



# NACAC's CEPP: What You Need to Know

Presenter: Mary Smith

Senior Associate Director of Admission, Gettysburg College  
President, Pennsylvania Association for College Admission Counseling





## Background: The DOJ Investigation

- In 2017, just after the NACAC Assembly voted unanimously to adopt the new Code of Ethics and Professional Practices, the Department of Justice Antitrust Division launched an investigation to determine whether the CEPP violated antitrust laws.
- The investigation centered around 3 specific provisions: Early Decision Incentives, Recruiting post-May 1, Recruiting transfers.





## NACAC Assembly and Membership 2019

- Assembly voted to remove the three sections from the CEPP
- Assembly voted to institute a moratorium on the entire document until the investigation is resolved
- Membership voted to give the Board of Trustees special authority to amend the CEPP or by-laws in extraordinary legal circumstances





## What's Next?

- On Dec 12, 2019, the Antitrust Division of the Department of Justice filed a complaint and consent decree (which is a court-ordered settlement without admission of liability) with a federal judge.
- As a part of the settlement, NACAC has confirmed that it has withdrawn any offending rule that was in place.
- 60-day comment period
- NACAC expects the court to enter the proposed “Final Judgement” as a court order in the near future.
- The Final Judgement will be in effect for 7 years.





## How does this affect colleges?

- Colleges will have to decide whether they still want to abide by any/all provisions of the CEPP. They must make that decision as an institution without consulting other colleges (that could be seen as collusion).
- Colleges will likely be watching to see what happens with their summer melt and other factors to determine what, if any, steps they feel they need to take in light of this new reality.





## How does this affect school counselors?

- In the past, school counselors could contact NACAC to report violations. It is not clear that this will still be available—at least for now.
- More onus on school counselors to advocate for individual students in the college admissions process regarding unfair practices.
- More summer requests for transcripts from graduated seniors as colleges recruit and students jump ship for a better offer.





## What else can school counselors do?

- Re-read the CEPP to get familiar with what are our best practices.
- Find it at [www.nacacnet.org/cepp](http://www.nacacnet.org/cepp)
- Make sure your own “house” is in order—school profile, confidential handling of documents, discipline reporting, transparency of policies and procedures





## School Profile

- CEPP States that secondary schools ~~must~~ should
  - ensure that the data reported on school profiles and other documents is accurate and current, and must be transparent about when the data were gathered and the groups that are included or excluded from the data







## School Profile, continued

- CEPP states that secondary schools ~~must~~ should
  - describe on their school's transcripts or school profiles their grading scale or any other method of representing student progress, their grade distribution, their policies on weighting courses and on repeating courses, and whether grades from all courses attempted are reported on transcripts and included in any cumulative GPA calculation. Schools must also disclose their policy for reporting disciplinary infractions. Regardless of such policies, they must disclose to colleges any change in a student's enrollment status whether pre- or post-admission.





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## We are in a “Liminal Space”

- The time between ‘what was’ and the ‘next’ – transition, waiting, not knowing – “where all transformation takes place”
- During liminal periods of all kinds, social hierarchies may be reversed or temporarily dissolved, continuity of tradition may become uncertain, and future outcomes once taken for granted may be thrown into doubt. The dissolution of order during liminality creates a fluid, malleable situation that enables new institutions and customs to become established.

(thank you, Wikipedia!)





# Your Questions

Let's talk!

Mary Smith, [mlsmith@gettysburg.edu](mailto:mlsmith@gettysburg.edu) President

Stacey Cunitz, [scunitz@crefeld.org](mailto:scunitz@crefeld.org) Admission Practices Chair

