

Beware of Predatory Student Debt Relief Advertisements that Target Your School

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These advertisements typically have attention-grabbing headlines like “Student Loan Debt Program Extended for ,” “Predatory Practices at ,” or “Many Students/Alumni Qualify for Student Loan Forgiveness.” Many of these ads are written from the perspective of a borrower struggling with student loans who now regrets her decision to attend the educational institution. These ads prey on the fears of potential students, students, and recent graduates who are concerned about repaying student loans and finding employment in their field after graduating. Most perniciously, students and graduates are more likely than the general public to see such advertisements targeting the particular educational institutions they attended because search engines and social media sites tailor ads to consumers based on their personal information.

Background

Debt Relief Ads are part of a wave of student debt scams in the past year or two. In 2015, the US Department of Education (the “Department”) [issued an alert](#) warning about companies that offer to help consumers manage their student loan debt for a fee. The Department advised that debt relief companies who charge consumers for reducing or settling their debt are cheating consumers, because the Department offers free assistance to federal student loan borrowers. Similarly, in late 2014, the Consumer Financial Protection Bureau [advised student borrowers](#) to beware of companies that exploit student loan borrowers and trick them into paying fees for managing federal loan benefits.

Unfortunately, these government advisories have not prevented the unscrupulous behavior. To the contrary, student debt relief scammers and their marketers have become more sophisticated in targeting vulnerable student loan borrowers.

Identifying fraudulent advertisements

Although these ads may appear to be legitimate at first, certain features reveal the ads to be deceptive. For example, many of these advertisements put quotation marks around statements implying they are quotes from students or graduates but are not attributed to any specific individual. And many of the advertisements display substantially identical quotations, even though each advertisement is purportedly about a different school.

Additionally, these advertisements tend not to provide the name of the company that placed the advertisement or any contact information other than a phone number and an invitation to call for a free consultation. The advertisements also often have a comment section to encourage students and alumni to vent their complaints about their school. And a number of these advertisements falsely purport to be attorney advertisements, even though there is no attorney name or solicitation for legal services in the ad.

What to do if your school is targeted

Cooley has been successful in obtaining the removal of advertisements targeting its clients. We have sent dozens of cease and desist letters to registrants and hosts of websites on which these advertisements appear, demanding a take-down of the ad at issue. In many instances, the registrant has purchased “privacy services” to conceal itself, and we direct an inquiry to the service seeking to unmask the registrant’s identity. Often, the placement of false, misleading, and defamatory advertisements violates the Terms of Service of the website hosts and private registration services, leading them to remove the ad, reveal the identity of their customer, or, at the very least, forward our complaint to their customer. If necessary, we use subpoenas to discover the identity of the domain registrant. We also assist clients in assessing whether to pursue litigation options, enlist the assistance of enforcement agencies, or initiate inquiries to the appropriate state bar if it constitutes an inappropriate attorney advertisement.

Additionally, Cooley assists schools with messaging to students, faculty, and graduates about these ads. Often, these scams are brought to an institution’s attention by students or faculty who saw the ad online. Letting your community know

that the institution disclaims any relationship to the advertisement and that it contains false statements can reassure borrowers and alleviate their fears. It can also be helpful to point concerned federal student loan borrowers in the direction of the free debt management services available from the [Department](#).

If students or graduates of your institution are targeted by false, misleading, and defamatory advertisements, or if you have any questions, please do not hesitate to contact us.

Kate Lee Carey focuses on the legal, accreditation, administrative and regulatory aspects of regionally and nationally accredited higher education institutions and companies that provide services to the education industry.

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David Mills represents higher education institutions in complex commercial disputes, litigation involving federal agencies, fiduciary duty and fraud cases, whistleblower actions, privacy and class-action litigation, copyright and trademark disputes and agency adjudications.

Jay Vaughan is chair of Cooley's education practice group and a former manager with an accrediting agency. Jay assists organizations to understand accreditation, as well as state and federal laws regulating the field of postsecondary education, and represents clients in hearings before state administrative agencies, accreditors and the DOE.

Matt Johnson focuses on assisting higher education institutions and education technology companies regarding a variety of regulatory issues including state and federal privacy laws at the K-12 and postsecondary levels.

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