

MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE ADMINISTRATION & FACULTY ASSOCIATION  
OF  
SUNY BROOME COMMUNITY COLLEGE

The undersigned understand and agree to a clarification and addition of language in the current collective bargaining agreement (2012-2015) for contract **Article 53 – Surveillance**.

New text is indicated by underscore to distinguish from the existing language.

**Article 53:**

**1. PURPOSE.** To maintain a balance between the needs for safety and security of persons and property and the need for an open and non-intrusive academic work environment which protects the privacy rights of individual members of the College community.

**2. SCOPE.** This article applies to all campus personnel and technologies past, present and future, capable of use in surveillance. Surveillance devices and cameras deployed by the Office of Public Safety shall be used exclusively for purposes of ensuring campus safety and security. Surveillance devices deployed by other Departments, regardless of purpose, require approval by the Director of Health and Safety and shall be consistent with this article (53) to coordinate campus efforts and ensure the devices do not violate privacy laws nor interfere with operations. This policy does not apply to cameras installed by authorized financial institutions to monitor ATM machine usage on campus.

**3. SURVEILLANCE DEVICE PLACEMENT.**

**A.** The use of surveillance devices shall not be used to monitor or target individual faculty or staff except when necessary for a criminal investigation and subsequent to the terms of a valid warrant in accordance with the New York State Penal and Criminal Procedure Laws. When exceptions to the following sections and clauses of this article are necessary they shall be subject to the terms of 3.A.

**B.** Surveillance devices and cameras may be placed in public areas on campus after proper notice (see Section 4). Campus public areas include parking lots, athletic fields, bus stops, sidewalks, lobbies, staircases and stairwells, entrances and exits to campus buildings (with the exception of 3.C. – counseling and medical/health facilities). Campus Officers may record interactions with the public or members of the College community when responding to disturbances, emergencies or investigating criminal activities.

C. Surveillance devices and cameras shall not be placed in private areas of the campus without first obtaining a warrant as per the terms of 3.A. Private areas shall include but not be limited to counseling and medical/health facilities (including their exits and entrances), classrooms, teaching/research laboratories, offices, restrooms, shower areas, and locker and changing rooms.

D. Where surveillance devices and cameras are permitted in other non-public areas, they will to the maximum extent possible be used narrowly to protect money, real or personal property, documents, supplies, equipment, or pharmaceuticals from theft, destruction, or tampering. At all times, the College shall adhere to all applicable state or federal privacy laws.

E. Surveillance devices and cameras shall not be directed or zoomed into the windows of any private residential building (on or off campus), including residential dormitory rooms and offices. To the maximum extent possible, electronic shielding will be placed in the camera or device so that it does not have the capability to look into or through windows or walls.

F. The use of dummy, placebo or empty surveillance devices is prohibited.

G. No audio surveillance devices may be deployed unless authorized through a valid warrant in accordance with the New York State Penal and Criminal Procedure Laws.

H. No surveillance shall be conducted on the computers or computer screens used by faculty or staff.

#### **4. NOTIFICATION OF FACULTY ASSOCIATION AND CAMPUS COMMUNITY.**

A. The College shall notify the affected faculty and staff members and the FA in writing, of the intent to install any surveillance equipment at a particular location and/or area upon College property no less than thirty (30) days prior to its operation, unless such intent is in response to criminal activity on campus or by state or federal directive.

B. Signs shall be conspicuously displayed at all entrances/exits of buildings with areas under surveillance indicating that the area is under surveillance by cameras or whatever other means is employed. These notices shall also appear at campus entrances.

#### **5. SURVEILLANCE EQUIPMENT USE AND NON-USE.**

A. Surveillance devices and cameras may be used to monitor an area where financial transactions are conducted. In these cases any surveillance devices and cameras will not be used to view or record the contents of computer screens.

B. Video monitoring will not be used in the evaluation of employee performance, to monitor employment-related duties or functions or as evidence for reprimand, discipline

or arbitration purposes. However, if video surveillance reveals a criminal act or criminal offense committed by an employee, such information may be used for law-enforcement or disciplinary purposes.

C. The College will not use surveillance devices and cameras to prosecute petty violations on campus such as parking violations, unless review of a formal complaint results in a determination that a campus safety or security issue exists.

## **6. SURVEILLANCE EQUIPMENT MONITORING.**

A. College authorized security cameras are not monitored continuously under normal operating conditions. The primary use of security and safety monitoring will be to collect data and recordings that can later be reviewed by Public Safety to follow-up on reported incidents or for use in criminal investigations. Devices may be monitored in real time in response to an alarm or for special events on campus.

B. Information or images obtained through campus surveillance equipment may only be monitored or reviewed by Public Safety, or by legally authorized agents of county, state or federal government.

C. All video images recorded, and all information and/or observations derived from the use of College surveillance equipment are considered confidential and may only be used in a serious student judicial proceeding or for a duly authorized criminal investigation.

D. Release of information or images obtained through campus surveillance equipment will be in accordance with applicable law, and only upon approval by the Director of Health and Safety.

## **7. STORAGE MEDIA.**

A. Recordings not related to, or used for an investigation, shall be kept confidential and data will be destroyed as they are over-written. Collection and retention of video or other media used for investigation or prosecution of a crime shall be governed by the rules of evidence.

B. Any attempt to alter any recording is strictly prohibited. Editing or otherwise altering recordings or still images is only permitted to enhance quality for investigative purposes, place a watermark, reduce size for transport or blur features to protect privacy.

The parties further agree that this clarification of the collective bargaining agreement is to be immediately effective.

For the College

For the Faculty Association

Kevin Battista for Kevin Drumm  
Dr. Kevin E. Drumm, President

David J. Michalak  
David J. Michalak, President

Date: 4-3-15

Date: 4/6/15

Name: Patricia O'Day

Date: 4/3/15

Witnesses

Name: Fred G. Toland

Date: 4/6/15