



Campus Operations

Office of Emergency Management

05/04/15

Subject: Support of Blackboard Inc.'s petition for expedited declaratory ruling (CG Docket No.02-278)

Founded in St. Louis in 1853, Washington University in St. Louis is an independent, coeducational, non-denominational university encompassing 6 campuses with more than 14,000 employees and over 14,000 students from the United States and more than 135 other countries. The institution has a long and distinguished history of teaching, research, and community service. In addition to its undergraduate college, the Institution maintains seven graduate schools that encompass most areas of scholarship, research and professional training, and related entities, including interdisciplinary centers and institutes, libraries, and computing facilities. The Institution's School of Medicine maintains a Carnegie Classification of RU/VH (Research University, very high research activity).

Washington University in St. Louis supports Blackboard Inc.'s petition for expedited declaratory ruling (CG Docket No.02-278). Telephone Consumer Protection Act of 1991 and certain Commission implementing rules should not apply to education provider mass/emergency notification messages (ENS/MNS), as required by the Higher Education Opportunity Act of 2008 (HEOA) amendments to the Campus Security Act. The Commission should also declare that prior express consent obtained from members of a campus community to participate in a university ENS/MNS system extends to the wireless telephone number provided to the educational institution and the recipient the institution intended to receive the call, even if the message is received inadvertently by an unintended party due to a reassigned phone number.

Institutions of Higher Education (IHE) are required **to establish new campus emergency response, notification and evacuation policies and procedures because of the** Higher Education Opportunity Act of 2008 (HEOA) amendments to the Campus Security Act. The federal requirements for compliance are set forth in 34 CFR Part 668, published at Federal Register 55945, October 29, 2009.

Like many IHEs, Washington University has chosen to meet these requirements by utilizing a third party vendor/software solution (such as Blackboard, RAVE, Everbridge, etc.) to send out mass/emergency notification messages (ENS/MNS) via voice calls (to cellular and/or land lines), text messages, emails, computer pop-up alerts, etc. Many of these messages are developed in advance and may be pre-recorded or transferred from text to speech by the third party vendor/software (and thus may appear to sound like a robo-call).

Despite using an outside vendor the emergency notification procedures and policies developed by Washington University are unique to our institution. We appreciate that the HEOA language on emergency notifications and timely warnings allows IHEs important flexibility to utilize

ENS/MNS in a manner fitting the circumstances and culture of an individual campus. The inherently uncertain nature of emergency situations makes this flexibility crucial. While one IHE may interpret the regulations to mean that the system can only be used for tornados and active shooters to constitute an emergency, another IHE that provides health care services may use the system to activate their labor pool to fill a physician slot for an evening shift and consider that an emergency.

Like most IHEs Washington University also faces challenges to obtain and maintain an accurate pool of contact information for all members of the educational community. Records management of contact information is left to the individual student or employee of the IHE. If a student obtains a new number and doesn't update their contact information correctly, then important campus ENS/MNS message could be inadvertently delivered to the wrong person during a campus emergency situation.

Many IHE's operate their system as an "opt out" system and pull data from a system of record (such as a HR or student database). Other IHE's have students or employees "opt in" and have them submit their contact information at the time of registration. While many IHE's, in one form or another, request enrollees to update or verify their information on at least an annual basis, there is little that we can do to enforce them to check their contact information and comply.

**The intent of the Higher Education Opportunity Act of 2008 to obligate higher education institutions to develop campus emergency notification systems is clear. Given the various characteristics of individual universities and the inherent uncertain nature of emergency situations, a certain level of flexibility is appropriate to ensure important information can be shared broadly. We request the Commission take a broad approach to allow educational institutions provide effective and timely mass notifications.**

Thank you very much for your attention to this important matter.

Sincerely,



Mark P. Bagby  
Director, Emergency Management



Steven Hoffner  
Associate Vice Chancellor for Operations