# TABLE OF CONTENTS

**Executive Summary** ......................................................... 4  
**Introduction** ............................................................... 5  
1. About International Student Recruitment Agencies .................. 7  
2. Legal Requirements and Accreditation Standards .................. 8  
3. Campus Impacts, Operational Protocols and Institutional Policy .... 9  
4. Contracts ................................................................. 11  
5. Vetting, Training and Ongoing Supervision of Agency Activity .... 14  
6. Signs of Good Practice and Warning Signs .......................... 17  

**Appendices:**  
A. Due Diligence Checklist .................................................. 18  
B. Sample Agency Questionnaire ........................................... 19  
C. Sample Reference Check Questions ..................................... 20  
D. Remuneration Terminology and Approaches .......................... 21  
E. Additional Resources ..................................................... 23
ACKNOWLEDGMENTS

The NACAC Board of Directors gratefully acknowledges the following groups and organizations for generously contributing their time and expertise to the creation of this resource: NACAC International Advisory Committee; NACAC Admission Practices Committee; Commission on International Student Recruitment; Overseas Association for College Admission Counseling; NAFSA: Association of International Educators; American International Recruitment Council; ICEF; and the British Council.

The information presented in this document is intended as a general guide and is not intended to, nor can it ever, replace legal advice obtained from institutional or individual legal counsel. The information is presented as is and without warranty of any kind. While every effort has been made to ensure the accuracy of the content, NACAC shall not in any event be liable to any user or any third party for any direct or indirect loss or damage caused or alleged to be caused by the information contained herein and referenced.

NACAC
National Association for College and Admission Counseling

Copyright © 2014 by the National Association for College Admission Counseling. All rights reserved. Printed in the United States of America.

No part of this paper may be reproduced in any form or by any means electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without permission in writing from the publisher, except for brief quotations embodied in critical articles and reviews.

NACAC
1050 N. Highland Street
Suite 400
Arlington, VA 22201

800/822-6285
703/243-9375 fax
www.nacacnet.org
EXECUTIVE SUMMARY

- Students and parents the world over recognize the value of pursuing education outside one’s home country. Worldwide, international student enrollments at institutions of higher education have nearly quadrupled over the past three decades, from 1.1 million in 1985 to approximately 4.3 million in 2011. This globally mobile student population is forecast to surpass 7 million by 2025.

- Forward-looking leaders also discern the benefits of hosting a diverse international student body. Many educational institutions are acting accordingly, by initiating and enhancing international student outreach, admission and support activities. For some, the primary motivation underpinning these efforts is the aim to fulfill the institutional mission; international students can add significantly to the richness of the educational experience for domestic students, host faculty and staff alike. For others, an impetus is the need to fund the institutional mission. Schools seek the fiscal benefits of enrolling students who are often self-financed and prepared to bear the full cost of their education. Often, a dynamic combination of these drivers is at work.

- Some institutions utilize international student recruitment agencies—the subject of this guide—as one method of outreach and recruitment. Agencies can be defined as companies or individuals (agents) in the business of recruiting international students. Agencies are compensated by the institutions they recruit for, usually contingent upon the referral of enrollees. Different terms are used to describe institution-to-agency remuneration, such as ‘per-capita commissions’ and ‘referral fees.’

- Estimates suggest that more than 20,000 agencies operate worldwide, differing in terms of location, size and student recruitment specializations. The utilization of agency services by educational institutions also varies across the globe. For example, while most Australian, British and Canadian universities work with international student recruitment agencies, this enrollment strategy is far less common in the United States; data suggest that approximately one quarter of American institutions, or specific campus programs, contract with agencies to conduct international student recruitment.

- For educational institutions participating in the US Title IV financial aid program, commission-based recruitment of students eligible for federal financial aid is illegal. However, the statute currently makes clear that this prohibition does not apply to “foreign students residing in foreign countries who are not eligible to receive Federal student assistance.”

- International student recruitment agency activity has been the subject of considerable controversy, particularly in the US. The controversy has two chief origins: 1) the many risks to different stakeholders inherent in commission-based international student recruitment. These risks have involved fraud, legal action and financial damage suffered by students, among other adverse outcomes; and 2) unresolved questions about the propriety of institutions issuing per-capita commissions payments for international student enrollments. One concern about these payments is that, currently, few international students or their parents realize they occur. Nor are they aware that the transactional relationships between institutions and agencies often dictate the campuses, or individual programs, to which they are steered.

- The National Association for College Admission Counseling (NACAC) is an organization of approximately 13,000 counseling and admission professionals in the US and close to 50 other countries. NACAC members are dedicated to fostering ethical and social responsibility as they serve students making the transition from secondary to postsecondary education. NACAC does not endorse the practice of commission-based international student recruitment. However, in 2013, the association modified its Statement of Principles of Good Practice to permit members to utilize it, providing they ensure accountability, transparency and integrity when doing so. This guide details concrete methods to foster the same.

- Working with international student recruitment agencies to meet growing enrollment targets is not a get-enrollments-quick undertaking. Nor is it inexpensive. A significant investment of financial resources and staff time is necessary in order to safeguard the institution and properly support students.

- The institutional process for considering an agency-based international student recruitment strategy should include:
  - a review of laws, regulations and quality assurance standards applicable to international student recruitment agencies
  - a campus-wide scan of the institution’s current international student recruitment practices and student support infrastructure
  - an analysis of anticipated campus impacts.

- Should an institution decide to work with international student recruitment agencies, the following steps should be taken to ensure accountability, transparency and integrity:
  - Consult with critical campus constituents to address campus impacts.
  - Develop a unified or coordinated institutional policy concerning international student recruitment agencies.
  - Communicate the institution’s agency policy to international students and their families, via the institution’s Web site.
  - Develop a contract, involving campus legal counsel, risk management and affiliated departments.
  - Identify and vet prospective agency contractors.
  - Commit to delivering regular trainings and other elements of rigorous, continual quality assurance.
  - Provide international student support services commensurate with the expected growth and diversification in enrollments.

- Stakeholders beyond the admission office must convene and engage in ongoing conversations about increasing international student enrollment and the recruitment methods utilized for this purpose. Crucially, campus professionals must be prepared and sufficiently resourced to meet the unique needs of international students, and to ensure their success.
INTRODUCTION

Students crossing national borders to pursue education—a phenomenon termed “global student mobility”—have increased markedly in number in recent decades. In 1985, an estimated 1.1 million students undertook higher education outside their country of birth or citizenship. Today, international students number approximately 4.3 million worldwide. This population is forecast to rise further still, to more than 7 million by 2025. Moreover, students are heading abroad at ever-younger ages, with some beginning overseas study at the secondary school level and earlier.

As student demand for cross-border education grows, so, too, does the desire to welcome these globally mobile students, among prospective host schools and governments alike. Many schools are initiating international student outreach activity for the first time in their history. Others are enhancing existing efforts. Institutions view hosting international students as a vital way to internationalize their campuses and local communities. International students can add significantly to the richness of the educational experience for domestic students, host faculty and staff alike. Some schools also seek the fiscal benefits of enrolling students who are often self-financed and prepared to bear the full cost of their education. But the recruitment of international students should be based primarily on what they bring to the learning environment—not their financial contributions to the institutional bottom line. Moreover, schools looking to international enrollment as a quick fix for budgetary challenges may underestimate the commitments requisite to establishing a well-rounded international student program.

Some institutions engage with third-party, private sector recruitment agencies as a means to grow their international student enrollment. Though precise data is scant, one measure suggests that more than 20,000 such agencies operate around the world. Policies about working with international student recruitment agencies vary considerably among colleges and universities, and also host countries. The practice is common in some parts of the world and much less so in others. For instance, international student recruitment agency use is prevalent among Australian, British and Canadian universities. Conversely, data suggest that approximately one quarter of American colleges and universities are engaged in the practice.

Typically, institutions choose to partner with agencies in order to establish a local presence in particular regions abroad—or in which it may be difficult to recruit from directly—and to meet growing enrollment targets, oftentimes with limited budgets. However, partnering with agencies is not a get-enrollments-quick undertaking. Nor is it inexpensive. In order for the use of agencies to be a successful approach to enrolling international students, a significant commitment of fiscal and human resources is necessary. Moreover, a decision to use commission-based agencies should be supported by broader strategic planning, including an assessment of the institution’s current outreach practices and enrollment goals and an examination of agency recruitment in comparison with complementary, or alternative, strategies.

Institutions considering this method of recruitment must also recognize and address the risks inherent in it—risks to students and institutions. For students who interact with agencies, these include financial risk, misinformation risk and the risk of being referred to an institution based not upon what is educationally and socially best for them but, rather, financially advantageous for the agency. Students who don’t utilize agency services are also affected by agent activity. Operating in a relatively under-regulated domain, unscrupulous agents sometimes perpetrate fraud by fabricating or embellishing academic records and other application materials. These actions impact the admission opportunities of students trying to play by the rules.

Risks to institutions include financial, legal and reputational risk. Such risks have been realized by a number of institutions. In 2012, one American university underwent an audit that revealed significant problems linked to international student recruitment agencies—problems that harmed students and staff and damaged the university’s reputation. The audit recommended the university terminate all of its agency relationships. In 2014, a Canadian university was the subject of a C$24 million lawsuit, brought to bear by a former agency partner of the institution. The university and a number of individual campus personnel were named as defendants in the case. These and other examples reinforce the critical evaluation and assessment that must be part of deciding to pursue and implement relationships with agencies.

Also, opinions vary about the ethical propriety of per-capita incentive payments—sometimes termed “commissions”—for the enrollment of international students. One view is that the practice itself is not what is intrinsically problematic; rather, it is that students and parents typically don’t know that the financial, transactional relationships between institutions and agencies often determine which schools the agency steers students toward and which it does not. Alternatively, some have viewed incentive compensation as so inherently problematic that it has been banned outright in certain circumstances and significantly regulated in others. NACAC first instituted its ban on incentive compensation-based student recruitment in 1951, and the US government has prohibited it for domestic recruitment since 1992.

For these reasons, NACAC does not endorse the practice of commission-based international student recruitment. Minimally, institutions engaged in or considering this practice should be forthcoming about their recruitment relationships, as should their agency partners. Taking effective measures to ensure accountability, transparency and integrity when engaged in this work will protect all stakeholders and drive best practice.
The following guide is for schools, colleges and universities considering or currently working with international student recruitment agencies. It is intended to help institutions assess their readiness to develop or continue partnerships with these enterprises and to enhance their quality. It also aims to help institutions mitigate risks inherent in the activity, and to highlight the resource commitments necessary to undertake it effectively. If the guidance has a unifying theme, it is due diligence. Doing sufficient and ongoing due diligence reduces the likelihood of students and institutions being put in harm's way. (See Appendix A for a Due Diligence Checklist.)

The guide is primarily intended for an American audience and others who work with international students transitioning to studies in the US. However, much of its content is applicable to professionals no matter the countries involved. Additionally, most of the information that follows is relevant not only to institutions that recruit international students to undergraduate programs and secondary schools, but also to English as a second language and pathway programs, and/or graduate studies. Lastly, though the guide has been designed with newcomers to agency recruitment in mind, experienced practitioners may also find it useful to assess their current activity vis-à-vis some of the recommendations offered.

The guide addresses the following steps to sound practice: assessing campus readiness to engage in agency-based international student recruitment; establishing institutional protocols for work with agencies and policy; developing a contract, with special emphasis on institutional and student protections; identifying and vetting prospective agency partners; creating an agency manual and delivering trainings; monitoring agency performance; and assessment.

As enrollment of international students continues to grow, whether as a result of engaging with agencies and/or other recruitment methods, it is important for admission professionals to engage their campus community in ongoing discussions. This is how they will ensure that appropriate, coordinated and sufficient support services exist to foster international student success.

NACAC STATEMENT OF PRINCIPLES OF GOOD PRACTICE (SPGP)
NACAC is committed to maintaining high standards that foster ethical and social responsibility among those involved in serving students as they make choices about pursuing postsecondary education. These standards are embodied in NACAC’s Statement of Principles of Good Practice (SPGP) (http://www.nacacnet.org/about/Governance/Policies/Pages/default.aspx).

The SPGP addresses both longstanding as well as contemporary issues related to the field of college counseling and admission, and is regularly reviewed and updated as new and complex ethical questions arise. In 2013, building on the foundational work of the Commission on International Student Recruitment (http://www.nacacnet.org/studentinfo/InternationalStudentResources/Documents/IntlStudRecruitReport.pdf), the SPGP was revised to reflect the topic of commission-based international student recruitment by third-party agencies. This revision aims to prevent the mistreatment of students and protect institutions from potential risks when engaging in this method of recruitment. The SPGP states that NACAC members agree they will “not employ agents who are compensated on a per-capita basis when recruiting students outside the United States, unless ensuring they and their agents conduct themselves with accountability, transparency and integrity.”
ABOUT INTERNATIONAL STUDENT RECRUITMENT AGENCIES

OPERATIONAL DEFINITIONS

A starting point for any institution considering working with agencies to conduct international student recruitment is to be clear about what agencies are, and about the clients they serve. Depending upon the source consulted, different definitions of the terms agency, agent, consultant, counselor, representative, recruiter and so forth may be encountered, many of which are used interchangeably. In the interest of clarity, the following operational definitions are used in this document:

- **International Student Recruitment Agency (Agency)**—A company or unit of a larger firm in the business of recruiting international students. The company derives income from the educational institutions with which it works, contingent upon the referral of applicants or enrollees. The relationship between the agency and institution is typically governed by a contract, or written agreement.

- **International Student Recruitment Agent (Agent)**—An individual international student recruiter, who may work in a solo capacity or as an employee of an agency. Agents are not salaried employees of the institutions for which they recruit.

- **International Student Recruitment Sub-agent (Sub-agent)**—An individual or firm serving as a subcontractor of an agency. Sub-agents may engage in student recruitment, advisement, application assistance, and/or related functions on behalf of their agency partners. Sub-agents may work in the same or other countries vis-à-vis the lead agency.

It is important to distinguish recruitment agency activity from the services rendered by Independent Educational Consultants (IEC). An IEC may be defined as someone who provides fee-based advisement to students about choosing and applying to programs, schools, colleges, and universities, and who is paid solely by the individuals or families they counsel. In other words, their work is financially independent of the educational institutions they advise students about, not recruit for. IECs may work alone in private practice, or as employees of an independent educational consultancy. Many IECs specialize in assisting international students. IECs may be considered a kind of agent in terms of the services they provide their client families; however, because they are compensated only by students and parents, they are strictly “buyers’ agents,” not recruitment agents.

DOUBLE-DIPPING

Many international student recruitment agencies receive payments from the students and parents they advise in addition to being compensated by the schools for which they recruit. Such service fees can cover student advisement, application assistance and/or ancillary support, such as English language coursework or help with the acquisition of student visas and insurance. The practice wherein an intermediary agency receives income from both parties to a transaction—school and student alike—is colloquially termed double-dipping.

Given the potential for conflicts of interest, NACAC recommends that member institutions prohibit recruitment agencies from charging students fees for advisement and application assistance, as a condition of a contractual relationship. Further, contracts should stipulate that agencies must disclose to students/parents the fact that they receive compensation from the schools they represent.1

**Tip:** Some agencies that charge student advisement fees and also receive commission payments from the institutions they recruit for will refund a student if she or he attends one of their partner schools.

For important additional considerations, see Appendix D, “Remuneration Terminology and Approaches.”

INTERNATIONAL STUDENT RECRUITMENT AGENCY TYPES

Large numbers and diverse types of agencies exist, ranging from independent sole proprietorships serving students in a specific locale to “hub and spoke” organizations constituted by a headquarters in one city that’s connected to branch offices in others. Some agencies specialize in referring students to particular countries or academic programs. Some concentrate on specific educational levels (e.g., secondary or boarding schools, ESL programs, and undergraduate and/or graduate studies). Most agencies interact with students and families in person, while some specialize in online advisement.

An agency may exclusively serve students interested in overseas studies. Others serve students as but one component of a larger, more multifaceted business, including travel agency services, tutoring and test preparation, immigration consultancy, and/or career services.

Larger international student recruitment agencies are often diversified in terms of staff functions. These agencies may employ dedicated personnel to handle marketing, student advisement, invoicing, and relations with partner schools, respectively. Agency employees who serve as liaisons to institutional partners are often different than those doing actual student advising. This fact should be accounted for when arranging trainings of agency staff.

An agency may represent just one school. More common are agencies that work on behalf of a portfolio of institutions. An agency’s portfolio is often crucial in dictating the range of college options presented to students. Therefore, the breadth and diversity of this portfolio, along with the agency’s fiduciary interests, will influence how student and institutional fit is determined.

In some countries, laws or governmental bodies regulate agency activities. This topic is covered in the following section, “Legal Requirements and Accreditation Standards.”

---

1 In the Ethical Framework of the Statement of Principles for the Ethical Recruitment of International Students by Education Agents and Consultants (a.k.a., the “London Statement”), “Transparency” is illustrated as “declaring conflicts of interest to all clients, especially when service fees are charged to both the education provider and the prospective student.” Additionally, an attachment to the statement cites “Being transparent in fees to be paid by students and commissions paid by providers” as an example of responsible business ethics.
LEGAL REQUIREMENTS AND ACCREDITATION STANDARDS

Pertinent regulations and standards should be reviewed prior to partnering with an agency or agent, as there may be high-stakes implications for the institution if practices fall out of compliance with requirements. One must also bear in mind that, when contracting with agencies, it is the entire institution entering and assuming responsibility for each relationship—not merely the campus unit interfacing with agency personnel. This section addresses laws in the countries from which and in which an institution or agency operates, as well as accreditation.

ABIDING BY NATIONAL AND LOCAL LAWS IN HOST AND HOME COUNTRIES

In assessing whether to begin or expand agency-based international student recruitment, institutions must ensure the activity conforms to applicable state and federal regulations. In the United States, the Higher Education Act (HEA) obligates postsecondary institutions participating in the Title IV federal student aid program as follows:

The institution 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 award of student financial assistance, except that this paragraph shall not apply to the recruitment of foreign students residing in foreign countries who are not eligible to receive Federal student assistance. (20 USC §1094[a][20])

Though “foreign students residing in foreign countries who are not eligible to receive Federal student assistance” are excepted in this requirement, institutions risk violating the statute if their incentive compensation-based recruitment involves:

- students attending overseas secondary schools who are eligible for federal student assistance
- international students residing in the US.

Further, not all US regulation contains exceptions for international recruitment. For instance, the HEA provision banning misrepresentation of an institution to students applies broadly to institutional communications, regardless of national boundaries. Additionally, misrepresentation regulations apply to both the institution and to third parties working on the institution’s behalf. As such, actions by agents that run afoul of HEA misrepresentation regulations could jeopardize the institution’s eligibility for Title IV HEA funds.

Prominent examples of international student recruitment-related legislation in other parts of the world include Australia’s Education Services for Overseas Students (ESOS) Act (https://aei.gov.au/Regulatory-Information/Pages/RegulatoryInformation.aspx) and the more recently ratified Manitoba International Education Act (https://web2.gov.mb.ca/bills/40-2/b044e.php#17(2)). These laws mandate that institutions operating within the respective jurisdictions disclose their agency partners to prospective international students and other stakeholders by listing those relationships on their Web sites. No matter their location, institutions should consult with legal counsel and other informed colleagues to identify and address relevant regulatory requirements within the jurisdiction(s) in which they operate. They should also remain alert to the possibility of new federal or local legislation being enacted in the future.

Besides laws promulgated specifically about agency recruitment, institutions should also consider existing regulations that may impact related activity. One such example in the US is the Family Educational Rights and Privacy Act (FERPA) (http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html). An agency may request—or insist as a condition of representing the institution—that it be granted access to enrollees’ transcripts or other personal information that is covered by FERPA provisions. Institutions willing to grant this access should take great care and obtain the necessary waivers, lest legal liability for breach of student privacy is incurred. Moving forward, institutions the world over should anticipate greater regulatory attention to student information privacy concerns.

It is equally important to be aware of pertinent laws and regulations in the countries in which the institution is conducting recruitment, whether directly or assisted by third parties. In China, for example, some recruitment agencies are approved by the Chinese Ministry of Education, whereas others are not. Some unapproved agencies claim a degree of legitimacy via formal affiliation with agencies on the ministry’s approved list. Confer with in-house or external legal counsel to ensure institutional protections concerning organizations of clear and uncertain legal standing, respectively.

ADHERING TO ACCREDITATION STANDARDS AND REQUIREMENTS

US accrediting bodies vary in attention to international student-related concerns. So, too, do their overseas counterparts when recognizing or designating institutions. In some cases, explicit guidelines are in place, such as the Western Association of Schools and Colleges’ (WASC) International Students Policy (http://www.wascsenior.org/resources/international). In other cases, guidance exists that an accrediting body might reasonably interpret as applicable to international students. For example, the Northwest Commission on Colleges and Universities (NWCCU) addresses Field Agents in its policy titled, Contractual Relationships with Organizations Not Regionally Accredited (http://www.nwccu.org/Standards%20and%20Policies/Policies/Policies.html). Regardless, a common thread among quality assurance standards is that outreach activity conducted by third parties must be governed by the same principles (http://www.mscile.org/documents/P4.2-AdvertisingRecruitmentRevised081814.pdf) as those relating to an institution’s own admission officers. The relevance to international student recruitment agencies is clear.

Institutions are well served by identifying pertinent standards and requirements of their regional and programmatic quality assurance authorities before initiating or intensifying agency-based international student recruitment. In turn, institutions should ensure their recruitment practices conform to these requirements so that their accreditation/recognition is not jeopardized. Confer with the institution’s accreditation liaison officer (ALO), or comparable campus official, to ensure their awareness of current or intended agency recruitment activity. This individual can help maintain institutional compliance with applicable standards and eligibility requirements.
CAMPUS IMPACTS, OPERATIONAL PROTOCOLS AND INSTITUTIONAL POLICY

The decision to undertake agency-based international student recruitment will have campus-wide implications. It is important to evaluate an agency-based strategy in light of the institution’s current enrollment management practices, campus readiness, and vis-à-vis alternative recruitment approaches. Operational protocols and institutional policies, if strategically developed and effectively implemented, can help ensure consistent and effective practice across the institution.

CAMPUS IMPACTS

When considering an agency-based recruitment strategy, involve appropriate campus stakeholders at the onset of deliberations. Affiliated departments should be consulted prior to the actual initiation of agency-based recruitment and kept abreast of ongoing developments. Through these conversations, the institution will establish a shared understanding of the many responsibilities entailed not only in agency recruitment itself, but also, critically, the resulting expansion of international student enrollment on campus. Proactive coordination with other campus units will foster the ethical recruitment and support of international students throughout their entire experience.

Examples of work entailed and units impacted include:

- **Risk Management** officials should be engaged to assess the risks and rewards of agency-based recruitment. It is important to discuss the scope of any planned agency activity (e.g., number of agency relationships, regions where activity will occur, anticipated outcomes) so that it can be properly incorporated into the institution's overall risk management effort. By doing so, the institution can establish effective controls that minimize exposure to avoidable risk. Additionally, the Risk Management department may need to assist in formalizing compensation arrangements.

- **Legal Counsel and Business Offices** should play an integral role in the development of contracts, to ensure institutional and student protections. Officials from these and affiliated departments can also advise about state, municipal or campus regulatory requirements. Examples include whether a prospective agency contractor must officially register as a vendor with a state-level body, or take part in a Request for Proposal procurement process.

- **International Student Services** should be engaged to assess the capacity to advise and support a larger number and more diverse group of international students. Orientations, assessment testing, student mentor programming, and ongoing visa regulation-related advisement are among the functions meriting careful planning.

- **Enrollment Management, Registrar’s Office and/or Scheduling** should be engaged regarding the planning for sufficient class sections and classrooms to accommodate anticipated increases in international student enrollment.

- **Student Housing** should be engaged regarding the allocation of dormitory or other accommodation space and associated residential programming and support services needed.

- **Faculty and Human Resources** should be engaged regarding cross-cultural training of instructional personnel and staff, to ensure that international students are adequately served and meaningfully welcomed into the campus community.

- **Accounts Payable** should be engaged regarding the handling of invoices. This is particularly important if a large increase in related activity is anticipated and when the institution is obligated to process invoices within a certain timeframe. One consideration: which campus official(s) will exercise the authority to approve payment of invoices, and how will this be communicated?

- **Accreditation Liaison Officer** should be engaged regarding compliance with standards and eligibility requirements of relevant institutional and programmatic quality assurance authorities.

Also consider appropriate levels of involvement of these other important stakeholders: Campus Safety, Student Advising, Student Financial Aid, Summer Programs, English as a Second Language Program, Continuing Education, Graduate Admission, Student Health Services, and Career Services.

OPERATIONAL PROTOCOLS

A centralized approach to agency relationship management and oversight, including a dedicated point of contact, is recommended. Some institutions with vast experience and many agency partners employ dedicated staff whose entire position is committed to handling these responsibilities.

It is important to determine protocols regarding the office(s) responsible for communicating with agency partners. If a centralized approach is taken, which office will handle all agency communications? Or, will the responsibility for these communications be distributed among the campus units affected? Consider also whether and in what circumstances students will be copied on messages to and from agencies. Adopting a policy whereby students are included on all email communications concerning their application and enrollment is sound. Minimally, sending students direct confirmation of receipt of their application from an agency—referring the student to the terms of their own contract with the agency—can help preclude confusion and misunderstandings. (See the “Contracts” section for more information.)

DEVELOPING INSTITUTIONAL OR DEPARTMENTAL POLICY

Before beginning or increasing agency-based recruitment, institutions should determine 1) whether institution-wide or departmental policies related to international student recruitment agencies already exist; and 2) if other campus units are considering or currently working with agencies. These may include ESL or intensive English Programs (IEP), continuing education divisions, graduate programs, and/or others.
Where institution-wide policy already exists, campus units included within the policy’s scope of authority must abide by it. Should the policy seem to conflict with current institutional goals and priorities, determine steps for revising or amending it. Where institution-wide policy does not exist, institutions should make every effort to establish one. At minimum, individual campus units should codify unambiguous and consistent departmental policies.

**Tip:** Many institutions that do not contract with international student recruitment agencies nonetheless receive applications from students who, themselves, are working through agencies. Therefore, regardless of policy, it is good practice to communicate an institutional (or departmental) stance regarding agency involvement in student advisement and application processes.

**COMMUNICATING POLICY TO STUDENTS**

In an effort to be transparent, it is important to communicate policy regarding agencies on an appropriate page(s) of the institution’s Web site and in relevant publications. This information should be conspicuously disclosed and easily accessible. It will help international students and their parents verify claims of representation made by agencies whose services they may be considering.

Include the following elements in the message to students and parents:

- A statement expressing the institution’s working relationship with agencies or agents, and the manner in which they are compensated. The sample language below applies to situations where agencies are remunerated on a per-student enrolled basis:

  ABC University has relationships with international student recruitment agencies that are authorized to help students consider ABC University as one of their university options. These agencies are compensated by ABC on the basis of the number of students they advise who subsequently enroll at ABC.

- If any one agency is granted an exclusive right to represent the institution in a specific geographical region, include an expression confirming this. Note: institutions are divided about the advisability of this practice. Just as it is prudent to avoid overdependence on any one country or region for student enrollments, relying on any one source of student referrals poses inherent risks. Institutions new to agency-based recruitment are well served by refraining from granting any one agency, or other entity, exclusive rights of representation.

- A statement clarifying that a student’s application will not be granted preferential treatment if the student is assisted by an agency. The statement should also confirm that students are neither required to apply with the assistance of an agency, nor will they be disadvantaged if they do not.

- A list of services the student/family can expect from the agency and those services the agency cannot and will not offer. Sample language:

  Students can expect that our partner agencies can help them to:
  1. Understand our admission process and procedures.
  2. Learn about our academic and co-curricular programs.
  3. Know what forms and credentials need to be sent to apply to ABC University, and how to complete the forms and arrange for all materials to be sent to ABC.
  4. Apply for a student visa and make travel arrangements once the student has been admitted and has decided to attend.

**Important:** Some countries have strict regulations about who can and cannot offer immigration advisement. Canada’s Immigration and Refugee Protection Act is one prominent example.

Students should understand that agencies will not:

1. Complete student applications for admission, financial aid or scholarships.
2. Write essays or other correspondence for the student (editing guidance is acceptable).
3. Collect any fees that are owed to the institution, on behalf of the student.
4. Require students to give up any portion of scholarship or other financial aid awards as part of payment for services.

In accordance with the SPGP, NACAC members that employ agents compensated on a per-capita basis to recruit students outside the United States agree they will provide a conspicuous statement on their Web site indicating this practice. Additionally, NACAC recommends that institutions—and individual programs if applicable—post all of their agency relationships, along with contact information. Consider categorizing this information by country and/or city. Also consider adding a statement to international admission or application Web pages stating that admissions decisions are at the sole discretion of the institution.
CONTRACTS

Institutions should require agencies to enter into a contractual relationship as a condition of partnership. Many schools have existing contracts with other commercial partners that include clauses and other protections that are universally applicable. Relevant language should be incorporated into contracts with international student recruitment agencies.

**Tip:** Refrain from utilizing a contract or template the agency provides, even if accompanied by assurances that other schools have agreed to its provisions. Institutions new to working with recruitment agencies should insist on using the institution’s pre-approved contract. Utilizing this same contract with all agencies is also recommended.

Engage the Legal department or external legal counsel in the formation of a standard contract for agency partners, and establish a protocol for future modifications to it. Also consult with Risk Management officials at the onset of contract development and negotiation. As mentioned earlier, when contracting with an agency, it is the entire institution entering into the legal relationship—not merely the campus unit(s) responsible for day-to-day agency interactions.

In developing the contract, aim for clarity, consistency and comprehensiveness. Also, confirm which campus officials possess signatory authority, the procedure for executing the contract and who will be responsible for ongoing oversight of agency adherence to contractual terms.

The agency contract is sometimes referred to as an “agency agreement.” In parts of the world where the rule of law is not well-established, agencies may infer less authority in the contract, or agreement, than in fact exists. Make certain the agency understands the legal implications of entering into an executed contract.

The following is a list of sample contract content, including stipulations, for institutions to consider including in their agency contract. Excluded elements can be accounted for in formal operational protocols and communicated to the agency in writing (e.g., via documented guidelines and training materials). Contractual content may be broadly divided into two categories: institutional protections and student protections.

**INSTITUTIONAL PROTECTIONS**

To help ensure institutional protection in an agency contract, consider including the following elements and stipulations:

- **Governance and interpretation of the contract.** Specify that the contract shall be governed and interpreted pursuant to the laws of the jurisdiction of the institution, and specify this jurisdiction.
- **Adjudication of disputes** and the specific protocols to be followed regarding institution, agency or student complaints.
- **Contract modification and renewal procedures.**
- **Penalties** for contract violations, up to termination.
- **Termination conditions.** A common termination stipulation will allow either party to legally end the contract subject to furnishing advance written notice of a specified period of time (e.g., 30 days). Detail how existing obligations are to be discharged during and/or after that period.
- **Duration of the partnership,** including a clear end date. Many international student recruitment agency contracts run anywhere from one to three years.
- **Scope of the agency’s authority to represent the institution.** In most cases, institutions grant recruitment agencies very limited representative authority. Typically this authority will solely entail providing unbiased information about the institution and supporting students in assembling—not creating or materially altering—application materials. This may include applications for accommodations, and pre-departure orientations. Also, consider specifying the country(ies) or municipalities in which the agency is authorized to represent the institution.
- **Clear outline and division of responsibilities** between the institution and the agency, respectively.
- **Prohibition (or permission) to subcontract** to sub-agents, and related procedural requirements. Take great care before deciding to permit this activity. Delegation of the institution’s representation to sub-agents with whom the institution may have infrequent contact—if any—is a high-risk decision. At minimum, stipulate that such subcontracting is prohibited without prior written consent of the institution.
- **Stipulation concerning how the institution-agency relationship may be represented.** This includes the agency’s use of the institution’s name, logo and/or likeness in marketing and advertising activities. Institutional pre-approval of all relevant promotional materials is typically required. Clarify that the agency or agent is neither an employee of the institution, nor do they possess any authority to render or influence admission decisions, and stipulate that the agency must not misrepresent their authority to the contrary.
- **Changes affecting the relationship and the process for informing the other party.** Changes might include: location change of either party; advisor turnover at the agency; change of services offered by the agency and/or fees charged to students; change in academic or co-curricular programs offered by the institution; change in admission requirements; and change in tuition, fees or refund deadlines.
Verifying the agency’s role in the referral of applicants. Require that each submitted student application be accompanied by a cover letter using the agency’s letterhead or, for applications transmitted electronically, an email from a specified agency email account. This aims to preclude 1) an agency seeking credit for applicants they may have advised, but who subsequently applied independently, or 2) competing claims for compensation by more than one agency the applicant may have consulted. It also allows for the establishment of an audit trail, substantiating remuneration approvals.

Financial relationship and remuneration particulars. (See Appendix D, “Remuneration Terminology and Approaches.”)

- Prohibit the agency from handling student tuition or fees that are payable to the institution. Mandate that students remit tuition and fee payments directly to the institution.
- Restrict the agency’s ability to incur expenses without the institution’s prior authorization. Specify what expenditures are reimbursable, if any.
- Be clear about what will—and will not—be covered in remuneration, and specify the basis of payment, i.e., percentage, flat fee or marketing support.
- Confirm that remuneration terms are fixed in the home currency of the institution—and specify the currency.
- Detail invoicing requirements and payment procedures. Obtain, up front, information about the agency’s financial account to which compensation from the institution will be sent. Any later changes to this information should be communicated by the agency in writing and pre-approved by appropriate campus officials prior to the issuance of new payments.
- Detail refund requirements.

Double-dipping. If the institution prohibits agencies from charging students for advising and related services as a condition of a commission-based contractual relationship, stipulate this clearly in the contract.

Training requirements. (See “Institutional Training of Agents.”)

Performance indicators. These should address the quality and professionalism of the agency’s work, in addition to more quantitative metrics, such as the number of students referred, percentage of applicants admitted, and the academic performance, persistence and graduation of enrolled students.

Annual review process of the agreement and assessment of outcomes.

STUDENT PROTECTIONS

To help ensure students are not adversely impacted when they interact with a partner agency, consider including the following contractual elements:

- Student-Agency contract. Require a contract between the agency and individual student that details the student’s rights and responsibilities, the services the agency will provide the student and any fees the agency will charge the student.
- Student fees. If the agency charges and/or collects student fees of any kind, require full, detailed and up-front disclosure of these. Also, prohibit the agency from charging application or other fees that exceed those of the institution, and from taking any portion of scholarships or financial aid as fee-for-service.
- Transparency about the Institution-Agency financial relationship. Require the agency to disclose the financial relationship between it and the institution.
- Discriminatory practice. Prohibit discrimination in the selection of clients and provision of services. Specify that this anti-discrimination stipulation pertains to gender, race, ethnicity, color, national origin, religion, sexual orientation, marital status, age, political views, and/or disability. Agencies must agree to institutional policies that might not accord with cultural norms in the student’s place of origin.
- Involvement in the student’s application. Outline acceptable and unacceptable involvement in the student’s application and related exams. Indicate that the application is the responsibility of the student. Prohibit the agency from handling and submitting student academic records; insist instead that authentic transcripts be transmitted directly by the student’s academic institution and/or a trusted foreign credential evaluation organization. Stipulate that agencies sign a written statement to accompany each application, attesting to the following:
  - the authenticity of the student’s signature
  - the student fully understanding the terms and conditions entailed
  - the agency not having in any way assisted or advised the student to submit falsified or embellished application documents
  - the agency having taken reasonable steps to confirm the veracity, authenticity and completeness of the application materials.
- Admission decisions. Inform agencies that they may not promise admission to the institution.
- Admission eligibility. Stipulate that students who approach the agency who are eligible for direct admission and matriculation must be referred not to an intensive English, bridge or pathway program but, rather, to the school/college/university directly.
- Artificial barriers to student transfer. Prohibit the agency from requiring students to forfeit their right to transfer from one institution or program to another once in the host country, or from charging students undue financial penalties for the same. Provided students abide by relevant student visa regulations, they should be free to transfer from one school to another.
Communication expectations. Provide guidelines for institutional and agency communications with students during the application process, including submission of documents, fee invoices and receipts, and application receipt confirmation. Stipulate that the agency must promptly furnish students all documents issued by the school to the student, without exception. This will preclude the selective disclosure of relevant information the student has a right to know. Also, prohibit the agency from posing as the student via email or other communications, and from accessing students’ application accounts.

THE OFFICIAL START DATE

Be clear with the agency about when, exactly, a contract has been officially executed and thus takes effect. Is it only after the contract has all necessary signatures and is transmitted to the agency? If the institution does not ensure this timing is understood, and the agency commences recruitment activity on its behalf prematurely, it risks receiving claims for compensation retroactive to the execution of the contract.

Tip: Reject requests to retroactively date contracts. Establishing a precedent wherein a contract is backdated in order to justify a commission payment is fraught with risk.

CERTIFICATE OF REPRESENTATION

Newly contracted agencies may request a certificate of representation or formal letter of authorization on institutional letterhead, to establish credibility among prospective students and their parents. If an institution chooses to supply an agency this documentation, it should engage with the Legal department or external counsel to formalize its content, including nomenclature used (e.g., “representative,” vis-à-vis alternative designations).

As with the agency contract, it is recommended that this documentation include an expiration date and a unique identifier to reduce the possibility of unauthorized alterations. Letters of authorization should also include clear language about the scope of the relationship, including approved and prohibited practices. The documentation may also include a dedicated email address, tied to the institutional domain, which students or parents may use to contact an institutional representative to verify any particulars communicated by the agency.

AGENCY MANAGEMENT SERVICES

As an alternative to contracting directly with agencies, some institutions elect to work through firms that provide agency management services. Such firms cultivate and manage a network of international student recruitment agencies for their client schools; in effect, the firm serves as a coordinating intermediary between the educational institution and the recruitment agencies deployed on the institution’s behalf. Private sector providers of pathway programs for international students are one example of this model.

In these arrangements institutions are one step further removed from the recruitment occurring in their name. Therefore, if considering an approach of this kind, take special care to ensure that the firm’s recruitment practices—including financial incentives utilized and payment protocols followed—meet institutional standards.
VETTING, TRAINING AND ONGOING SUPERVISION OF AGENCY ACTIVITY

An institution that decides to work with international student recruitment agencies should prepare to dedicate at least as much attention to the identification, training and ongoing supervision of its contracted agencies as it does its own staff. The institution should exercise particular care in the selection of agencies. It should also commit to frequent communications and monitoring throughout the duration of each of its agency relationships.

VETTING PROSPECTIVE AGENCY PARTNERS

Identifying and vetting prospective agency partners requires careful research and follow-through. One prudent approach to identifying agency prospects is asking trusted colleagues for recommendations. Tapping into regional and other international recruitment consortia is another way to network with professionals who may have experience with agency-based recruitment. Inquire about agencies with earned reputations for professionalism and strong student support.

Tip: Besides serving as a method to identify prospective agency partners, engaging with colleagues in an international recruitment consortium may also mitigate related risks. Consortia members can take a shared approach to the ongoing management and supervision of agency relationships.

Once a prospective agency partner has been identified, it should be carefully vetted. Two primary means of vetting agencies include requiring them to complete an agency application or questionnaire, and conducting a corresponding reference check. It is also recommended that every effort be made to visit the agency’s office(s) prior to establishing an agreement. Short of this, requiring agency staff to visit the campus is another opportunity to assess the suitability of the agency as a partner. In either setting, interviewing agency personnel face-to-face is part of a sound vetting process. (See Appendix B for a list of topics to consider including in an agency application, questionnaire and/or interview.)

As part of the application or questionnaire, the agency should be asked to furnish at least two professional references from institutions with which it has worked. Consider also obtaining references from international students or parents the agency has served. Upon receiving a completed agency application or questionnaire, check references and verify the accuracy of the information submitted. This assessment should seek to confirm that the agency has served students ethically and has referred them to best-fit institutions. (See Appendix C for sample reference check questions.)

An institution might charge a designated campus official with the responsibility of receiving initial applications from prospective agency partners, if not also ongoing agency oversight. Regardless, consider establishing a campus committee—or involving an existing one—to evaluate agency applications and to render decisions about whether to proceed with a contractual relationship in each case.

Tip: Be alert to potential conflicts of interest if contracting with individuals who may have personal relationships with campus employees.

Some institutions require a prospective agency partner to refer one or more applicants prior to the establishment of a contractual relationship, as a means to assess the agency’s professionalism before making any formal commitments. Consult with legal counsel about a proper approach to structuring and communicating any trial period or similar arrangement.

A number of organizations endeavor to provide a measure of agency quality assurance. This may take the form of training, certification, membership eligibility verification, and other assessments. Agency or agent involvement in these efforts signals a certain commitment to professionalism; consider successful participation in training or certification programs as an important criterion for any agency that wishes to represent the institution. However, because there is currently no independent corroboration of the effectiveness of such efforts, it is important that institutions conduct their own due diligence. Again, asking trusted colleagues for their experience or perspective on these organizations can be one element of the assessment.

The following are examples of organizations and efforts aimed at agency and agent quality assurance:

Regional agency associations

Agency associations exist in a number of countries. These work to promote industry standards and professional practice. Some are longstanding, while others are fledgling, and they also vary in terms of member eligibility and commitments. Examples include the Japan Association of Overseas Studies (JAOS) (http://www.jaos.or.jp/english/about/index.html), the Beijing Overseas Study Service Association (BOSSA) (http://www.cnbossa.org/portal.php), the Brazilian Educational and Language Travel Association (BELTA) (http://www.belta.org.br), and the Association of Russian Educational Advisors (AREA) (http://www.studyarea.ru). Some associations make available a coordinated venue through which students may lodge complaints about a specific agency’s activities, and seek restitution. Many of these associations are members of the Federation of Education and Language Consultant Associations (FELCA) (http://www.felca.org). FELCA member associations agree to abide by a Code of Practice aimed at advancing professional ethics and standards.
**U.S. Commercial Service**

The U.S. Commercial Service (http://export.gov/%5Cindustry/education/index.asp) is the trade promotion arm of the US Department of Commerce’s International Trade Administration. It provides services for US educational institutions and consortia to assist with overseas promotions and partnership development. Among these services are opportunities to meet international student recruitment agencies, including webinars and in-person networking events. The service’s overseas offices work to identify agencies deemed fit for participation in these activities.

**AIRC**

The American International Recruitment Council (AIRC) (http://airc-education.org) is a US-based nonprofit membership organization that works to safeguard the interests of both international students and enrolling institutions that work with recruitment agencies. The main thrust of AIRC’s approach is a program through which agencies can seek certification, based on their conformity with AIRC’s Certification Standards. AIRC’s standards fall into five areas: organizational effectiveness, recruitment process integrity, student/family engagement, institutional engagement, and the agency’s complaints process.

**British Council**

The British Council is the United Kingdom’s international cultural relations organization. It has played an integral role in the UK’s agency-based international student recruitment efforts over many years. One facet of its agency quality-assurance approach consists of formal training for agents (http://www.britishcouncil.org/education/education-agents/training-agents). It also maintains a database of agents who have successfully completed its training program.

**Canada Course for Education Agents**

The online Canada Course for Education Agents (http://international.gc.ca/education/course-cours/index.aspx?lang=en&menu_id=881) was developed by the Department of Foreign Affairs, Trade and Development Canada, in cooperation with the Canadian Consortium for International Education and ICEF (see below).

**Education Agent Training Course (Australia)**

The online Education Agent Training Course (http://eatc.pieronline.org) is an effort involving Australian Education International, Professional International Education Resources (PIER) and other stakeholders. Agents who successfully complete a formal assessment of their knowledge of course content are added to the Qualified Education Agent Counsellor Database.

**Education New Zealand**

Education New Zealand leads the country’s promotions to prospective international students. One component of this work is an agent training program (http://www.nzqa.govt.nz/agents/ENZ-trained-agents), consisting of seven e-learning modules. Agents who complete this training are eligible to earn the designation of “Education New Zealand Trained Agent.”

**ICEF**

International Consultants for Education and Fairs (ICEF) is a for-profit company headquartered in Germany that runs agency workshops in a number of countries. The agency workshop is a matchmaking event. Prior to each event, participating schools are provided access to a list of participating agencies—and vice-versa—so each can assess their compatibility as potential partners and schedule meetings accordingly. ICEF screens agencies via an application form and references. It also runs an agent training course and maintains a corresponding list of ICEF trained agent counsellors. Other vendors exist that run similar institution-agency matchmaking workshops, such as UK-based Hothouse Media and its Alphe Conferences.

**INSTITUTIONAL TRAINING OF AGENTS**

It is important to commit to regular and frequent communication with agency partners throughout the duration of a contractual relationship. One can mitigate the risk of misrepresentation by being proactive and responsive via email or phone. Agency personnel may be less likely to fabricate or skirt answers to students’ questions when they can rely on quick responses to queries posed on their behalf.

One essential element of communication is training. Institutions should conduct formal trainings of agency staff. In this training, strive to ensure agents’ thorough knowledge of the higher education system in the country or region in which the institution resides, the institution, visa regulations, and other components of the agency manual. (See the “Agency Manual” section below for more information.)

Agency staff should be trained regularly—ideally once per term or at least once per year. Frequent employee turnover at many agencies means it is likely that newly hired agency personnel will assume advising responsibility for the institution and therefore need direct training. Remember that changes in agency staff should be reported to the institution. Experienced agency staff also benefit from refresher trainings, given how many different schools they may be responsible for representing and inevitable programmatic and operational changes at the institution.

Visit the agency’s office and/or have agents visit the institution, to conduct trainings and ensure the adequacy and currency of agents’ knowledge. Trainings via teleconferencing and online communication platforms, along with companion PowerPoint presentations, can also be conducted.

**AGENCY MANUAL**

An agency manual is a common component of the training and support materials institutions provide their agency partners. Among other benefits, an agency manual can reduce the risk of a contracted agency providing students misleading or false information.

Components of a thorough agency manual can include:

- an overview of the education system in the host country
- information about the institution, including points of distinction
- a description of the surrounding geographical area of the institution
- academic programs and calendar
- international student support services
- accommodations
- admission criteria, including English language proficiency
- application procedures
- admission process, timeline and deadlines
- tuition and fees
- payment and refund deadlines, and conditions
- intensive English language coursework and/or conditional admission
- student visa acquisition information
- new student orientation
- enrollment and attendance requirements and procedures
- ongoing immigration regulation requirements
- dedicated point of contact
- sample invoice
- agency requirements concerning application and communication protocols with the institution and with students, including transparency stipulations.

It is important to regularly update the agency manual so that agency staff have access to current information. Some institutions maintain this resource online, publically or in a password-protected section of their Web site. This allows for the real-time updating of important institutional details, such as new or discontinued programs, changes to admission criteria, deadlines, or tuition and fees, and other knowledge critical to ensuring that agencies are accurately representing the institution. Regardless of how it is delivered, an institution may wish to require agencies to acknowledge receipt of the agency manual and affirm their commitment to staying current with its contents, in writing. Also, consider translating the agency manual into the local language of the agency, for maximum clarity. Agency staff, including personnel doing student and parent advising, may have limited English language ability.

An alternative or addition to updating agencies via a dedicated Web site is developing an agency newsletter, to be distributed on a scheduled basis.

In addition to the content of the agency manual, other training elements may include:
- contract stipulations
- institutional policies and practices, including adherence to the National Association for College Admission Counseling’s SPGP
- concept of fit, including institutional type vis-à-vis the broader higher education landscape
- the handling of complaints
- demonstrating respect for peer and other institutions
- institutional policies that might not accord with existing cultural norms in other regions (e.g., gender equality).

**ONGOING MONITORING OF AGENCY ACTIVITY**

When working with agencies it is essential to establish effective feedback loops. This starts with clearly communicating expectations, via the contract and other interactions. Commit to regularly monitoring and assessing the agencies working on the institution’s behalf—for example, each term or every six months.

An important way to determine how well an agency has performed is by asking the students it has served. Conduct student surveys, focus groups and/or individual interviews, to ensure students received what they were promised during the recruitment process and were not charged inappropriately. Encourage students to share information about the fees their family paid the agency. Agency-related questions can also be incorporated into existing student surveys. Share the feedback gathered with the agency, to afford them the opportunity to improve their work and to reinforce the importance of student protections. An agency’s receptiveness to this feedback and its ability to act on it are important indicators of its commitment to good practice.

**Tip:** When assessing agency performance, consider return on investment. Carefully analyze the costs and benefits of agency-based activity compared with complementary and also alternative recruitment methods.

Institutions are well served when their assessment of agency performance is formalized in regular reports that are shared with key campus constituents. These reports can include student enrollment information and an assessment of the agency’s adherence to contractual terms intended to foster accountability, transparency and integrity. Assess the caliber and fit of students recruited by agencies on the bases of admission and enrollment rates, and also academic metrics such as grades, persistence and graduation. It is also important to incorporate measures of student satisfaction. Consider benchmarking assessment data longitudinally, across agencies and vis-à-vis international students who were not recruited by agencies. The institution may also wish to supplement its own analysis and student feedback by requiring partner agencies to report on their activities themselves to a designated campus official.

Regardless of how such assessments are conducted, it is imperative to take immediate preventive or corrective action when the institution becomes aware of any unprofessional conduct by an agency.
SIGNS OF GOOD PRACTICE AND WARNING SIGNS

SIGNS OF GOOD PRACTICE

The following are among signs of agency professionalism and commitment to good practice:

- **Unstinting praise from colleagues at other institutions.** One of the surest indicators of good practice is when trusted colleagues vouch for the agency’s professionalism and service to students. Closely review the comments shared by the agency’s references, and pay particular attention to questions of student fit and satisfaction.

- **Consistently positive student feedback.** The students the agency has served offer uniformly positive feedback and recommend the agency without reservations. This feedback is valuable when provided as part of the initial reference check. It is also useful when offered by actual enrollees the agency has referred to the institution.

- **Does not double-dip.** When facilitating an individual student’s enrollment, the agency is compensated either by its institutional partner or by the student/family for advising services, but not both. The agency refunds students who have paid fees for advising if they enroll in one of its paying partner schools.

- **Committed to professional development.** This may be signified by membership in an association with an enforceable code of ethics. Other positive signs include agency staff with undergraduate or advanced degrees in counseling, completion of certificate programs in college counseling, completion of agent training programs by respected providers, professional certifications, and volunteer involvement in communities of practice.

- **Maintains a strict hands-off approach to student applications.** The agency credibly claims to prohibit its staff from inappropriate involvement in student application documents.

WARNING SIGNS

The following are indicators of poor practice. Think twice before entering into negotiations or any type of relationship with an agency if one or more of the following signs are detected:

- **Money, money, money.** The agency's first question is about compensation, or it otherwise signals its chief concern is financial, not students’ welfare.

- **Improper involvement in student applications.** The agency employs “writers” who fabricate or embellish personal statements, letters of reference, academic records, or otherwise exert inappropriate influence on a student’s admission and scholarship applications.

- **Scholarship skimming.** The agency takes a cut of students’ scholarship or financial aid awards.

- **Extravagant promises.** Exercise skepticism if a prospective agency partner promises large and immediate increases in application and enrollment activity. Agencies may be incapable of delivering on such claims without employing aggressive sales tactics or compromising other standards of good practice.

- **Represents unaccredited/unrecognized institutions.** Consider the associative reputational risk of the institution being represented by an agency whose partner portfolio includes unaccredited or unrecognized institutions. Consider the same when taking part in related networking events.

- **Undue academic involvement.** The agency asks to negotiate credit transfer or articulation on behalf of students or overseas institutions.

- **After-the-fact contract.** The agency initiates a request for a contractual relationship only after a prospective student has contacted them seeking help applying to the institution. These agencies are often uninterested in a long-term partnership.

- **After-the-fact compensation.** The agency requests compensation related to students they may have previously assisted in applying to the institution, prior to the formalization of a working relationship.

- **Misuse of the student visa program.** A reference check reveals that the agency has helped individuals obtain student visas for purposes other than overseas study (e.g., illegal employment in a country or immediate immigration).

- **Erects artificial barriers to student transfer.** The agency requires the students it works with to forfeit their right to transfer from one institution or program to another once in the host country or assesses students undue financial penalties for the same.

- **Here today; gone tomorrow.** The agency puts on a hard sell when courting the institution for business, finalizing the negotiation and acquiring a certificate of representation, but is far less communicative once a contract has been executed.

- **Hidden fees.** The agency is not forthcoming about the fees it charges students.
APPENDIX A
WORKING WITH INTERNATIONAL STUDENT RECRUITMENT AGENCIES
DUE DILIGENCE CHECKLIST

☐ **STEP 1: ASSESS THE AGENCY-BASED RECRUITMENT MODEL AS A STRATEGY.**
- Engage key campus stakeholders in critical conversations.
- Assess existing policies and practices relevant to international student recruitment agencies, and anticipate campus impacts.
- Review regulations and standards to which the institution must adhere.

☐ **STEP 2: DEVELOP INSTITUTIONAL PROTOCOL FOR WORKING WITH AGENCIES.**
- Develop a departmental or institutional policy.
- Define agency roles and responsibilities.
- Identify and assign responsible individual(s) at the institution as agency liaison(s).
- Develop an agency manual, and curriculum for agency training.
- Establish an assessment plan.

☐ **STEP 3: DEVELOP A CONTRACT.**
- Consult the Legal department or external counsel. Confirm signatory authority and protocols.
- Confer with the Risk Management department.
- With the same colleagues, develop an approved certificate of representation or letter of authorization.

☐ **STEP 4: SELECT AGENCIES.**
- Consult with peer institutions and trusted colleagues to identify prospective agencies.
- Develop and implement an agency questionnaire or application.
- Evaluate agency applications.
- Interview agencies/agents.
- Check references.

☐ **STEP 5: TRAIN AGENCIES.**
- Develop a training calendar, with trainings scheduled ideally once per term or, at minimum, per year.
- Deliver trainings in-person or through a virtual format, using an agency manual.

☐ **STEP 6: MONITOR AGENCY ACTIVITY DURING A RECRUITMENT CYCLE.**
- Visit the agency’s office in country.
- Review agency-generated reports.

☐ **STEP 7: ASSESS THE AGENCY RELATIONSHIP AS STIPULATED IN THE CONTRACT.**
- Evaluate outcomes against the terms of the contract.
- Track and benchmark student performance.
- Gather direct student feedback.
- Address performance with the agency.

☐ **STEP 8: EVALUATE THE AGENCY MODEL IN THE CONTEXT OF BROADER INTERNATIONAL ENROLLMENT MANAGEMENT STRATEGY.**
- Conduct a cost-benefit analysis vis-à-vis alternative, or supplemental, recruitment methods.
APPENDIX B
SAMPLE AGENCY QUESTIONNAIRE

Using this as a guide, an agency application or questionnaire can be developed that meets the needs of the institution. The following questions can also be incorporated into agency interviews.

COMPANY INFORMATION
- Name of company and parent company, if applicable
- Contact information
  - Address(es) of main and any branch offices
  - Telephone number(s)
  - Email address
  - Web site URL
- Mission and values statement
- Background of principals/owners
- Year agency was established
- Details of legal authorization to operate, business licensure and certifications/credentials
- Membership in relevant professional associations
- Number of staff, their responsibilities, professional experience, educational background, and training
- Method of staff compensation (e.g., fixed salary, commissions, bonuses)
- Whether any staff or external contractors are employed as “writers” of application materials
- Methods of training and providing professional development for staff, including information on the resources and/or technology used
- Relationship with sub-agents; if sub-agents are used, supply the following information:
  - Number, names and addresses of sub-agents
  - Nature of work performed (e.g., student advisement, application assistance, etc.)
  - How do you ensure the ongoing training, professional development and consistency of representation by your sub-agents?
- Other businesses run, if any (e.g., immigration consultancy)
- Partnership or affiliation with external businesses

STUDENTS AND FAMILIES SERVED
- Services provided to students and families during the recruitment and application processes (e.g., advisement, application assistance, translation services, English language or test preparation courses, student visa application assistance, travel and logistics support, etc.)
- Fees for each of these services, and in what manner fees are disclosed to students and parents
- Nature of contractual relationship or agreement with students who use the agency’s services
- Number of students assisted/sent abroad in the last 12 months and the countries in which they are studying
- Methods used to promote the agency’s services to prospective students, including copies of or links to promotional materials
- Methods of assessing the legitimacy and readiness of prospective students

INSTITUTIONAL PARTNERSHIPS
- List of your current partner schools
- Type of institution or academic level/program for which you recruit (e.g., ESL, undergraduate, graduate, particular majors)
- Expectations/requirements of institutional partners (e.g., participation in fairs run by the agency)
- Reason(s) for wanting to partner with our institution
- Ability to participate in, provide or arrange the following and related fees if any: virtual and in-person training sessions on the institution, for agency staff; virtual and/or in-person information sessions for prospective students and their families; advertising and promotional assistance; supporting school representatives at fairs; travel and logistics assistance for school representatives; and recommendations of partner institutions in country

PROFESSIONAL REFERENCES
- Three to five professional references, including contact information, at least two of whom should be directly employed by an accredited/recognized school, college or university

STUDENT/PARENT REFERENCES
- Two or more references from international students and/or parents whom the agency has served

Tip: Larger agencies may have separate Web sites for prospective students/families and prospective partner institutions overseas. Obtain both URLs. If the student-facing URL is in another language, ask a currently enrolled international student or alumnus from the relevant country to evaluate the claims made, whether fees are disclosed and other content.
APPENDIX C
SAMPLE REFERENCE CHECK QUESTIONS

The following are topics to consider addressing when conducting an agency reference check. When possible, try to ask these questions by phone. This will allow for a more well-rounded assessment of a referee’s experiences working with the agency. Short of this, consider emailing reference check questions.

INSTITUTIONAL REFERENCES

- Length of time the institution has worked with the agency
- The number of applicants the agency has referred to the institution over the last year, or other duration, and their enrollment rate
- Caliber, fit, success, and satisfaction of students referred, in comparison with international students who have enrolled without the agency’s assistance
- Evaluation of the agency’s professionalism and service to students and staff
- Description of any challenges or problems faced while working with the agency
- Recommendation as to whether or not to work with the agency

INTERNATIONAL STUDENT/PARENT REFERENCES

- Whether the student had a positive experience being served by the agency
- Whether the student’s experiences at the school matched the advice they received from the agency prior to arrival
- Whether the fees charged by the agency were felt to be appropriate
- Whether the student would recommend the agency to friends without hesitation
APPENDIX D
REMUNERATION TERMINOLOGY AND APPROACHES

The operational definitions used in the “About International Student Recruitment Agencies” section of this guide distinguish international student recruitment agencies from Independent Educational Consultants (IEC) based upon the source of compensation involved. As the nomenclature suggests, institutions contract with recruitment agencies to conduct outreach and recruitment of prospective students, and they pay their contractors for services rendered. Conversely, IECs are paid solely by the individuals or families they counsel. As indicated, the work of the IEC is financially independent of the institutions they advise students about, not recruit for. Professional IECs are often members of industry organizations, such as the Independent Educational Consultants Association (IECA) or the Higher Education Consultants Association (HECA).

It is important to note, however, that in addition to contracting with schools to provide recruitment services, many individual international student recruitment agencies simultaneously serve students who apply to institutions with which the agency has no formal partnership, and from whom they receive no compensation. When performing these specific services, the agency functions similarly to independent consultants. In other words, the recruitment agency-IEC distinction is often not an either-or. This complication can lead to conflicts of interest. And it makes concerted efforts to foster financial transparency all the more imperative.

Whether a given organization’s business model involves commission payments by partner schools, student/family fee payments or both (double-dipping) often varies by region and student population served. In some countries where a recruitment agency industry has long existed, competition has largely rendered the charging of student fees unviable. Agencies in these locations have concluded that they are dependent upon payments from institutions for survival. It is arguably these agencies that may be more readily distinguished as recruitment agencies, as opposed to IECs.

The following remuneration terminology and approaches can help inform financial decision-making by the institution.

**Per-capita compensation** is compensation provided by an institution to an international student recruitment agency or agent on a per-student application or, usually, per-student enrollment basis. Less commonly, some institutions offer agency contractors additional per-capita compensation based upon a student’s payment of housing and/or other service fees. A variety of terms are used to describe this compensation. Examples include: “commissions,” “referral fees” and related characterizations.

Per-capita compensation can also signify compensation an agency provides an agent/advisor it employs directly or via a subcontracting arrangement, as a sales incentive.

Per-capita compensation is often designated as a percentage of a student’s tuition payment for a given term of study—for instance, a semester or academic year. Alternatively, it sometimes takes the form of a fixed flat rate payment. Some institutions prefer a fixed flat rate approach to per-capita payments, so that agency compensation does not fluctuate with changes in tuition.

In its simplest form, per-capita compensation is a payment made by an institution to an agency contractor based on the enrollment of one student. In more complex arrangements, per-capita compensation is a larger payment made based upon a recruitment quota of a predetermined number of enrollments.

A **bonus** is an additional payment made to an agency or agent based upon meeting a specific quantitative or qualitative recruitment target. **Sliding scale payments** consist of per-capita compensation rates that vary based upon the number of students an agency or agent recruits. These compensation arrangements incentivize commensurately aggressive and high-risk student recruitment. For this reason, it is recommended that institutions avoid them.

The terms “marketing support” or “market allowance” are sometimes used to signify a lump-sum payment made to an agency or agent that is not tied to a per-capita outcome. This will often cover a predetermined bundle of services, such as advertising, promotions and/or other marketing efforts.

Institutions should work with their Risk Management and Legal departments in determining compensation arrangements and protocols. Take great care to avoid remuneration structures that expose students and the institution to imprudent risk. Confer with colleagues at other institutions who may be able to speak to prevailing financial arrangements, including rates of compensation. Aligning compensation terms with existing norms reduces the risk of students’ interests being undermined.

**Tip:** If different payment terms will be offered to different agencies—for example, based upon recruitment territory—it is prudent to establish a shared, formalized understanding about how these financial arrangements are determined in each case. Consider tying this determination to an objective rubric or committee decision-making process.
Striving for consistent compensation arrangements across campus units and offerings is also recommended. Commission rates that vary significantly among individual programs of study on the same campus may incentivize agency misconduct in the representation of admission requirements and educational outcomes.

**Tip:** Most institutions will remit compensation to an agency only after tuition fees have been paid and after the course add/drop or refund period has passed in a given academic term.

Related operational considerations include:

- Determining the content of agency invoices. Consider providing the agency with an invoice template acceptable to the institution.
- The timing of when the agency is to submit invoices to the institution, and when the institution will remit payments to the agency.
- Unambiguous refund terms, deadlines and protocols.
- The currency in which payments will be processed and remitted. Requiring transactions to be conducted in the institution’s home currency is recommended.
- If payments are to be made via wire transfer, which party will pay wire transfer service charges?
APPENDIX E
ADDITIONAL RESOURCES


