

38 U.S. Code § 3696 - Prohibition on Certain Advertising, Sales, and Enrollment Practices

Institution Name:

Facility Code:

38 U.S. Code § 3696 (a)- PROHIBITION ON ENGAGING IN SUBSTANTIAL MISREPRESENTATION.—

An educational institution with a course or program of education approved under this chapter, and an entity that owns such an educational institution, shall not engage in [substantial misrepresentation](#) described in subsection (b).

(b) SUBSTANTIAL MISREPRESENTATION DESCRIBED:

(1) [Substantial misrepresentation](#) described in this paragraph is [substantial misrepresentation](#) by an educational institution, a representative of the institution, or any person with whom the institution has an agreement to provide educational programs, marketing, advertising, recruiting or admissions services, concerning any of the following:

(2) In this subsection: (A) The term “misleading statement” includes any communication, action, omission, or intimation made in writing, visually, orally, or through other means, that has the likelihood or tendency to mislead the intended recipient of the communication under the circumstances in which the communication is made. Such term includes the use of student endorsements or testimonials for an educational institution that a student gives to the institution either under duress or because the institution required the student to make such an endorsement or testimonial to participate in a program of education. (B) The term “misrepresentation” means any false, erroneous, or misleading statement, action, omission, or intimation made directly or indirectly to a student, a prospective student, the public, an accrediting agency, a State agency, or to the Secretary by an eligible institution, one of its representatives, or any person with whom the institution has an agreement to provide educational programs, marketing, advertising, recruiting or admissions services. (C) The term “substantial misrepresentation” means misrepresentation in which the person to whom it was made could reasonably be expected to rely, or has reasonably relied, to that person’s detriment.

Educational Institution Official (Print Name):

Signature of Educational Institution Official:

Date: