

MONASH University



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Tempering Universities' Marketing Rhetoric: a Strategic Protection against Litigation or an Admission of Failure?

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Tempering Marketing Rhetoric

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The argument in brief:



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Having been thrust into the market-place universities need to advertise their product to potential customers.

Having been recast as fee-paying customers, students are now more likely to demand value for money.

Perceived value depends upon the match between what they believe they were promised and what they believe they receive.



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Where there is no satisfactory match, customers are more likely to seek redress in the legal system.

Deciding whether or not a contract exists and whether or not it has been honoured will more often make reference to an external arbiter of some sort.

That arbiter may be the ranked satisfaction ratings of previous customers or the rankings of external agencies.



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- adopt an aggressive advertising campaign that disregards potential future litigation;**



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Universities may, in order to protect themselves from litigation, choose from a number of strategies, such as:

- ensure their advertising matches their product;
- ensure their product matches their advertising;
- adopt an aggressive advertising campaign that disregards potential future litigation;

limit direct advertising and rely on reputation and/or word of mouth.



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Ensuring advertising matches product essentially means removing contestable claims - without losing appeal.

Offering "the best possible" education is likely to be more attractive than "mediocre" education.

An institution offering "individual attention, learning without competition" sounds more attractive than one that is "ranked near the bottom" on a national scale.



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Why the need for re-appraisal?

1. Students are voting with their feet and money.
2. Students are contesting the quality of the purchased product in court.
3. Courts are under increasing pressure to make judgements based on contract rather than the inherent nature of the product purchased.



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Why the need for re-appraisal?

The characteristics of the purchased product are found in the claims made by the institution and verified by external scales and rankings.

Students (as customers) are one primary source of those rankings. External agencies are another. Internal audits are increasingly contested in law.

"Universities are no longer a law unto themselves."

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