

Education Marketing Council – Best Practices Committee Member Principals, & Guidelines

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I. “PREAMBLE”

The Education Marketing Council’s Best Practices Committee’s (“BPC”) Guidelines are intended to provide individuals and organizations involved in educational marketing with generally accepted principles of conduct. In addition to providing general guidance to the education marketing industry, these Guidelines are used by EMC’s BPC, an industry peer review committee, as the standard to which educational marketing promotions that are the subject of complaint to EMC (or member schools and partners) are compared and further referred to the DMA’s complaint process handling. The EMC, as a council of the DMA shall strictly adhere to the law regarding antitrust matters and will convene and operate under these restrictions as well as ensuring its protocols are in line with the DMA.

These self-regulatory guidelines are intended to be honored in spirit and not treated as obstacles to be circumvented by legal ingenuity.

Because dishonest, misleading or offensive education marketing communications may discredit the industry, observance of these guidelines by all concerned is expected. All persons involved in educational marketing should take reasonable steps to encourage other industry members to follow these guidelines as well.

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II. “EMC MEMBER PRINCIPLES”

EMC Member Principles are the underlying framework for the EMC *Guidelines* as detailed herein, and for Guidelines that will be drafted in the future, and when in conflict, the DMA member guidelines will prevail. These Principles apply to EMC members’ relationships with current and prospective educational institutions. The Principles provide a general statement to the public of the expectations they can have when receiving marketing offers or promotions via EMC members.

AN EMC Member:

1. Is committed to its customers' and consumers' satisfaction and to honoring best practices in the education marketing industry.
2. Clearly, honestly, and accurately represents its and its customers' products, services, terms and conditions
3. Delivers its products and services as represented
4. Communicates in a respectful and courteous manner
5. Responds to inquiries and complaints in a constructive, timely manner
6. Accurately and non-discretely broadcasts its privacy policy and current contact information
7. Honors requests not to receive future solicitations from its organization and requests not to have personally identifiable information transferred for marketing purposes.
8. Maintains appropriate security policies and practices to safeguard information. Provides information on its policies about the transfer of personally identifiable information for marketing purposes
9. Follows the spirit and letter of the law as well as EMC's Guidelines.

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III. GUIDELINES:

1. *TERMS OF THE OFFER*

HONESTY AND CLARITY OF ADVERTISEMENT

All ads should be clear, honest, accurate and complete so that the consumer may know the exact nature of what is being presented.

CLARITY OF REPRESENTATIONS

Representations which, by their size, placement, duration, or other characteristics are unlikely to be noticed or are difficult to understand should not be used if they are material to the offer.

DISPARAGEMENT

Disparagement of any person or group on grounds addressed by federal or state laws that prohibit discrimination is unacceptable.

PHOTOGRAPHS AND ART WORK

Photographs, illustrations, artwork, and the situations they describe should be accurate portrayals and current reproductions of the products, services, or other subjects they represent.

DISCLOSURE OF SPONSOR AND INTENT

All marketing contacts should disclose the name of the sponsor and each purpose of the contact. No one should make offers or solicitations in the guise of one purpose when the intent is a different purpose regardless of the marketing channel used. No one should mislead a consumer as to who is making any marketing contact or the purpose of such contact.

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IV. CHANNEL-SPECIFIC BEST PRACTICES (CHANNELS WILL BE ADDED AS NEW DEVELOPMENTS OCCUR)

A. Paid Search Engine Marketing by EMC members:

- Trademark bidding practices should be clearly addressed in client/vendor contracts or guidelines.
- When working with content networks, advertisers should control placement of ads
- Marketing offers and ads must be clear, consistent, not misleading
- When bidding on paid search on behalf of a client, search engine account ownership status should be clearly identified in client/vendor contract.
- Users should be provided with an opportunity to opt-in, to select specific schools for which they have interest, or it must be clearly disclosed to user that he or she will be matched to schools based on the criteria and information provided by the user.

B. Traditional Marketing:

- Confirmation of advertisements - marketers should have access to log sheets and other tools to ensure ads are running as expected
- Call tracking systems – when generating inbound calls, have accurate tracking in place
- Vendors should provide performance-based reporting
- Transparency of costs and fees

C. Direct and Indirect Publishers (“Affiliates”):

- Affiliates should not represent any confidential information about a college, university or education program without the expressed written permission of the educational institution or their marketing agency. When publishing public information about a college, affiliates shall not do so in a manner that misrepresents that a relationship exists if such a relationship is not in fact the case.
- All requests submitted for and accepted by specific schools shall be transmitted only to the school explicitly selected by the prospective student, and these prospective students should not be disclosed or contacted by an Affiliate for any reason without permission, nor should information taken from such requests be used by the Affiliate in any manner other than in an aggregate format used by an Affiliate for the sole purpose of marketing analytics and optimization. Notwithstanding the foregoing, it is recognized that consumers may elect to receive communications from multiple schools and may elect to receive information about other products and services.

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- Affiliates should have clear privacy policies posted on any website where they collect personally identifiable information (PII) or other identifying information from prospective students that discloses how such information is collected, maintained and distributed to third parties, including colleges, universities or other education providers, and how the individual can opt-out of this process.
- Affiliates should not utilize misleading or deceptive sales or marketing practices such as using classified ads that appear to be job postings, invoices, bills, notices from public utilities or governmental agencies, implying government endorsement,
- When making claims relating to future earnings or employment opportunities, source of data should be disclosed in the advertisement, and the source data should be published by a credible source, such as the federal Bureau of Labor Statistics.
- Any representation of the amount of time needed to complete a degree program and eligibility for entry into the workforce should be consistent with each programs' requirements for graduation and should be represented as specified by the educational institution.
- Any salary or hourly wage representation should meet the following criteria
 1. Represent a dollar amount no greater than the Bureau of Labor Statistics figures for each vocation
 2. Include the words "up to", or other synonymous phrases, immediately adjacent* to the dollar amount. (If dollar amount is included in a sponsored link, "up to" must be included in the same sponsored link, subject line, banner ad, etc.)
- SHOULD NOT use or reference in marketing collateral the President, a political figure, or any public figure likenesses or text to imply an endorsement or to provide a testimonial without explicit approval from said public figure, proof of which should also be submitted along with the creative. The foregoing does not prevent references to public figures in factual content such as articles describing current or historical events.
- SHOULD NOT use any government symbol or text that could be misleading or create the false impression of an endorsement or approval by the U.S Government. This includes text references and/or pictures of government offices, buildings, seals, sites, agency names, use of stationary or envelopes designed to look like government materials, or other forms of misleading text including any references to government funding, stimulus packages, awards, FERPA and Pell Grants.
- SHOULD NOT use terms that directly or indirectly imply that a consumer will not have to finance their education. Examples include use of text such as "Free money" or "loan you don't have to repay" messaging. Any references to financial

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aid or types of financial aid programs should contain a message that states “you may qualify” or “for those who qualify”.

- SHOULD NOT use “Guaranteed financing” messaging or in any way implying a guaranteed eligibility for government programs or grants.
- SHOULD NOT use or imply incentives that do not serve the purpose of specifically aiding the individual to enter the program for which they are applying (can we give some examples of bad incentives?). ***
- SHOULD NOT use or imply some form of a direct or indirect payment related to submitting an information request.
- SHOULD NOT use or imply messaging such as or similar to “you have received” or “awarded” or “have qualified” unless that is actually true.

- SHOULD NOT duplicate the design or layout of any institution’s site, without the express consent of said institution.
- SHOULD NOT make false or misleading representations regarding any aspect of the program/course/degree including its costs and/or accreditation.
- SHOULD NOT make claims or promises of benefits to prospective students using the word “will” if that is not actually true since that would be potentially misleading. Alternatively, use the word “may” (“Student may learn” instead of “Student will learn”).

**** Scholarship offers may not necessarily be considered an incentive; however, information about winners/recipients should be posted publicly to avoid using the scholarship as a means of generating inquiries without ever actually paying out on it. Also, in no way may the scholarship offer be misleading.*

D. Placement Guidelines

- Placement in combination with or within the following should not occur:
 - Incentive-based content if the incentives are not meant to assist the student as noted above.
 - Adware (unless ad supported software or product is fully and clearly disclosed and user has opted in to receive the product, such as search toolbars offered by search providers.
- Placement adjacent to, or on the same page as content that could be deemed inappropriate should not occur. This includes, but is not limited to: content or text

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promoting violence, sexual exploitation, racism, sexism, religion, gambling, pornography, or hate speech.

E. Education Marketing Offers made via Email:

- Must comply with CAN-SPAM and other applicable laws.
- Must provide an unsubscribe link in all creative
- Must not email a consumer an advertisement more than once in 24 hours
- Must abide by all FTC protocol, including: 1) from line should be accurate, 2) subject line must accurately reflect the content of the message.
- Creative must clearly show the consumer that they are receiving an advertisement/marketing message
- Creative must detail the website of origin (original site must provide privacy policy) and the date/time stamp of opt-in information
- Message must include a link to the marketer's privacy policy
- Must provide an unsubscribe link in all creative
- "From" line must be accurate
- Subject line must accurately reflect the content of the message

F. Education Marketing via the Telephone SHOULD:

- Follow Higher education Act ("HEA") protocol around inquiry development
- Follow Do Not Call ("DNC") and FTC, as well as respective state protocols and regulations
- Employ a Quality Review Process that includes call recording systems, for quality assurance and review, and inform consumers of recording procedures as required
- Employ Quality Review Process, including random review, targeted audit, random audit, rectifying complaints, etc.

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- Do not “force” consumers into selecting options, for example: if consumer states “he or she is not interested” twice, the call should end
- Phone representatives should clearly identify themselves as being from or with a specific company
- Auditable records should exist for every call that results in an inquiry.
- Education Marketing Members should also honor provisions of the DMA Guidelines regarding mobile marketing which include specific express consent requirements.

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