

**U.S. Department of Education
Student Loan Program Negotiating Committee
2012
Organizational Protocols**

I. Mission Statement

The U.S. Department of Education has established this negotiated rulemaking committee to develop proposed student financial assistance regulations pursuant to Sec. 492 of the Higher Education Act of 1965, as amended (HEA).

II. Participation

A. The committee consists of the following members:

Community of Interest	Primary	Alternate
Students	Mr. Getachew Kassa Legislative Director United States Student Association	Mr. Abou Amara, Jr. President Graduate and Professional Student Association University of Minnesota, Twin Cities
Legal assistance to students	Deanne Loonin National Consumer Law Center	Ms. Radhika Singh Miller Program Manager Educational Debt Relief and Outreach, Equal Justice Works
Consumer advocacy organizations	Jennifer Mishory Deputy Director Young Invincibles	Maureen Thompson The Hastings Group, LLC
Financial aid administrators	Margaret Rodriguez, Senior Associate Director of Financial Aid, University of Michigan Chair, National Direct Student Loan Coalition	Elizabeth Hicks Executive Director Student Financial Services Massachusetts Institute of Technology
Business officers and bursars	David Glezerman Assistant Vice President and University Bursar Temple University	Maria Livolsi Director Student Loan Service Center State University of New York
Institutional third-party servicers	Robert Perrin President Williams & Fudge, Inc.	

State attorneys general	Todd Leatherman Executive Director Office of Consumer Protection Office of the Kentucky Attorney General	Michele Casey Assistant Attorney General Consumer Fraud Bureau Office of the Illinois Attorney General
Two-year public institutions	Ms. Cristi Millard Director of Financial Aid Salt Lake Community College	Mr. Chris Christensen Director of Financial Aid Johnson County Community College, Kansas
Four-year public institutions	Ms. Kris Wright Director, Office of Student Finance, University of Minnesota Executive Council Member and Secretary, National Direct Student Loan Coalition	Elaine Papas-Varas University Director of Student Financial Aid and Director of the Primary Care Practitioner Loan Redemption Program of New Jersey University of Medicine and Dentistry of New Jersey
Private nonprofit institutions	Yvonne Gutierrez-Sandoval Senior Associate Director of Financial Aid Pitzer College	Jeffrey A. Gall Associate Dean, Office of Student Financial Services Georgetown University
Private for- profit institutions	Tom Sakos Director of Student Lending and Regulatory Quality Assurance DeVry Inc	Anthony Fragomeni Director of Governmental Affairs, Empire Education Group; Chairman, American Association of Cosmetology Schools' Government Relations Team
Guaranty agencies and guaranty agency servicers	Betsy Mayotte Director, Regulatory Compliance and Privacy, American Student Assistance	Scott Giles Vice President for Operations, Social Marketing and Strategy Vermont Student Assistance Corporation
Lenders, secondary markets and loan servicers	Robert Sandlin Director of Policy and Compliance Higher Education Servicing Corporation (Servicer for North Texas Higher Education Authority)	Vicki Shipley Senior Advisor National Council of Higher Education Loan Programs
Accrediting	Albert Gray	Sharon Tanner

agencies

**Executive Director and CEO
Accrediting Council for
Independent Colleges and Schools**

**CEO
National League for Nursing
Accrediting Commission**

U.S.
Department of
Education

Pamela Moran and Gail McLarnon

- B. The member will participate for the purpose of determining consensus. The alternate will participate for the purpose of determining consensus in the absence of the member. Either the member or an alternate may speak during the negotiations.
- C. With approval by a consensus of the committee, individuals, including specialists, who are invited by a member, may participate in committee or subcommittee meetings as needed and appropriate, but are not members of the committee.
- D. The committee may add members. Requests for membership must be approved by a consensus of the committee under such conditions as the committee establishes at the time. New members may begin to participate immediately upon admission to membership.
- E. Subcommittees may be formed by the committee to address specified issues and to make recommendations to the committee. Subcommittees are not authorized to make decisions for the committee. Subcommittee meetings will be open to any member of the committee and may be held between the meetings of the committee. All committee members will be notified of all subcommittee meetings.
- F. Upon the initiation by any member and after consultation with the facilitators, the Secretary may remove a member he determines is not acting in good faith in accordance with paragraph VI B of these protocols. The Secretary will provide an explanation in writing to the committee.
- G. The Secretary may remove any member who ceases to be employed by or be associated with the community of interests the individual was chosen to represent.

III. Decision Making

The committee will operate by consensus, meaning that there must be no dissent by any member in order for the committee to be considered to have reached agreement. Thus, no member can be outvoted. Members should not block or withhold consensus unless they have serious reservations about the approach or solution that is proposed for consensus. Absence will be equivalent to not dissenting. All consensus agreements reached during the negotiations will be assumed to be tentative agreements until members of the committee reach final agreement on regulatory language. Once final consensus is achieved, committee members may not thereafter withdraw their consensus.

IV. Agreement

- A. The goal of the committee is to develop proposed regulations that reflect a final consensus of the committee. If consensus is reached on the proposed regulations, the Department will provide a preamble, consistent with the proposed regulations, to the members of the committee for review and comment prior to publication of the proposed regulations. The Department is not required to adopt or respond to the committee members' comments on the preamble.
- B. If the committee reaches a final consensus on all issues, the Department will use this consensus-based language in its proposed regulations, and committee members and the organizations whom they represent will refrain from commenting negatively on the consensus-based regulatory language, except as provided in paragraph IV C.
- C. The Department will not alter the consensus-based language of its proposed regulations unless the Department reopens the negotiated rulemaking process or provides a written explanation to the committee members regarding why it has decided to depart from that language. That written explanation will contain a detailed statement of the reasons for altering the consensus-based language and will be provided to the committee members sufficiently in advance of the publication of the proposed regulations so as to allow them a real opportunity to express their concerns to the Secretary. If the Department alters consensus-based language, it also will identify the changes made subsequent to consensus in the preamble to the proposed regulations, and committee members may comment positively or negatively on those changes and on other parts of the proposed regulations.

V. Committee Meetings

- A. The facilitator(s) will maintain a clear and reliable record of tentative and final agreements reached during the negotiation process, as well as discussions of preamble language. The draft meeting summaries will be provided to members, who may share them with others within their community of interests. After review and approval by the committee, this record will be made available to the public.
- B. The Department will make every effort to distribute materials to committee members in a timely fashion. To the extent practicable, the Department will provide members with documents for discussion at committee meetings at least seven days in advance of the meetings.
- C. A caucus for the purpose of consultation may be requested of the facilitator(s) at any time by any member.
- D. The facilitator(s) will be responsible for developing an agenda for all meetings of the committee. This agenda will be developed in consultation with the members of the committee.
- E. All committee meetings, but not subcommittee meetings or caucuses, are open to the public.

VI. Safeguards for Members

- A. Any member may withdraw from the negotiations at any time without prejudice, by notifying the facilitator(s) in writing.

- B. All members and the organizations they represent shall act in good faith in all aspects of these negotiations.
- C. Contact with the media, the investment community, and other organizations outside the community of interest represented by the member will generally be limited to discussion of the overall objectives and progress of the negotiations. Members will refrain from characterizing the views, motives, and interests of other members during contact with the media, the investment community, and other organizations outside the community of interest represented by the member.

VII. Meeting Facilitation

- A. The facilitator(s) will serve at the discretion of the committee, and will be responsible for helping to ensure that the process runs smoothly, developing meeting agendas, preparing and distributing a record of agreements, and helping the parties resolve their differences and achieve consensus on the issues to be addressed by the committee.
- B. The facilitator(s) will be available to facilitate all meetings of the full committee and, to the extent possible, subcommittee meetings and caucuses.