

BORROWER DEFENSE TO REPAYMENT (BDR) CLAIMS

BEST PRACTICE RECOMMENDATIONS FOR INSTITUTIONS

A timely, well-documented response to a Borrower Defense to Repayment (BDR) claim is essential to protecting your institution's interests. Follow these best practices to prepare and submit a strong response.

1



RESPOND TIMELY

- Institutions have **60 days** from the notification date to respond.
- The Department is not granting extensions—don't delay.
- Always submit a response, even if documentation is limited.
- Failure to respond may be interpreted as agreement and could impact future financial liability determinations.

2



GATHER AND SUBMIT SUPPORTING DOCUMENTATION

- Provide as much documentation as possible, such as enrollment agreements, catalogs, transcripts, surveys, attendance records, and other relevant documents.
- If records are unavailable, submit blank forms or sample documents from the same time period.
- Explain that the documents were representative of those used during the student's attendance.
- Note any applicable record-retention limitations.

3



DEMONSTRATE INSTITUTIONAL COMPLIANCE

- Provide evidence that the institution maintained accreditation during the student's enrollment.
- Show compliance with accreditor standards, state and federal regulations, and required disclosures.
- Demonstrate that the institution provided the steps necessary to ensure positive educational outcomes.

4



HIGHLIGHT STUDENT OUTCOMES

- Include information on licensure or certification attainment.
- Provide employment outcomes and program completion data.
- Evidence of successful outcomes can provide important context about the student's experience.

5



USE PROFESSIONAL AND OBJECTIVE LANGUAGE

- Remember, your response may become part of the public record.
- Remain factual, professional, and respectful.
- Avoid emotional or argumentative language.
- Do not make derogatory statements about the claimant, the Department, or the BDR process.
- Focus on documented facts and supporting evidence.

6



CONSIDER LEGAL REVIEW

You may wish to consult legal counsel before responding, especially when:

- Multiple claims have been filed
- Significant financial liability may exist
- Allegations involve institutional misrepresentation or misconduct

7



INCLUDE A SIGNED AFFIDAVIT

Include a signed institutional affidavit that outlines:

- Relevant facts regarding the student's enrollment
- Institutional policies and procedures in effect at the time
- Supporting information not otherwise reflected in documentation
- The institution's commitment to compliance and student success

KEY TAKEAWAY



**RESPOND ON TIME.
DOCUMENT THOROUGHLY.
REMAIN PROFESSIONAL.
DEMONSTRATE COMPLIANCE
AND STUDENT OUTCOMES.**

These actions are your strongest defense and help protect your institution's interests.

ACCESSING BDR CLAIMS IN THE COD SYSTEM



Borrower Defense notifications are available through the Common Origination and Disbursement (COD) System.

To locate claims in COD:

- 1 Log in to the COD System.
- 2 Select the **School** menu.
- 3 Navigate to **Borrower Defense** in the left navigation panel.
- 4 Review any pending claims and associated response deadlines.

INCLUDE THE OFFICIAL BDR AFFIDAVIT

Institutions are highly encouraged to include, alongside their response documentation, the official Borrower Defense to Repayment School Certification Affidavit.

Download the affidavit here:

<https://studentaid.gov/sites/default/files/affidavit-school-certification.pdf>

This affidavit can help provide additional context and support for your institution's response and should be included whenever responding to a Borrower Defense claim.



IMPORTANT REMINDER

You must have access to **COD**. The only way to respond to a BDR claim is by uploading your response in COD. If you do not have COD access, contact us to discuss your options.



WE'RE HERE TO HELP.
DJA is your trusted partner for financial aid administration and compliance.



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