Draft language to consider in constructing an institution’s written public disclosure under 34 CFR 668.41. Institutions should modify the template as needed and consult with their legal counsel, if necessary.

Pre-Dispute Arbitration and Class Action Waiver Disclosure

Name of Institution seeks to resolve disputes or claims between any student and the school in a manner that addresses an individual student’s complaint in an efficient, cost-effective, and quicker manner than traditional litigation. A student who enrolls at Name of Institution agrees, as a condition of his or her enrollment, to resolve any dispute through mandatory arbitration that shall not be adjudicated as a class action or a consolidated class arbitration proceeding. However, the school cannot require a student loan borrower to participate in arbitration or any internal dispute resolution process offered by the institution prior to filing a borrower defense to repayment application with the U.S. Department of Education pursuant to 34 CFR 685.206(e); the school cannot, in any way, require students to limit, relinquish, or waive their ability to pursue filing a borrower defense claim, pursuant to 34 CFR 685.206(e) at any time; and any arbitration, required by a pre-dispute arbitration agreement, tolls the limitations period for filing a borrower defense to repayment application pursuant to 34 CFR 685.206(e)(6)(ii).