**NYSFAAA TPS Webinar Q&A**

**03/17/2023**

1. **Are external clinical sites considered third-party servicers?**

While certain clinical sites may fall under the Department’s proposed new guidance, the answer would depends on the nature of the activities performed by the clinical sites and any revisions the Department makes to their guidance.

1. **If the data that is being shared with software companies under the expanded guidance is the same data covered by the historic definition, and they are trying to protect individuals, don't they have a point?**

While we cannot opine on the motivation of the Department, we note that the new guidance related to software companies drastically expanded providers that could be covered based on access, including cloud-based software and service solutions, providers that retain access to systems in order to provide technical support, and ISP providers, insofar as their infrastructures are needed to administer many aspects of the Title IV programs and are not under the control of institutions.

1. **International students cannot receive TIV funds. But is the issue that they are enrolled in an eligible TIV program.**

Unfortunately, I am unclear what the poster is asking here.

1. **We have anchor sites for study abroad program partners. So we would potentially not be able to continue this partnership correct?**

While certain study abroad activities are likely swept into the Department’s proposed guidance, this answer depends on the activities performed by the sites and any revisions the Department makes to their guidance.

1. **How does affect schools who look at companies that have payment plans for international students and domestic students but you’re only interested in the international plans programs? They aren’t managing FA anyway.**

Unfortunately, I am unclear what the poster is asking here.

1. **What have you heard regarding individual consultants now being considered a TPS. Normally consultants review FA files, submit FISAPs, consult and advise about policies and procedures?** 
   1. **I know of one case that the “consultant” has been employed by the college, for FA IT, for almost 5 years – almost an employee but not – how is this impacted?**

I have not heard anything about individual consultants being considered a TPS.

1. **Could a school's marketing company be considered a TPS?**

Marketing is generally not a covered TPS activity under the new guidance, but this answer depends on the nature of the services performed.

1. **Does NYSFAAA have any potential exposure through providing our free annual FAFSA/TAP webinar, and/or posting Videos for Students on our website?**

Unfortunately, I cannot provide advice about potential risk or liability unless that entity is a client of the firm

1. **Do we need to add everyone of all TPS now to our PPA?**

An institution must report any individual or entity with which it contracts that meets the TPS criteria listed above using the Department’s E-App process. The information must be reported within 10 calendar days of entering or substantially amending a contract (or any other written or oral agreement) with the third party.

1. **Would our e-mail provider be a TPS? We communicate with students about aid using e-mail.**

While the Department’s new guidance expands covered software services, this answer depends on the activities performed by the email provider and any revisions the Department makes to their guidance.

1. **How can institutions comply with requirement that TPS subcontractors cannot be foreign-owned? How do we know who their subs are?**

This is a good question and one that organizations have commented on.

1. **speak to exclusionary DCL statement re: "The services provided are strictly advisory in nature". We perform a compliance and staffing assessments and many schools never implement our recommendations. They are not required to, nor do we implement them unless a separate contract is created. Are these services considered 3PS. We may, as part of these services, have access to student data.**

This answer depends on the activities performed and any revisions the Department makes to their guidance.

1. **What about a default management company, that would be a TPS, correct?**

Performing default management services is a potential TPS activity, but this answer depends on the activities performed by the company and any revisions the Department makes to their guidance.

1. **If you have a servicer that assists with default prevention, no collections, just guidance and prevention do they fall into this?**

This answer depends on the activities performed by the entity and any revisions the Department makes to their guidance.

1. **What about Tuition Exchange between schools?**

This answer depends on the terms of the Tuition Exchange and any revisions the Department makes to their guidance.

1. **Would the centralized medical school application service AMCAS, be considered a TPS?**

This answer depends on the activities performed by the application service and any revisions the Department makes to their guidance.

1. **Will the National Clearing House be considered TPS if you utilize their HSD verification and or enrollment reporting?**

This answer depends on the activities performed and any revisions the Department makes to their guidance.

1. **We are 1 of 64 State Universities of NY schools.  Would our central administration be considered a TPS for each of their schools?**
   1. **Similar question – If a school has more than one OPEID and these two share system and personnel resources and student data – can they be considered TPS for each other?**

This answer depends on the activities performed by the central administration and any revisions the Department makes to their guidance.

1. **We use ELM as a TPS for managing our alternative loans, would this need to be reported because these students also are eligible for Title IV funds?**

This answer depends on the activities performed by the ELM and any revisions the Department makes to their guidance.

1. **Does email and other communication systems, that aren't solely used for FA programs, fall under this regulation?**

As noted above, this answer depends on the activities performed by the systems and any revisions the Department makes to their guidance.

1. **If you have a TPS that had not been added, what are the implications with the 10 day rule?**

Failure to comply with applicable regulatory requirements can lead the Department to initiate a fine, limitation, suspension, or termination

1. **We have a couple of part-time financial aid staff (employees) that also work part-time for other colleges in our area as employees. The guidance seems to indicate that if your employee also works for another schools FA office, that they must be reported as a TPS on our eApp. Is that correct?**

This answer depends on the activities performed by the employees and any revisions the Department makes to their guidance.

1. **If using a company for call center for IT would that be added as TPS e.g. Ellucian?**

This answer depends on the activities performed by the systems and any revisions the Department makes to their guidance.