


Misrepresentation of Career Eligibility in Advertising and Other Marketing Material

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Agenda

This presentation will:

- Discuss a Minnesota lawsuit verdict related to false and misleading advertising, marketing, and recruitment
- Provide best practices or suggestions for what an institution and regulator can look for when evaluating advertisements, disclosures, and other marketing material to determine whether there is false and/or misleading messaging to students for programs delivered nationally or in multiple states.

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State of Minnesota v.  
Minnesota School of Business & Globe University

- MN AG's Office investigation of MSB/Globe:
  - Complaints from students in "criminal justice" program regarding misrepresentations about eligibility to become a MN police & probation officer
  - Former admissions representatives who raised concerns about recruiting of aspiring police and probation officers
  - Training materials for admissions representatives, presentations, marketing and advertising of the criminal justice program

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State of Minnesota v.  
Minnesota School of Business & Globe University

- Marketing and Advertising:
  - Marketing targeted aspiring police officers by advertising on police-oriented lead generation sites
  - Schools paid for Google ad words associated with police
  - Landing page advertising:

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State of Minnesota v.  
Minnesota School of Business & Globe University

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State of Minnesota v.  
Minnesota School of Business & Globe University

- Marketing and Advertising:
  - Advertised curriculum focused on police and law enforcement
  - Fine print disclosures:
 

Graduates of our program will require additional POST training to serve as law enforcement officers in Minnesota. Our college can help you identify a suitable program

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**State of Minnesota v.  
Minnesota School of Business & Globe University**

- **Complaints**
  - 50 students signed affidavits attesting to how they were misled to believe they could become Minnesota police or probation officers with a MSB/Globe degree in criminal justice
- **AG Response:**
  - Lawsuit filed August 2015 in Hennepin County Court; Bench Trial Held in April 2017

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**State of Minnesota v.  
Minnesota School of Business & Globe University**

- **September 8, 2016 Findings of Fact, Conclusions of Law, and Order:**
  - MSB/Globe violated the Consumer Fraud Act and the Deceptive Trade Practices Act by marketing and advertising their criminal justice program as providing all or some portion of the education and training necessary to become a Minnesota Police Officer
  - MSB/Globe targeted their criminal justice program to students interested in careers as police officers, had recruiters recommend the program to students who expressed an interest in becoming a police officer in Minnesota, and failed to disclose material facts
  - Whether licensing requirements are a matter of public knowledge and readily available to any individual who does some research does not relieve MSB/Globe from liability
  - MSB/Globe "ignored or obscured the requirement and served as a trap for the unwary"
  - MSB/Globe's disclosures were misleading and "the disclosures thus did not correct or clarify the advertisement to avoid misleading students and also failed to disclose material facts"

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**State of Minnesota v.  
Minnesota School of Business & Globe University**

- **Continued**
  - The contractual disclosure, inserted into the enrollment agreement, was ineffective and legally irrelevant as to MSB/Globe's liability for false and misleading statements made in advertising and by their admissions representatives
  - Even a contractual disclosure that clearly contradicts prior misstatements does not prevent liability under the Consumer Fraud Act and Deceptive Trade Practices Act
- **Court Ordered**
  - MSB and Globe ordered to pay restitution pursuant to process in which criminal justice enrollees could file a claim for refund in tuition
    - Appeals court reversed restitution for students who were unable to testify to specific reliance at trial
    - Minnesota Supreme Court accepted review of restitution issue, decision forthcoming
  - Injunction entered against MSB and Globe related to marketing of criminal justice program
    - No promoting CI program as way to become MN police or probation officer
    - Training requirements imposed
    - Affirmative statements required in all marketing related to CI program

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**State of Minnesota v.  
Minnesota School of Business & Globe University**

**ATTENTION:**

Individuals who are interested in pursuing careers in police work in Minnesota should be aware that the Criminal Justice programs at Globe University and Minnesota School of Business DO NOT satisfy the educational requirements for these careers.

Globe University and Minnesota School of Business are not regionally accredited colleges and therefore their graduates do not qualify to enroll in SKILLS training required to become a Minnesota police officer. If you are seeking to become a Minnesota Police Officer, you should not attend either Globe University or Minnesota School of Business.

Individuals who are interested in working as a Parole or Probation Officer in Minnesota should be aware that an Associate's degree from Globe University or Minnesota School of Business is not sufficient for a person to pursue a career in these fields.

If you are seeking to become a parole or probation officer in Minnesota, an associate's degree is not adequate to become a parole or probation officer in Minnesota. A Bachelor's degree, or better, is required to work in these fields.

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**State of Minnesota v.  
Minnesota School of Business & Globe University**

- Other notable cases concerning marketing of career options for graduates of educational programs:
  - State of Colorado v. College America, Case No. 2014-cv-34530 (Denver Cty., Col.)
    - School represented that degrees would lead to various high-paying careers in various fields: accounting, business, medical, radiology, healthcare administration
    - Internal graduate placement data showed very different careers for graduates
    - Trial took place in October 2018; awaiting verdict
  - State of Illinois v. Westwood Colleges, No. 14-cv-03786 (N.D. Ill.)
    - Westwood advertised law enforcement careers for CJ program, but only 3.8% of graduates employed in the field
    - Vast majority of careers in loss prevention
    - Lack of regional accreditation rendered graduates ineligible for employment w/ state police and other agencies
    - Case settled in Nov. 2015, resulting in \$15 million in debt forgiveness for CJ students

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**Evaluation of advertisements, disclosures, and other marketing material**

- CAUTION: any disclosure that states "additional coursework or other requirements"
- Licensure information should:
  - Be prominently displayed on a school's website
  - Be simple and provided in a meaningful manner for all its programs where there is licensure for employment in field
  - For example: a prominent and direct link on webpages that contain general academic, or admissions information about the program to a single webpage that contains all of the required information
- Gainful Employment disclosures should not conflict with licensure requirements

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Evaluation of advertisements, disclosures, and other marketing material: Example 1

- School "B"
  - Offers program in Bachelor of Social Work, online
  - Social Workers require licensure in many states
  - Not all states license social workers only with a Bachelor's degree
  - Only disclosure: a footnote at the end of a webpage

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Evaluation of advertisements, disclosures, and other marketing material: Example 2

- School "A"
  - Offers program in PhD in Clinical Psychology, online only
  - Not APA accredited or ASPPA/NR
  - Advertised program outcomes require licensure in many states, predicated on accreditation and other academic requirements
  - Disclosures:
    - "School A makes no representation or guarantee that completion of School A's coursework will permit an individual to obtain state licensure or other credits"
    - "Some states recognize regional accreditation or programs that are equivalent to APA accredited programs."
    - "School A has designed the program to be equivalent to an APA accredited program, but does not make any guarantee that the Clinical Psychology program will be considered equivalent in any given state."
      - The disclosure lists the states that recognize regional accreditation OR APA Program Equivalency, but does not clarify which state recognizes either or both regional accreditation and APA Program equivalency.
    - "Additional coursework or other requirements" may be required for licensure in some states

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Evaluation of advertisements, disclosures, and other marketing material: Example 2, continued

- Additional coursework or other requirements can include:
  - Courses and/or additional face-to-face instructional hours required by the applicable state as part of professional licensure requirements (not included within the standard program of study)
  - Students may add these additional courses or instructional hours to their program of study at an additional cost. Costs for the additional courses may vary, depending on the requirements and may be covered by student financial aid.
  - Students should always check with their state board to verify course and face-to-face instructional hour requirements.

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Evaluation of advertisements, disclosures, and other marketing material: Example 3

- School "C"
  - Offers a Doctor of Philosophy, Education, online
  - Submission for approval included statement "Career opportunities for graduates of the Doctor of Philosophy in Education, Curriculum, Instruction, and Assessment Specialization include: - School Leader - District Office Administrator - - Elementary or Secondary School Administrator - Postsecondary Education Administrator; however this program does not prepare students for a teaching license (MN Board of Teaching) or administrative license (MN Board of School Administrators)."

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Evaluation of advertisements, disclosures, and other marketing material: Example 3

• Disclosure:

"Certification and Licensure Terms and Conditions: An online degree from School C does not lead to immediate teacher licensure in any state. If you want to become a classroom teacher, contact your state's education authorities prior to enrolling at School C to determine what state-specific requirements you must complete before obtaining your teacher's license. School C graduates will be subject to additional requirements on a state-by-state basis that will include one or more of the following: student teaching or practicum experience, additional coursework, additional testing, or, if the state requires a specific type of degree to seek alternative certification, earning an additional degree. None of School C's online education programs are CAEP, TEAC or NCATE accredited, which is a requirement for certification in some states. Other factors, such as a student's criminal history, may prevent an applicant from obtaining licensure or employment in this field of study. All prospective students are advised to visit the Education Resource Organizations Directory (EROD) and to contact the licensing body of the state where they are licensed or intend to obtain licensure to verify that these courses qualify for teacher certification, endorsement, and/or salary benefits in that state prior to enrolling. Prospective students are also advised to regularly review the state's policies and procedures relating to licensure as those policies are subject to change."

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Evaluation of advertisements, disclosures, and other marketing material: Example 3

**Graduates who got jobs**  
 N/A\* of program graduates got jobs  
\*We are not currently required to calculate a job placement rate for program completers.

**Program graduates are employed in the following fields:**  
 Instructional Designers and Technologists  
 Education Administrators, Preschool and Childcare Center/Program  
 Education Administrators, Elementary and Secondary School  
 Education Administrators, Postsecondary  
 Distance Learning Coordinators  
 Fitness and Wellness Coordinators

**Licensure Requirements**  
 Program does not meet licensure requirements in:  
 California

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**School Choices**

- Don't admit students
- Provide links on every webpage that contains all of the required information
  - General webpages
  - Academic webpages
  - Admissions webpages

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**Evaluation of advertisements, disclosures, and other marketing material: Audience Participation**

**Graduates who got jobs**  
N/A\* of program graduates got jobs  
\*Not currently required to calculate a job placement rate for program completers  
**Program graduates are employed in the following fields:** Accountants and Auditors

**Licensure Requirements**

Program qualifies students to sit for licensure exam in:  
 Alabama, Arizona, Arkansas, California, Connecticut, Florida, Georgia, Idaho, Indiana, Kentucky, Maine, Maryland, Minnesota, New Hampshire, Rhode Island, Vermont, Virginia, West Virginia

Program does not qualify students to sit for licensure exam in:  
 Alaska, American Samoa, Colorado, Delaware, District of Columbia, Federated States of Micronesia, Guam, Hawaii, Illinois, Iowa, Kansas, Louisiana, Marshall Islands, Massachusetts, Michigan, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Northern Marianas, Ohio, Oklahoma, Oregon, Palau, Pennsylvania, Puerto Rico, South Carolina, South Dakota, Tennessee, Texas, Utah, Virgin Islands, Washington, Wisconsin, Wyoming

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**Evaluation of advertisements, disclosures, and other marketing material: Audience Participation**

**Graduates who got jobs**  
N/A\* of program graduates got jobs  
\*Not currently required to calculate a job placement rate for program completers  
**Program graduates are employed in the following fields:** Regulatory Affairs Managers, Compliance Managers, Clinical Psychologists, Psychiatric Teachers, Postsecondary

**Licensure Requirements**

Program meets licensure requirements in:  
 Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Federated States of Micronesia, Florida, Georgia, Guam, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Palau, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming

Program does not meet licensure requirements in:  
 Iowa, Massachusetts, Mississippi, North Dakota

The following do not have licensure requirements for this profession:  
 Hawaii

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