

A Toolkit for Identifying Human Trafficking and Fraud in Higher Education

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Introduction

Human trafficking in adults involves the use of force, fraud, or coercion to obtain some type of labor or commercial sex act¹. Human trafficking is an insidious crime and affects a variety of communities and industries. The purpose of this toolkit is to provide a practical guide for state authorizers to identify and take action on human trafficking in higher education institutions.

In the majority of the higher education-related trafficking cases we have encountered, the schools under suspicion are also in violation of a variety of state standards. These “red flags” independently constitute violations of state standards, and thereby require investigative or disciplinary action by state regulators. The most basic violations of record keeping (attendance, payment records, tracking progress, etc.) may be indicators of a far more pernicious violation.

The problem of human trafficking within higher education is multi-faceted. Both labor trafficking and sex trafficking occur in higher education, perpetrated by both individual actors and organized entities. This document is limited in scope and focuses on sex trafficking that is increasingly perpetrated in higher education by organized, sophisticated criminal enterprises that stretch regulatory and enforcement resources. In a number of cases, institutions of higher education offered an effective front for concealing trafficking-related illegal business activities. For example, state-authorized schools have engaged in fraudulent practices such as the bulk selling of illegitimate vocational degrees, diplomas, certificates, or transcripts, for traffickers to fraudulently seek licenses for their trafficking victims in order to offer sexual services under the guise of massage therapy.

State authorizers should aim to ensure accountability. Rigorous school oversight is critical in order to protect students, schools, and the public from low standards that promote the preconditions for fraud, deficient record keeping, and other dubious activity.

1. This definition is drawn from the [U.S. Department of Homeland Security](#).

This toolkit is specifically designed to assist state regulators and agencies, organizations, or entities that regularly intersect with the responsibilities and duties of state regulators (as discussed below). Thanks to the proactive and positive response from our fellow state regulators to recent discussions of this issue, we have opted to build this toolkit to answer their most pressing questions:

- **How do I identify if a school is engaged in trafficking?**

- **Do I have authority to act, and what do I do next?**

- **How do I support the victims, and when should I engage law enforcement?**

While the issue of trafficking in higher education remains complex, we designed this toolkit to serve as a practical introduction for how state higher education officials may engage with this challenge.

We hope this toolkit provides insights and fundamental preventative measures that we have deployed to successfully make an impact by methodically and collaboratively addressing red flags and fact patterns that often lead to trafficking networks among higher education institutions.

Scope, Authority, and Duties of State Regulators

To offer occupational credentials or degrees, a postsecondary school must secure authorization from the designated state agency. Each state's specific regulatory language differs slightly, but the general scope requires state regulators to authorize or certify schools to operate after assessing and evaluating school applications (financial, instructional/educational and business documents) for initial licensure or renewal. The process also encompasses site visits and such things as verifying that essential training equipment is present. Most importantly, state authorizers also have a duty to protect consumers and other constituents of their state against fraudulent or substandard schools and/or agents. State authorizers typically approve and oversee postsecondary institutions in the private sector, including both Title IV and non-Title IV eligible institutions.

The powers of authorizers vary significantly across states. In addition to wide ranges in budgets and legal authority, state authorizers require different information and different cadences for authorization renewal across states.

States may also assign oversight and approval authority for certain vocational programs to agencies other than the primary post-secondary state agency, such as their respective licensure boards or state departments of health. Even in states where the primary post-secondary state authorizing body retains oversight of these schools, professional licensing boards provide an important secondary form of quality assurance for these institutions. While many professional licensing boards cannot regulate institutions directly, they serve a critical function in identifying bad actors. In our experience, licensing boards have identified schools that produce graduates who routinely fail licensure exams and uncovered coordinated attempts by fraudulent schools to cheat on the exams that assess competence and provide public protection.

While state authorizers are not vested with criminal law enforcement power and cannot act as agents of law enforcement agencies, the general scope of authority does provide unique and important responsibilities that may serve to identify trafficking in postsecondary settings. In particular, they oversee operations and records for many sectors in which human trafficking is prevalent (notably massage therapy, cosmetology, and truck driving operations). Valuable information is conveyed through records and documents.

Unlike many professions, states that regulate massage therapy do not recognize a singular national accrediting authority². Since the school review process varies among states in depth and breadth, states that endorse education from schools approved in other states are dependent upon the standards of an approval or accrediting body that may apply lesser standards. Degree mills, accreditation mills, and visa mills therefore operate in an environment that lacks a uniform, national school accreditation mechanism that could eliminate this lowest common denominator portability dilemma.

Although each state is governed by its own specific laws and rules, generally speaking, all state authorizers establish and maintain accountability for institutions through standards related to quality educational services, fiscal responsibility, and ethical business practices.

How do these standards empower state authorizers with the authority to act on suspicions of involvement in human trafficking? The clearest explanation can be found in the Minnesota Office of Higher Education’s revocation order to a school in February 2020:

“While OHE does not investigate or regulate prostitution and/or human trafficking, any links to prostitution and/or human trafficking indicate a lack of authenticity and legitimacy of a private postsecondary education institution and its programs.”

Nonetheless, the suspicions of human trafficking in this case did not provide justification for the revocations; it was the numerous violations of state higher education standards that enabled the state authorizer to revoke the school’s authorization. Only through the effective engagement of the existing scope of authority was action available.

² There are currently two principal pathways of review: voluntary peer review organizations (regional and national) like COMTA; and state approval entities that are provided with legal authorization to operate. State massage therapy boards are typically involved only insofar as the approval or accreditation relates to massage therapist credential application requirements, and the United States Department of Education’s (DOE) accreditation concerns are principally with an institution’s stability, including its financial profile for financial aid purposes.” See [Federation of State Massage Therapy Boards](#).



Red Flags: Causes for Concern

For simplicity, we have combined red flags for licensure offices and those for state authorizers. Authorizers should be aware of red flags related to quality of educational services, fiscal responsibility, and ethical/legal business practices during both the initial approval and renewal processes and on-going oversight activities, such as announced and unannounced site visits. In states where licensure boards also act as school authorizers, licensure application red flags are equally critical. In states where authorizers operate separately from licensure boards, authorizers should be prepared to recognize these circumstances as causes for concern if alerted by a licensing agency.

When investigating a school, regulators should take the time to run Google searches on owners³, operators, and schools to determine whether there are associations with illicit or sexually-oriented businesses or other commercial exploitation practices. Similarly, regulators should make inquiries to other agencies in their states and in other states to gather important information prior to approving schools whose owners and agents may have records of noncompliance or criminal conduct in other states. Coordination among and between states and federal agencies is vital for effective regulation.

³ State authorizers do not typically have the authority to run background checks on school owners or operators.

Quality of educational services and violations of ethical business practices

-  Absence of textbooks, teaching aids (such as skeletons and anatomy charts), or necessary equipment (such as massage tables and privacy screens)
-  Indications that the facility is being used as residence: food storage in rooms, sleeping bags, scent of cooking, laundry containing personal clothing items as opposed to appropriate supplies such as sheets or towels
-  The school's facility is a one room office with no separate or sanitary conditions for clinical practice; the address of school is an empty parking lot or other inaccurate location
-  Instruction or instructor qualifications are not compliant with industry standards or the school's advertisements; instructors that are not qualified, not licensed, not in good standing, or have previous arrests for solicitation or related offenses
-  Inconsistent dates on documentation, such as inconsistent time-cards or a mismatch between number of hours listed on transcript with those in course catalog, lack of appropriate signatures on agreements or enrollment contracts
-  Insufficient documentation of benchmarks met and courses completed, or school transcripts that do not indicate hours transferred, school seal, dates of attendance or date of program completion or graduation
-  Low graduation rates or low or inconsistent passage rates on licensure exams
-  Graduating or certifying a student who has not sufficiently completed all necessary course content and hours is a direct prohibition of each state's statute

Fiscal responsibility and ethical and legal requirements

-  School bond coverage submitted to the state is discrepant with the number of certificates of completion awarded. For example, if a school is bonded for 20 students but is graduating a significantly different number, it is an independent violation and also an indicator that the school may be a diploma mill. Schools have bonds for the purpose of adequately refunding students for prepaid educational services that are not delivered. The bond is also optimally designed to ensure that the education that is provided is quality education that will result in licensure or certification that will lead to gainful employment.

Licensure Applications

Paperwork

-  Address inconsistencies such as the same mailing address is used for multiple applicants; application materials sent from an address that does not match the applicant's address or from multiple different addresses; or mailing addresses that do not return to a residence, or more specifically, return to a massage or nail business
-  Essential personal information, such as date of birth or Social Security number, is inconsistent across documentation or matches those of other applicants
-  Handwriting on documents from third parties is similar to handwriting on documents from applicant, similar or identical handwriting for multiple different applicants, or applicant signature does not match across documents
-  School-related documents have discrepancies, such as a mismatch between the school name on documents provided for licensing exam purposes and on transcripts provided with the licensure application, or inconsistent course hour totals on transcripts from the same institution; school transcripts are submitted by another person or entity rather than the institution
-  Alterations to certificates of completion related to the continuing education provider, such as signatures, dates, hours/credits awarded, grades achieved, and attendance, or document alterations changing the name of the applicant or Social Security number
-  Unsigned or undated documents submitted for licensure, or fraudulent resident or employment cards
-  Misspelled words on official or school-issued documentation, or the use of different ink, font, font sizes, and smudges on the same document

Licensure Applications

Applicant conduct

-  Unusual behavior by the applicant, such as refusing to provide necessary material in a reasonable timeframe or to accept/return phone calls; excessive contact with the agency through telephone calls, e-mails, and/or frequent walk-ins; inability to provide forms of personal identification; extreme explanations regarding their inability to provide required documentation, including when requested during investigation (e.g., the school owner died or the school burned down)
-  Individuals other than the applicant attempt to contact the licensing agency claiming to be a friend, spouse, church sponsor, or teacher
-  Nondisclosure by the applicant of required information, such as identifying all states in which they have applied for licensure, other professional licenses previously held, disciplinary history or pending investigations in other states, accurate criminal history as required by the jurisdiction

Association with sexually-oriented businesses

-  Past disciplinary action by licensing authority, investigations, or previous arrests related to the practice of massage or illegal operation of an establishment; receipt of reports from law enforcement agencies revealing criminal history and/or investigation pertaining to sexually-oriented business operations
-  Address of the applicant or school appears on sites offering sexually-oriented services

Interagency Collaboration

State authorizers, state licensing boards, the Federation of State Massage Therapy Boards, and other higher education regulators are neither designed nor equipped to combat human trafficking single-handedly. However, a collaborative, multidisciplinary model is effective and necessary to combat human trafficking. Through interagency collaboration, the many complex indicators of this type of human trafficking in or facilitated by higher education can be strategically addressed, perpetrators can be held to account, and survivors can be protected from re-victimization. The creation of a multi-agency task force will provide an opportunity to build these critical partnerships, aggregate resources, and ensure cross-training.

When you begin to build a task force to address sex trafficking in higher education – or if you expand an existing trafficking task force to include a focus on higher education – we recommend you seek the inclusion of the following stakeholders, and clearly define the roles of each:

- State Business License Agency / Professional Licensure Agency**
- Other States and Jurisdictions**
- Programmatic and Institutional Accrediting Agencies**
- State and Federal Law Enforcement Agencies or Departments**
- Victim Services**
- Anti-Human Trafficking Coalition or Agency**
- Expert in Trauma-Informed Practice**

At a more granular level, authorizers may wonder when the right time is to engage other agencies in an investigation. While conditions vary by state and circumstance, we have included information to highlight the key players in our own interagency collaborations. When in doubt, opt to engage law enforcement for safety, and victim services familiar with human trafficking, in order to support the survivors.

Victim Services

The welfare of students, regardless of nationality, is central to state higher education regulators, and this commitment necessitates a strong working relationship with victim services. Connecting with the correct person(s) within your state will be case-specific, so the best practice is to identify the appropriate partners prior to launching any specific investigation. Preemptively joining a state or local task force will prove helpful for building trust and relationships with a cadre of resources and people specifically trained in supporting those subjugated to human trafficking and in language translation when necessary. The National Human Trafficking Hotline (1-888-373-7888) can also help you identify support in your area.

When beginning or strategizing for an investigation, keep in mind that victim services should not be your last call. Law enforcement is a crucial partner in this work, though victim services must be independent of – yet work collaboratively with – law enforcement. State regulators and other agencies should enlist victim services prior to an unannounced site visit to a school suspected of involvement in trafficking. If you are working with students who are not U.S. citizens, victim services will ideally include access to an immigration lawyer who is familiar with the complexities of human trafficking and options that are offered for victims of trafficking, or for students who may be at risk of deportation. You can also consider whether there is a need to have interpreters available and on-site.

It is wise to request victim services to accompany you to the school in circumstances where you suspect involvement in human trafficking. If this suspicion is not triggered until the visit, it is important to have a list of resources available (in the languages of students) as soon as possible. Again, err on the side of caution by utilizing victim services to assist with human trafficking victims to ensure that the state authorization process does not revictimize the individuals who are subjected to human trafficking.

Many victims of human trafficking are at risk of criminal charges or deportation; they may never feel comfortable disclosing information without support and guidance from an independent advocate. Understand that the majority of victims will not prosecute their trafficker, yet they must agree to cooperate with law enforcement to receive the trafficking-specific services. Remember, a victim-centered approach holds the victim's wishes and well being as priority in all matters and procedures.

Law Enforcement

Law enforcement professionals have shared that the illicit massage industry is a particularly vexing issue, and have highlighted that working relationships with authorizers can be essential for identifying and prosecuting traffickers. Early in an investigation, regulators should engage local law enforcement to check for existing concerns or complaints connected with a suspected school and/or its associated businesses. Where there is a safety concern, regulators may ask that local law enforcement join unannounced site visits. If human trafficking is suspected, law enforcement should be called in conjunction with victim services. Victims may be wary of law enforcement, or some law enforcement may be unfamiliar with human trafficking and may criminally charge victims instead of supporting them as victims.

Similarly, regulators should invest in relationships with the local field office of the Federal Bureau of Investigation (FBI) and United States Citizenship and Immigration Services (USCIS), as they may encounter schools with operations in multiple states. Colorado has formed a task force with local, state and federal law enforcement agencies. Most likely, state regulators will be contacted by FBI or other federal agencies after the state agency has initiated contact because most federal investigations are highly confidential. However, once you have established a relationship with your local FBI agents, you may work in collaboration by communicating with them prior to your investigation or informing them of suspected trafficking operations. (Always remember that state authorizers may not act as agents of any law enforcement agency, but may communicate relevant information for the purposes of best managing resources for appropriate legal action). Even if you are unsure if human trafficking is occurring, it is important to contact law enforcement so that they can make the assessment and/or decide if another criminal violation is occurring.

State Business License Agency / Professional Licensure Agency

When beginning an investigation, regulators should reach out to these agencies to look for sanctioned or expired business licenses or professional licenses connected to the school, its owners, its instructors, and its alumni.

Federation of State Massage Therapy Boards (FSMTB) and National Association of State Administrators and Supervisors of Private Schools (NASASPS)

When beginning an investigation, regulators should reach out to these membership associations to learn whether regulators in other states have encountered a particular school or its owners in other states. FSMTB and NASASPS continue to build out educational materials to support regulators investigating suspicions of trafficking.

US Department of Education and Accreditation Agencies

If the school under investigation is accredited and/or eligible to administer federal student aid, regulators should reach out to the US Department of Education, including its Office of Inspector General, and the school's institutional and/or programmatic accreditor prior to taking any official action.

Attorney General Office / District Attorney

Regulators should connect with their Attorney General or relevant District Attorney after the investigation has matured to the point where agency action is likely or the state agency has determined that law enforcement is in a better position to manage the case and conveys that to the appropriate agency. It is always best practice to follow up and ensure the agency has acted or is in the process of acting (and documenting your files). Maintain open communication through the investigation and create channels for communication in future cases or inquiries.

What happens to the students at a school under suspicion of involvement in human trafficking?

Authorizers should engage other agencies to ensure that victims are not mistaken for culprits in these complicated schemes – and to minimize re-victimization. It is critical to inform sister agencies of actions that may have collateral damage or cross impact. For example, an action by a state licensing board may impact a graduate or licensee's license and require additional training hours to reestablish compliance. If this occurs, it will be critical to inform the agency overseeing the education that such mandates are forthcoming, so that the agency can be prepared to arrange appropriate educational courses or approvals. When communications are not timely, agencies are working at cross purposes and students who have been harmed in the diploma mill may be unnecessarily re-victimized. As discussed in the previous section, foreign national students may be at particular risk in these situations, as their immigration status may be dependent on their enrollment in school. By changing their school situation, they may be at risk of deportation, which in some situations simply sends them back to their trafficker.

Best Practices and Policy Recommendations

The strength of educational oversight regulations also varies by state, and human traffickers have demonstrated a sophistication in selecting new jurisdictions for operation. State authorizers and licensure boards must be aware of their own regulatory structure and those of neighboring states. For example, in states where massage therapy is not regulated at all, there may be no oversight other than the payment and transactional issuance of a business license. This permits known diploma mill operators to reopen under another school name in the same state or a neighboring state if the original school is caught for fraud.

Licensure boards can be on the lookout for fraudulent schools in reviewing applications for licensure. For example, a state's massage licensing board may not accept online education, yet the applicant's transcript shows and/or the school verifies and/or the student claims to have completed some or all of their education online. An applicant might also provide a transcript for an out-of-state school that is not approved to operate by that state; many states have lists of approved schools that licensure boards can review (available by request or published on a website).

Governors and state legislators can also act preemptively to structure policy to better protect students. We offer these specific policy recommendations:

- **Allocate adequate resources to state authorizers.** State authorizing bodies are responsible for ensuring consumer protection in a wide range of educational institutions. Understaffed and underfunded agencies may lack the resource and staffing capacity to monitor institutions for indicators of human trafficking.
- **Track educational institutions on professional licenses.** In prior cases, authorizers have found a pattern of sanctioned massage therapy licenses held by graduates of a particular school. In states that do not track the school where the licensee was trained, it would be difficult for authorizers or licensure boards to identify these patterns.
- **Allow complaints to be filed by non-students.** Victims of trafficking tactics and diploma mills are least likely to report the scheme in which they are engaged. And yet, some states require complainants to be students of the school, preventing the state agency from acting on a complaint from an organization like the Federation of State Massage Therapy Boards.
- **Support sensible massage therapy regulation,** including uniform educational standards; independent assessment of professional competence; allocation of resources for technology to support data gathering and sharing, investigation and enforcement; establishment oversight; and educational initiatives for interagency collaboration and consumer protection.

Lessons Learned

Addressing human trafficking within the confines of our regulatory authority is important work; these abuses epitomize the most egregious problems in society. It is another reason why our regulatory agencies must exist. Rarely does one agency have all the information, and no agency can handle human trafficking alone. State regulators are not trained to be experts in human trafficking, so we encourage you to ask for help and support. We don't know what we don't know, and resources or pieces of the equation that you have not yet learned about may be overlooked.

Even if you are in a larger agency with more resources, or have more experience, please understand that this work takes time and coordination with other agencies. It takes perseverance and endurance. Inevitably, you may need to re-prioritize regular duties – all the more reason for forging and nurturing partnerships and resources.

Success in combating this problem will depend not just on the number of recommended solutions that are pursued, but also on the degree of collaboration and level of sustained commitment to reducing the prevalence and impact of the problem over the long term. There is no doubt that stakeholders need to communicate and work together outside of our own silos to check the interstate movement of human traffickers and their negative effects on the massage profession and public safety. Interagency and cross-jurisdictional collaboration will be necessary. While not all human trafficking has an interstate component, the state-based structure of licensing enhances the risk that bad actors slip through the cracks of our existing regulatory framework. And though our organizational goals and roles differ, we know from experience that a multidisciplinary, victim-centered, culturally sensitive/appropriate, and trauma-informed approach, based on a shared vision and purpose, is both effective and necessary.

Do not underestimate the emotional labor component that this work requires. Compassion fatigue is real. The cheating, lies, and deceit are rampant; one could easily become jaded. But we must not lose hope or commitment. We must persist because justice requires a constant, unrelenting effort. We are in a privileged position to bring our humanity to work at every opportunity, and unity in the enforcement community can make all the difference to improving the human condition. We hope that this toolkit will improve all of our efforts in the future. Your work – and our collective work – makes a difference!

Authors and Organizations

Lorna Candler is the Director of the Division of Private Occupational Schools (DPOS) at the Colorado Department of Higher Education. The mission of DPOS is to improve private occupational schools and their educational services and to protect the citizens of Colorado against fraudulent or substandard schools.

Dr. Debra Persinger is the Executive Director of the Federation of State Massage Therapy Boards (FSMTB). FSMTB is a not-for-profit corporation whose membership is comprised of the massage therapy regulatory boards and agencies in the United States and Territories. The mission of FSMTB is to provide programs and services that assist its Member Boards in public protection through regulation of the profession of massage therapy.

On behalf of its Members, the FSMTB develops and administers the Massage & Bodywork Licensing Examination (MBLEx) that is the assessment tool used by the majority (96%) of states to determine safety and competence of those seeking to be licensed massage therapists. MBLEx eligibility requirements include verification of massage therapy education and training. This is commonly where FSMTB intersects with fraudulent application documentation and tactics.

Additional Resources

The Federation of State Massage Therapy Boards

The Federation of State Massage Therapy Boards is a not-for-profit corporation whose membership is comprised of the massage therapy regulatory boards and agencies in the United States and Territories.

U.S. Department of Homeland Security - Blue Campaign

Blue Campaign is a national public awareness campaign designed to educate the public, law enforcement, and other industry partners to recognize the indicators of human trafficking, and how to appropriately respond to possible cases.

Helen Bamber Foundation

The Helen Bamber Foundation is a human rights charity based in London which provides therapeutic care, medical consultation, legal protection and practical support to survivors of human rights violations. The Foundation's [Trauma-Informed Code of Conduct](#) is a useful resource.

Polaris Project

Polaris is non-profit organization that works to combat sex and labor trafficking through data-driven projects, and operates the National Human Trafficking Hotline.

Truckers Against Trafficking

Truckers Against Trafficking is a non-profit that exists to educate, equip, empower and mobilize members of the trucking, bus and energy industries to combat human trafficking.

Denver Anti-Trafficking Alliance

The Denver Anti-Trafficking Alliance works to facilitate a victim-centered, multidisciplinary response to human trafficking in Denver through enhancing collaborative efforts; supporting trauma-informed services; promoting collaborative investigations and prosecution; improving education and awareness; and advancing public policy and advocacy.

Colorado Human Trafficking Council

The Colorado Human Trafficking Council is designed to bring together leadership from community-based and statewide anti-trafficking efforts; build and enhance collaboration among communities and counties within the state; establish and improve comprehensive services for victims and survivors of human trafficking; assist in the successful prosecution of human traffickers; and help prevent human trafficking in Colorado.



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