



RUTGERS POLICY

Section: 60.9.6

Section Title: Legacy UMDNJ policies associated with Human Resources

Policy Name: Use of Personally Owned Mobile Communication Devices/Recording Devices

Formerly Book: 00-01-30-80:00

Approval Authority: Senior Vice President for Administration

Responsible Executive: Senior Vice President for Administration

Responsible Office: University Human Resources

Originally Issued: 9/21/2011

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Errors or changes? Contact: policies@hr.rutgers.edu

1. **Policy Statement**
The policy covers Rutgers University employees who are employed within legacy UMDNJ positions.
2. **Reason for the Policy**
To establish policy for use of personally-owned mobile communication devices and recording devices by legacy UMDNJ employees.
3. **Who Should Read This Policy**
All Rutgers employees who are employed in legacy UMDNJ positions.
4. **Related Documents**
N/A
5. **Contacts**
University Human Resources: 848-932-3020
6. **Policy**

60.9.6 USE OF PERSONALLY OWNED MOBILE COMMUNICATION DEVICES/RECORDING DEVICES

DEFINITIONS

- A. Mobile Communication device is defined as any Cell Phone, Pager, Personal Digital Assistant (PDA), MP3 player, headphone, Bluetooth device, or any other wireless device that could be used to access the Rutgers network.
- B. Recording device is defined as any device used to record or intercept any wire, electronic, oral or visual communication, to include, but not limited to, mobile

communication devices, including those with picture messaging, tape recordings, other photo devices and the transmission of images through e-mail systems.

LEGACY REFERENCES

- A. Rights & Responsibilities for the Use of University-Accessed Electronic Information Systems, Policy 70.2.23.
- B. Issuance and Use of Mobile Communications Devices, Policy 70.2.5

BACKGROUND

The use of personal mobile communication devices and other electronic devices has expanded rapidly. The University does not wish to unreasonably constrain the use of these devices; however, it has a broader responsibility to: (1) ensure that they are used in an appropriate manner; (2) ensure the integrity of proprietary information; (3) preserve the privacy of employees, and (4) ensure that unauthorized surveillance does not breach the reasonable expectation of privacy in the workplace and learning environment.

POLICY

- A. Mobile Communication Devices – Employees are required to exercise discretion and restrict the use of personal mobile communication devices, in the workplace, or any educational setting. For employees, excessive calls via personal mobile communication devices and/or the use of its multi-media functions (games, internet, videos, music) can interfere with productivity and can be distracting to fellow workers. For safety purposes, use of mobile communication devices while driving on University business should be done in compliance with state law requiring the use of hands-free equipment. In addition, the use of headsets and wireless head set technology while operating work-related equipment is a safety hazard and is not allowed.
- B. Recording Devices - As a general rule, recording devices and camera-equipped devices (including mobile communication devices) and their uses are restricted in accordance with state and federal regulatory guidelines concerning unauthorized surveillance. Employees shall not use the picture-taking functionality of mobile communication devices in the workplace or educational setting. Unauthorized use of cameras at any University-owned facility, including designated research areas, restrooms, or exercise areas without the express written consent of the department manager is not allowed.
- C. Recording Conversations - It is expected that faculty and staff will respect the privacy of other individuals in the workplace and educational setting, and that secret recording of individuals without their knowledge is not compatible with the mission of universities to foster an open exchange of ideas. While realizing that recordings may serve many legitimate academic and workplace purposes, the University does not condone recording of individuals who are unaware that such recordings are being made. In order to promote an environment of trust and collegial academic sharing, the University expects that any recording will be done only with the prior consent of the parties involved. Covert/secret recording of any conversation or meeting occurring at the workplace or educational setting, including any classroom or other educational experience, or conversations or meetings offsite that deal with workplace or educational matters of official concern is prohibited. Examples of such conversations or meetings offsite that deal with workplace or educational matters of official concern are prohibited. Examples of such meetings are promotion interviews, meetings with a counselor or investigator, meetings between a supervisor and a subordinate, etc.

Employees are also prohibited from arranging for others, to do any recording of conversations, phone calls or other work or educational activities, unless specifically permitted by the University.

- D. In compliance with the privacy regulations contained in the Health Insurance Portability & Accountability Act (HIPAA), visual and recording devices shall not be used in patient care areas.
- E. The following are the only exceptions to the above provisions:
 - 1. Camera-equipped devices issued by the University to designated employees as part of their performance of certain duties;
 - 2. When required as an accommodation for an employee who has a documented hearing-impairment or physical challenge and who is otherwise unable to write or conveniently record information or data;
 - 3. When authorized by a meeting chairperson for the purpose of facilitating the recording of meeting minutes or the taking of notes; or, the recording of investigatory or other hearings;
 - 4. When an authorized department head or his/her designee grants prior written approval and notice of the recording of an activity restricted to their department. Copies of the written approval must be maintained in the department's files.
 - 5. When cell phones are used in employee break areas during an employee's scheduled break or at University-sponsored social events.
- F. The University shall not be liable for the loss or damage of personal cell phones, multimedia devices or other recording devices brought into the workplace.
- G. Failure to comply with the provisions of this policy may result in disciplinary action up to and including termination from employment or dismissal from an academic program, depending on the severity of the infraction.