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## UNITED STATES DEPARTMENT OF EDUCATION

### FEDERAL STUDENT AID SCHOOL ELIGIBILITY AND OVERSIGHT SERVICE GROUP

## FOREIGN SCHOOL PROGRAM PARTICIPATION AGREEMENT [PROVISIONAL APPROVAL]

Effective Date of Approval: The date on which this Agreement is signed on behalf of the Secretary of Education

Approval Expiration Date: **September 30, 2025**

Reapplication Date: **June 30, 2025**

Name of Institution: **University of Guelph**  
Address of Institution: **University Centre  
50 Stone Rd East  
Guelph N1G 2W1  
Canada**

OPE ID Number: **00668300**

**The execution of this Agreement by the Institution and the Secretary is a prerequisite to the Institution's initial or continued participation in any Title IV, HEA Program.**

The postsecondary educational institution listed above, referred to hereafter as the "Institution," and the United States Secretary of Education, referred to hereafter as the "Secretary," agree that the Institution may participate in the student financial assistance programs authorized by Title IV of the Higher Education Act of 1965, as amended (Title IV, HEA Programs) indicated under this Agreement and further agrees that such participation is subject to the Institution's compliance with the terms and conditions set forth in this Agreement. As used in this Agreement, the term "Department" refers to the U.S. Department of Education.

### SCOPE OF COVERAGE

This Agreement applies to all locations of the Institution as stated on the most current ELIGIBILITY

AND CERTIFICATION APPROVAL REPORT issued by the Department.

This Agreement covers the Institution's eligibility to participate in the following listed Title IV, HEA program, and incorporates by reference the regulations cited.

- **FEDERAL DIRECT STUDENT LOAN PROGRAM**, 20 U.S.C. §§ 1087a *et seq.*; 34 C.F.R. Part 685.

### ***Additional Considerations***

#### **Non-Degree Program Ineligibility**

It is important to note that the Institution's Program Participation Agreement (PPA) extends approval only to the Institution's degree programs. Since the Institution did not include its certificate and diploma programs in its current application, these programs are not eligible. Therefore, the Institution does not have the authority to obligate funds under the William D. Ford Federal Direct Loan Program for current or new U.S. students enrolled in such programs.

#### **Mature Students**

It is important to note that Institution's PPA does not extend to U.S. students who are enrolled at the Institution under the mature student provision. In order for U.S. students to be eligible to receive federal financial assistance, they must possess a secondary school completion credential or its equivalent. (See 34 CFR 600.54) Students enrolled under the mature student provision do not satisfy this requirement. Therefore, the Institution does not have the authority to obligate funds under the William D. Ford Federal Direct Loan (DL) Program for current or new U.S. students enrolled under the mature student provision.

#### **Ineligible Location**

The Institution's Program Participation Agreement extends only to the Institution's main location in Guelph, Ontario and its additional location in Toronto, Ontario. It does not extend to the Institution's location in Ridgetown, Ontario. Therefore, the Institution does not have the authority to obligate funds under the William D. Ford Federal Direct Loan (DL) Program for current or new U.S. students attending Ridgetown Campus, located in Ridgetown, Ontario, Canada.

#### **Internships/Externships**

As provided in the definition of Foreign institution in 34 C.F.R. § 600.52(1)(ii)(C)), internships and externships may be provided by an ineligible organization located in the United States as described in 34 C.F.R. § 668.5(h)(2). The internships or externships that are a part of a student's educational program must meet the requirements of 34 C.F.R. § 668.5 unless they are governed by explicit standards of an outside entity that provides oversight of the institution, such as an accrediting agency or government entity, that require the oversight and supervision of the institution, where the institution is responsible for the externship and students are monitored by qualified institutional personnel. An educational program will not be considered an eligible program if the program includes an internship or externship component that is not governed by such standards of an outside entity or does not meet the requirements of 34 CFR 668.5, and William D. Ford Federal Direct Loan funds cannot be used to cover any portion of the cost of students' enrollment in the educational program.

### **Written Agreements**

An eligible foreign institution may enter into a written arrangement with an eligible educational institution in the United States to provide no more than 25 percent of a student's program, or with an ineligible institution located outside the United States, to provide no more than 25 percent of a student's program. An eligible foreign Institution may not enter into a written agreement with an ineligible institution located in the United States, or with an entity outside of the United States that does not meet the definition of a foreign institution, to provide any part of an educational program for students receiving Title IV, HEA federal student financial assistance programs.

### **Study Abroad in U.S. Exclusion**

The Institution may not make available William D. Ford Federal Direct Loan (Direct Loan) Program funds to U.S. students who receive any portion of an educational program, or an entity inside the United States on behalf of such students, that may constitute more than 25 percent of a student's program. The Institution may certify or disburse Direct Loan program funds under a "study abroad" or "student exchange" agreement for U.S. students to attend eligible educational institutions or students' participation in an internship or externship provided by an ineligible organization located in the United States. The Department does not permit stacking of the allowance for a student to complete up to 25 percent of their program at an eligible institution in the United States under § 600.52 with the one academic year of independent research permitted in the United States for research conducted during the dissertation phase of a doctoral program (where the research can only be performed at a facility in the United States). In addition, an exception is permitted for independent research done by an individual student in the United States for not more than one academic year, if it is conducted during the dissertation phase of a doctoral program under the guidance of faculty, and the research can only be performed in a facility in the United States as provided in 34 C.F.R. § 600.51.

## **PROVISIONAL CERTIFICATION**

This provisional certification is granted for a limited period to permit the Institution to participate in the Title IV, HEA programs referenced in this Agreement. During the period of provisional certification, the participation of the Institution will be subject to revocation for cause. Cause for revocation may include, but is not limited to, a failure to comply with any provision set forth in this Agreement, a violation of Department regulations deemed material by the Department, or a material misrepresentation in the material submitted to the Department as part of the Institution's application process for this certification. In the event the Department chooses to revoke this Agreement and the Institution's participation in the Title IV, HEA programs, the Institution will have the right to show cause why this Agreement should not be revoked by presenting its objections in writing to the designated Department reconsideration official. The Institution agrees that this opportunity to show cause by a request for reconsideration of the Department's revocation decision, and not the procedures in 34 C.F.R. Part 668, Subpart G, shall be the sole administrative appeal regarding such revocation. The decision by the designated Department reconsideration official will constitute the final agency action.

### **Special Requirements for Substantial Changes Made During Term of Provisional Certification**

Any institution provisionally certified must apply for and receive approval by the Secretary for expansion or of any substantial change (as hereinafter identified) before it may award, disburse or distribute Title IV, HEA funds based on the substantial change. Substantial changes generally include, but are not limited to: (a) establishment of an additional location; (b) increase in the level of academic offering beyond those listed in the Institution's Eligibility and Certification Approval Report (ECAR); or (c) addition of any educational program (including degree, nondegree, or short-term training programs).

If the Institution applies for the Secretary's approval of a substantial change, the Institution must demonstrate that it has the financial and administrative resources necessary to assure the Institution's continued compliance with the standards of financial responsibility (34 C.F.R. § 668.15 and 34 C.F.R. Part 668, Subpart L) and administrative capability (34 C.F.R. § 668.16).

### **Reasons and Special Conditions of Provisional Certification**

#### ***Requirement of Funding Arrangement Other Than Advance and Financial Protection Not Less Than 10% of Title IV Due To Citing For Late Audit Submission***

The institution has failed the financial responsibility requirements due to its failure to submit in a timely fashion acceptable compliance and financial statement audits. Pursuant to 34 C.F.R. §§ 668.171(b)(4) and 668.174(a)(3), an institution is not financially responsible if it has been cited during the preceding five years for failure to timely submit an acceptable annual compliance and/or financial statement audit. This means that the institution will not be considered financially responsible under the Department's regulations for five years, or longer if the institution provides untimely submissions in subsequent years. Therefore, pursuant to 34 CFR §668.175(f), and as a condition of entering into the Program Participation Agreement under the Provisional Certification Alternative, the institution agrees to (a) participate in the Title IV, HEA programs under the Department's Heightened Cash Monitoring payment method per 34 CFR 668.162(d), (b) comply with the provisions of the Zone Alternative, and (c) provide financial protection, for a five year period, by providing an irrevocable Letter of Credit (LOC), using the format provided by the Secretary, providing cash, or entering into an agreement with the Secretary under which earned funds are offset, in an amount equal to not less than 10% of the Title IV, HEA program funds received by the institution during the last complete fiscal year for which award amounts are available. If an LOC is provided, the institution will renew the LOC each year, if not initially submitted for a period of five years, not less than 10 days prior to its expiration date, and will increase or decrease the amount as directed by the Secretary during the five year period.

#### ***Application for Recertification***

Upon completion of the period of provisional certification, if the Institution wishes to apply for recertification to participate in the Title IV, HEA programs, the Institution must submit a completed Application for Approval to Participate in Federal Student Financial Aid Programs, together with all required supporting documentation, no later than June 30, 2025.

#### ***Grant or Denial of Full Certification***

Notwithstanding any paragraph above, the provisional certification ends upon the Department's notification to the Institution of the Department's decision to grant or deny a six year certification to participate in the Title IV, HEA programs.

## **GENERAL TERMS AND CONDITIONS**

- (1) The Institution understands and agrees that it is subject to and will comply with, as they become effective, the program statutes and implementing regulations for institutional eligibility as set

forth in 34 C.F.R Part 600 and for each Title IV, HEA program in which it participates, as well as the general provisions set forth in Part F and Part G of Title IV of the HEA, and the Student Assistance General Provisions regulations set forth in 34 CFR Part 668.

***The recitation of any portion of the statute or regulations in this Agreement does not limit the Institution's obligation to comply with other applicable statutes and regulations.***

- (2) The Institution acknowledges and agrees that 34 C.F.R. Part 600 (2011) requires that it be legally authorized by the country's education ministry, council or equivalent agency to offer an eligible educational program above the secondary level, that it award degrees, certificates, or other recognized credentials that are officially recognized by the country in which the institution is located; and that the authorizing agency and the Secretary may share or report information to one another about the Institution without limitation.
- (3) The Institution acknowledges and agrees that 34 C.F.R. Part 600 requires that if the Institution is or has, as a component program, a medical school, the medical school must be approved by an accrediting authority determined by the National Committee on Foreign Medical Education Accreditation to use accrediting standards comparable to those used in the United States in accrediting medical schools in the country in which Institution is located, and that the accrediting agency, authorizing agency, and the Secretary may share or report information to one another about the Institution without limitation.
- (4) The Institution acknowledges and agrees that courses or programs offered in whole or in part by telecommunications or correspondence (including by distance education): or by direct assessment are not enrolled in eligible educational programs and the institution may not award or disburse Title IV, HEA program funds to students in such courses or programs. 20 U.S.C. § 1088(b) (3); 34 C.F.R. § 600.51(d). Eligible programs and courses may use telecommunications technologies only to supplement and support instruction that is offered in a classroom located in the country where the students and instructor are physically present.
- (5) The Institution acknowledges and agrees that, to the extent applicable, it is subject to and will comply with Title VI of the Civil Rights Act of 1964, as amended, 42 § U.S.C. 2000d *et seq.*, which prohibits discrimination against persons in the United States on the basis of race, color or national origin in any program or activity receiving Federal financial assistance; Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. § 1681 *et seq.*, which prohibits discrimination against persons in the United States on the basis of sex in any education program or activity receiving Federal financial assistance; Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, which prohibits discrimination on the basis of disability against persons in the United States on the basis of disability in any program or activity receiving Federal financial assistance; and the Age Discrimination Act of 1975, as amended, 42 U.S.C. § 6101 *et seq.*, which prohibits discrimination against persons in the United States on the basis of age in any program or activity receiving Federal financial assistance. The Institution further acknowledges and agrees to comply with all applicable regulations adopted under the above statutes by the Department. 34 C.F.R. Part 100 (Title VI); 34 C.F.R. Part 106 (Title IX); 34 C.F.R. Part 104 (Section 504); and 34 C.F.R. Part 110 (Age Discrimination). The above laws and regulations protect all individuals who would be protected by these civil rights laws at U.S public and private institutions of higher education (including but not limited to the Institution's students, faculty members, instructors, employees, and staff) whether or not those persons are citizens, nationals, or lawful permanent residents of the United States, while they are physically present in the United States and its territories.
- (6) The Institution acknowledges that the Department is obligated to take appropriate measures in order to safeguard its systems and information as well as borrowers' personally identifiable information (PII) as required under Federal law, including but not limited to the requirements in

the Privacy Act (*see* 5 U.S.C. § 552a(e)), E-Government Act of 2002 (*see* 44 U.S.C. § 3544), the Family Educational Rights and Privacy Act of 1974 (FERPA) (20 U.S.C. § 1232g; 34 C.F.R. Part 99), Federal Information Security Modernization Act (FISMA) of 2014 (44 U.S.C. § 3551, *et seq.*), and OMB Circular No. A-130. If the Institution has a cyber security incident that may negatively affect the Department's systems, the Department may terminate the Institution's access to the Department's systems. Access will be reconnected when the Department determines that the Institution has resolved any cyber security concerns and vulnerabilities to the Department's satisfaction.

- (7) The Institution acknowledges that any person who knowingly and willfully commits, or attempts to commit, any criminal action described in 20 U.S.C. § 1097, shall be subject to the penalties described therein.

### **SELECTED PROVISIONS FROM GENERAL PROVISIONS REGULATIONS, 34 C.F.R PART 668**

By entering into this Program Participation Agreement, the Institution agrees that:

(1) It will comply with all statutory provisions of or applicable to Title IV of the HEA, all applicable regulatory provisions prescribed under that statutory authority, and all applicable special arrangements, agreements, and limitations entered into under the authority of statutes applicable to Title IV of the HEA, including the requirement that the Institution will use funds it receives under any Title IV, HEA program and any interest or other earnings thereon, solely for the purposes specified in accordance with that program;

(2) As a fiduciary responsible for administering Federal funds, if the Institution is permitted to request funds under a Title IV, HEA program advance payment method, the Institution will time its requests for funds under the program to meet the Institution's immediate Title IV, HEA program needs;

(3) It will not request from or charge any student a fee for processing or handling any application, form, or data required to determine a student's eligibility for, and amount of, Title IV, HEA program assistance;

(4) It will establish and maintain such administrative and fiscal procedures and records as may be necessary to ensure proper and efficient administration of funds received from the Secretary or from students under the Title IV, HEA programs, together with assurances that the Institution will provide, upon request and in a timely manner, information relating to the administrative capability and financial responsibility of the institution to--

- (i) The Secretary;
- (ii) The regulatory bodies or any other oversight agency for the country in which the Institution or any of the institution's campuses or other locations are located;
- (iii) The accrediting authority approved by the National Committee on Foreign Medical Education and Accreditation for the country in which the Institution's foreign medical school is located if the Institution is a freestanding foreign medical school or includes a component medical program.

(5) It will comply with the provisions of 20 U.S.C. § 1094(c), 34 C.F.R. Part 668, Subpart L and 34 C.F.R. §668.23 and Subpart L of the Student Assistance General Provisions relating to factors of financial responsibility;

- (6) It will comply with the provisions of 34 C.F.R. § 668.16 relating to standards of administrative capability;
- (7) It will submit reports to the Secretary at such times and containing such information as the Secretary may reasonably require to carry out the purpose of the Title IV, HEA programs;
- (8) Pursuant to 34 C.F.R. § 668.14(b)(8), the Institution will not qualify a student or parent for a loan or loans that are in excess of the amount that the student or parent is eligible to borrow;
- (9) It will comply with requirements concerning institutional and financial assistance information for students and prospective students, and information dissemination, found at:
- 34 C.F.R. §§ 668.41(a)-(c) [*Reporting and Disclosure of Information*],
- 34 C.F.R. §§ 668.41(d)(1) and (2) [*General disclosures for enrolled or prospective students*],
- 34 C.F.R. § 668.42 [*Financial Assistance Information*],
- 34 C.F.R. § 668.44 [*Availability of employees for information dissemination purposes*].
- (10) (i) If the Institution is seeking to participate for the first time in the Direct Loan Program, the Institution has included a default management plan as part of its application under 34 C.F.R. § 600.20 for participation in those programs and will use the plan for at least two years from the date of that application;
- (ii) If the Institution has experienced a change ownership that results in a change of control, the Institution will develop a default management plan for approval by the Secretary and implement the plan for at least two years after the change in control;
- (iii) The Secretary considers the requirements of this paragraph to be satisfied by a default management plan developed in accordance with the default reduction measures described in the September 2005 Dear Partner Letter, GEN-05-14;
- (iv) The Institution does not have to use an approved default management plan if:
- (A) The Institution, including its main campus and any branch campus, does not have a cohort default rate in excess of 10 percent; and
- (B) the owner of the Institution does not own and has not owned any other Institution that had a cohort default rate in excess of 10 percent while that owner owned the institution.
- (11) The Secretary, government agencies that legally authorize the Institution or its branch campuses or other locations to provide the postsecondary education, the U.S. Secretary of Veterans Affairs, and other U.S. government agencies, and, if Institution is or includes a medical school, that medical school's accrediting authority, have the authority to share with each other any information pertaining to the Institution's eligibility for or participation in the Title IV, HEA programs or any information on fraud and abuse pertaining to the Title IV, HEA programs;
- (12) The Institution will not knowingly -
- (i) Employ in a capacity that involves the administration of the Title IV, HEA programs, or the receipt of funds under those programs, an individual who has been convicted of, or has pled *nolo contendere* or guilty to, a crime involving the acquisition, use or expenditure of U.S. Federal, State or local government funds, or has been administratively or judicially determined

to have committed fraud or any other material violation of law involving U.S. Federal, State, or local government funds;

(ii) Contract with an institution or third-party servicer that has been terminated under section 432 of the HEA for a reason involving the acquisition, use or expenditure of U.S. Federal, State or local government funds, or that has been administratively or judicially determined to have committed fraud or any other material violation of law involving U.S. Federal, State or local government funds; or

(iii) Contract with or employ any individual, agency or organization that has been, or whose officers or employees have been

(A) convicted of, or pled nolo contendere or guilty to, a crime involving the acquisition, use or expenditure of U.S. Federal, State, or local government funds; or

(B) administratively or judicially determined to have committed fraud or any other material violation of law involving U.S. Federal, State or local government funds;

(13) It will not impose any penalty, including, but not limited to, the assessment of late fees, the denial of access to classes, libraries, or other Institutional facilities, or the requirement that the student borrow additional funds for which interest or other charges are assessed, on any student because of the student's inability to meet his or her financial obligations to the Institution as a result of the delayed disbursement of the proceeds of a Title IV, HEA program loan due to compliance with statutory and regulatory requirements of or applicable to the Title IV, HEA programs, or delays attributable to the Institution;

(14) Within the meaning of 34 C.F.R. § 668.14(b)(22), it will not provide any commission, bonus, or other incentive payment based directly or indirectly on success in securing enrollments or financial aid to any persons or entities engaged in any student recruiting or admission activities or in making decisions regarding the awarding of student financial assistance, except that this requirement shall not apply to the recruitment of students who are not U.S. Citizens, U.S. Nationals, or U.S. residents who are residing in countries outside of the United States who are not eligible to receive Federal Student Assistance;

(15) It will meet the requirements established pursuant to Part H of Title IV of the Higher Education Act (HEA) by the Secretary, as well as the requirements of the oversight authorities in the country in which it is located, and, if it is or includes a medical school, the requirements imposed on it by its accrediting authority(ies);

(16) It will comply with the refund provisions established in 34 C.F.R. § 668.22;

(17) It is liable for all improperly administered funds received under the Title IV, HEA programs, including any funds administered by a third-party servicer, and returns of Title IV program funds that the institution or its servicer may be required to make;

(18) If the stated objective of an educational program of the Institution are to prepare a student for gainful employment in a recognized occupation, the Institution will-

(i) demonstrate a reasonable relationship between the length of the program and entry level requirements for the recognized occupation for which the program prepares the student. The Secretary considers the relationship to be reasonable if the number of clock hours provided in the program does not exceed one hundred and fifty percent of the minimum number of clock hours required for training in the recognized occupation for which the program prepares the student, as established by a relevant government agency; and

(ii) establish the need for the training for the student to obtain employment in the recognized occupation for which the program prepares the student.

(19) The Institution

- (i) will develop, publish, administer, and enforce a code of conduct with respect to loans made under the Title IV, HEA loan programs in accordance with 34 C.F.R. § 601.21 and
- (ii) must annually inform its officers, employees, and agents with responsibilities with respect to Title IV, HEA program loans of the provisions of the code;

(20) For any year in which the Institution has a preferred lender arrangement, (as defined in 34 C.F.R. § 601.2(b)), it will at least annually compile, maintain, and make available for students attending the Institution who are U.S. citizens, U.S. Nationals, or U.S. residents who are residing in the countries outside the United States, and the families of such students, a list in print or other medium, of the specific lenders of private education loans that the Institution recommends, promotes, or endorses in accordance with such preferred lender arrangement. In making such a list, the Institution must comply with the requirements in 34 C.F.R. § 601.10;

(21) (i) The Institution will, upon the request of an enrolled or admitted student who is a U.S. citizen, U.S. National, or U.S. resident who is residing in a country outside the United States and is an applicant for a private education loan (as defined in 34 C.F.R. § 601.2(b)), provide to the applicant the self-certification form required under 34 C.F.R. § 601.11(d) and the information required to complete the form, to the extent the Institution possesses such information, including--

(A) The applicant's cost of attendance at the Institution, as determined by the Institution under Part F of Title IV of the HEA;

(B) The applicant's estimated financial assistance, including amounts of financial assistance used to replace the expected family contribution as determined by the Institution in accordance with Title IV, for students who have completed the Free Application for Federal Student Aid; and

(C) The difference between the amounts under (A) and (B), as applicable;

(ii) The Institution will, upon the request of the applicant, discuss with the applicant the availability of Federal and institutional student financial aid;

(22) If Institution is for-profit (i.e., a for-profit foreign medical, veterinary, or nursing school), the institution will derive at least 10 percent of its revenues for each fiscal year from sources other than Federal funds, as provided in 34 C.F.R. §§ 668.28(a), or be subject to sanctions described in 34 C.F.R. § 668.28(c);

(23) It will complete, in a timely manner and to the satisfaction of the Secretary, surveys conducted as part of any Federal information collection effort, as designated by the Secretary, regarding data on postsecondary institutions;

(24) (i) This Agreement becomes effective on the date that the Secretary signs the Agreement;

(ii) This Agreement supersedes any prior program participation agreement between the Secretary and the Institution;

(25) With respect to an institution that has been *provisionally certified*--

(i) The Secretary revokes a provisional certification through the proceedings in 34 C.F.R. §668.13(d).

(ii) An Institution may terminate this Agreement.

(26) An Institution's program participation agreement automatically expires on the date that--

- (i) The Institution changes ownership that results in a change in control as determined by the Secretary under 34 C.F.R. Part 600, or
- (ii) The Institution's participation ends under the provisions of 34 C.F.R. § 668.26.

(27) The Institution's Program Participation Agreement no longer applies to or covers a location of the Institution as of the date on which that location ceases to be a part of the participating Institution

## **WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM**

(1) The Institution and its representatives shall comply with, as they become effective, the statute, guidelines, and regulations governing the Title IV, Part D, William D. Ford Federal Direct Loan Program as required by 20 U.S.C. §§ 1087a *et seq.* (Part C) and 34 C.F.R. Part 685.

(2) The Institution's participation does not include authorization under 34 C.F.R. § 685.102(b) (*Master Promissory Note*)(4) for multi-year use of the Master Promissory Note. Master Promissory Notes will be made available to students enrolling at Institution by the Department of Education electronically, or, upon the request of the student, in paper.

(3) The Institution understands that, as required by Section 452 of the Higher Education Act of 1965, as amended effective July 1, 2010 by Title II, Subtitle A of the Health Care and Education Reconciliation Act of 2010, Public Law 111-152, enacted on March 30, 2010, the Secretary of the U.S. Department of Education has appointed the U.S. Federal Reserve Banks as the financial institutions located or operating in the United States that will serve as the agents for it with respect to the receipt of disbursements of Direct Loan Program funds and the transfer of such funds to Institution, and that to receive Direct Loan Program funds, the Institution must make the necessary arrangements with the appropriate U.S. Federal Reserve Bank, including having or establishing its own bank account into which Direct Loan Program funds from the U.S. Federal Reserve Bank can be deposited.

(4) The Institution agrees that, during the time it participates in the Direct Loan Program under this Agreement, it will provide for the establishment and maintenance of a Direct Loan Program at the Institution under which the Institution will:

(i) Identify eligible students who seek student financial assistance in accordance with Section 484 of the Higher Education Act of 1965, as amended (the HEA);

(ii) Estimate the need of each of these students as required under Title IV, Part F of the HEA for the academic year. For purposes of estimating need, a Direct Unsubsidized Loan, a Direct PLUS Loan, or any loan obtained under any State-sponsored or private loan program may be used to offset the expected family contribution of the student for that year;

(iii) Determine that the amount of the loan for any student under Part D of the HEA is in an amount that does not exceed the annual limit applicable for that loan program and that the amount of the loan, in combination with previous loans received by the borrower, is not in excess of the aggregate limit for that loan program;

(iv) Set forth a schedule for disbursement of the proceeds of the loan in installments, consistent with the requirements of Section 428G of the HEA;

(v) Reconcile institutional records with receipt and disbursement records on at least a monthly basis.

(vi) Provide timely and accurate information to the Secretary for the servicing and collecting of loans A) concerning the status of student borrowers (and students on whose behalf parents borrow under this program) while those students are in attendance at the school, and B) on request of the Secretary, concerning any new information of which the Institution becomes aware for these students (or their parents) after the student leaves the Institution, and C) concerning student eligibility and need, for the alternative origination of loans to eligible students and parents in accordance with Part D of Title IV of the HEA;

(vii) Comply with requirements established by the Secretary relating to student loan information with respect to the Direct Loan Program;

(viii) Implement a quality assurance system, as established by the Secretary and developed in consultation with the Institution, to ensure that the Institution is complying with program requirements and meeting program objectives;

(ix) Not charge any fees of any kind, regardless of how they are described, to student or parent borrowers for loan application, or loan origination activities (if applicable), or the provision and processing of any information necessary for a student or parent to receive a loan under Part D of Title IV of the HEA;

(x) Comply with the provisions regarding student claims and disputes of 34 C.F.R. § 685.300(d) (borrower defense claims in an internal dispute process), (e) (class action bans), (f) (pre-dispute arbitration agreements), (g) (submission of arbitral records), (h) (submission of judicial records), and (i) (definitions).

(xi) Comply with other provisions that the Secretary determines are necessary to protect the interests of the United States and to promote the purposes of Part D of Title IV of the HEA.

(xii) Accept responsibility and financial liability stemming from its failure to perform its functions under this Program Participation Agreement.

(xiii) Accept responsibility and financial liability stemming from losses incurred by the Secretary for repayment of amounts discharged by the Secretary pursuant to 34 C.F.R. §§ 685.206, 685.214, 685.215, 685.216, and 685.222.

## **CERTIFICATIONS REQUIRED FROM INSTITUTIONS**

The Institution should refer to the regulations cited below. Signature on this Agreement provides for compliance with, as they become effective, the certification requirements under 2 C.F.R. Part 180, Subpart C, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," and 2 C.F.R. Part 3485, "Nonprocurement Debarment and Suspension." Breach of any of these certifications constitutes a breach of this Agreement.

### **PART 1 CERTIFICATION REGARDING DEBARMENT AND SUSPENSION**

As required by Executive Order 12549, Debarment and Suspension, and implemented at 2 C.F.R. Part 180, for prospective participants in primary covered transactions as defined at 2 C.F.R. Part 180, §§ 180.200 and 180.210, the Institution certifies that it and its principals (per 2 C.F.R. § 180.335):

- (1) Are not presently debarred, suspended, proposed for debarment, voluntarily excluded, or disqualified;
- (2) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a U.S. public transaction or contract under a U.S. public transaction, violation of U.S. antitrust statutes, including those proscribing price fixing between competitors, allocation of customers between competitors, and bid rigging; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, or obstruction of justice; or commission of any other offense indicating a lack of business integrity or business honesty that seriously and directly affects their present responsibility;
- (3) Are not presently indicted for or otherwise criminally or civilly charged by a government entity in the U.S. with commission of any of the offenses enumerated in paragraph (2) of this certification;
- (4) Have not within a three-year period preceding this application had one or more public transactions in the U.S. terminated for cause or default.

**PART 2 CERTIFICATION REGARDING DEBARMENT, SUSPENSION, DISQUALIFICATION, AND VOLUNTARY EXCLUSION -- LOWER TIER COVERED TRANSACTIONS**

The Institution is to obtain the signatures of Lower Tier Contractors on reproduced copies of the certification below, and retain the completed certification(s) in the Institution's files.

<b>CERTIFICATION BY LOWER TIER CONTRACTOR</b> (Before Completing Certification, Read Instructions for This Part, below)	
(1) The prospective lower tier participant certifies by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, voluntarily excluded, or disqualified from participation in this transaction by any Federal Department or Agency.	
(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.	
<hr/> Name of Lower Tier Organization	<hr/> PR/Award Number or Project Name
<hr/> Name of Authorized Representative	<hr/> Title of Authorized Representative
<hr/> Signature of Authorized Representative	<hr/> Date

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "disqualified," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Disqualification, and

Voluntary Exclusion--Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, disqualified, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, disqualified, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

NOTE: A completed copy of the "Certification Regarding Debarment, Suspension, Disqualification and Voluntary Exclusion--Lower Tier Covered Transactions" form must be retained by the Institution. The original blank certification must be returned with the PPA.

**IN WITNESS WHEREOF**

the parties hereto have caused this Agreement to be executed by their duly authorized representatives.

Signature of Institution's  
Chief Executive Officer  
(CEO)/President/Chancellor: \_\_\_\_\_  \_\_\_\_\_ Date: November 14, 2023

Print Name and Title: Charlotte Yates  
President and Vice-Chancellor

For the Secretary: \_\_\_\_\_  \_\_\_\_\_ Date: 11/16/2023  
U.S. Department of Education