

PART 5

COMMISSIONED AGENTS AND NACAC'S GUIDE TO ETHICAL PRACTICE SERIES INSTITUTIONAL TRANSPARENCY

This paper is the fifth in a series of NACAC resources designed to guide member institutions in the implementation of NACAC's *Guide to Ethical Practices in College Admission*, approved by the association's Assembly in September 2020.

This installment focuses on transparency of partnering with commissioned agents to recruit international students, and the suggestion for how NACAC members may disclose such relationships and provide contact information for commissioned agents.

This paper is organized into five sections: 1) why transparency matters, 2) clarity of statements, 3) website prominence, 4) institutional examples, and 5) notes about sub-agents and pathway providers.

1. Why Transparency Matters

One of the biggest concerns with commission-based recruitment is the lack of transparency around the practice. Namely, that students and families are unaware of the financial relationship between agents and the institutions for which they recruit, as well as the potential influence this can have on the guidance they receive.

Though more students today seem to understand how agents are compensated¹, it is important that all students are aware of these business relationships and how they work. NACAC is firm in its belief that institutions have an obligation to students to help ensure that greater awareness and understanding is achieved. This view was prominently presented in the 2013 findings of the association's [Commission on International Student Recruitment](#) and underscored since in NACAC's best practice guidance. The commission recommended that institutions provide prospective students and families with "clear and conspicuous disclosure" of their arrangements with third-party agents (p. 4).

Although some institutions find full transparency objectionable, citing proprietary concerns within the competitive recruitment landscape, "as a general principle, transparency and ethical behavior go hand in hand."² Listing agent partners is required by law of institutions in Australia, prevalent in the UK, and

becoming more common in Canada. The competitive factor is considered less of a concern by institutions in these countries because transparency is common practice.

For many colleges and universities, the protection provided by listing their agents outweighs proprietary interests. The practice safeguards institutions against claims of partnership from unscrupulous agents and helps prevent students from being misled by such agents.

It is also the case that some agents list their institutional partner on their agency's website. This is a practice that many agents support as it allows them to confidently state to students and families the institutions with which they partner.

Consider this scenario: A prospective international student from Vietnam is approached by an agent claiming to work with your institution. The student is quickly able to check your institution's website and verify this relationship.

Though students could email an institution to verify an agent's claim, they often don't know who to email at the university and then would need to wait for a response. Instant verification can build trust between the student, the agent, and your institution, and allow the counseling relationship to develop from there. It is important to note, however, that some agents without a



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¹ Choudaha, R., Chang, L., & Schulmann, P. (2013). Student Segmentation for an Effective International Enrollment Strategy. WES Research & Advisory Services, New York. Retrieved from <https://wenr.wes.org/2013/09/student-segmentation-for-an-effective-international-enrollment-strategy>; Roy, M. (2017). Decoding International Students' Experiences with Education Agents: Insights for US Institutions. WES, New York. Retrieved from <https://wenr.wes.org/2017/06/decoding-international-students-experiences-with-education-agents-insights-for-u-s-institutions>

² Green, M. (2017, May). *Using Agents to Recruit International Students: A Settled Issue? Trends & Insights*. NAFSA: Association of International Educators. Retrieved from http://www.nafsa.org/_/File/_/ti_may2017.pdf

formal business relationship may claim to *work with* an institution if they have successfully helped a student apply and gain admission. By listing your official agent partners—or posting a statement that you don’t work with agents—students can verify whether an official relationship exists.

Based on the findings of the commission, the transparency practiced in other countries, consistency with other steps colleges take to ensure transparency (e.g., preferred lenders of education loans), and a desire to achieve an appropriate balance between institutional and student interests, NACAC strongly recommends that members, at a minimum, disclose that they have employed agents to recruit on their behalf. This can be achieved by disclosing such information on all promotional information directed toward international applicants. Further, institutional websites should list the names and contact information of all commissioned agents with whom the college or university has a business relationship.

Institutions should be mindful that communicating your policy regarding agencies and listing agents (or disclosing your decision not to work with agents) doesn’t address all issues around transparency. For example, different institutions provide commission at different rates, which can certainly influence the process. This won’t be apparent nor explained simply by listing agent partners.

Ultimately, by providing a list of your institution’s agent partners, students can be assured these agents receive regular training from your institution, are in frequent communication, and are therefore equipped with up-to-date, accurate, and reliable information about your institution and the admission process.

2. Clarity of Statements

One of the challenges with agent-based recruitment is the various definitions of the term “agent.” From the NACAC perspective, the association has always used the term to mean commissioned agents that are contracted and paid by colleges to recruit international students to their institutions. From a student perspective, however, the term agent could be synonymous in practice with “independent educational consultant,” as agents often serve students and families in this capacity but aren’t referred to as IECs. NACAC has led efforts, as evidenced by our [Trusted Sources](#) publication, to help explain these distinctions to students. Adding to the confusion, institutions may use other terms, such as “recruitment agency,” “overseas representative,” and “international partners” to describe professionals working as commissioned agents on behalf of the college or university.

Information about your agent partnerships should be straightforward and easy-to-understand. As such, NACAC recommends that member institutions use the term “commissioned agents” when articulating its policy with students, and clearly define this term, which should reference the manner in which agents are compensated. Consider

using the definition provided in NACAC’s *Guide to Ethical Practice in College Admission* to achieve greater consistency: “Commissioned agents are individuals or other third-party recruiters, sometimes working within a company or agency, who are contracted and paid by colleges on a per capita basis to recruit students to their institutions” (NACAC *Guide to Ethical Practice*, p. 11).

In communicating the institution’s policy regarding agencies, it is also important to be clear with students that their application won’t receive preferential treatment based on whether they were assisted by an agency. The institution’s statement should also confirm that students are neither required to apply with the assistance of an agency, nor will they be disadvantaged if they don’t.

Additionally, providing a list of services the student and family can expect from the agency, as well as those services the agency can’t or won’t offer is helpful in further explaining the relationship. For example, students can expect that the partner agencies can help them to understand the admission process and procedures, but won’t complete student applications for admission, financial aid, or scholarships.



3. Website Prominence

Drawing from the methodology and findings of the 2012 report from The Institute for College Access & Success³ on the requirement that US colleges post net price calculators on their websites, this section offers guidance on displaying your institution’s policy regarding working with agents and listing contact information of commissioned agent partners.

A statement is only useful if it is easy to find. NACAC member institutions should post their policy about commission-based agents in easy-to-find, prominent locations on their websites, not bury them on obscure pages.

The following questions can help guide you in the placement of commission-based agent information on your website:

1. Where do prospective students and their families intuitively look for information about applying to our institution on our website?

³ *Adding it all up 2012: Are college net price calculators easy to find, use, and compare?* Trends & Insights. NAFFSA: Association of International Educators. The Institute for College Access & Success. https://ticas.org/sites/default/files/pub_files/Adding_It_All_Up_2012.pdf

2. Is the information visually prominent on pages where prospective students look for information, or cross-referenced on other relevant pages? How many clicks does it take for a student to find information about commission-based agents?
3. Is the information presented on a page with a title or under a clearly labeled heading so that students and families know what information will be provided?
4. Would a prospective student have to resort to using the website's search engine to find this information?
5. When using the search engine, what terms are associated with the page so that the top search results would direct a student to the appropriate information?

4. Institutional Examples

Institutions That Work with Agents

The following is a sample of colleges and universities that work with commission-based agents and provide statements and/or contact information of agent partners on their websites.

Institutional websites cited may not meet all of the guidelines suggested above, but have elements of what is suggested under NACAC's guide to ethical practice.



[Cleveland State University \(OH\)](#): “If you are a student who is interested in Cleveland State University, we encourage you to contact a representative in your country.”

[Monash University \(Australia\)](#): “All prospective students who choose to use an agent must use an official Monash University agent. Monash agents are carefully assessed, monitored and reviewed to ensure only reputable and experienced agents can represent our institution.”

[New Brunswick Community College \(Canada\)](#): “Can I apply through an agent in my country? NBCC does work with qualified agents in many markets. Here is a [list of agents](#) who have been evaluated and signed by NBCC.”

[University of Cincinnati \(OH\)](#): “The University of Cincinnati has a large network of official representatives throughout the world to assist students interested in studying at UC.”

[University of Reading \(UK\)](#): “The University of Reading works with a number of approved representatives across the world to offer face-to-face assistance and counseling to prospective students and applicants. The University does pay a commission payment to these representatives should you apply through them and then enrol at Reading.”

Institutions That Don't Work with Agents at the Undergraduate Level

Though not required by NACAC's guide to ethical practice, it is a best practice for an institution that doesn't work with agents to state its policy publicly. At some institutions, a particular academic level or program may not work with agents, but other levels, departments, or programs might. By providing a statement explaining your institution's position—that your institution doesn't work with agents at the undergraduate level, for example—you are allowing students the opportunity to verify claims from agents that may assert to work with your institution. The following are examples:

[Marist College \(NY\)](#) works with agents in one country at the [graduate level](#): “Marist College understands that seeking admission to US colleges and universities is not an easy task for most Indian students in terms of either selecting an appropriate program/institution or preparing required documents for either admission or visa interview, and has, therefore, entered into collaboration with competent and professional Educational Consultants in several major cities of India to facilitate the admission process.”

[University of California, Berkeley](#): “UC Berkeley does not partner with agents to represent the University or to administer any part of the undergraduate admission application process. The engagement of agents or private organizations for the purpose of recruiting or enrolling international students is not endorsed by UC Berkeley. Agents who may be retained by students to help with the application process are not recognized as representatives of the University and do not have a contractual agreement or partnership to represent UC Berkeley.” UC Berkeley Extension, however, does engage agents.

[Read about a former UC Berkeley admission director's experience with agents at her new institution.](#)

[University of California, Los Angeles](#): “UCLA Undergraduate Admission does not partner with agents to represent the University or to administer any part of the application process. The engagement of agents or private organizations for the purpose of recruiting or enrolling international students is not endorsed by UCLA.” However, [Study Abroad at UCLA](#) through its extension program does engage overseas representatives.

[University of Toronto \(Canada\)](#): “The University of Toronto does not interact with agencies (educational “agents”) in order to recruit students to undergraduate programs.”

5. Note about Sub-Agents and Pathway Providers

There are two ways for institutions to utilize a network of agents indirectly. The first is through a contracted agent’s sub-agent network, and the second is through a contracted third-party pathway provider’s network. In each case, an institution will likely not have a contract with the partner’s agents, and therefore may feel less obligated to list these agents on its website.

However, institutions should understand these vast networks and take special care to ensure that the recruitment practices employed—including financial incentives and payment protocols—meet institutional standards. Should something go wrong, the institution may ultimately be held accountable, or at least will experience the consequences, for the actions of those recruiting on its behalf. Remember, as outlined in the first paper of this series, commission-based recruitment comes with inherent risks to students and institutions, and the institution must dedicate proper resources to agent management.

Sub-Agents

According to research⁴ on the pace of adoption of student recruitment agencies by US institutions, the sub-agent phenomenon can be explained as such:

The results of qualitative research indicate that so called “master agents” who manage a network of “sub-agents” is a phenomenon that is not widely known, or understood in the broad U.S. higher education community. Typically, master agencies subordinate to smaller sized agencies, however this is not always the case as the key factor that distinguishes a master agent from a sub-agent is that the former controls the contractual relationship with the university. Master agents share commission with sub-agents who recruit students on behalf of the master agent and its university partner.

The research also suggests that universities may choose to partner with an agency or agent that has a strong network of sub-agents to decrease the burden of managing a larger number of agent partners. If this is the case at your institution, consider the return on investment while weighing the potential risks. Explore managing these master-sub relationships through the contracting process.

Of particular importance is the impact on students. Remember, if institutions do not also list sub-agents on their websites, there is no way for students to verify that an official relationship between that agent—who is representing your university—and your institution exists.

Pathway Providers

Pathway programs are “postsecondary programs of study that combine credit-bearing coursework with developmental English as a second language (ESL) coursework to prepare a student who is unable to meet the English proficiency standards for admission”⁵. Research⁶ conducted on pathway programs at US institutions revealed that institutions, both private and public, enter into partnerships with pathway providers to access the recruitment network of the provider, expand international student enrollment at the bachelor’s level, improve yield, and make up for lack of in-house expertise.

Oftentimes, institutions and pathway providers publicly market their partnerships, allowing students to verify the connection. However, in this arrangement, like with sub-agents, institutions are one step further removed from the recruitment occurring on their behalf.

⁴ *Pace of Adoption of International Student Recruitment Agencies by US Institutions*. (2016). Bridge Education Group, Inc. Retrieved from <http://agents.bridge.edu/pdf/bridge-edu.pdf>

⁵ SEVP Policy Guidance S7.2: Pathway Programs for Reasons of English Proficiency. Department of Homeland Security Immigration and Customs Enforcement. Retrieved from <https://www.ice.gov/doclib/sevis/pdf/pathwayS7.2englishProficiencyReasons.pdf>

⁶ Choudaha, R. (2017). *Landscape of Third-Party Pathway Partnerships in the United States*. NAFSA: Association of International Educators.