

Westwood College Lead Generator Compliance Requirements

Westwood College conducts compliance assessments for all lead generation vendors. A major component of compliance is vendor oversight, therefore Westwood College requires all lead partners to undergo a continuous review process. This audit process will help identify any non-compliance issues that may arise.

This document outlines the requirements for all of Westwood's lead generation partners, including the requirements for lead forms and phone verification/qualification campaigns. The requirements are broken into two main sections:

1. Compliance Requirements for Westwood-Specific Web Forms
 - This is relevant information for leads generation partners who generate leads through Westwood-specific web forms
 - This includes the online matching process where leads may be generated for multiple schools at one time
 - Requirements begin on page 2 of this document
2. Compliance Requirements for Phone Verification/Qualification Process
 - This is relevant information for any lead generation partners who place ANY calls to leads that may be provided to Westwood
 - This includes any verification or qualification programs relevant to Westwood
 - Requirements being on page 5 of this document

The information provided by each lead generator for the review must be complete, accurate and timely. If the lead generator does not possess the requested information, a response to that effect must be provided. All information received from each lead generator will be treated as confidential and will not be disclosed to any party other than Westwood College or its authorized representatives. For more information on what information must be provided for review, please refer to the "Audit Instructions" document that should have been provided along with this document.

Compliance Requirements for Westwood-Specific Web Forms

Express Written Consent Disclosure Requirements

On October 16, 2012, the Office of Management and Budget's final approval of the Federal Communication Commission's amended Telephone Consumer Protection Act regulations was published in the Federal Register. The notice listed implementation dates for each requirement.

As part of the amendments, no telemarketing call may be made to a consumer's cell phone using an automatic telephone dialing system unless the consumer has provided prior written express consent.

Westwood requires all lead generators to adhere to the express written consent requirement for autodialed solicitation calls to wireless numbers.

Express Written Consent through a Westwood-Specific Web Form

Any type of written consent, or agreement, should be clear and conspicuous and meet the following requirements:

- a. **Written Agreement** – Consent *must be obtained in a written agreement*, which includes the signature of the person providing consent.
- b. **Identity of the Seller** – the agreement *must specifically indicate the seller(s)* to whom consent is being provided.
- c. **Telephone Number** – the *agreement must include the cellular number* at which the person consents to receive calls.
- d. **Affirmative Action** – the consumer should take some *affirmative action* to indicate his/her assent.
- e. **Mandatory Disclosures** – the agreement must *clearly and conspicuously* disclose:
 - a. The person *authorizes the seller to make telemarketing calls*;
 - b. The *calls will be made using an ATDS* (or prerecorded message, if applicable); and
 - c. The person is *not required to provide consent as a condition of purchasing any good/services*.

One of the following disclosure languages must be utilized for all Westwood or Redstone specific web forms depending on each lead generator process:

- For online Enroll Call leads, utilize the following language:

“By submitting this form, you give Westwood College your consent, without obligation to purchase services from Westwood, to be called and texted using automated technology regarding educational services at the number provided above. You can also call 800-617-2759 for more information.

“By submitting this form, you give Redstone College your consent, without obligation to purchase services from Redstone, to be called and texted using automated technology regarding educational services at the number provided above. You can also call 800-568-0657 for more information.”

- For online vendors utilizing their own call center 800# (must be Westwood approved call center):

“By submitting this form, you give Westwood College your consent, without obligation to purchase services from Westwood, to be called and texted using automated technology regarding educational services at the number provided above. You can also call XXX-XXX-XXXX for more information.”

“By submitting this form, you give Redstone College your consent, without obligation to purchase services from Redstone, to be called and texted using automated technology regarding educational services at the number provided above. You can also call XXX-XXX-XXXX for more information.”

- For online leads that do not have an 800# or utilize Enroll Call:

“By submitting this form, you give Westwood College your consent, without obligation to purchase services from Westwood, to be called and texted using automated technology regarding educational services at the number provided above.”

“By submitting this form, you give Redstone College your consent, without obligation to purchase services from Redstone, to be called and texted using automated technology regarding educational services at the number provided above.”

The consumer must take the affirmative action to submit the form to constitute his/her agreement. No abandoned leads are accepted. The consumer must submit the form for the consent to be valid. The express written consent language must be immediately above or below the submit button. If a check box is used, the box may NOT be pre-checked.

The rules require the disclosure be **clear and conspicuous**. The placement, size, and color of the disclosure language affect its prominence. Evaluate the size, color, and placement of the disclosure language in relation to other font on the web form.

- **Placement:** the disclosure language cannot be hidden on the back or bottom of the document, buried in unrelated information where a person would not expect to find such a request, or hidden in the terms and conditions. The statement must be immediately above or below the submit button.
- **Size:** the disclosure language must be at least as large as the other font on the web form to which it relates. The size of a disclosure should be compared to the type size of the other text on the screen.
- **Color:** the disclosure language cannot be printed in small, pale, or non-contrasting type. The text must be in a color that contrasts with the background color.

It is imperative to ensure the CRM system used has the appropriate dispositions in place to distinguish between records that have provided express written consent from those that have not.

In order for Westwood to purchase a lead generated from a Westwood-specific form, the form must meet the disclosure requirements outlined above.

Lead Information

When providing leads to Westwood, the following information must be included:

- Lead source
- What type of leads they are (Written Consent, Inquiry EBR)
- The date the lead provided their information to the lead partner
- The school(s)/program(s) the consumer inquired about

Record Keeping

Throughout the term of the relationship, lead generators are contractually required to maintain the following lead records:

- Lead name
- Contact information
- Lead date and time
- Lead source including the web site and creative utilized to generate the lead
- All versions of web forms utilized to generate leads

All records of express written consent must be maintained for at least **5 years** from the last date the consent is relied upon to make a call, based on the statute of limitations for

enforcement actions. Copies of records should transfer to Westwood if the relationship is terminated.

Compliance Requirements for Phone Verification/Qualification Process

If placing ANY calls to leads that may be provided to Westwood (including any verification or qualification programs relevant to Westwood), such lead generators must adhere to the federal and state telemarketing and Do Not Call (DNC) requirements and wireless rules. Regulations require any calls that do not fall into an exempt category must be suppressed against appropriate lists to ensure that DNC numbers are not being dialed. Examples of non-exempt calls would be dialing leads from purchased lists where the consumer is not expecting a call (cold-calls), referrals, or calling inquiries or existing customers beyond the federal or state established business relationship exemption period. Additionally, if placing calls to wireless numbers via an ATDS, the TCPA requirements must be considered. If a lead partner calls leads that they may provide to Westwood and the lead partner attempts to generate a lead for Westwood, the following requirements must be adhered to:

Express Written Consent Disclosure Requirements

Express Written Consent through a Lead Generator-Specific Web Form

On October 16, 2012, the Office of Management and Budget's final approval of the FCC's amended TCPA regulations was published in the Federal Register. The notice listed implementation dates for each requirement.

As part of the amendments, no telemarketing call may be made to a consumer's cell phone using an automatic telephone dialing system unless the consumer has provided prior written express consent.

Note: An ATDS is technology that has the "capacity" to store and randomly or sequentially dial telephone numbers. Courts have liberally applied this definition citing that the "capacity" defines the ATDS whether or not it is used. If your dialer software facilitates storage of numbers and can dial numbers with a single key press, you are likely using an ATDS.

Any type of written consent, or agreement, should be clear and conspicuous and meet the mandatory disclosure requirements listed at the beginning of this document.

One of the following disclosure languages must be utilized for all lead generator-specific web forms depending on each lead generator process:

“[Lead Generator Name] may occasionally have products or services that we think may be of interest to you. By submitting this form, you give us your consent to use automated technology to call and text you at the phone number(s) above, including your wireless number if provided. Please note that you are not required to provide this consent to make a purchase from us.”

The consumer must take the affirmative action to submit the form to constitute his/her agreement. The express written consent language must be immediately above or below the submit button. The consumer must submit the form for the consent to be valid. If a check box is utilized, the box may NOT be pre-checked.

The rules require that the disclosure be **clear and conspicuous**. The placement, size, and color of the disclosure language affect its prominence. Evaluate the size, color, and placement of the disclosure language in relation to other font on the web form.

- **Placement:** the disclosure language cannot be hidden on the back or bottom of the document, buried in unrelated information where a person would not expect to find such a request, or hidden in the terms and conditions. The statement must be immediately above or below the submit button.
- **Size:** the disclosure language must be at least as large as the other font on the web form to which it relates. The size of a disclosure should be compared to the type size of the other text on the screen.
- **Color:** the disclosure language cannot be printed in small, pale, or non-contrasting type. The text must be in a color that contrasts with the background color.

In order for Westwood to purchase a lead generated from a lead generator conducting call verification/qualification campaigns, the lead generator must meet the disclosure requirements outlined above.

Westwood-Specific Express Written Consent Obtained via Phone Verification

Again, any type of written consent, or agreement, should be clear and conspicuous and meet the mandatory disclosure requirements listed at the beginning of this document.

Additionally, the following requirements

- a. The required disclosures may not be grouped together with other disclosures. The disclosures should be provided to the consumer separately and consent should be obtained from the consumer immediately after the disclosures have been made.

- b. The lead generator must obtain electronic signatures/agreements by recording consumers' verbal consent or having them press a certain button on their phone after the required disclosures have been made. When responding verbally, consumers must indicate their assent by providing an affirmative "Yes." Consumers' silence and/or ambiguous statements such as "uh huh" are not sufficient. If a key-press is used to obtain consent, lead generators should have the capability of capturing and identifying the tone to substantiate that consent was received.
- c. To ensure all requirements are met, agents should use mandatory scripts to obtain consumers' consent and ongoing agent monitoring should be conducted. Lead generators must create a "Written Consent" disposition to help distinguish customers that provided consent from those that did not.

The express written consent language must be provided by the call center representative once he/she has verified that the prospect would like to be matched to and contacted by Westwood or Redstone. The prospect or student must be presented with the following scripted verbiage:

"Does Westwood College have your consent to use automated technology to call and text you at this wireless number (###-###-####) when needed? These calls will be about Westwood's educational services and you are not required to provide this consent to receive services from them."

"Does Redstone College have your consent to use automated technology to call and text you at this wireless number (###-###-####) when needed? These calls will be about Redstone's educational services and you are not required to provide this consent to receive services from them."

In order for the consent to be valid, the consumer must reply "yes" or press 1 when prompted to do so.

In order for Westwood to purchase a lead generated from a lead generator conducting call verification campaigns, the lead generator must meet the disclosure requirements outlined above.

All records of express written consent must be maintained for **5 years** from the last date the consent is utilized to make a call. Lead generators should keep all call recordings for the minimum time period and have a process to distinguish between recordings where consent was obtained and recordings where consent was not obtained.

If Express Written Consent is NOT Obtained

For express written consent obtained through online web forms, the following implications must be considered when the form is submitted absent the appropriate affirmative action as required:

1. First, it is imperative to ensure the CRM system used has the appropriate dispositions in place to distinguish between records that have provided express written consent from those who have not
2. Second, maintain the capability to identify all wireless numbers through the Wireless Block Identifier and the NeuStar or Telcordia portability numbers lists
3. For wireless numbers, the numbers absent express written consent must either be suppressed or dialed manually
4. Lastly, for wireless numbers (dialed manually) and landlines absent express written consent, the form submitted would constitute an inquiry EBR. The numbers in this category would then need to be suppressed against the company's internal DNC list as well as the appropriate inquiry EBR table

For express written consent obtained via telephone voice recordings, the following implications must be considered when the consumer provides a negative response when the consent disclosure is presented:

1. First, it is crucial that the consent disclosure is presented to the consumer in such a way to avoid a negative response resulting in a DNC request. The disclosure language must be carefully structured such that the consumer understands this is strictly asking for consent to be called on their wireless number using an autodialer and not a request for consent to be called, regardless of number type or dialing method
2. Second, once the disclosure language is implemented, include instructions for the agents and train agents to obtain a verbal "Yes" from the consumer in each script
3. Lastly, follow steps 1 through 4 as described above for physical paper forms and online web forms

DNC Policy

The federal rule requires that telemarketers maintain a written company Do Not Call policy and make a version of it available to prospects or students upon request. Westwood respects the privacy wishes of our prospects or students. It is Westwood's policy that all requests not to be called be handled courteously and promptly and within the guidelines of the policy. Lead generators must provide all representatives with a

copy of the corporate DNC policy. Westwood reviews the DNC policy on a regular basis to ensure continued relevance and accuracy.

Lead generators must provide copies of a prospect or student version of the DNC policy to prospects or students upon request and are mailed as soon as possible. Westwood College may request to review the DNC policy to ensure continued relevance.

Do Not Call List Suppression

All lead generators must maintain an internal DNC list. All agents are to be trained on the process for honoring DNC requests. All lead generators must provide Westwood with a list of all consumers requesting to be placed on the DNC list within a minimum of 15 days of the DNC request. Numbers must remain on the internal DNC list for a minimum of 5 years. All lead generators must register and pay all applicable filing fees for the state and federal DNC lists, as well as the Wireless Block Identifier and NeuStar Ported Numbers lists. The lead partner must also be sure that the list subscriptions do not lapse or expire.

For calls made utilizing an EBR exemption, the federal EBR timeframes must be adhered to along with the more restrictive state EBR timeframes listed in the chart below:

Federal/State EBR Rules						
State	Transaction		Inquiry		Subscription	
	Controlling Rule (Federal/State)	Rule (months)	Controlling Rule (Federal/State)	Rule (months)	Controlling Rule (Federal/State)	Rule (months)
Federal	Federal	18	Federal	3	Federal	18
Arkansas	Federal	18	State	0	Federal	Last TRX Date - 18
California	State	18	State	1	Federal	Last TRX Date - 18
Colorado	Federal	18	State	1	Federal	Last TRX Date - 18
Illinois	State	18	State	1	Federal	Last TRX Date - 18
Indiana	State	0	State	0	State	0
Louisiana	State	6	Federal	3	State	Last TRX Date - 6
Michigan	State	12	State	0	State	Last TRX Date - 12
Mississippi	State	6	Federal	3	State	Last TRX Date - 6
Missouri	State	6	Federal	3	State	Last TRX Date - 6
Montana	State	6	Federal	3	State	Last TRX Date - 6
Nevada	Federal	18	State	0	Federal	Last TRX Date - 18
New Jersey	State	0	State	0	Federal	Last TRX Date - 18
New Mexico	State	12	Federal	3	State	Last TRX Date - 12
North Dakota	Federal	18	State	0	Federal	Last TRX Date - 18
Pennsylvania	State	12	Federal	3	State	Last TRX Date - 12
Tennessee	State	12	Federal	3	State	Last TRX Date - 12
Texas	State	12	Federal	3	Federal	Last TRX Date - 18
Wisconsin	State	0	State	0	State	0*
<i>*WI calls to "current clients" are allowed if the product or service being marketed is "of the type" currently provided to that consumer. Wireless numbers must be provided by the consumer. Allowable wireless contact periods vary by state.</i>						
10/24/2011						

Cold Calls

Federal DNC Registry

FTC and FCC rules require that any seller or telemarketer placing non-exempt calls, suppress calls to phone numbers listed on the National Do Not Call Registry within 31 days of the number being placed on the registry.

13 State DNC Lists

When placing non-exempt calls, telemarketers are required to suppress against the applicable state lists.

Wireless Lists

The TCPA bans any person or entity from placing a solicitous call using an Automated Telephone Dialing System (ATDS) to any wireless device without the called party's prior expressed consent. There are two lists of wireless numbers that telemarketers must suppress against: the NeuStar Ported Number and the Wireless Block Identifier lists.

The NeuStar Ported Number list contains phone numbers that have been ported between wire lines and wireless numbers. Federal law requires that telemarketers comply with wireless prohibitions within 15 days of the number being ported from a wire line to a wireless line.

The Wireless Block Identifier is a block of phone numbers that are designated as wireless numbers.

Caller ID

The federal rules require that specific information be displayed on the caller ID. All lead generators must comply with the following:

1. Display a name and phone number. The telephone number provided must allow an individual to make a do-not-call request during regular business hours for the duration of the telemarketing campaign. The telephone number may not be a 900 number or any other number for which charges exceed local or long distance transmission charges.
2. The name displayed via a caller ID system must accurately represent the lead generator as follows:
 - a. Name displayed is that of the lead generator
 - b. Name displayed is a legal DBA of the lead generator

Calling Time Restrictions

The federal government limits the time telemarketing calls may be placed from 8AM to 9PM. Currently, 18 states have their own calling time restrictions that are more restrictive than those set by the federal rules. Some states also limit telemarketing calling times during weekends and on holidays. All lead generators must ensure adherence to these calling times. See the chart below for the states that have more restrictive calling times than the federal rules.

Jurisdiction	Call Time Restrictions	Exemptions
Alabama	8 AM to 8 PM (Monday-Saturday). Calls Prohibited on Sunday and holidays.	Rules only apply to telephone utilities
Connecticut	9 AM to 9 PM	Established Business Relationship
Illinois	Most calls 8 AM to 9 PM; autodialers 9 AM to 9 PM.	Only applies to calls with the intent to offer to sell securities
Kentucky	10 AM to 9 PM	Established Business Relationship
Louisiana	8 AM to 8 PM (Monday-Saturday). Calls Prohibited on Sunday and holidays	Business to Business
Massachusetts	8 AM to 8 PM	Established Business Relationship
Michigan	9 AM to 9 PM	None
Minnesota	9 AM to 9 PM	Established Business Relationship
Mississippi	8 AM to 8 PM (Monday - Saturday). Calls prohibited on Sunday and holidays	Established Business Relationship
Nevada	9 AM to 8 PM	Business to Business
New Mexico	9 AM to 9 PM	Previous purchase from seller
Oklahoma	Most calls 8 AM to 9 PM; autodialers 9 AM to 9 PM	None
Pennsylvania	Most calls 8 AM to 9 PM; autodialers 9 AM to 9 PM M-S, no calls on Sunday before 1:30 PM	Previous purchase from seller
Rhode Island	9 AM to 6 PM (Monday - Friday), 10 AM to 5 PM (Saturday). Calls prohibited on Sunday and state holidays.	Established Business Relationship
South Dakota	9 AM to 9 PM (Monday - Saturday). Calls prohibited on Sunday.	Established Business Relationship
Texas	9 AM to 9 PM (Monday - Saturday). Noon - 9 PM on Sunday.	Established Business Relationship
Utah	8 AM to 9 PM (Monday - Saturday). Calls prohibited on Sunday and state holidays	Calls made when prior consent has been obtained
Wyoming	8 AM to 8 PM	Established Business Relationship

Please note: The Company must adhere to the federal Calling Time Restrictions of 8:00AM to 9:00PM if not more restricted by State Calling Time Restrictions.

Call Abandonment

The Federal Trade Commission and Federal Communications Commission ban telemarketers from abandoning any telemarketing call. A call is considered "abandoned" if it is not connected to a sales representative within 2 seconds of the called person's completed greeting. In order to achieve call abandonment Safe Harbor, telemarketing campaigns using automated dialing equipment must adhere to the following rules:

- Abandonment Rate: Use technology that ensures abandonment of no more than 3% of all calls measured per 30 days per campaign. The formula for calculating the call abandonment rate is as follows:
Total number of calls abandoned divided by the total number of calls answered by a live person (total live connects) plus total number of calls abandoned (expressed as a percentage). For example, 30 abandoned calls divide by 120 calls answered by a live person plus 30 abandoned calls multiplied by 100 equals 20% abandonment rate.
- Disconnect Criteria: Allow the telephone to ring for 15 seconds or four rings before disconnecting
- Recorded Message: Play a recorded message stating the name and telephone number of the seller on whose behalf the call was placed whenever a live sales representative is unavailable within two seconds of a live person answering the call. All call abandonment messages must include a DNC automated, interactive voice and/or key-press-activated opt-out mechanism and immediately terminate the call
- Record Keeping: Maintain records documenting adherence to the three requirements above

As outlined above, whenever a sales representative is not available to speak with the person answering the call, that person must receive, within 2 seconds after the called person's completed greeting, a pre-recorded identification message that states the name and telephone number of the business, entity, or individual on whose behalf the call was placed, and that the call was for "telemarketing purposes." No solicitation is allowed in this required message and instructions must be clear on operating the opt-out mechanism. We recommend the following:

"This was a call from [Lead Generator Name] in response to your request for information. Our phone number is ###-###-####. To be added to our internal DNC list, please press one now. Thanks and have a great day."

Lead Generators must ensure that when the prospect or student does opt-out of the call abandonment messages, the dialer system is able to immediately honor that DNC request.

All lead generators must maintain records establishing compliance with the call abandonment rules.

Telemarketer Registration

Currently, 34 states require telemarketers to register when placing calls to consumers in the respective state. As part of the registration process, some states require the purchase of bonds, a certificate of authority, or agent registration. However, some states also provide exemptions from registration that lead generators may be able to utilize. Lead generators must register as a telemarketer in the required states.

Please contact CompliancePoint with any telemarketer registration questions.

Record Keeping

All lead generators record activities must be in compliance with the regulations. Listed on the next page is a brief summary of the records that must be maintained when conducting phone verifications

Federal Record Keeping Requirements		
Record Type	Requirements & Recommendations	Time Period
Agent Scripts	All scripts utilized when agents speak with prospective students.	2 years
Marketing Materials	All substantially different advertising, brochures, telemarketing scripts, promotional materials, e-mail templates, business reply cards, web forms, etc.	2 years
Lead Information	The name and contact information of each lead that requests information	2 years
Records of express written consent to place solicitous calls to wireless numbers using automated technology	Must include the form utilized to gain consent (business reply card, web form, or call recording) along with the date consent was provided.	5 years*(after the last date consent was utilized as an exemption to contact the consumer)
Records of express consent to be called	Must include the form utilized to gain consent (business reply card or web form) along with the date consent was provided.	2 years (after the last date consent was utilized as an exemption to contact the consumer)
Agent Training and Employee Records	Materials used for training (power points, etc.) Records of employees that attended each training. Also, the name, any fictitious name used, the last known home address and telephone number, and the job title(s) for all current and former employees directly involved in telephone sales.	2 years (after last day of employment)

Federal Record Keeping Requirements		
Record Type	Requirements & Recommendations	Time Period
Written policy to maintain internal DNC list	Written policy for maintaining a company-specific Do-Not-Call list. Policy should be incorporated in the company guidelines to include the maintenance of a centralized internal, company-specific DNC list that can be updated and accessed by specified employees.	4 years
Download and scrub records of all DNC lists	Records of subscription information should be recorded and maintained. Records documenting the access to the national DNC registry database as well as state, internal and wireless DNC lists should be recorded.	4 years
List of numbers on internal DNC list	Maintain a company-specific Do-Not-Call list of persons who previously stated that he or she does not wish to receive an outbound telephone call made by or on behalf of Westwood.	5 years
Call abandonment rate records	Records showing lead generator employs technology that ensures abandonment of no more than 3% of all calls answered by a person, per day per calling campaign.	5 years
Call abandonment records proving agents allow at least 15 seconds or 4 rings before disconnecting	Records showing lead generator, for each telemarketing call placed, allows the telephone to ring at least 15 seconds or 4 rings before disconnecting an unanswered call.	5 years
Call abandonment records proving a message is played within 2 seconds	Records showing that whenever an agent is not available to speak with the person answering the call within 2 seconds after the person's completed greeting, lead generator promptly plays a recorded message stating their name and telephone number and outlining the call was for telemarketing purposes.	5 years