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ADVISORY COMMITTEE ON STUDENT FINANCIAL ASSISTANCE



Lessons Learned from the Higher Education Regulations Study: Methodological Issues in Designing a Survey to Assess Regulatory Burden

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QUESTIONS ADDRESSED IN THE PRESENTATION

- What were the legislative requirements and methodologies utilized for the HERS study?
- What was the ideal approach to meeting the requirements?
- Why was the ideal approach not feasible?
- Why was a web-based survey of perceptions added to the study?
- What were some of the benefits of a perceptions study?
- What was the design of the web-based survey?
 - Why was it anonymous and confidential?
 - How was the sample selected, the data collected and edited, and analyses conducted?
- How did the overall study methodology limit the findings and recommendations?
- What are the lessons for policy research, in general, and for regulatory reform and simplification, specifically?

ABOUT THE ADVISORY COMMITTEE

- Established in the Higher Education Amendments of 1986 and reauthorized in each subsequent set of amendments
- Serves as an independent, nonpartisan source of advice and counsel to Congress and the Secretary of Education on student financial aid matters, including access and persistence issues
- 11 appointed members serve terms of 4 years
 - 3 appointed by the Secretary of Education
 - 4 appointed by the U.S. Senate
 - 4 appointed by the U.S. House of Representatives

LEGISLATIVE REQUIREMENTS

- In the *Higher Education Opportunity Act* of 2008 (HEOA), Congress charged the Advisory Committee with conducting a review and analysis of regulations affecting higher education institutions to determine the extent to which regulations are overly burdensome and need to be **streamlined, improved, or eliminated**
 - Specifically, Congress suggested the Advisory Committee determine which regulations are:
 - **Duplicative**
 - **No longer necessary**
 - **Inconsistent with other federal regulations**
 - **Overly burdensome**
- The charge was to assess regulations:
 - In effect at the time of the review
 - That applied to the operations and activities of postsecondary institutions from all sectors

LEGISLATIVE REQUIREMENTS

- To fulfill the goals of the study, Congress required the Committee to
 - convene at least **two review panels** of individuals who have experience with federal regulations affecting all sectors,
 - develop and maintain a **website** that allowed the public to recommend regulations in need of streamlining, and that provided links to the deregulation study conducted by the National Research Council of the National Academy of Sciences,
 - **consult** with the Secretary of Education, other federal agencies, representatives of higher education institutions, and individuals with expertise and experience in this field, and
 - deliver a **final report** to Congress and the Secretary of Education by the end of November 2011.

STUDY METHODOLOGY

- Pursuant to this legislative mandate, the Committee:
 - convened **two review panels**, comprised of 16 individuals with relevant experience and knowledge, to review the regulations under the HEA and make recommendations for streamlining, improvement, or elimination
 - developed and maintained a **website** to provide information on the regulations, including an area for community suggestions of burdensome regulations
 - held **two public hearings** designed to identify the most burdensome aspects of individual regulations and the overall regulatory system, and comment upon proposed improvements
 - the hearings also generated valuable feedback during the course of the study

STUDY METHODOLOGY

- designed and conducted an anonymous and confidential **web-based survey** (which generated over 2,000 responses, from at least 700 institutions with over 4,000 written suggestions) to confirm and validate the findings of the review panels, public hearings, and website interaction
- identified a set of community-driven **perceived problems and proposed solutions** for both the individual regulations cited in the study and the overall system of regulation
- in the survey's follow-up activities, **validated** the perceived problems and proposed solutions with over 100 volunteers from the higher education community
- In addition, the Committee used numerous meetings, conference calls, and presentations for **consultation** and to solicit feedback on regulatory burden

LIMITATIONS OF THE STUDY

- Data on detailed calculations of burden hours and costs were unavailable from the vast majority of institutions; thus, the study was unable to determine the exact extent to which regulations are *quantifiably* burdensome
- Determining with statistical certainty exactly how burdensome a particular regulation (or set of regulations) is, and the changes necessary to either reduce or eliminate that burden, will require significant time and resources
 - Measuring precisely the level of burden, cost savings, and adverse effects would require case studies at institutions
 - Such analyses would need to include, at a minimum, agreement on a variety of definitions, collection procedures, beneficiaries, and thresholds
- These limitations ruled out ACSFA making legislative recommendations regarding specific regulations

THE IDEAL STUDY APPROACH

•Determining the level of burden, cost savings, and potential adverse effects would require, at a minimum, the following steps:

- develop a **detailed and accurate model** of how regulations impact institutions by type and control, and other critical characteristics
- derive from the model the data required to **measure burden, cost savings, and adverse effects**
- choose an adequately **large and representative sample** of institutions from which the data would be collected
- design **case study protocols** necessary to collect the data from the institutions
- design and implement a **data analysis plan** consistent with the detailed model of how regulations impact institutions.

•Such a study would require considerable resources, involve several years of effort, and the full cooperation of the institutions involved in the case studies.

WHY THE IDEAL APPROACH WAS NOT FEASIBLE

- The Advisory Committee lacked adequate:
 - resources due to budget cuts,
 - time given the two-year deadline for the final report,
 - institutional cooperation due to concerns regarding anonymity and confidentiality,
 - data to determine *a priori* assumptions for a model of how regulations impact different types of institutions.

WHY THE IDEAL APPROACH WAS NOT FEASIBLE

- Due to such limitations, the Advisory Committee:
 - Further refined the scope of the study to focus only on those regulations stemming from the Higher Education Act of 1965, as amended (HEA);
 - Ruled out case studies due to resource limitations and institutional reluctance and unwillingness to participate without hold-harmless guarantees; and, consequently,
 - Adopted a broad-based but more efficient study method, namely an anonymous and confidential web-based survey of perceptions.

WHY A WEB-BASED SURVEY OF PERCEPTIONS WAS NEEDED

•Even though the Advisory Committee followed or exceeded the legislated mandates for the study's methodology, it was still not possible to:

- quantify the level of burden for each regulation,
- determine a way to prioritize recommendations, and
- recognize all the various ways that suggested regulations impacted different sectors of higher education.

•The Advisory Committee thus concluded that it was necessary for the study to assess the *perceptions* of the higher education community regarding regulatory burden, regulatory cost, and potential solutions.

•Although resource constraints dictated that only a web-based survey was feasible, it was a viable approach in that it was readily and easily available to all types of institutions for a set time period and had a national reach.

Tourangeau, et al. (2000); Whelan (2008)

BENEFITS OF A PERCEPTIONS STUDY

The Advisory Committee recognized that a perceptions study would have many benefits in the context of a mandate to assess regulatory burden.

- A perceptions **format is easily understood** by targeted respondents
- Perceptions studies help organizations **determine what communities think**
- Perceptions study **results are easily understood** by policymakers and the broader community
- A perceptions study can allow for both **quantitative and qualitative** assessments, including open responses for the community members to provide perspectives in their own words

DESIGN OF THE WEB-BASED SURVEY

- The web-based survey was originally conceived with a log-in feature that would have created a unique identifier for each respondent and provided the study with a known sampling frame.
- Based on community feedback, the log-in feature was abandoned in favor of complete anonymity due to:
 - significant concerns over the sensitive nature of the questions addressing campus-level perceptions of regulatory burden (implementation, administration, and compliance), *especially regarding processes managed by the federal government*
 - substantial numbers of individuals refusing to participate in a survey on such topics if they or their institutions were identifiable.

Bethlehem (2010); Couper (2008); Couper, et al. (2010); Fowler, Jr. (2009); Lamas (2001); Umbach (2004); Whelan (2008)

DESIGN OF THE WEB-BASED SURVEY

- In order to alleviate such concerns, ensure greater participation and candid feedback, and minimize selection bias, the Advisory Committee--
 - developed and field tested the survey instrument with feedback from numerous representatives from the higher education community, and
 - utilized an independent private contractor to host and administer the survey, requiring the contract to remove any identifying information from all survey responses.
- The Advisory Committee then distributed the survey using purposive chain referral/respondent-driven sampling.
 - The Committee met with several associations and organizations to request assistance in raising awareness of the survey.
 - Several higher education associations and numerous state entities demonstrated strong support for the study and distributed the survey directly to their respective members.

DESIGN OF THE WEB-BASED SURVEY

- The survey instrument consisted of two separate and distinct tracks:
 - **Senior executive** questions addressed broad issues related to the regulatory development process, levels of regulatory burden affecting colleges and universities, alternative approaches to the current system, and preferred ways for continuing efforts to reduce regulatory burden on higher education institutions.
 - **Office administrator** questions focused on rating burden level for a set of 15 individual regulations identified by the higher education community as burdensome and costly, providing input on the regulatory development process, and preferred ways to move forward on future efforts to reduce regulatory burden.
- Associations and organizations that were asked to distribute the survey had members who were **senior executives** and/or from the **five offices** most involved with administering HEA regulations, such as:
 - Admissions
 - Business Office/Student Accounts
 - Institutional Research
 - Financial Aid
 - Registrar

DESIGN OF THE WEB-BASED SURVEY

- The survey used skip logic across three sets of questions, depending upon the track:
 - demographic information
 - 15 individual regulations
 - system of regulation
- The survey used ranking and rating (Likert scale) questions and provided multiple opportunities for written comment
- At the end of the survey, each respondent was given an opportunity to register as a volunteer who would, later, be asked to re-interview for reactions to the results of the study
- The survey results and findings were released as a preliminary report, followed by a hearing, and validated by set of over 100 knowledgeable volunteers (those who did and did not take survey).

FINDINGS AND RECOMMENDATIONS

- The overarching finding of the study (from all sources—not just the web survey) was that the higher education community perceived the regulations under the HEA to be unnecessarily burdensome. The majority view was that:
 - the 15 regulations cited in the survey were among the most burdensome and could be improved without adverse effects on program integrity or student success
 - certain components of the overall, one-size-fits-all system of regulation under the HEA require improvement
 - improvements to individual regulations and the system will generate savings that can be used to expand student access and persistence

IMPACT OF STUDY LIMITATIONS ON FINDINGS AND RECOMMENDATIONS

- Based on those findings, the Advisory Committee recommended that:
 - Congress direct the **Secretary of Education to convene at least two review panels** of higher education representatives to provide advice and recommendations on the **15 regulations cited in the report** and on the feasibility of **alternative approaches to the current system of regulation**, including the provision of regulatory relief based on performance indicators. Such panels should be incorporated as routine collaboration during retrospective reviews of regulations.
 - The Secretary of Education should conduct an **immediate review of the 15 regulations cited in this report**, including an analysis of the feasibility of implementing the proposed solutions and identifying any adverse effects on program integrity, student success, and cost of compliance.

IMPACT OF STUDY LIMITATIONS ON FINDINGS AND RECOMMENDATIONS

Why regulations studies are different from other studies

Biased Respondent

- Regulations studies are different from other kinds of studies in that the respondent institutions often are governed by the studied regulations, potentially leading to biased results, including selection bias, strategic response bias, framing effects, etc.

Reluctant Respondent

- Respondents representing these institutions at all levels expressed reluctance toward being critical of the regulatory agency and fearful of retaliatory or punitive measures if identifiable.
 - Concern compounded by association of survey administrator.
- Respondents expressed concern regarding data on time and costs being used as benchmarks for administrative capability without contextual factors.
- Numerous respondents were doubtful about whether the time invested in responding to the study would yield results on campuses.

IMPACT OF STUDY LIMITATIONS ON FINDINGS AND RECOMMENDATIONS

Effects of inability to establish sampling frame, assess institutional representation, and internal institutional correlations in the survey (typical of most federal regulatory development processes):

- Under-/over-representation (sector, enrollment, location, staffing levels, etc.)
- Lack of comparative analysis within institutions between senior executives and office administrators
- Inability to establish confidence intervals or draw definitive inferences
- Anonymity and confidentiality are *critical* to reduce selection bias
 - Regulatory agencies must recognize limitations of own studies, hearings, surveys, etc. in which anonymity not provided
- Perceptions study can serve as basis for detailed agency study
 - Perceptions that have been validated by multiple groups still provide powerful information
- The methods of study need to be flexibly defined by legislators

**WEBSITE AND
CONTACT INFORMATION**

www2.ed.gov/acsfa

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