

LEVELING THE PLAYING FIELD:
USING THE INTERNET TO GET
BROADER, BETTER PUBLIC PARTICIPATION IN RULEMAKING

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CeRI (Cornell eRulemaking Initiative)
CIAJ National Conference
Sept. 8, 2014

“Missing Stakeholders”

- ✓ Individuals
 - consumers
 - users of natural resources
 - landowners
- ✓ Small businesses
- ✓ Local & Tribal government entities
- ✓ Non-governmental organizations

“Missing Stakeholders”

Individuals and groups

- **directly affected** by a proposed rule, either as beneficiaries or because their behavior will be regulated
and
- who **historically have not participated** (or participated effectively) in public commenting processes

CeRI

Cornell University researchers from

- communications
- computing
- conflict resolution
- education
- information science
- law

Faculty, post-graduate, graduate, masters, undergrads
E-Government clinic

What is RegulationRoom?

What is rulemaking?


What is effective commenting?

Why participate?

Why should you participate?

When you comment, the government has to listen. One good comment can change the outcome.

Read More



Open Rules



Consumer Debt Collection Practices (ANPRM)

1168

The Consumer Financial Protection Bureau (CFPB) might propose new federal rules on how creditors and debt collectors can act to get consumers to pay overdue credit card, medical, student loan, auto or other loans. This decision matters to you if you

- had an experience with debt collection (good or bad)
- counsel consumers with overdue debts
- have a business where you do your own account collection or
- work in the debt collection industry

Here, you can learn what CFPB is thinking and what it needs to know. You can share information and experiences and discuss ideas with others. At the end of the discussion, CFPB will get a detailed summary and **your input will help it decide what to do next.** (This phase is for gathering information and brainstorming. The next phase would be where CFPB comes up with specific proposals and asks people to comment again before it decides whether to adopt those proposals as new regulations.)

Consumers and business both have a stake in effective, responsible debt collection practices. Don't be a bystander. Help CFPB make the right decisions about new consumer debt collection regulations. Share what you know and encourage family, friends and coworkers to do the same. [less](#)

Discussion - 1168 ● Draft Discussion Summary ● Final Discussion Summary

<

Telling consumers what's happening with their debts

118 ● 6 ♥

The "validation notice" sent to consumers

101 ● 7 ♥

When consumers dispute a debt

132 ● 3 ♥

Making sure debt collectors & buyers have info about the debt

41 ● 2 ♥

Unlawful collection practices

190 ● 3 ♥

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The challenge

Designing a participation system that can reduce inequalities in access, knowledge, and skills:

1. unawareness
2. low participation literacy
3. “information overload”

“Marketing” public participation

The medium: Using social and conventional media to put info where targeted groups are likely to find it

Change mortgage laws!



Your opinion affects how gov't regulates mortgages. Help avoid another mortgage crisis.

You like Regulation Room.

“Marketing” public participation

The message:

- How this would affect you
- Your right to participate
- Government’s responsibility to pay attention
- Others with adverse interests will participate whether you do or not

Building new participation skills

- Educational materials

important , but expect (relatively) small impact

- “Purposeful participation design”

deliberately designing the site and choosing participation tools to encourage more informed commenting

- “Facilitative moderation”

online moderation, based on practices of group facilitation offline, to mentor effective commenting

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Open Rule

Consumer Debt Collection Practices (ANPRM)

Summary ▾

Discussion | **Questions about phones & mobile phones in debt collection** - 210

Select other topics ▾

- Discussion
 - Draft Discussion Summary
 - Final Discussion Summary
- Agency Documents

Subtopics

[collapse all](#) ▲ [expand all](#) ▼

1 | Inconvenient times - 15



2 | Inconvenient places - 7



3 | Calls at the workplace - 27



4 | Voicemail and answering machine messages - 28



5 | Caller ID - 30



6 | Repetitive calls and robo-calls - 69



7 | Limiting collector communications; avoiding mobile call and texting charges - 34



1 | Inconvenient times - 15

2 | Inconvenient places - 7

3 | Calls at the workplace - 27

Agency Proposal

Collectors can't call the consumer's workplace if the collector should know that the "employer prohibits the consumer from receiving such communication." ([FDICPA § 805\(a\)\(3\)](#)). Do employers typically have policies about debt collection calls, as opposed to personal calls in general? Are employer policies about these things usually the same for all employees?

Can collectors generally figure out who the consumer's employer is? If the collector has dealt with other consumers who work for a particular employer (for example, a national chain), the collector might already know what the employer's policy is. Suppose a new federal rule said that once the collector finds out an employer's policies, it has to respect those policies from then on, for all consumers who work for this employer. Would the benefits to consumers outweigh the costs to collectors of having to keep track of this information?

Would a better approach be a simple rule that calls at the consumer's workplace are always inconvenient?

See what CFPB said in the [ANPRM about Place of Employment Communications and Inconvenient Places](#).

Comments 27



Make a comment.

+ Link

Comment

Cancel



Endorse

Reply

R N

November 6, 2013 - 9:08pm

I think calls at work should be allowed .



Endorse

Reply

Moderator

November 7, 2013 - 2:02pm

Welcome to Regulation Room, R N. Can you tell us more about when collectors should be able to call consumers at work, and why? Knowing more about your reasons or personal experiences will help CFPB know what things it should keep in mind if it decides to make a rule about how, when, and where collectors can call consumers.

Reply

1 | Inconvenient times - 15

2 | Inconvenient places - 7

3 | Calls at the workplace - 27

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Comments 27



Make a comment.

+ Link

Comment

Cancel

R N

November 7, 2013 - 7:26pm

4

I don't think limiting the time to call a person at work is an option. Everyone works at different times. Some people moves, change cell phone numbers , so call them at work is sometimes the only option. It's hard to know what place "prefers" no personal calls , and a list could be an option, but most people work for smaller company's and the lists will cater to the large company's. Most people have information about where they work somewhere on the web. I don't see a problem if a debt collector calls a customer at work if they don't know prior of any inconvenience. Would a customer prefer to be called at work, or have a message left with a relative for them ?



Endorse

Lori

January 28, 2014 - 7:23pm

5

Designing information to lessen information overload

- **Triage**
making sure that the most important information gets the most attention
- **Signposting**
providing visual cues that give participants an overview of the issues and let them quickly find topics of interest
- **Translation**
conveying info in plain language and plain syntax
- **Layering**
giving participants access to info at different levels of complexity

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The goal

Enabling missing stakeholders to reveal “situated knowledge” –

Information

- about impacts, ambiguities and gaps, enforceability, contributory causes, unintended consequences, etc.

that is

- known by participants because of their lived experience in the complex reality into which the proposed policy would be introduced

Is it worth the effort?

Richard Cordray, Director of the Consumer Financial Protection Bureau, speaking to a conference of US rulemakers about Regulation Room:

“This interactive process produces a level of engagement that deepens knowledge on both sides, and allows citizens to participate in rulemaking by means of a controlled forum. ...

We are finding it worth the effort to engage the public in new and different ways.”

For more information

- See the site and the actual public discussions:
Regulationroom.org
- Read the report to agency managers about what our research has revealed:
“Rulemaking 2.0:
Understanding, and Getting,
Better Public Participation”
- Contact us
 - regulationroom@cornell.edu
 - cynthia.farina@cornell.edu

