



September 10, 2020

WASC Senior College and University Commission
985 Atlantic Avenue, Suite 100
Alameda, CA 94501

Re: False Advertising
Full complaint packet sent to: wscuc@wscuc.org

Dear WASC Senior College and University Commission (WSCUC):

I am writing on behalf of The Century Foundation (TCF) to alert you to misleading advertising claims being made by Brandman University, a WSCUC-accredited school. TCF is an independent nonprofit research organization with a focus on improving student outcomes, college accountability, and consumer protections standards in higher education. The claims about graduation rates, detailed below, are likely to have misled students and therefore run afoul of WSCUC Accreditation Standards and federal prohibitions on misrepresentations.¹

WSCUC and Federal Standards

WSCUC requires accredited institutions to adhere to standards of integrity and transparency. Specifically, WSCUC-accredited institutions should “truthfully represent[] academic goals, programs, services, and costs to students and to the larger public.” Furthermore, institutions are given guidelines including: “Recruiting materials and advertising truthfully portray the institution.”²

Federal regulations bar colleges from misrepresenting the nature of educational programs. “Misrepresentation includes any statement that omits information in such a way as to make the statement false, erroneous, or misleading.”³ Federal standards establish the importance of clear and complete information, including with respect to graduation rates.

The following claims made by Brandman University fall short of WSCUC and federal standards because they are not supported and omit important information.

¹ See WSCUC Standards of Accreditation; 34 C.F.R. § 668 Subpart F and 34 CFR § 685.206

² See WSCUC Standards of Accreditation, standard 1.6 and guidelines relative to standard 2.12

³ See definition of “misrepresentation” 34 C.F.R. § 668.71(c)

Misleading Claims by Brandman University

Our team downloaded the following Facebook advertisement from the Facebook Ad Library on June 22, 2020, and again on August 3. According to the Facebook Ad Library, this ad began running June 9, 2020. The ad featured the claim: “2x more likely to graduate.” The accompanying text at the top of the image indicated that “Brandman students are twice as likely to reach their educational goals.”



Source: Facebook Ad Library, downloaded June 22 and August 3, 2020.

On July 17 and August 20, TCF reached out to Brandman officials by email seeking information about the “2X more likely to graduate” claim. On August 31, having received no response to our emails, we posted a request for assistance on Twitter. A Brandman representative contacted us by phone and said they had received our request but had not yet had time to reply. They asked that we remove our Tweet because, the representative said, we had failed to do our research: the explanation of advertising claims can be found from a link at the bottom of the Brandman home page. We promised to review the link and respond within an hour.

Graduation Rate

"At Brandman University, 81% of returning students reach their degree"

" At Brandman students are 2x more likely to reach their educational goals"

National Center for Education Statistics, IPEDS, Spring 2009-2010 Fall Outcome Measures Collection 8-year Graduation Rate (Final Release Data as of March 29, 2019.)

Source: Brandman University Consumer Information webpage on August 31, 2020, from the Internet Archive. <https://web.archive.org/web/20200831212640/https://www.brandman.edu/about-brandman/consumer-information/sources>

We examined the information at the link (shown above) and informed the Brandman representative that we did not see any data on the web page or in the referenced NCES document that supported the “2X more likely to graduate” claim. Brandman asked for time to review the claim and formulate a response. We agreed and shared a recent Colorado court ruling that found false advertising where a school advertised using a half truth: general statistics showing that college graduates earn more created a false impression for students where the experience of students at the specific school was different.⁴

Yesterday a Brandman official informed us that the “2X more likely” claim is justified by a comparison to average 8-year graduation rates for non-first-time full-time students from for-profit institutions, a justification that is now reflected on a revised advertising claims web page, below.

Graduation Rate

" At Brandman students are 2x more likely to reach their educational goals"

Based on 81.0% of Brandman University's non-first-time full-time undergraduates attain an undergraduate degree, which is nearly twice that of private, for-profit institutions whose graduation rate is 41.3%.

Source: Non-First-Time Full-Time Undergraduate Cohort, [National Center for Educational Statistics](#), IPEDS, Winter 2017-18 Outcome Measures Collection (Final Release Data as of March 29, 2019)

Source: National Center for Educational Statistics. (2018). Graduation rates for selected cohorts, 2009-14; outcome measures for cohort year 2009-10; student financial aid, academic year 2016-17; and admissions in postsecondary institutions, fall 2017. (Report NCES 2018-151, Table #7). Retrieved from <https://nces.ed.gov/pubs2018/2018151.pdf>.

Source: Brandman University Consumer Information webpage screenshot taken on September 9, 2020. <https://www.brandman.edu/about-brandman/consumer-information/sources>

Based on the information Brandman has offered, the college’s “2X more likely to graduate” claim is highly misleading. For-profit institutions are not an appropriate comparison group to Brandman — a nonprofit school — and no prospective student would ever assume that is what Brandman meant in making the 2X claim. Further, bachelor’s degree graduation rates for full-time students are typically measured at four or six years. The use of a non-standard time horizon should not be relegated to a link. Indeed, an academic institution should not make a causal claim like the one in the advertisement without a lot more context about the students and institutions involved in the comparison.

⁴ *State of Colorado v. Center For Excellence In Higher Education, Inc.*, Case Number: 14CV34530, District Court, City and County of Denver, State of Colorado, August 21, 2020.

(A copy of the decision can be viewed online here:

<https://www.republicreport.org/wp-content/uploads/2020/08/FINDINGS-OF-FACT-CONCLUSIONS-OF-LAW-AND-JUDGMENT.pdf>)

Request for Action

In a similar vein, TCF filed a complaint with the Higher Learning Commission (HLC) over misleading claims made by Park University.⁵ Within twenty-four hours of being notified by HLC, Park University acknowledged that its claims were problematic, removed the advertisements in question, and revised their internal processes for reviewing and approving ad content. The public and students deserve this kind of swift, good-faith action from universities and their accreditors.

Brandman University should acknowledge that its graduation rate claims were misleading and immediately stop running the ads. Students who enrolled during the period when the ads were running should be contacted with an apology for the misleading information, and offered a full refund of any tuition paid and cancellation of student loans. Further, WSCUC and Brandman should determine whether the university's advertising procedures need to be overhauled.

Brandman's misleading use of graduation rates in advertising undermines public trust in accredited higher education and violates federal standards. WSCUC should take action to ensure that accredited institutions like Brandman adhere to integrity and transparency standards with respect to any and all advertising claims. Finally, students who saw the advertisement and subsequently enrolled should be refunded pursuant to federal regulations.

Sincerely,



Stephanie Hall, Fellow, The Century Foundation

cc:

Gary Brahm, Chancellor and CEO, Brandman University
Chapman University
U.S. Department of Education
California Bureau for Private Postsecondary Education
CSAAVE, California Department of Veterans Affairs
California Attorney General, Consumer Protection Division
Marty Meehan, President, University of Massachusetts

⁵ Yan Cao, "We Are Calling Out Questionable College Advertising. Here's How," The Century Foundation, August 18, 2020. <https://tcf.org/content/commentary/calling-questionable-college-advertising-heres/>