

INTERIM UNIVERSITY POLICY ON VIDEO MONITORING AND SURVEILLANCE ACTIVITIES

USE AND INSTALLATION OF VIDEO EQUIPMENT

Introduction

In order to enhance security and protect the safety of members of the public and community at California State University, Fresno, it has been determined that the use of video monitoring, video recording, or other visual digital recording equipment may prevent losses and aid in the law enforcement activities of the University Police Department. To ensure the protection of individual privacy and other protected rights in accordance with the law, this Policy has been written to standardize procedures for the installation of this type of equipment and the handling, viewing, retention, and destruction of recorded media.

Under no circumstances shall the contents of any video media be exploited for purposes of profit or commercial publication, nor shall recordings be distributed to third parties except as may be required by law.

Appropriate measures to protect individual privacy and other protected rights in the course of video recording of non-public areas and sensitive public areas of the campus will be determined on a case-by-case basis.

Definitions of Monitoring and Surveillance

For purposes of this policy, video monitoring refers to viewing recorded images, from cameras and monitors that have been approved by the Vice President of Administration, for the purposes of helping enhance public safety. This is done in the interest of public safety and includes the viewing of recorded media or video images for purposes of deterring, detecting and/or confirming suspicious, illegal, or unlawful behavior.

Surveillance, for purposes here, refers to a more-focused type of observation of an individual or group of individuals that involves a closer degree of scrutiny related to the suspicion of potentially unlawful or illegal activity. For any surveillance activity to occur, there must be some connection between information collected and unlawful activity (i.e., reasonable suspicion or probable cause), and it must be approved by the President or his/her designee prior to being conducted.

Permanently Installed Video Equipment or Media Devices

From time to time and for various reasons, it may be appropriate to permanently install video devices on the campus (for example, for the monitoring of parking lots, computer labs, or other areas where such devices may enhance campus security). In such cases, the following rules will apply:

1. Individual departments, programs, or campus organizations wishing to permanently install video equipment shall submit a request to their appropriate vice president, with a statement justifying the benefit of installing such equipment. The statement must include the proposed location of the device(s), location of the monitor, location of secure storage of recorded media, and the retention schedule for recorded media. The source of funding for the installation must be specifically identified as part of the request.
2. The appropriate vice president will forward the request along with his/her recommendation to the Vice President for Administration.
3. The Vice President for Administration will review the request. After consultation with the University Police Department, the Office of General Counsel, and the University President, the Vice President for Administration will approve or disapprove the installation of the video media services.
4. Unless otherwise directed by the Vice President for Administration, the individual department, program, or campus organization shall contact the Department of Plant Operations to oversee the installation of the video media devices or video recording equipment.
5. Information and signage indicating that permanent video monitoring equipment is in use shall be made available in the areas where the equipment is located and in other university publications.
6. A member of the campus community may file a written request to change the location or limit the visual range of a specific installation of video monitoring equipment based on a belief that it infringes on individual privacy or other protected rights. The request shall be submitted to the Vice President for Administration, and shall (a) identify the location, (b) identify the right believed to be infringed, and (c) provide an explanation of how the video device installation infringes that right. The Vice President for Administration will respond to the request within fourteen (14) business days after receipt. The response will be based on a thorough reconsideration of the initial request to install the devices in light of the campus community member's concerns.
7. Cameras or video monitoring devices will not be installed in classroom spaces or faculty offices. Cameras or video monitoring devices installed in teaching laboratories or research laboratories will only be considered when a department or campus organization assigned to use that space follows the guidelines stated above in paragraphs one through five.
8. All pre-existing permanently installed video equipment on campus must conform to this policy.

Temporary Installation of Video Recording Equipment

From time to time and for various reasons, it may be appropriate to temporarily install video devices on campus (for example, in the course of police investigations in areas of the campus where thefts or breaches have been noted). To ensure individual privacy rights are protected in accordance with the law during the temporary installation of recording equipment for monitoring or for surveillance purposes, the following procedures must be followed before such devices may be temporarily installed anywhere on campus:

1. The University Police Chief shall submit a written request to the Vice President for Administration with a statement justifying the benefits to be derived from the installation of portable video recording devices and the duration of the requested installation. This statement must also describe the proposed location of the installation of the portable recording device(s) as well as the location of the monitor, location of secure storage of recorded media, and the retention schedule for recorded media.
2. The Vice President for Administration will review the request. After consultation with the Office of General Counsel and the university President, the Vice President for Administration will approve or disapprove the temporary installation. The Vice President for Administration is the custodian of the equipment, and his/her approval is necessary before the equipment will be given out to the university Police Department.
3. To the extent possible, the university Police Department will coordinate the use of portable video recording devices with the designated users of the space involved (for example, dean, department chair, or other university administrator). This policy acknowledges, however, that this may not always be possible, given the nature of investigations that may be undertaken by the university Police Department.
4. Cameras or video monitoring devices will not be installed in classroom spaces or faculty offices. Cameras or video monitoring devices installed in teaching laboratories or research laboratories will only be considered when a department or campus organization assigned to use that space follows the guidelines stated in paragraphs one through five on page 648-2. If the police department makes such a request, it must follow the procedure outlined above in paragraphs one through three.
5. No video recording equipment may be temporarily installed on campus except as provided in this policy.

Monitoring Live Media

The Department of Public Safety will ensure that operators and supervisors involved in video monitoring perform their duties in a responsible, legal, and ethical manner. Applicable requirements include, but are not limited to, the following:

1. Camera control operators will only conduct video observation of areas that are in plain view of the public.

2. Camera control operators are authorized to conduct monitoring based only on suspicious conduct or other legitimate need to ensure campus safety. In particular:
 - a. Monitoring based on characteristics such as race, gender, ethnicity, sexual orientation, disability, or other classifications protected by the university's non-discrimination policy is prohibited.
 - b. Monitoring based on political or ideological viewpoint is prohibited.
3. Camera control operators will not view private rooms or areas through windows unless there is reasonable suspicion or probable cause.
4. Camera control operators will not continuously view people becoming intimate in public areas.
5. Camera control operators will be trained in the technical, legal, and ethical bounds of appropriate camera use, including cultural awareness. Each camera control operator will be provided a copy of this policy. Not permissible with CBA.

Viewing Recorded Media

Only authorized members of the university Police Department or the university's Risk Management Department may review the results of the use of recording equipment. Other individuals who may have a legitimate need (in accordance with the law) to review the recorded material may be permitted to do so, but only with the prior approval of the Vice President for Administration. The following three special circumstances should be noted regarding recorded media:

1. If it is determined that a crime has occurred in an area where video recording may have taken place, then the recorded media shall be reviewed by authorized members of the university Police Department to determine if the incident has actually been recorded. If it is determined that the media does contain evidence of a crime, then that portion of the media will be maintained according to police procedures.
2. If it is determined that an accident has occurred in an area subject to video monitoring, then the recorded media shall be reviewed by authorized members of the university Police Department and/or the university's Risk Management Department to determine if it contains evidence. If it is determined to contain such evidence, then that portion of the video recorded media will be maintained according to appropriate procedures.
3. Recorded media that does not contain evidence of a crime or accident may be maintained for a maximum of thirty (30) days.

Retention Period for Recorded Media

The results of video recorded media shall be maintained for a reasonable period that will allow sufficient time for the public to report a crime or an accident, which is defined as a minimum of five (5) days and a maximum of thirty (30). For each approved recording system, a clear retention schedule shall be established as part of the approval process and must be adhered to very strictly. All recorded media must be stored in a secure location, the nature of which must be identified as part of the approval process.

COVERT SURVEILLANCE BY UNIVERSITY POLICE OR OTHER LAW ENFORCEMENT AGENCIES

Academic freedom is an essential feature of American universities, and scholarship does not flourish in atmospheres of suspicion and distrust. University police officers may attend university events to promote public safety, and will ordinarily wear their official uniforms as a deterrent to criminal activity. On occasion, it may be necessary and appropriate for university police to conduct surveillance activities at public meetings of university-sponsored organizations and events. The intellectual life of this university and the preservation of academic freedom demand that any such surveillance activities be strictly scrutinized and be conducted consistent with laws governing this activity.

“Campus surveillance activities,” as used in this section, refers to covert or undercover activities undertaken by university police in order to gather information at public meetings of university-sponsored organizations or in university classrooms.

In order for surveillance to occur

1. There must reasonable grounds to believe that persons who are the target of surveillance are engaging or may have engaged in illegal activity; and
2. There must be convincing justification that information cannot be achieved by less intrusive means. Before conducting campus surveillance activity, university police shall seek advance written approval from the President or his/her designee. The request shall be made in writing. The request must:
 - a. identify the proposed campus surveillance activity.
 - b. provide clear and compelling evidence of illegal activity.
 - c. show that the purpose of the proposed campus surveillance activity cannot be achieved by less intrusive means.
 - d. propose a reasonable time limit for the surveillance. The President and his/her designee must provide to the university police written notification of approval or disapproval of the request.

In addition, any covert surveillance undertaken must follow the following principles:

- (1) Covert surveillance based solely on participation in activities protected by the United States Constitution and the Constitution of the State of California is prohibited.
- (2) Covert surveillance based on political or ideological viewpoint is prohibited.
- (3) Covert surveillance based on characteristics such as race, gender, ethnicity, sexual orientation, disability, or other classifications protected by the university's non-discrimination policy is prohibited.
- (4) Information gathered by covert surveillance may not be used by the university for any personnel action without following the established personnel policies and procedures.
- (5) Any proposed covert surveillance which does not meet the standards above shall be prohibited unless laws or legal precedent modify these standards.

California State University, Fresno is committed to preserving and upholding the freedom of speech, assembly, association, and privacy, the right to counsel and due process in judicial proceedings, and protection from unreasonable searches and seizures, even if requested to do otherwise and infringe upon such rights by local, state, or federal law enforcement agencies. University police shall immediately advise the President and/or the Vice President for Administration if any off-campus law enforcement agency requests or gives notice that it intends to enter the campus to conduct campus surveillance. The President and/or the Vice President for Administration, after consultation with the Office of General Counsel, will decide based on available information

- (a) whether there is a compelling justification for such surveillance
- (b) whether its purpose could be achieved by less intrusive means
- (c) whether the university should comply, and
- (d) if not, the appropriate action to be taken.

If a decision is made to comply, that decision shall be revisited from time to time, as appropriate. If a decision is made to comply and the surveillance is ongoing, the President and/or Vice President for Administration should review the decision monthly.

To ensure that covert surveillance on campus complies with the conditions and limitations in this policy and that it does not interfere with academic freedom and the intellectual life of the university, a subcommittee of the Academic Policy and Planning Committee will be established to review covert surveillance activities. This subcommittee will consist of the chair of the Academic Policy and Planning Committee and two other members of AP&P to be elected from that committee and two faculty members at-large. Twice during each academic year, the President and the university Police Chief shall provide to the subcommittee the following information at a scheduled meeting:

- A summary of all requests for covert surveillance submitted to the President since the last meeting, including number of requests and rationale for each request.
- A report on the responses to the requests, including which requests were approved and which were denied and how long the surveillance was conducted
- A summary of the outcome of each surveillance activity undertaken.

The subcommittee's responsibility shall be to review this information to make sure that all covert surveillance complies with this policy and to make recommendations to the Academic Senate if any changes in the policy are deemed necessary.

TRAINING

The Director of Public Safety and all MPPs of the university Police Department will be provided with a copy of this policy and required to sign an acknowledgment of receipt. All MPPs of the university Police Department will receive periodic training that includes the importance of protecting civil liberties and academic freedom on a university campus.

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