



Warning signs for students and due diligence when choosing a higher education institution

Warning signs for students and Due Diligence in choosing their higher education institution

Daniel Melo da Silva – Postgraduate – Compliance – Unyleya College

SUMMARY

Choosing a Higher Education Institution (HEI) is one of the most significant decisions in an individual's career, directly impacting their professional and personal future. However, the Brazilian educational landscape, while robust, has seen cases of HEIs being de-accredited due to irregularities or financial unfeasibility, leaving students without diplomas and with academic records inaccessible. This article aims to empower both future and current students.

Students will be encouraged to conduct effective due diligence, identifying warning signs, and utilizing available tools to select a solid and reliable institution. The study will address institutional, academic, financial, and regulatory indicators, as well as the strategic use of digital platforms and public information for informed decisions, mitigating the risks associated with de-accreditation and loss of access to essential documents. The research explores the relevance of the legal framework, such as Decree No. 9,235/2017 and Ordinance No. 315/2018, in student protection, while emphasizing the primacy of prevention. Through a hypothetical case study and practical recommendations, the work demonstrates how a proactive approach can safeguard educational investment and ensure the legal security of academic careers.

Keywords: higher education; due diligence; de-accreditation.

ABSTRACT

The choice of a Higher Education Institution (HEI) is one of the most significant decisions in an individual's trajectory, directly impacting their professional and personal future. However, the Brazilian educational landscape, although robust, presents cases of HEI unaccreditation due to irregularities or financial unviability, leaving students without diplomas and with inaccessible academic records. This article aims to empower future and current students to conduct effective "due diligence," identifying warning signs and using available tools to select a solid and reliable institution. Institutional, academic, financial, and regulatory indicators will be addressed, as well as the strategic use of digital platforms and public information for informed decision-making, mitigating risks associated with unaccreditation and loss of access to essential documents. The research explores the relevance of the legal framework, such as Decree No. 9,235/2017 and Ordinance No. 315/2018, in student protection, but emphasizes the primacy of prevention. Through a hypothetical case study and practical recommendations, the work demonstrates how a proactive stance can safeguard educational investment and ensure the legal security of the academic path.

Keywords: higher education; due diligence; unaccreditation.

1. INTRODUCTION

In the business and financial context, the concept of due diligence refers to the process systematic investigation and risk analysis carried out before any decision is made investment or strategic partnership. This procedure, which literally means "due diligence



due", involves the thorough verification of legal, financial, operational and reputational aspects of an organization, aiming to identify potential problems that may compromise the return on investment or generate future liabilities. At the same time, compliance is established as the set of practices and internal controls that guarantee compliance with laws, regulations and policies applicable to an organization, functioning as a system preventive against irregularities and non-conformities. Both concepts, traditionally applied in the corporate world, they are equally relevant and necessary when transposed to the universe of higher education, where students make investments significant in their academic and professional training.

The application of due diligence and compliance principles when choosing an Institution Higher Education Institutions (HEIs) represents a natural evolution of the student's attitude contemporary, who must assume the role of a conscious investor in his own education. Just as a company would not invest resources without a prior analysis of the risks, the a student should not enroll in a HEI without investigating its regulatory soundness, academic quality and financial sustainability. Educational compliance, in turn, manifests itself in verifying compliance with the standards established by the Ministry of Education, such as institutional accreditation, course recognition, and compliance with quality indicators. This preventive approach becomes even more crucial in the face of of the recurring cases of de-accreditation of HEIs in Brazil, situations that can compromise not only the validity of the diploma, but also access to the academic collection of students, as regulated by Ordinance No. 315/2018.

Higher education represents a substantial investment of time, resources financial and energy sectors. For many, it's the gateway to the skilled labor market. and the realization of professional dreams. However, the materialization of this investment, the so-called desired diploma, may be compromised if the educational institution does not maintain its regularity and credibility with regulatory bodies. The complexity of the system Brazilian educational system, although regulated, requires constant vigilance on the part of consumers of education.

The de-accreditation of an HEI, whether by order of the Ministry of Education due to irregularities (such as lack of academic quality, administrative problems or financial) or by voluntary decision of the maintainer itself, is a high-impact event.

Such a situation can leave students in a situation of legal and academic uncertainty, with courses interrupted, diplomas not issued and, sometimes, difficulty or impossibility of access to his academic collection – the set of documents that prove his entire trajectory educational. The abrupt interruption of a course not only causes financial losses and emotional, but it can also significantly delay the student's entry into the market work or continuing their studies at postgraduate level.

The article proposes a preventive approach in choosing higher education institutions (IES), guiding the student to carry out careful due diligence — that is, an analysis detailed information about the institution's reputation and status prior to enrollment. Just like companies assess risks before investing, the student must act as a manager of his own risks, making educational choice a conscious and strategic process. The goal is to reduce reliance on reactive measures, such as state interventions or legal action.

The study gains relevance in view of the instability in the educational sector, marked by crises and management failures. Identifying warning signs becomes essential to ensure a smooth path safe. Thus, the objective is to reduce dependence on reactive measures, such as government interventions or lawsuits.

2 THEORETICAL FRAMEWORK

The decision about where to study goes far beyond simply obtaining a degree. It involves the quality of learning, networking opportunities, recognition of title in the job market and, fundamentally, the legal certainty that the investment will be valid and lasting. Choosing an HEI is, in essence, a service provision contract educational services, and as such, is subject to consumer protection standards and sector-specific regulations.

A diploma issued by a HEI that has been de-accredited may have its validity questioned, generate delays in obtaining professional registrations and, in extreme cases, even even the need to retake the course at another institution. Understanding the legal risks and contractual issues involved is even more acute. Prevention, in this scenario, is not only a good practice, but an imperative necessity, since the burden of proof and the slowness of justice can turning the search for reparation into an ordeal.



The theoretical basis for educational "due diligence" lies in the asymmetry of information between the HEI and the student. While the institution holds all the data about the student, financial, academic and regulatory health, the student, as a consumer, generally has limited access to this information. The application of due diligence techniques seeks to mitigate this asymmetry, enabling the student to collect and analyze relevant data before signing a commitment. This process aligns with the principles of objective good faith and transparency in consumer relations, essential for building a relationship solid and reliable educational system.

2.1 Legal Framework for the Regulation of Higher Education

The Brazilian legal framework establishes the bases for the regulation and supervision of HEIs, providing the context in which the student's due diligence is inserted. Decree No. 9,235, of December 15, 2017, details the regulatory, supervisory and evaluation functions of higher education institutions, giving the MEC the power to accredit, re-accredit, monitor and, ultimately, de-accredit HEIs that do not meet quality requirements and regularity (BRAZIL, 2017). This decree is the backbone of the MEC's actions and the basis for the validity of the regulatory acts that the student must consult.

Article 10 of the aforementioned decree clearly states:

Art. 10. The operation of HEIs and the offering of higher education courses depend on an authorization act from the Ministry of Education, as per this Decree. § 1. The following are types of authorization acts: I - administrative acts of accreditation and re-accreditation of HEIs; and II - administrative acts of authorization, recognition, or renewal of recognition of higher education courses. § 2. Authorization acts establish the limits on the activities of public and private agents in the field of higher education. § 3. The validity periods of authorization acts will be stated in the acts and will be counted from the date of publication. § 4. Authorization acts will be renewed periodically, as per art. 46 of Law No. 9,394 of 1996, and the process may be simplified based on the evaluation results, as per regulations to be issued by the Ministry of Education.

Additionally, Ordinance No. 315, of April 4, 2018, is of utmost importance to regulate the academic collection of higher education institutions. It establishes that the collection, composed of documents that prove the student's academic life, must be organized, preserved and, in cases of de-accreditation, transferred to another organization for safekeeping

institution or the MEC itself, guaranteeing the student's access to their records (BRAZIL, 2018). The existence of this ordinance highlights the criticality of the collection and the need for it student to guard against losing access to these vital documents for their lives professional.

Article 58 of Decree No. 9,235/2017 provides for the responsibility of the maintainer for the custody and management of the academic collection:

Art. 58. After the institution's accreditation is withdrawn or its course offerings are terminated, the sponsoring institution remains responsible for the safekeeping and management of the academic collection. § 1. The sponsoring institution's legal representative shall be responsible, under civil and criminal law, for the safekeeping of the institution's academic collection, including in cases of negligence or fraudulent use. § 2. Responsibility for the safekeeping and management of the academic collection may be transferred to another duly accredited HEI, upon a transfer agreement and acceptance by the receiving HEI, represented by its legal representative, in accordance with regulations to be issued by the Ministry of Education. § 3. The receiving HEI, represented by its legal representative, shall be fully responsible for all academic documents and records of students and courses received from another HEI.

2.2 Consumer Protection in the Educational Field

The Consumer Protection Code, Law No. 8,078, of September 11, 1990, guarantees the accountability of HEIs for failures in the provision of services. This legal framework represents the State's response to the risks inherent in the educational market, as set out in its art. 14:

Art. 14. The service provider is liable, regardless of the existence of fault, for the repair of damages caused to consumers by defects related to the provision of services, as well as for insufficient or inadequate information about their use and risks.

Given the configuration of the consumer relationship and the recognized vulnerability of the student before the higher education institution, the Superior Court of Justice consolidated understanding through Summary nº 595:

Summary 595-STJ: Higher education institutions are objectively liable for damages suffered by students/consumers due to taking an unrecognized course.

by the Ministry of Education, about which it has not been given prior and adequate information.

Understanding these legal instruments not only informs the student about their rights, but also guides you on what information to seek and why it is important.

Educational "due diligence", therefore, is not just a market practice, but a extension of citizenship and consumer rights protection in the educational field, allowing the student to act as a supervisory agent of his own future.:

3. MATERIAL AND METHOD

The present study is characterized as a bibliographic and documentary research of qualitative in nature, with an exploratory and prescriptive approach. The research was based on the systematic analysis of the relevant legislation, notably Decree No. 9,235/2017, which provides for the regulation and supervision of higher education institutions, and Ordinance No. 315/2018, which regulates the academic collection of HEIs.

3.1 Study Design

The research adopts an exploratory-descriptive design, aiming to identify and systematize the main warning signs that may indicate problems in an HEI, as well as the tools available for its verification. The study has a prescriptive nature in proposing a practical framework for educational due diligence.

3.2 Data Sources

Primary sources include Brazilian educational legislation, official data extracted from the e-MEC portal, INEP quality indicators (IGC, CPC, ENADE) and case law of Superior Court of Justice. Secondary sources include academic articles on educational regulation, reports from consumer protection agencies and analysis of cases of disaccreditation reported by specialized media.

3.3 Analysis Procedures

The documentary analysis followed a thematic approach, organizing the data into categories of warning signs: regulatory, academic, financial, and communication. The synthesis of the information resulted in the creation of a structured practical guide, validated by confrontation with real cases of de-accreditation and the basis in the legal framework current.

3.4 Analysis Procedures

The study is limited to the analysis of public and official sources, not including research field with students or managers of HEIs. The proposed methodology is based on the context Brazilian regulatory framework, and may require adaptations for application in other systems educational.

4. RESULTS AND DISCUSSION

Early identification of problems in an HEI can prevent future frustrations. There are several warning signs that, if noticed and investigated, may indicate that a institution is at risk of de-accreditation. These signs can be categorized into different areas, and their joint analysis offers a more robust overview of health institutional. The following discussion details these signs and the tools for verifying them, emphasizing the importance of student proactivity.

4.1 Regulatory and Institutional Warning Signs

The basis of the legitimacy and quality of any Higher Education Institution (HEI) in Brazil resides in its regulatory status with the Ministry of Education (MEC). Consequently, one of the first and most crucial warning signs for the proactive student

concerns possible problems with the accreditation or re-accreditation of the institution or their courses.

It is imperative to investigate whether the HEI is in a re-accreditation process that extends for a prolonged period without a definitive answer, or if there are pending issues and demands MEC regulations that remain unfulfilled. Likewise, the identification of a course with merely provisional authorization or the lack of recognition of the course are unequivocal risk indicators. The relevance of these observations is maximum, since the validity legal aspect of the diploma, the ultimate goal of educational investment, is directly linked to the accreditation of the HEI and authorization and recognition of the course, making any irregularity in this regard is a factor of severe compromise for the academic future and student professional.

It is crucial that the student understands that accreditation is not a one-time act, but a continuous process of evaluation and renewal. The absence of an "accredited" status or "authorized" for the HEI or for the specific course is a maximum warning sign, as it implies that the institution may not meet the minimum standards of quality and legality required by federal education system.

Concept	Meaning	Recommendation
GREEN	Accredited/Recognized HEIs and Courses with Concepts Satisfactory in e-MEC	Excellent
YELLOW	IES or Course in Process of Re-accreditation/Renewal of Recognition, or with Unsatisfactory Concept	Attention
RED	Non-Accredited/Non-Recognized HEI or Course, or with Sanctioning Processes in progress	High Risk, Avoid

Source: Prepared by the author (2023).

In addition to the current accreditation situation, the analysis of the inspection history and sanctions of a Higher Education Institution by the Ministry of Education constitutes a fundamental pillar in the student's due diligence. It is crucial to investigate whether the HEI has ever been the target of

sanctioning processes, had courses suspended or places reduced due to irregularities, because such occurrences are not mere isolated incidents. Rather, a pattern of interventions by the Ministry of Education, as provided for in Decree No. 9,235/2017, reveal a systemic failure in regulatory compliance and potentially deficient management, indicating that the institution may be prioritizing other interests to the detriment of academic quality and student legal security.

4.2 Academic and Teaching Quality Warning Signs

The quality of the teaching staff is undoubtedly the backbone of any Institution of Higher Education and a key indicator of academic excellence. When evaluating an HEI, it is essential that the student carefully observes the stability and qualification of his teachers, because of high turnover, the predominance of teachers with low qualifications or a visibly reduced frame may signal serious problems.

Such factors not only directly compromise the quality of learning and the depth of training, but also reflect possible internal management difficulties, professional dissatisfaction or even financial weaknesses of the institution. The qualification of the teaching staff is a criterion rigorously evaluated by the MEC, according to Decree No. 9.235/2017, and an HEI that fails to invest in this essential pillar is, ultimately, putting at risk the validity and value of the diploma of its future graduates.

The infrastructure of a Higher Education Institution is a direct mirror of its commitment to the quality of teaching and the comprehensive development of its students. By carrying out "due diligence", it is crucial to observe whether the HEI offers adequate laboratories, a library updated and with sufficient collection, classrooms in good condition and resources technological resources that meet academic demands.

The deficiency in these aspects, such as the absence or inadequacy of spaces and equipment, severely limits the student's ability to apply theoretical knowledge and develop practical skills essential for your future profession. More than just comfort, a robust infrastructure is fundamental to the learning process and is a of the criteria evaluated by the MEC, whose deficiencies may result in concepts unsatisfactory and even in sanctioning processes, directly impacting the reputation and the sustainability of the institution.

One of the most subtle yet revealing signs of a higher education institution's internal health is its student dropout rate. It's crucial to observe whether there's a significant number of students dropping out of the course or whether there are consistent reports of dissatisfaction with the teaching methodology or the academic support offered.

A high dropout rate is not an isolated phenomenon; it serves as a thermometer the effectiveness of HEIs in retaining their students and delivering the promised value. This mass exodus may be a direct reflection of pedagogical problems, such as an inadequate curriculum or the low quality of classes, or administrative and financial failures that compromise the learning environment and student well-being, indicating that the educational promise does not is being fulfilled.

4.3 Academic and Teaching Quality Warning Signs

The financial health of the sponsor is an unquestionable pillar for sustainability and continuity of any Higher Education Institution, and its fragility is one of the most serious warning signs for students. It is crucial to observe signs such as salary delays employees, difficulties in honoring commitments to suppliers, or the adoption of overly aggressive marketing campaigns, with prices well below market value, which may signal an urgent need for cash flow.

Disorganized or arbitrary charging of monthly fees is also a strong indicator of underlying financial problems. Such financial problems can lead to de-accreditation and abrupt closure of the institution, compromising not only the continuity of the course, but also access to the students' academic collection, whose custody is regulated by Ordinance No. 315/2018, transforming educational investment into a uncertainty.

The online reputation of a Higher Education Institution serves as a direct mirror the satisfaction of its "customers", the students, and is an indispensable thermometer in "due diligence"

of the student. It is essential to observe the volume and, more importantly, the nature of the complaints registered on platforms such as Reclame Aqui, Consumidor.gov.br, social networks and groups students. A large number of complaints, especially those related to the issuance of diplomas, undue charges, lack of service or administrative disorganization, signals systemic problems.

Complaints about the validity of the diploma and access to the academic collection are particularly serious, as they directly affect the student's legal security and compliance with Ordinance No. 315/2018, indicating that the HEI may be failing in aspects crucial to its operation and commitment to the student.

Complaint Type	Meaning
Few general complaints	Good sign
Complaints about service/structure	Attention, but these may be specific problems
Diploma/ collection/course recognition/ billing complaints	on of Serious complaints, directly linked to the risk of de-accreditation or post-training problems

Source: Prepared by the author (2023).

4.4 Communication and Transparency Signals

Transparency in communication is a fundamental pillar for building a relationship of trust between the Higher Education Institution and the student. When a HEI demonstrates difficulty in providing clear and accessible information about its accreditation, the qualifications of its teaching staff, the complete curriculum of the courses, the total value of the

investment (including fees and contractual conditions), this should trigger a strong signal of alert.

A serious and well-managed institution has nothing to hide; on the contrary, clarity and accessibility of information are a consumer right and a duty of the HEI. In this way, communication is excessively generic, full of jargon and lacking in data concrete, it can be a tactic to mask irregularities or deficiencies, indicating a lack of good faith and compliance that may compromise the security of the investment educational.

4.5 Verification and Due Diligence Tools

In the universe of Brazilian higher education, the e-MEC System establishes itself as the indispensable compass for any student seeking security and compliance. This platform, maintained by the Ministry of Education, is the primary and official source of all regulatory information on higher education institutions and courses in the country.

By consulting it, the student can check the accreditation status of the HEI ("Accredited", "Re-accredited", "De-accredited"), the status of the desired course ("authorized" and "Recognition"), in addition to accessing regulatory acts and concepts of assessment (IGC, CPC, ENADE). Ignoring the e-MEC consultation is like navigating without a map, as that is where the validation of the IES's compliance with Decree No. 9,235/2017 is found, which establishes the guidelines for regulation and supervision, making any inconsistency between the IES advertising and official data are a strong indication of irregularity.

Concept (Scale 1-5)	Meaning	Recommendation
5	Excellence	Excellent

4	Very good	Excellent
3	Satisfactory	Acceptable (Minimum recommended)
2	Insufficient	High risk, avoid
1	Very Insufficient	Very serious risk, never consider

Source: Prepared by the author (2023).

Complementing the e-MEC regulatory information, quality indicators published annually by the National Institute of Educational Studies and Research Anísio Teixeira (INEP) offer a crucial thermometer of an institution's academic excellence of Higher Education.

The General Course Index (IGC), which evaluates the HEI as a whole, the Preliminary Concept Course (CPC), which focuses on the quality of individual courses, and the Exam National Student Performance Exam (ENADE), which measures student performance conclusive, are powerful tools for in-depth analysis.

Combining this information with e-MEC data allows students to go further from the mere existence of accreditation, evaluating the intrinsic quality of teaching and reputation academic performance of the institution. Consistently low scores (1 or 2 on a scale of 1 to 5) in any of these indicators are a strong warning sign, indicating that the HEI or the course may not be meeting the minimum standards of excellence expected, according to the criteria of evaluation provided for in Decree No. 9,235/2017.

4.6 Case Studies and Empirical Evidence

The relevance of "due diligence" is corroborated by cases of de-accreditation that demonstrate the persistence of the problem in the Brazilian educational scenario. To further reinforce more the importance of "due diligence", a news item published in December 2023 is recorded, in which the website O Antagonista reports that, in a single batch, the Ministry of Education, through

of the Secretariat for Regulation and Supervision of Higher Education, de-accredited 28 Institutions of Higher Education.

Disqualified institutions have clear obligations, such as publishing the decision in newspapers and indicate where students can get their documents. But, as we have already discussed, the disruptions for the student are already configured. The guarantee of access to the academic collection, although provided for in Ordinance No. 315/2018, it can become a practical challenge amidst the chaos of a disqualification.

This news is a stark portrait of the reality of higher education in Brazil, showing that problems in Higher Education Institutions are not isolated exceptions, but a widespread occurrence across several regions of the country. We observed cases in Bahia (two HEIs), Ceará (one), Goiás (two), Mato Grosso do Sul (one), Minas Gerais (four), Paraná (one), Paraíba (one), Pernambuco (two), Rio de Janeiro (one), Rio Grande do Sul (one), Roraima (one) and Santa Catarina (one), in addition to ten other institutions.

This geographic distribution and the volume of institutions with problems are a compelling evidence that research and surveillance are not overkill, but a necessity vital. Although the Ministry of Education actively works to monitor and prevent irregularities, the truth is that the cost of this action — whether it be the de-accreditation, the suspension of courses or the loss of access to academic collections — often falls on the shoulders of students who did not take precautions.

4.7 Hypothetical Case Study

To illustrate the importance of this vigilance, let us consider the hypothetical case of Mariana. In her search for a Systems Analysis and Development course, she was enchanted by an HEI that offered tuition fees well below average and promised "state-of-the-art laboratory generation" and "agreements with large companies".

However, Mariana ignored crucial signs: the excessively low price, the insistence in advance payments, an underutilized laboratory, and an outdated library. More even more serious, she did not consult e-MEC, where she would have discovered that the course did not have authorization. Online complaints were also disregarded in favor of promises of marketing.



The outcome was painful: after a year and a half, the IES was de-accredited due to serious irregularities, leaving Mariana and her colleagues in a limbo of uncertainty about the continuity of their studies and obtaining their transcripts and diplomas, even with the protection of Ordinance No. 315/2018. Mariana's lesson is clear: due diligence is the best defense against misleading promises.

Based on the detailed signs and the tools presented, the student acquires a valuable arsenal to carry out the "due diligence" of the Educational Institution Higher Education Institution (IES) that intends to enroll. Careful analysis of regulatory signals and institutional data, such as accreditation status and inspection history, reveals the legal compliance of the HEI. At the same time, the observation of academic and quality signals of teaching, which include the stability and qualification of the teaching staff, the adequacy of infrastructure and student dropout rates, offers a real picture of excellence educational and the institution's commitment to learning.

In addition, the investigation of financial and administrative signals, such as the health of the maintainer and the recurrence of online complaints (especially about diplomas and collections, governed by Ordinance No. 315/2018), exposes the solidity and transparency of the IES. Each of these indicators, whether clarity of communication or the absence of obvious financial problems, contributes to a complete diagnosis. By cross-referencing this information, the student does not rely on just on marketing promises, but on concrete data and the experience of others, building a comprehensive and multifaceted vision of the institution.

Thus, equipped with these tools and the ability to interpret the various warning signs, the student becomes a risk analyst of his own education. This proactive and informed stance allows for a conscious choice, significantly mitigating the risks of de-accreditation, problems with academic records and the validity of the diploma. In Ultimately, rigorous due diligence not only protects the investment educational and professional future of the student, but also contributes to a job market more transparent and responsible higher education.



FINAL CONSIDERATIONS

Therefore, choosing a Higher Education Institution represents one of the more significant investments in an individual's academic and professional journey. In a dynamic scenario, where the solidity of institutions can be put to the test, the student cannot limit yourself to being a mere spectator. On the contrary, it is essential that you take on a role proactive, using available due diligence tools to assess credibility and the robustness of institutions.

This active stance not only protects the student's own future, but also contributes to the construction of a more transparent and responsible educational system for everyone. When investigating the various warning signs, whether regulatory, academic, financial or administrative and when consulting official platforms such as e-MEC and indicators of INEP, as well as the online reputation of the IES, the student is trained to be the main risk analyst of his own education.

This strategic approach not only protects you from potential problems with the collection academic and diploma validity, but also enhances your ability to discern between empty promises and truly solid institutions. In view of the above, the methodology of "due diligence" transcends mere advice, it becomes a practical application of utmost importance, ensuring that your investment in education translates into success and security legal.

For future students, the path to prevention and conscious choice involves adoption of rigorous research and analysis practices. Always prioritize consulting e-MEC to check the regulatory status of the HEI and the course, according to Decree No. 9,235/2017. Search INEP's quality concepts (IGC, CPC, ENADE), seeking institutions with grades equal to or greater than 3.

Go beyond the hype, be wary of "too good to be true" offers and seeking truth in data and in the experiences of other students. Visit the HEI, evaluate the infrastructure and talk to the academic community. Use complaint platforms and social media to analyze the HEI's reputation and, if possible, talk to alumni. By following these recommendations, the student not only protects his investment, but also empowers you to make a solid and safe educational decision.

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