

Department of Defense
Office of the Under Secretary of Defense for Personnel and Readiness
Request for Processing and Approval
DoD Postsecondary Education Complaint Intake for Service Members and Their Families

A. JUSTIFICATION

(1) Need for the Information Collection

President Barack Obama signed Executive Order 13607-- Establishing Principles of Excellence for Educational Institutions Serving Service Members, Veterans, Spouses, and Other Family Members on April 27, 2012. The Executive Order (EO) is designed to provide protections, enhance resources, and support tools available to Service members and Veteran's using military tuition assistance (TA), veteran's benefits and other federal benefits to pursue a higher education. The EO:

- Requires the Department of Defense's (DoD) Tuition Assistance Program (TA) (10 U.S.C. 2007) to ensure student protections are in place for Service Members, Spouses and other adult Family Members;
- Requires the Department of Defense (DoD) to promptly revise regulations, instructions, guidance documents, and memoranda of understanding (MOUs); and
- Encourages agencies to expand oversight activities to better address student concerns, and ensure that students receive quality educational opportunities in exchange for their Federal education benefits.

DoD Voluntary Education Programs provide lifelong learning opportunities for the off-duty, Service members, contributing to enhanced unit readiness for our Nation. The DoD off-duty, voluntary education programs constitute one of the largest continuing education programs in the world. Each year about 300,000 Service members enroll in postsecondary courses leading to associates, bachelors, masters, and doctorate degrees. Colleges and universities, through an extensive network, deliver classroom instruction to hundreds of military installations around the world. The TA Program is standardized across the Services and helps defray the cost of education.

To ensure DoD student protections, section 4 of the EO directs the Secretaries of Defense and Veterans Affairs, in consultation with the Secretary of Education, the Director of the Consumer Finance Protection Bureau (CFPB), and the Attorney General, to create a robust complaint process for students receiving Federal military and veteran's educational benefits.

In July 2012, these Federal agencies designed a simple, thorough prototype complaint intake for the final data collection required for a complaint system that will be utilized by both VA and DoD, with slight modifications, as necessary, for each agency. The DoD Postsecondary Education Complaint Intake will be available to Service members and their families online and will be easily accessible from multiple internet sources, such as the DoD Voluntary Education homepage, the DoD MOU homepage, the DoD My Career Advancement Account (MyCAA) homepage and from each Military Service Tuition Assistance Program homepage.

The information collection requirement is necessary to obtain, document, and respond to complaints, questions, and other information concerning post-secondary education and services provided to military students, veterans, and their adult family members. The intake data is included to help document information such as the level of study of the student, school the student is attending, type of education benefits being used, branch of the military service, substance of the complaint, and preferred contact information for the person making the contact.

DoD seeks to prevent abusive, deceptive, and fraudulent practices through a centralized complaint system, along with implementing the following mechanisms: establishment of risk-based program reviews; limits on access to military installations by educational institutions; and the use of intellectual property and other legal protections to ensure websites and programs are not deceptively suggesting military affiliation or endorsement.

The centralized complaint system will provide a resource for students receiving military and veteran educational benefits to effectively submit complaints against institutions they feel have acted deceptively or fraudulently. The first step is to make it easier for prospective and current military students to raise these concerns.

The DoD Postsecondary Education Complaint System will be a web-based application that will allow Service members and their adult family members to file a formal complaint related to their school. Each Military Service and DoD personnel will have a collaborative environment to track, manage, and perform actions on submitted complaints. This complaint system will be developed in two phases, with the Phase 1 production launch scheduled for May 2013 and Phase 2 production launch in June 2013. Phase 1 will include access to an online student complaint intake via an URL (<https://afaems.langley.af.mil/vemis/DoDPostsecondaryEDComplaintSystem.aspx>) and complaint case import via an XML file upload. Phase 2 will then include the option for a Military Service to use a web-service for the IT integration of their complaints.

DoD is cognizant of the challenges of launching an automated, multi-Federal agency consumer contact handling platform. To ensure the adequacy of intake infrastructure, a subset of the total population of DoD students will be used during the Phase 1 production. This subset will consist of the active duty Air Force with an approximate population of 329,000, including approximately 102,000 Airmen currently using TA. The complaint system is scheduled to begin in May 2013 for this phase and will run for approximately 30 days to resolve any possible system issues. The average number of complaints received monthly from this public population is nine (9). The expectation is that the DoD Postsecondary Education Complaint System will then expand in June 2013 to Phase 2, pending OMB approval for public participation, which will include the entire Service member TA student population of approximately 300,00, together with the military spouses participating in the DoD My Career Advancement Account (approximately 100,000) and adult family members of Service members that are attending on-installation courses or are receiving Post-9/11 GI Bill educational benefits transferred from the Service member (NOTE: Since 2009, approximately 400,000 Service members have transferred their Post-9/11 GI Bill educational benefits to 660,000 adult family members). The Title 10 Tuition Assistance and MyCAA population data is based on FY12 figures. DoD expects the total number of complaints received monthly to be very low compared to the large population of students based on the current average number of complaints received from the Services and DoD involving postsecondary institutions.

Members of the public that are considered participating students for this complaint system include the following:

1. Military spouses receiving Title 10 funds for tuition assistance through a Military Spouse Career Advancement Account.
2. Military spouses or adult family members using Post-9/11 GI Bill educational benefits that were transferred from their military sponsor.
3. Adult family members attending a postsecondary class conducted on a military installation.

If a student has a complaint, the process includes the following steps:

1. Access a specific URL (<https://afaems.langley.af.mil/vemis/DoDPostsecondaryEDComplaintSystem.aspx>) to complete the on-line DoD Student Complaint Intake (PLEASE NOTE: The intake is a data system and does not have an actual DoD Form to complete and submit; complaint data is submitted solely electronically on-line);
2. Complete the data elements specified in the DoD Postsecondary Education Complaint Intake (on-line) and submit;
3. Intake complaint details are emailed to complainant upon successful submission, along with assigned unique case ID#;
4. Intake complaint is routed to the specific Military Service Voluntary Education Chief or designee to review the complaint within a 72 hour period and take one of the following actions:
 - a) Resolve at the Service Level and respond; or
 - b) Route to the appropriate installation to resolve and respond; or
 - c) Route to OSD to resolve and respond.

If a complaint cannot be resolved at the OSD level and OSD determines the U.S. Department of Justice (DoJ) should be notified for possible prosecution, the complaint will be forwarded to the Federal Trade Commission's Consumer Sentinel Network for centralized record keeping and DoJ processing.

(2) Use of Information

The DoD Postsecondary Education Complaint Intake was designed to aid Military students and their families in the submission of a complaint, question, or comment relating to postsecondary educational institutions they feel have acted deceptively or fraudulently. Phase 1 implementation will provide improvements, technical assistance, and adjustments to the DoD Postsecondary Education Complaint System to allow a smooth transition into Phase 2 for all Service Members and Their Families.

Service members and their families (hereinafter "complainants") will be able to complete and submit the DoD Postsecondary Education Complaint Intake electronically online through a URL that will be available on several DoD and Military Service homepages and websites. The URL is: <https://afaems.langley.af.mil/vemis/DoDPostsecondaryEDComplaintSystem.aspx>. The questions within the DoD Postsecondary Education Complaint Intake prompt respondents for a description of the complaint at issue, the respondents' desired resolution, contact and information about the educational institution they are filing a complaint against, and any previous action taken to attempt to resolve the complaint. Responses to these questions will help document the substance of the complaint, question, or comment; information necessary to identify the subject incident, military student, and institution; and contact information needed to follow-up on the complaint, question, or comment. Additional fields include those that help the DoD monitor and identify possible discrimination and other violations of law.

(3) Use of Information Technology

This information collection will use the Internet for data collection. A web-based data collection system was selected to minimize the cost burden to respondents and facilitate cost-efficient data analysis. The web-based DoD Postsecondary Education Complaint Intake has been designed to enable DoD to omit certain questions, which are otherwise not reported to officials. The web-based DoD Postsecondary Education Complaint Intake will present respondent-specific questions through dynamic generation based on respondents' answers, leading to fewer questions presented and to more efficient completion of the intake data.

(4) Efforts to Identify Duplication

The Executive Order requires DoD and VA to develop a database (or utilize an existing database) to facilitate the centralized collection of, monitoring of, and response to consumer complaints regarding the educational institutions that are not following the Principles of Excellence (POE) identified in the Executive Order or are engaging in aggressive and deceptive targeting of Service members, veterans and their families. A student complaint intake will be utilized by Military Service members using their TA benefits, military spouses using their DoD My Career Advancement Account, adult family members using the Post-9/11 GI Bill educational benefits transferred from their military sponsor, adult family members attending an on-installation postsecondary course, and Veterans using their VA educational benefits, with slight modifications as necessary for each agency. The information collected from the DoD complaints will be unique and initially housed within DoD to allow for quick internal action. However, ultimately the complaints from both DoD and VA will be uploaded on a regular basis to the Federal Trade Commission's Consumer Sentinel Network, a vast database of complaints collected over years from consumers themselves, as well as from federal, state, and nongovernment partners. The Consumer Sentinel Network will serve as the long-term repository for all of this data, allowing access across law enforcement and regulatory compliance personnel, across agencies, and across the country. This database will yield unique data for the processing of individual student complaints and inquiries and does not duplicate any other information collection by DoD or VA.

(5) Impact on Small Business Entities

The data collection is not anticipated to burden small entities significantly. The DoD Postsecondary Education Complaint Intake does not require information collection from small businesses or other small entities.

(6) Consequences of Less Frequent Collection and Obstacles to Burden Reduction

There are number of challenges inherent in launching an automated multi-Federal agency consumer contact handling platform. If information is not collected through a smaller, internal population, it will be more difficult for DoD to ensure the accuracy and adequacy of the intake infrastructure and prepare for the finalized DoD Postsecondary Education Complaint System. Therefore Phase 1 was developed to address any initial problems. Also, information collected from the DoD Postsecondary Education Complaint System is voluntary and only collected when a DoD student files a complaint. If DoD were not able to collect this information, an aggressive, deceptive, and/or illegal trend from a specific educational institution across the Military Services could not be detected or identified. There is currently no

centralized system to submit, work, resolve, and store DoD student complaints from all of the Military Services.

(7) Paperwork Reduction Act Guidelines

There are no special circumstances. The information collection will be collected in a manner consistent with the guidelines in 5 CFR 1320.5(d)(2).

(8) Consultation and Public Comments

The 60-day notice was published November 6, 2012 on the Federal Register, with comments due by January 7, 2013 (77 FR 66595). DoD received letters from three higher education organizations: American Council on Education, the National Association for College Admission Counseling, and The Institute for College Access and Success. All letters were supportive of the student complaint system concept and all suggestions were reviewed, considered, and were addressed in written responses to each organization. Copies of the comment letters received from the three organizations, along with the DoD responses will be provided to the Office of Management and Budget (OMB). Examples received from these organizations include suggestions such as changing the term "financial allegation" to "financial issues"; changing the term "grades" to "grade policy"; and adding the phrase "Other Non-Military" in front of "Federal Financial Aid". All of these suggestions were adopted by DoD. DoD welcomes additional comments in the preamble of the proposed rule. DoD will provide an updated Supporting Statement addressing comments received at the final rule stage.

(9) Gifts or Payment

This information collection does not provide any payment or gift to respondents.

(10) Assurance of Confidentiality

All information collection activities will be conducted in full compliance with the requirements of the Privacy Act, § 552 of Title 5, United States Code, and Treasury regulations. The DoD websites will explain that personally identifiable information will be protected to the extent permitted by law. DoD will implement the appropriate security measures to ensure data is safeguarded including the use of locked file storage, confidentiality stamping, restricted system access, data encryption, restricted print options, and disposal by cross-cut shredding. The information system will be fully compliant with the Federal Information Security Management Act of 2002 with the security category of "Low."

The Contractor will maintain documented security policies, and procedures in accordance with the contract. In addition, the Contractor will follow confidentiality guidelines as set out in a non-disclosure agreement. Data protection initiatives will provide for electronic data security, permitting access only to authorized individuals and only during authorized times.

(11) Sensitive Questions

The DoD Postsecondary Education Complaint Intake does not include questions about sexual behavior or attitude. However, the DoD Postsecondary Education Complaint Intake does include an optional question that prompts the respondent for his or her age group, which will be used as a metric to help identify possible issues related to students in a particular age group.

Copies of the System of Record (SORN), with DoD Information Technology Portfolio Repository (DITPR) ID #16422, and Privacy Impact Assessment (PIA) for the DoD "Postsecondary Education Complaint System (PECS) will be provided to the Office of Management and Budget (OMB).

The PIA for the DoD Postsecondary Education Complaint System is accessed at https://www._____.

The SORN oversees the collection of information in the DoD Postsecondary Education Complaint System, with DITPR Identification number 16422 is located at: http://_____.

(12) Respondent Burden, and its Labor Costs

(a) Estimation of Respondent Burden

Type of Intake	Estimated Number of Respondents per year	Estimated Number of Intakes per Respondent	Average Burden Hours per Intake	Estimated Total Annual Burden Hours Requested
Public	100	1	10 minutes	17 hours

The estimated number of respondents comes from the current monthly average of complaints/concerns received through each of the webpages from the Military Services, the Coast Guard, the My Career Advancement Account program for military spouses, the DoD Memorandum of Understanding (MOU) homepage, and the DoD Voluntary Education homepage.

Per year, there would be approximately 100 (9 complaints per month times 12 months = 108) complaints coming from the public population. The annual burden hours are based upon consultation with the Military Services and the average number of complaints received each month. We expect one complaint per respondent and the DoD Postsecondary Education Complaint Intake should take approximately 10 minutes to complete. Therefore the estimated annual burden hours requested would total 17 hours. Complaints from respondents who wish to provide additional details or more complicated complaints may take longer to complete.

(b) Labor Cost of Respondent Burden

The respondent's time to complete the intake is calculated as follows (using data Office of Personnel Management General Schedule (GS) Annual Salary Table for 2013 for the "Rest of the US" and the number of work hours = 2087):

Average Burden Hours per Complaint	Average cost per respondent to complete a complaint intake (using median annual salary of GS-9 worker divided by the number of hours worked per year, rounded up) divided by 6 since it takes approx. 10 minutes to complete the intake (\$56,000/2087)/6	Estimated Total Annual Cost Burden to Respondents (\$4.50 x 100)
10 minutes	\$4.50	Total = \$450

(13) Respondents Cost Other Than Burden Hour Costs

There will be no annualized capital or start-up costs for the respondents to collect and submit this information.

(14) Estimated Cost to the Federal Government

Based on a modification to a current contract, including software licenses, labor, and overhead costs, the development cost for Phase 1 and Phase 2 will be **\$338,000** (paid one time only) The estimated annual sustainment operations cost of the final system is **\$62,400**. Additional estimated costs (**\$1,800**) relating to the processing of the student complaint by a government worker is calculated as follows:

Estimated Number of Complaints per year	Average Processing Time per Complaint	Average cost GS worker to resolve complaint (avg salary/number of hours worked per year) divided by 2 since it takes approx. 30 minutes to process complaint (\$75,000/2087)/2	Estimated Total Annual Government Cost (\$18 x 100)
100	30 minutes	\$18	\$1,800

(15) Reasons for Change in Burden

This information collection is related to a new program/system required by Executive Order 13607.

(16) Publication of Results

Only aggregated results will be presented in summaries, reports, and briefings. No further publications of these results are planned.

(17) OMB Expiration Date

The expiration date for OMB approval will be displayed on the DoD Postsecondary Education Complaint Intake.

(18) Exceptions to "Certification Requirement for Paperwork Reduction Submissions"

DoD is not requesting any exceptions to the certification statement identified in Item 19 "Certification for Paperwork Reduction Act Submissions".

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Due to the limitations of the information collected through the DoD Postsecondary Education Complaint Intake, most importantly the inability to select randomized or stratified samples, the responses will not be representative of any larger group. Because any aggregate results of the DoD Postsecondary Education Complaint Intake will not be statistically valid representations of a larger group, and are not meant to be, statistical methods cannot reduce or improve the accuracy of results.