



Legal Advisory
on
Sending and Receiving Unsolicited Telephone Calls

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I. Summary of Federal Do-Not-Call Law

Federal law regulates the manner in which businesses and other organizations may make unsolicited telephone calls. Nonprofit organizations, such as universities, are generally permitted to make such calls; however, certain guidelines must be followed. If your office **makes or receives unsolicited telemarketing calls**, the law may affect you.

II. Receiving Unsolicited Phone Calls

University staff can prevent unwanted telephone calls in two ways:

- Register your telephone number on the national Do-Not-Call registry online at <http://www.donotcall.gov>. Organizations are prohibited from calling numbers on this registry for five years after the date of registration.
- Businesses must also maintain individual lists of telephone numbers which they cannot call. If you are the recipient of an unwanted telephone call, clearly request to be placed on the company's do-not-call list.

If you receive an unwanted call despite these measures, you should:

- File a complaint form with the Federal Communications Commission (FCC) online at <http://svartifoss2.fcc.gov/cib/fcc475.cfm>.
- Report repeat violations from the same company to the General Counsel's Office for further action.

III. Making Unsolicited Phone Calls

Tax exempt nonprofits and entities calling on behalf of a tax exempt nonprofit are exempt from the Do-Not-Call Registry regulations and may legally make unsolicited telephone calls. In the event that your department makes such calls, you should abide by the following guidelines:

- 1) Maintain a list of individuals who have requested not to be called in the future. Be sure to keep this list updated.

- 2) When the phone is answered, the caller should identify himself or herself, state that they are calling on behalf of GW, a nonprofit organization, and explain the purpose of the call.
- 3) No calls may be made before 8 a.m. or after 9 p.m.*
- 4) Unanswered calls should not be allowed to ring more than 15 times.*

(* Indicates federal or District of Columbia legal requirement.)

IV. Penalties for Violating the Law

Individuals and entities may bring private suits against infringing parties in state court. The penalty for making more than one unsolicited telephone call to the same individual within a 12-month period is “actual monetary loss” or “\$500 in damages” for each call, whichever is greater. These damages can be increased by a court that finds a willful or knowing violation of the law or in the case of fraudulent behavior. The infringing party may also be subject to citation or fines by the Federal Communications Commission.

V. Conclusion

Various state laws may also deal with unsolicited telephone calls, so if you are planning any large campaigns outside of DC, we encourage you to check with our office on local law first.

At this time, we are not aware of any central Do-Not-Call list across the University, but we encourage departments who make such calls to cooperate with each other on requests to enhance compliance and good public relations. If your department makes such calls and would like to participate in collaborative efforts, or if you have any questions regarding this advisory, please contact Susan Kaplan, Senior Counsel for Labor Relations and Compliance, at sbk@gwu.edu or 202-994-6503. For additional information, see the FCC Fact Sheet on Unwanted Telephone Marketing Calls at <http://www.fcc.gov/cgb/consumerfacts/tcpa.html>.