priority and has reduced the college admission process to a financial transaction.

This will not serve the best interests of students. It will intensify and extend the stress they experience at this vulnerable point in their lives, and it could undercut their confidence in making their best personal choice for college.