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# Walk the Line: Technology Policies and Practices

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# Policies/Practices We'll Cover

- Personal Use of Email and the Internet
- Political and Religious Activities
- Social Media Guidelines
- Policy Quick Hits



# Personal Use of Email & Internet

- **University Policy 304, Electronic Communication Systems, and ITS Standard for Responsible Use:**
  - No expectation of privacy
  - Email is official means of communication
  - “Incidental” personal use
  - Don’t do illegal things
    - IP infringement (software/music/video), discrimination, harassment, threats, defamation, pornography, commercial gain or personal profit
  - Don’t do stupid things
    - Confidential info, imply endorsement, spam, viruses, job applications



# Political and Religious Activities

- **N.C. Gen. Stat. § 126-13:**
  - “[No] employee shall...use the authority of his position, or utilize State funds, supplies or vehicles to secure support for or oppose any candidate, party, or issue in an election involving candidates for office or party nominations, or affect the results thereof.”
  - *You’re free to express your political views, just do not use university resources to do so.*



# Political

# Activities

## POP QUIZ!

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ress shall

- Keep ... responsibility to the university ... (vis ... ies, j ... description)
- No harass ... (stop ... meone ... s)
- A generally applicable ... is not a First Amendment issue (e.g. email signatures)



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# Political and Religious Activities

- **A UNC-High Point receptionist's voicemail greeting ends with "God bless you." Can UNC-High Point tell her to stop?**
  - **What if it just ends with "Have a blessed day!"**
  - **What about "Vote Libertarian!"**
  - **Try "Repeal HB2!"**



# Social Media Guidelines

- Same general First Amendment principles apply
- Social media posts that have resulted in firings sustained by courts or arbitrators:
  - Near the one year anniversary of her mother's death, woman posts: "I wish I could get fired some days, it would be easier to be at home than to have go to through this."
  - Deputy sheriff "likes" the page of his boss's election opponent (overturned four years later)
  - Reporter posts in jest: "WTF! No overnight homicides? You're slacking Tucson."
  - African-American meteorologist fired for defending her hairstyle on station's Facebook page
  - CMS employees: "I hate my students," "most ghetto school in Charlotte," "chillin' wit my n\*\*\*\*s."
  - "I'm not familiar with any North Carolina cases in which the employees' side was upheld."

*- Professor Meredith Jeffries,  
Charlotte School of Law*



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# **Social Media Guidelines**

- 1. Everything is public**
- 2. Everything lasts forever**





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# Policy Quick Hits

- **Copyright**
  - **Most work product belongs to the university**
  - **Traditional/Non-Directed Works belong to you, unless...**
    - **Multiple authors**
    - **Assigned to university**
    - **Exceptional use of university resources**
  - **Student works belong to students (license, notes)**
- **FERPA**
- **ITS Standard for Information Classification/  
Guidelines for Data Handling**



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# Electronic Public Records

- General overview of the public records law
- Personal devices
- Managing electronic documents (including emails)
- Retention schedule





# What is a Public Record?

- All documents of any type “regardless of physical form or characteristics...made or received in connection with the transaction of public business by any agency of North Carolina”.

*Note: The Public Records Act identifies **public records** as the “**property of the people**”. N.C.G.S. 132.*



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# PERSONAL DEVICES

“Whatever format...regardless of LOCATION”

- **PHYSICAL LOCATION**

Records on your personal devices (*computers, smart phones, iPad, etc.*)

- **FORMAT**

Papers, letters, maps, books, photographs, films, sound recordings, e-mail, text messages, voice mail messages, etc.

- **Note:** The status of a record under the law is determined based on its **CONTENT**, not its location...





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# TEXT MESSAGING

**It's convenient and quick!**



- Text messaging has increased in the workplace due to the efficient and accessible access to texting vs. other means of communication
- Be mindful and professional in your communications
- Don't mix personal with business-related content (including messaging for political purposes, for personal business activities, or private commercial transactions).
- Remember CONTENT-- if the text involves public business, pay close attention to your responsibility for maintaining public records of text messages.





# So...what about electronic records?

- What is an electronic record?
  - Includes documents that require computer hardware and software to interpret and present and rely on technology to be accessible.
  - Examples:
    - Texts, graphics, spreadsheets, emails, websites, databases, PowerPoint presentations, digital imaging, etc.



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# Electronic records: Are they public?

- YES, but remember....**CONTENT**...if made or received in connection with the transaction of public business by state agency.
- As a state employee you are required to maintain public records and provide access to them upon request.
- Electronic records are records, too!





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## RETENTION OF ELECTRONIC RECORDS

- As a state employee you are required to maintain public records and provide access to them upon request
- Electronic records can be stored in databases, on hard drives, in shared folders, and in email accounts
- All material you create and handle in your role as a university employee should be managed according to our retention schedule. [University Policy 605.3, Retention, Disposition, and Security of University Records](#)





# WHAT ABOUT MY EMAILS?

Dance like no one is watching; email like it may one day be read aloud in a deposition.





## Managing your Inbox: *Email as a Public Record*

- Email can be a public record, if it is made or received by a state employee in connection with State business.
- Emails that are considered public records must be retained according to University Policy 605.3, Retention, Disposition, and Security of University Records, found here: <http://legal.uncc.edu/policies/up-605.3>
- **Note:**
  - Personal email is not a public record.
  - Purely administrative email that are transitory or have no real value may be destroyed or erased when you determine that it no longer is considered necessary or valuable. (*joke of the day, appointment confirmation, junk mail*)



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## IN OTHER WORDS...

If you don't want to read it on the front page of the Charlotte Observer or other local newspaper....

**DON'T WRITE IT OR EMAIL IT**





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# QUESTIONS...

