

Purpose:

As text messaging has become commonplace among students, faculty, and staff, it is important that Minnesota State University, Mankato protects our students from unwanted messages by complying with the Telephone Consumer Protection Act (TCPA) and Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 (CAN-SPAM Act). Text messaging should be used to support and augment other types of messaging.

Definitions:

Call to Action is an invitation to an individual to opt-in to a text messaging campaign. The primary purpose of the call to action is to ensure that an individual consents to receive a message and understands the nature of the messages.

Consent is the permission given to the University by a text recipient to communicate via text message. The required consent is different based on the type of message sent and is required in all cases except Emergency purposes.

Conversational message is a back and-forth conversation that takes place via text with one individual or a few individuals.

Emergency messages are messages that effect the immediate health and safety of the University community. These situations include weather closures, fire, health risks, and threats to the safety of the University community.

Informational messages are when an individual gives their phone number to the University and asks to be contacted in the future. Appointment reminders, welcome texts, and other non-emergency informational texts fall into this category.

Mass Text Message is defined as identical or substantially similar message sent to more than 10 numbers in one or more batches.

Official University Purpose means the individual sending the text message is doing so in their capacity as a university employee.

Opt-In is an action by which someone requests to receive communications via text message. Only individuals that have opted-in to text messages will receive text messages.

Opt-Out is an action by which someone who receives text message communications indicates that they no longer want to receive text messages from the University. Individuals who opt-out will no longer receive text messages from the University.

Promotional messages are messages sent that contains a sales or marketing promotion. Adding a call-to-action (e.g., a coupon code to an informational text) may place the message in the promotional category.

University employee is considered any staff, faculty, student worker (including work study), graduate assistant, teaching assistant, contractor, or vendor providing services on behalf of the university.

Unwanted messages (or Unwanted Messaging) may include unsolicited bulk commercial messages (i.e., spam); “phishing” messages intended to access private or confidential information through deception; other forms of abusive, harmful, malicious, unlawful, or otherwise inappropriate messages; messages that required an opt-in but did not obtain such opt-in (or such opt-in was revoked); and unwanted content.

Privacy

Employee cellular telephone numbers not issued by the University are considered private and may only be used with the employee’s consent. Employee cellular telephone numbers issued by the University are considered public under Minnesota Statutes Chapter 13 Minnesota Government Data Practices Act.

Student cellular telephone numbers are considered limited directory data and may only be used for purposes outlined in this policy and in the Student Education Records Policy.

All University related text messages are considered government data regulated under Minnesota Government Data Practices Act Minnesota Statutes Chapter 13 regardless of privacy of the phone number above.

Any device used to send University related text messages is subject to provisions of Minnesota State Board Policy 5.22 [Acceptable Use of Computers and Information Technology Resources](#) and related procedure 5.22.2 [Cellular and Other Mobile Computing Devices](#).

Consent / Opt-In

Consent is ALWAYS required whenever communicating via text/SMS. Consent is different based on the type of message.

Conversational messages - If the individual initiates the text message exchange and the University only responds to each individual with relevant information, then no verbal or written

permission is expected (Implied Consent). 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.

Informational messages - individuals must give express permission before a business sends them a text message. Individuals may give permission over text, on a form, on a website, or verbally. Individuals may also give written permission. Consent must be clear and only applies for the purpose stated in the call to action.

Promotional messages: Individuals must give express written permission before a business 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.

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.

Policy

This policy applies to any text messaging application or system purchased, administered, and/or created with university resources that sends batch messages to 50 or more recipients. No other system may use Minnesota State University, Mankato's name, logos, name plates, icons, branding or any other university indicia without written permission from the Associate Vice President of Marketing and Communications.

Except for emergency communications, only those individuals who have opted-in will receive text messages from the University.

Text messaging must not be used as the sole means of communicating an essential message or announcement. The text message must be supplemented by some other means of communication, e.g. an email or paper notice to ensure that all individuals, including those without a mobile phone, receive the message.

It must be clear from the content of the message being sent that the message is from MNSU so that the recipients can see immediately from where it originated, e.g., "MNSU StarAlert" or "Minnesota State University, Mankato Admissions."

University employees may send non-emergency messages that are closely related to the University's mission, if the recipient has previously given express consent when they provided their telephone number to the University. These may include information about upcoming general school activities.

MNSU non-emergency text messages must, at a minimum, comply with the following:

- Be only sent to those individuals who have opted-in
- Comply with applicable laws and regulations to reduce institutional risk
- Follow best practices outlined by professional organizations
- Allow subscribers to opt-out of receiving non-emergency messages at any time
- Communicate that standard data and text messaging rates may apply.
- Communicate an opt-out keyword (e.g. STOP) to opt-out of further messages

Text Messages must not be used to communicate:

- Personal matters, e.g., items for sale, farewell messages, etc.;
- Advertising or other commercial purposes not related to the University's mission
- Personal or confidential information, including, but not limited to TechID, StarID, social security numbers, passwords, financial information, or grades
- Any content related to Sex, Hate, Alcohol, Tobacco, or Firearms

Faculty are encouraged to communicate effectively with their classes. Mass texting to large classes can be an effective means to do so. However, mass text messaging must be limited to students currently enrolled in the faculty members' classes. Students must consent to receiving text messages from the faculty. Mass texts to students must be class-related content.

Registered Student Organizations and Student Government: RSOs and Minnesota State Student Government may send messages to their membership with the members' permission and if a method to opt-out is easily available to members. Such messages must be limited to the official business of the RSO or Student Government.