

February 8, 2016

Submitted electronically via [www.regulations.gov](http://www.regulations.gov)

Ms. Kate Mullan  
Director  
Office of the Information Collection Clearance Division  
U.S. Department of Education  
400 Maryland Avenue SW, LBJ, Room 2E103  
Washington, DC 20202-4537

RE: Docket ID: ED-2015-ICCD-0138

Dear Director Mullan:

On behalf of the Student Loan Ombudsman Caucus, thank you for the opportunity to provide the attached comments on the proposed information collection request for the new Enterprise Complaint System (ECS). The membership of the Student Loan Ombudsman Caucus includes, but is not limited to, ombudsmen staff of members of the National Council of Higher Education Resources (NCHER) – a national trade association representing organizations that support the student aid industry – and other student loan industry participants. The Caucus provides problem resolution, training, and mentoring in an effort to influence and support positive change through industry best practices, legislation, and regulations and to serve as a voice of fair process throughout the student loan life cycle.

Our comments on the ECS focus on alignment with current complaint tracking and accuracy, ECS licenses, misdirected inquiries, response timelines, loan holder selection, information sharing, anonymous and regulatory complaints, suspicious activity, and compliments. On a monthly basis, our members receive millions of calls, written communications, electronic inquiries and requests. These interactions provide our members an opportunity to support borrowers' needs and gather feedback to improve practices, training, systems and communications. Our members also take all complaints very seriously. In response to the Department's request for 'how might the Department enhance the quality, utility and clarity of the information to be collected', we believe it is important to report complaints with a proper perspective – including but not limited to the level of validity. In our membership's longstanding experience in administering the federal loan program, elevated inquiries may be representative of issues beyond our control. Compiling ECS data with proper context and perspective will ensure complaint data portrays an accurate perception of federal loan servicing that our membership works very hard to enhance the overall borrower environment.

We look forward to continuing our work and partnership with the Department of Education and, specifically, the Office of the Ombudsman to ensure that all students and borrowers have access to fair, timely, and expert assistance.

Thank you for your consideration of our comments. If you have any questions regarding the attached comments, please contact me at (202) 822-2106 or [jbergeron@ncher.us](mailto:jbergeron@ncher.us).

Sincerely,

A handwritten signature in black ink, appearing to read "J P Bergeron". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

James P. Bergeron  
President

**Enterprise Complaint System (ECS)  
Information Collection Request  
Docket ID: ED-2015-ICCD-0138  
Student Loan Ombudsman Caucus  
February 8, 2016**

1) Alignment of Current FSA Customer Complaint Tracking Report and Accuracy of ECS Complaint Category Assignment

- Per the Federal Register notice, Docket No.: ED-2015-ICCD-0138, reference is made to the request under Supplementary Information whereas the Department of Education (ED) is interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.
  - Specifically addressing issues (4) and (5):
    - The ECS Implementation draft document provides a vast amount of complaint categories and complaint subcategories available to customers through ECS. We have a concern regarding the customer's potential inability to self-select appropriately. It is our assumption the categories will be communicated in language customers will understand, avoiding any industry jargon and providing definitions for each category. We recommend that, after the appropriate review of the complaint, if necessary, servicers/guarantors have the ability to assign/document the root cause of the complaint to ensure accuracy and which will in turn be used as the final reporting documentation of record.
    - Our assumption is that once ECS is implemented, other reports (e.g., the Ombudsman Report) will no longer be required as it will be captured through ECS. If that is not a correct assumption and other reports will continue to be required, since ECS complaint categories and subcategories differ from the existing report categorizations, we recommend duplicate reporting be eliminated by aligning ECS reporting and the other reports into one condensed reporting requirement.

2) ECS Licenses

- It is important to ensure adequate access to the new ECS. We recommend 10 licenses be granted to each servicer to ensure that servicers are able to maintain their current level of service to customers.
- Assuming guarantors will be granted the same amount of access, we recommend five licenses and/or an option to request additional log-ins on a case-by-case basis.
  - If this assumption is not correct, and guarantors do not have access to the new ECS, the process would operate under the current FSA Ombudsman process.
  - If using this process, it is recommended that any duplication of complaints (such as complaint via ECS and FSA Ombudsman) will be coordinated by the FSA Ombudsman office and the guarantor/servicer will only receive one referral.

3) Misdirected Inquiries

- Based upon current industry customer feedback portal experience and in an effort to maximize efficiency and provide the best possible customer experience, if upon researching it is found the initial complaint is misdirected, we recommend a process be in place to return the inquiry back to ED so it can be forwarded to the appropriate party.

4) Response Timeline

- We assume the response time frame provided to the customer will be reasonable and communicated to both the customer and servicers/guarantors. We recommend an email be sent to the customer acknowledging receipt of their complaint and allow up to 10 business days to research and respond.

5) Loan Holder Selection

- We appreciate the opportunity for a borrower to self-select their servicer and/or collection agency (3.1.7 and 3.1.8); however, we are concerned that guaranty agencies are not listed. We believe, if the complaint is going to be referred to the loan holder to resolve, the guaranty agency is the best resource on a Federal Family Education Loan Program (FFELP) defaulted loan.

6) Information Sharing

- The ECS Implementation draft document reflects that ED will be gathering critical information during the ECS process. We appreciate the opportunity for borrowers to provide this information and recommend establishing a procedure to ensure the following information is transferred on a timely basis to the loan holder:
  - Third Party Authorization.
  - Any document(s) uploaded by the borrower.
  - Contact information, including preferred method of contact and preferred hours of contact.
    - We recommend the wording in 2.1.2 be clarified to take into consideration loan holders will be located in time zones other than eastern and preferred hours and method of contact requested may not always be feasible.

7) Anonymous Complaints

- As loan holders, we believe it is critically important to be able to identify an individual in order to properly address their concerns and come to a resolution; however, if there is an unlimited number of anonymous inquiries submitted from a single individual, we recommend this information be tracked separately and as unsubstantiated and not used for official reporting purposes. An anonymous complaint may only identify one side of the issue and not allow the loan holder to provide a complete and accurate accounting of events.
- ECS Implementation Document: 1.2.1 Screenshot

#### 8) Regulatory Complaints

- We appreciate the Common Questions section and believe it may decrease the number of complaints filed; however, we believe many will still file a complaint through the ECS and would like to assure regulatory complaints, outside of the loan holder's control, will be handled by ED.
  - Examples: interest rates, limited PLUS loan repayment options, requests for forgiveness discharge and settlements that do not meet current regulatory criteria etc.
  - ECS Implementation Document: 3.1.5 Table of Issue Types

#### 9) Suspicious Activity

- The ECS Implementation draft document allows a borrower to report suspicious activity. We recommend establishing a procedure in which ED would notify a loan holder if action, such as a hold, is required.
- ECS Implementation Document: 1.1.1 Screenshot and 3.2.1 Screenshot

#### 10) Compliment

- We appreciate the opportunity for a borrower to submit a compliment in section 3.3.3. If the borrower selects a specific loan holder, we recommend the compliment be shared with the loan holder.
- ECS Implementation Document: 1.1.1 Screenshot and 3.3.1 Screenshot