



## MASS EMAIL POLICY

Approved by the Officers of the University on October 13, 2004

**1. Scope:** The purpose of this policy is to articulate the University of Portland's position involving mass email (sometimes called "bulk email") to distribute official and commercial messages to members of the University community. Mass email is any unsolicited electronic mailing sent to the entire University community or to subgroups. The University has seen a significant increase in the use of mass email to distribute messages to members of the University community. Coinciding with this is a significant increase in complaints to Information Services about unsolicited email messages. This policy strikes a balance between the speed and ease of use (for the sender) of mass email, the desire to reduce reliance on paper mail (where appropriate) and the impact on the University community receiving unwanted and unrequested email messages daily. It applies to any individual, group, or organization (internal or external to the University) that sends mass email on behalf of the University.

**2. Policy:** A federal law known as the "*Controlling the Assault of Non-Solicited Pornography and Marketing (CAN-SPAM) Act of 2003*" provides some relief from the ever-increasing amount of spam email that we all receive. The law requires different policies and procedures for official and commercial messages.

### Official Messages

Official messages alert the University community to substantial changes in governance, policy, or practice; to immediate threats to health, safety, property, or research; to computer or telecommunications issues; to shared interests; etc. Shared interest messages do not include messages of commercial interest (see Commercial Messages for further explanation). Official messages may include an official survey. Since official messages relate to an employment or transactional relationship and are non-commercial in nature, they are exempt from the decline (opt out) provision in the *CAN-SPAM Act of 2003*. The University has the right to expect that official communications will be received and read in a timely fashion. To facilitate official communications, Information Services will maintain the following mass email address groups:

Address Group	Approval Authority
<i>all-student@up.edu</i>	Vice President for Student Services
<i>all-faculty@up.edu</i>	Provost
<i>all-staff@up.edu</i>	Vice President for Financial Affairs

Mass emails to these address groups are restricted to official communications. Individuals, groups, or organizations who need to send official mass emails to an address group must obtain the approval of the respective approval authority or their designated representative(s). Upon approval, the approval authority will send the message to the address group for processing by Information Services. Except in emergencies, three working days notice is required for mass email processing. In any case, several hours may be required to set up such a mailing, and the message is sent in batches over another several hours so as not to compromise normal email delivery.

The following guidelines will ensure that mass email groups remain a reliable means to disseminate official communications for the University and still respect the consensus that unnecessary email is unwelcome. Using best judgment and following these guidelines will ensure that the email system and network can be used effectively and efficiently to their capacity.

***The message must be in regard to University business and material in the email must conform to the University's Acceptable Use Policy.*** Examples of unacceptable messages include personal messages, items for sale, jokes, chain letters, pyramid schemes or make money fast schemes, unsolicited commercial email, information of interest to only a small segment of the University community, political issues, etc.

***The information conveyed should contain significant news value.*** News that impacts a large number of people and will have a significant impact on the University community may be appropriate for mass distribution. Announcements of regularly scheduled meetings and activities do not generally warrant University-wide distribution via email.

***The message must be targeted.*** Avoid automatically sending to everyone on the University network and plan ahead in order to limit requests for mass email distribution.

***The message must be properly formatted.***

- Include the word "Official" in the subject line of the email to denote that the mass email is exempt from the decline (opt out) provision in the *CAN-SPAM Act of 2003*. For example, "Official – Network Outage, September 16, 2004"
- Include contact information for the individual, group, or organization in the message of the email. For example, "For more information, please contact..."
- Messages should be clear and concise and be no more than one page. Make additional information available via a web link in the text of the email.
- The inclusion of attachments in mass emails is not allowed because of the possibility of spreading a virus and the incompatibility with some email readers.
- The message should be in plain text as some email readers cannot handle special characters, fonts, or html.
- The message must have a web link to the Mass Email Policy of the University of Portland.

### **Commercial Messages**

Commercial messages that offer or promote products and service are specifically covered by the *CAN-SPAM Act of 2003*. The Act requires the sender to provide recipients with a clear and conspicuous opportunity to decline (opt-out) to receive further commercial messages. Examples of commercial messages include events (e.g., play, movie, or athletic event) where there is a charge for admittance, email sent to prospective students, offers to sell just about anything, promotions for commercial products, etc.

Individuals, groups, or organizations who need to send commercial mass emails must coordinate with Information Services to create an appropriate list serve (listserv) or use a department/group website as a medium to communicate/broadcast information. A listserv is an Internet communication tool that offers its members the opportunity to exchange ideas, make suggestions, or ask questions to a large number of people at the same time. When you send an email to a listserv, your submission is distributed to all of the other people on that list. Each listserv targets pre-determined groups, topics, and discussions.

University listservs must conform to the tenants of teaching, faith, and service and they must have a faculty or staff sponsor. In the case of student clubs or organizations, the faculty or staff sponsor may delegate day-

to-day listserv maintenance to a student; however, the faculty or staff sponsor is ultimately responsible for complying with the guidance in this policy. Information Services will establish an annual review of listservs to confirm the faculty or staff sponsor, if the list is still in use, and if it should be renewed. Listservs can be created for unofficial surveys.

Not all listserv messages are commercial in nature; however, for those that are, the following guidelines must be followed in accordance with the *CAN-SPAM Act of 2003*:

Provide recipients with a clear and conspicuous opportunity to decline (opt-out) to receive further commercial messages. Include the following verbiage at the bottom of the message: <i>This message is considered a commercial message. You have the option of opting out of receiving commercial messages from the University of Portland. If you elect to do so, simply respond to this email and the sender will remove your email address from their master list and maintain your name on a "do not send" list. University of Portland, 5000 N Willamette Blvd, Portland, OR 97203, 503-943-8000.</i>
Include a fully functional and clearly displayed return email address or other Internet-based mechanism to comply with the opt-out option described above.
If the email message is unsolicited (exchange not initiated by the recipient) you must clearly indicate that it is an advertisement or solicitation. Include the word "Advertisement" or "Solicitation" in the subject line as appropriate.
Subject lines and headers must be accurate. This applies to all email.
The "from" line must be accurate. No anonymous, fictitious, or misleading addresses are permitted.

It is important to remember that if an individual has opted out from receiving unsolicited commercial messages from the University and is sent another email message covered by this law, then the University can be fined up to \$750 per unlawful message. To reduce the possibility of this occurring, it is incumbent upon all faculty and staff list serve sponsors to closely follow this policy (to include the creation and maintenance of "do not send" lists).

**3. Exceptions:** Individuals exempt from the requirement to obtain approval to use the mass email account groups to disseminate official communications include the Officers of the University (President and Vice Presidents), Director of Public Relations, Director of Public Safety, and the Director of the Physical Plant acting in their official capacities.

**4. Sanctions:** Accounts and network access may be administratively suspended by the University with or without notice when, in the University's judgment, continued use of the University's resources may interfere with the work of others, place the University or others at risk, or violate University policy. Any violation of this policy by a student may lead to disciplinary charges under the appropriate student disciplinary policy, which may include expulsion or suspension of student status. Faculty and staff violations will be addressed by their respective disciplinary policies and procedures. All known and/or suspected violations must be reported to the Vice President for Information Services, who will investigate all such allegations of misuse with the assistance of Public Safety, Human Resources, Residence Life, and/or the appropriate office of the University. Penalties for faculty/staff violators may include: Suspension or termination of access to computer and/or network resources; disabling all computer and/or network services; suspension or termination of employment; and/or criminal and/or civil prosecution. Users of University computing facilities are subject not only to University policies, but also to applicable local, state, and federal laws.