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TEXT MESSAGING POLICY

I. POLICY STATEMENT

Fairleigh Dickinson University (FDU) is committed to ensuring that all individuals are protected from unwanted text messages that are sent by the University. FDU strives to ensure that these types of electronic communication are limited in number and are of interest and importance to recipients. This policy establishes the purposes for which the University may send text messages to FDU community members and third parties and describes the ways in which these communications are managed. The University recognizes the importance of text messaging as a means to quickly and efficiently communicate with individuals while protecting private information and the stated preferences of the recipients.

II. PURPOSE OF POLICY

The purpose of this Text Messaging Policy ("Policy") is to establish the protocols for sending SMS text messages and ensure compliance with the Telephone Consumer Protection Act (TCPA), the Controlling the Assault of Non-Solicitation Pornography and Marketing Act of 2003 (CAN-SPAM Act) and the New Jersey Revised Statute §2A:65D-2.

III. SCOPE OF POLICY

This Policy extends to all aspects of FDU's educational programs and activities and applies to all faculty, staff (including all student employees of the university acting on behalf of the University), administrators, and trustees, who utilize text messaging within the scope of their official University employment.

This Policy was written to follow the requirements of all applicable federal and state laws. If this Policy is inconsistent with those laws, or the laws change before it has been updated, state and federal law supersede this Policy. If any provision of this policy is found to be invalid, illegal, unconstitutional, or unenforceable, this Policy shall be deemed amended to reflect as nearly as possible the original intention of the provision in accordance with applicable law, and that finding shall not affect or undermine the validity of any other provision.

IV. POLICY

A. Consent/Opt In and Opt Out

Consent is required from any recipient of a non-emergency text message prior to the message being sent. Consent can be obtained differently based on the type of message:

i. Conversational Messages - If the individual initiates the text message exchange and the University only responds to the individual with relevant information, then no verbal or written permission is expected (implied consent is given). If the message is initiated by the University, the individual must give their prior consent to be contacted via text message. Individuals may give permission over text, email, on a form, on a website or verbally.
ii. Informational Messages - Individuals must give express permission before the University sends them a text message. Individuals may give written permission over text, on a form, or on a website. Consent must be clear and only applies for the purpose stated in the call to action.
iii. Promotional Messages - Individuals must give express written permission before the University sends them a text message. Individuals may sign a form, check a box online, or otherwise provide consent to receive promotional text messages. Consent must be clear and only applies for the purpose stated in the call to action.
iv. Emergency Messages - In situations involving the health and safety of the University community, the University may send automated texts to mobile phone numbers without prior consent.

In certain circumstances, the University must remove individuals from text messages, even if prior express consent has been given:

i. If the individual withdraws consent verbally, in writing, or via an Opt Out link in a text message;
ii. If a prospective student does not matriculate into the University;
iii. Upon a student's graduation, unless further consent is expressly given per the requirements of this Policy.

B. Non-Emergency Communications

i. Faculty Text Messages
Text messaging by faculty must be limited to students currently enrolled in the faculty members' classes. Students must expressly consent to receiving text messages from faculty. Text messages to students must only contain class-related content and consent is considered withdrawn once a student is no longer currently enrolled in a faculty member's class.

ii. Mass Text Messages
Mass text messages must comply with the following:
a. Be sent only to those individuals who have given express written consent;

b. Allow recipients to Opt Out of receiving non-emergency messages at any time by including an Opt out keyword (e.g., STOP); and
c. All applicable laws, regulations and University policies, including the identifying of text messages that clearly show that they are from the University and the purpose of the message.

Mass text messages must not be used to communicate:

a. Personal matters (e.g., items for sale, farewell messages, etc.);
b. Advertising or other commercial purposes not related to the University's mission;
c. Personal or confidential information, including but not limited to FERPA protected information, social security numbers, passwords, and financial information; or
d. Any content related to sex, hate speech, drugs, alcohol or firearms.

C. Emergency Text Messages

In the event of an emergency or inclement weather that may impact the health and safety of the campus community, text messages may be sent to all known University community members via the FDU Alert System without prior consent.

V. PRIVACY

Employee cellular telephone numbers not issued by the College are considered private and may only be used with the employee's consent.

Student cellular telephone numbers are considered limited directory data and may only be used for purposes outlined in this policy. The University will not share opt-ins to text campaigns with any third party for purposes unrelated to providing the services of that campaign. The University may share personal data, including text opt-in or consent status, with third parties that help provide messaging services, including but not limited to platform providers, phone companies, and any other vendors who assist in the delivery of text messages.