Video and Audio Recording Policy

Responsible Administrator: Vice President & Director
Responsible Office: University Police Services, Southern Command
Originally Issued: March 2016
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Statement of Purpose

The university is committed to the free exchange of ideas and freedom of action that should be found at any institution of higher learning. At the same time, it is committed to the safety and security of those who visit, work, or study on its campuses by integrating the best practices of safety and security with technology. A critical component of a comprehensive security plan is the utilization of camera and audio recording or surveillance systems (“Surveillance Systems”), including web-based and closed-circuit television (CCTV). The surveillance of public areas is intended to deter crime and assist in protecting the safety and property of the university community. This policy addresses the university’s safety and security needs while respecting and preserving individual privacy.

To ensure the protection of individual privacy rights in accordance with the university’s core values and state and federal laws, the use of Surveillance Systems on campus shall be conducted to minimize the intrusion on the privacy of faculty, staff, students, and visitors in their personal and professional activities. To that end, the purpose of this policy is to formalize procedures for the installation, management, and monitoring of Surveillance Systems, including the handling, viewing, retention, distribution, and...
destruction of surveillance records. The scope of this policy is all Surveillance Systems
used to observe and record public areas, either indoors or outdoors, and all installed and remote Surveillance equipment on university owned, leased, or controlled properties for the purposes of safety and security (“University Properties”). The existence of this policy does not imply or guarantee that cameras will be monitored in real time, twenty-four (24) hours a day, seven (7) days a week.

Entitles Affected by this Policy

This policy applies to all personnel, academic units, and departments of the university, visitors, contractors, students, and the general public.

Who Should Read this Policy

All individuals affected by this policy; University personnel, students, and others who work in or use space (including rented space) in university owned, leased, or controlled properties should read this policy.

Policy

University Police Services, Southern Command (“Police Services”) has the responsibility to coordinate, operate, manage, and monitor all campus Surveillance Systems. This responsibility includes, but is not limited to, the installation, operation, storage, maintenance, and use of Surveillance Systems and access to Surveillance System recordings on university owned or leased property.

All university departments using Surveillance Systems are responsible for implementing and complying with this policy in their respective operations.

All existing uses of Surveillance Systems shall comply with this policy within 12-months of the issuance date of the policy unless a written waiver has been approved by the Vice President & Director for University Police Services or designee.

Failure to comply with this policy may result in disciplinary action as governed by the Nevada System of Higher Education (“NSHE”) Code (for faculty and administrative faculty), the Nevada Administrative Code (“NAC”) for classified staff, and the UNLV Student Conduct Code (for students), and/or subject to prosecution under local, state, and federal laws.

Exclusions

This policy does not apply to audio and video technology used for:

1. Personal reasons by an individual outside auditoriums, classrooms, labs, and offices (e.g., handheld, or other portable video cameras or cell phones).
2. Academic purposes (e.g., videotaping lectures, interviews, or other educational purposes).
3. Recording public performances or events (e.g., concerts, plays, post-game review, athletic events).
4. Approved research activities (as such research is governed by other policies and laws involving human subjects).
5. Day-to-day business operations by the university, such as webcams, video conferencing, business/promotional channels (e.g., social media accounts), client and/or patient care.

6. Public safety duties by University Police Services (UPD) in the normal course of their activities (e.g., body-worn cameras).

7. Media engaged in the news gathering process (e.g., interviews for broadcasting and journalism purposes).

**Surreptitious Recording Prohibited**

The use of covert electronic surveillance cameras, defined below, on the university campus is governed by NRS 396.970, "Surreptitious electronic surveillance on campus; exceptions," which states:

1. Except as otherwise provided in subsection 2, it is unlawful for a person to engage in any kind of surreptitious electronic surveillance on a campus of the System without the knowledge of the person being observed.

2. Subsection 1 does not apply to any electronic surveillance:
   a. Authorized by a court order issued to a public officer, based upon a showing of probable cause to believe that criminal activity is occurring on the property under surveillance;
   b. By a law enforcement agency pursuant to a criminal investigation;
   c. By a peace officer pursuant to NRS 289.830;
   d. Which is necessary as part of a system of security used to protect and ensure the safety of persons on the campus; or
   e. Of a class or laboratory when authorized by the teacher of the class or laboratory.

Electronic surveillance includes video, audio/video, and audio-only recordings made via installed or portable recording devices, such as a handheld recorder, cell phone, smartphone, tablet, or other electronic device. Therefore, under NRS 396.970, unless one of the stated exceptions applies, individuals are prohibited from recording in-person conversations on the university campus without the knowledge of each individual being recorded.

The Board of Regents Handbook, Title 4, Chapter 1, Section 21, "Covert Video Surveillance," also provides explicit guidelines for the use of video surveillance equipment, stating:

*The use of covert video surveillance for anything other than a criminal investigation on the campuses of the Nevada System of Higher Education is prohibited. If, in a criminal investigation, such video surveillance is used, it must be approved by the President or the President’s designee. This policy shall not interfere with the legitimate use of videotaping for academic purposes.* (B/R 6/92)

All individuals on the university campus shall comply with NRS and the NSHE Board of Regents Handbook policy concerning the use of covert video and/or audio equipment.
Recording Classes, Lectures, and Meetings

Classes, lectures, and labs may be videotaped, or audio recorded only with the written permission of the instructor. To accommodate students with disabilities, however, some students may be given permission by the Disability Resource Center (DRC) to record class lectures and discussions.

Anyone wishing to record a meeting should notify all present that they are recording the meeting. Anyone handling a formal proceeding in which the NSHE Code, Nevada Administrative Code (NAC), or university policy specifies must be recorded shall notify all present that the meeting is being recorded.

Appropriate and Inappropriate Uses of Surveillance Systems

Appropriate Uses

The utilization of Surveillance equipment must meet one or more of the following objectives:

1. Enhance public safety and security.
2. Promote compliance with any federal and state statutes related to security.
3. Prevent, deter, or halt criminal activity.
4. Facilitate criminal investigations and police actions to safeguard the community.
6. Assist UNLV officials in providing services to the community during emergency response situations.

The installation and operation of Surveillance equipment shall be overt and limited to public areas where a person does not have a reasonable expectation of privacy.

Inappropriate Uses

Surveillance systems shall not be used to monitor individuals based on characteristics of race, gender, ethnicity, sexual orientation, disability, or other classifications protected by the NSHE Non-Discrimination Policy.

Surveillance equipment shall not be installed or operated in private areas. Placebo or “dummy” security cameras that do not operate are prohibited.

Unless the camera is being used for criminal investigations, and approval is granted pursuant to Board of Regents policy or court order, monitoring by surveillance in the following locations is prohibited:

- Student dormitory rooms in the residence halls
- Bathrooms
- Locker rooms
- Private offices
- Approved sensitive areas
Protecting Sensitive Information

Any requests for the installation of surveillance cameras in or near clinical settings or areas where educational records are accessed will be reviewed by the appropriate compliance personnel to ensure the surveillance cameras will not inadvertently capture protected health information (PHI), student information, or other sensitive information or persons. Only authorized individuals, with approval of the Vice President and Director for University Police Services, will view the surveillance camera footage in or near clinical settings or areas where educational records are accessed due to the possibility such recordings could include PHI, student information, other sensitive information or persons.

Required Notification Signage

Signage shall be posted at building entrances or other areas where video surveillance has been deployed. Standard posted signage should read:

“THIS AREA IS SUBJECT TO SURVEILLANCE MONITORING: For more information, contact University Police Services, (702) 895-3668.”

Requests to Install, Operate, or Access Surveillance Systems

Requests for the installation, operation, or access to Surveillance equipment must have the prior approval from the Vice President & Director for University Police Services or designee. Procurement of Surveillance equipment must follow prescribed university purchasing procedures and the Office of Planning and Construction guidelines to ensure equipment is compatible with existing UPD equipment. Requesting departments are responsible for all costs related to the purchase, installation, and operation of Surveillance equipment.

Authorized personnel with access to view or review Surveillance equipment and the recordings must meet the following conditions:

1. Demonstrate a legitimate need for access consistent with the purposes of this Policy.
2. Successfully complete required training from UPD on the technical, responsible, effective, legal, and ethical use of Surveillance equipment as outlined in this Policy.
3. Provide written acknowledgement that they have read, understand, and will comply with this Policy.
4. Receive approval from the Vice President & Director for University Police Services.

Recording Retention and Release

All Surveillance Systems recordings will be retained for 30 days. After 30 days, Surveillance Systems recordings will be deleted unless otherwise needed in a criminal investigation or a disciplinary proceeding under the NSHE Code or the Nevada Administrative Code; needed in an anticipated legal proceeding; or requested by a senior university administrator with the approval of the Vice President & Director for University Police Services. As set forth in the Nevada System of Higher Education Records Retention and Disposition Schedule, UPD is the only entity that may preserve retained recordings. Retained recordings may only be destroyed pursuant to the current purging
(destruction) of evidence policies within UPD, which requires the approval of the Office of General Counsel (OGC) and/or appropriate legal order.

All surveillance recordings are the property of UNLV. University personnel are prohibited from using or disseminating information acquired from video surveillance, except with the approval of the Vice President & Director for University Police Services or designee. The copying, duplicating, and/or retransmission of recordings is limited to persons authorized by the Vice President & Director for University Police Services or designee. All internal requests for access to or distribution of recordings must be submitted to UPD Records Office for approval. In exigent circumstances, the Vice President & Director of Police may approve such requests. Public record and news media requests for recordings under NRS 239.010 must be submitted through the UNLV Office of Public Affairs (OPA). UPD receives, documents, and retains each request for and determination regarding the release of recordings in consultation with OGC and may consult other related departments, including OPA, the Office of Student Conduct, Office of Equal Employment and Title IX, and the Office of Human Resources as applicable and appropriate.

Oversight and Governance

The Surveillance Oversight Committee (SOC) will consist of (1) one representative from CSUN, (1) one representative from GPSA, (1) one representative from the Office of Equal Employment and Title IX, (1) one representative from Faculty Senate, (1) one representative from the Administrative Faculty Committee, (1) one representative from the Classified Staff Council, (1) one representative from the Office of Human Resources, (1) one representative from the Office of Student Conduct, (1) one representative from the Office of Public Affairs, (1) one representative from Risk Management & Safety, and (1) one representative from UPD.

The Vice President & Director for University Police Services or designee will serve as chair and as an ex-officio member. The Vice President & Director for University Police Services may conditionally approve or deny requests submitted to the SOC. Such requests shall be submitted to the SOC for review and approval/denial at regularly scheduled meetings.

The Vice President & Director for University Police Services shall convene the SOC at least twice a year and the SOC will have the responsibility to:

1. Review and recommend the approval or denial of all Surveillance requests, including new and existing installations, and of removal of permanent surveillance cameras in accordance with this Policy.
2. Review any complaints regarding the installation or operation of Surveillance equipment.
3. Review any of the aforementioned exclusions from this policy if concerns are raised that an exclusion is being used or could be used in a manner that violates this Policy.
4. Create and approve campus standards and procedures regarding the use of Surveillance equipment.
5. Conduct audits and inspect all processes and records pertaining to the use of Surveillance equipment.

6. Refer the misuse of Surveillance equipment to the appropriate authorities.

7. Provide periodic updates to the university community on the use of Surveillance.

8. Review and approve major amendments to this Policy; and

9. Present an annual report to the President that will include the SOC’s activities, a master list of all Surveillance equipment locations, and a campus strategy for future Surveillance equipment installations.

Appeals may be made in writing within 10 standard business days (weekdays) of any issuance of decision or recommendation by the SOC.

Appeals shall be reviewed by the Vice President & Director for University Police Services, who will issue a final determination based upon the facts presented.

**Related Documents**

Nevada Revised Statutes (NRS) 239.010, Public books and public records open to inspection; confidential information in public books and records; copyrighted books and records; copies to be prepared by governmental entity and provided in medium requested.

Nevada Revised Statutes (NRS) 396.970, Surreptitious electronic surveillance on campus, exceptions.

Nevada System of Higher Education Records Retention and Disposition Schedule, Procedures & Guidelines Manual, Chapter 16

Nevada System of Higher Education Board of Regents Handbook, Title 4, Chapter 1, Section 22

**Contacts**

University Police Services, Southern Command 702-895-3668

**Definitions**

**Closed-circuit television (CCTV):** A self-contained surveillance system comprising cameras, recorders, and displays for monitoring activities in specific locations, such as in stores and public places, to prevent crime.

**Private area:** Areas in which a person has a reasonable expectation of privacy, including, but not limited to, non-common areas of residence halls, bathrooms, locker rooms, private offices, classrooms, conference rooms, or similar facilities. Areas dedicated to medical, physical, or mental therapy, or treatment shall also be considered private areas for the purpose of this policy.

**Public area:** Areas made available for use by the public, including, but not limited to, campus grounds, parking areas, building exteriors, loading docks, areas of ingress and
egress, classrooms and lecture halls used for public events, study rooms, lobbies, theaters, libraries, dining halls, gymnasiums, recreation areas, and retail establishments.

**Surveillance system:** Any utilization of video and/or audio equipment, including electronic services, software, and hardware, that monitors, transmits, or stores data used to enhance safety.