

## **Employability of graduates**

Misrepresentation regarding the employability of an eligible institution's graduates includes, but is not limited to, false, erroneous, or misleading statements concerning—

- (a)** The institution's relationship with any organization, employment agency, or other agency providing authorized training leading directly to employment;
- (b)** The institution's intentions to maintain a placement service for graduates or to otherwise assist its graduates to obtain employment, including any requirements to receive such assistance;
- (c)** The institution's knowledge about the current or future conditions, compensation, or employment opportunities in the industry or occupation for which the students are being prepared;
- (d)** Whether employment is being offered by the institution exclusively for graduates of the institution, or that a talent hunt or contest is being conducted, including, but not limited to, through the use of phrases such as “Men/women wanted to train for . . . ,” “Help Wanted,” “Employment,” or “Business Opportunities”;
- (e)** Government job market statistics in relation to the potential placement of its graduates;
- (f)** Actual licensure passage rates, if they are materially lower than those included in the institution's marketing materials, website, or other communications made to the student or prospective student; or
- (g)**
  - (1)** Actual employment rates, if they are materially lower than those included in the institution's marketing materials, website, or other communications made to the student or prospective student, including but not limited to:
    - (i)** Rates that are calculated in a manner that is inconsistent with the standards or methodology set forth by the institution's accreditor or a State agency that regulates the institution, or in its institutional policy.
    - (ii)** Rates that the institution discloses to students are inflated by means such as:
      - (A)** Counting individuals as employed who are not bona fide employees, such as individuals placed on a 1-day job fair, an internship, externship, or in employment subsidized by the institution;
      - (B)** Counting individuals as employed who were employed in the field prior to graduation; or
      - (C)** Excluding students from an employment rate calculation due to assessments of employability or difficulty with placement.
  - (2)** Upon request, the institution must furnish to the Secretary documentation and other information used to calculate the institution's employment rate calculations.