

## **Operating Policy and Procedure**

**OP 24.001** Video Surveillance Policy

**DATE:** February 21, 2024

**PURPOSE:** The purpose of this policy is to establish procedures for the responsible use of Security Cameras on all Kellogg Community College campuses. This policy balances the safety and security of the College community with the privacy interests of all college constituents. This policy does not apply to the use of video equipment for academic, media, or operational purposes or monitoring equipment installed in ATMs by sponsoring banks.

**REVIEW:** This Policy will be reviewed July in odd-numbered years by the Chief of Public Safety, with revisions forwarded to the Board of Trustees through President's Council by the Office of the President.

### **POLICY/PROCEDURE**

#### **1. General Policy**

- a. Kellogg Community College deploys Security Cameras on its campuses to advance public safety and security interests including, without limitation:
  - i. Protection of individuals, property, and buildings;
  - ii. Investigation of criminal activity;
  - iii. Monitoring of building access;
  - iv. Confirmation of security and safety alarms; and
  - v. Situational awareness of campus events.
- b. Individuals operating, or using footage from, Security Cameras shall do so in accordance with this policy and all other relevant College policies including, but not limited to, those governing sexual harassment and discrimination. This policy places limits on the use of surveillance equipment and recordings generated by such equipment to protect the reasonable privacy interests of the College community and visitors to the College's campuses.

#### **2. Scope**

- a. This policy applies to the Board of Trustees of the College, and its employees, departments, contractors, students, and members of the public while on College property. Unless authorized by this Policy, by a job description, or in writing by the College President, Security Cameras may not operate on College property nor may use be made of Security Camera Recordings. Unauthorized operation of a Security Camera or use of Recordings may result in disciplinary action up to and including termination, expulsion, and/or banning from College campuses as well as civil or criminal liability.

- b. This policy shall apply to the installation of Security Cameras in situations and places where the security and safety of either property or persons would be enhanced. This policy shall not permit Security Cameras to be placed or used in places or manners that violate the reasonable expectation of privacy as defined by law. Where appropriate, the Security Cameras may be placed campus-wide, inside and outside buildings.
- c. Security Cameras may not record audio with the video unless specifically authorized by the College President and in consultation with legal counsel to ensure it is being captured in a legal manner.
- d. Both video and audio recording are permitted in all instances and places when body worn cameras are used by College public safety officers or law enforcement officers in the course of their employment.
- e. General Principles
  - i. Information obtained from the Security Cameras shall be used primarily for campus policy enforcement, including, where appropriate, student judicial actions. When legally appropriate, Security Cameras and the recordings generated may be used to assist local law enforcement and campus/local safety and security personnel.
  - ii. All appropriate measures must be taken to protect an individual's right to privacy and hold College information securely through its creation, storage, transmission, use, and deletion.
- f. Placement of Cameras
  - i. Security Cameras placed in areas as stated under General Policy include installation in restricted access sites such as a departmental computer lab; these locations are not places where a person has a reasonable expectation of privacy.
  - ii. Cameras will be placed so that personal privacy is maximized.
  - iii. The College community will be notified that Security Cameras may be utilized on College property. Postings may accompany Security Cameras or simply be posted at the campus entrances. This policy will be made available through the Student Handbook as well as located on the College website. Exceptions to notification and visibility are those where an investigation of serious violations of College policy or law are underway and only after approval by the College President in consultation with legal counsel.
- g. Privacy Restrictions
  - i. Areas and activities with an expectation of privacy include the following:
    - a) Faculty or staff private offices;
    - b) Bathrooms;
    - c) Locker rooms;
    - d) Other locations in which the reasonable expectation of privacy outweighs the interest in recording, as determined by the College President;
    - e) Data on students such as parking patterns or student activity;
    - f) Employee performance evaluations or monitoring employees during their non-working time;

- ii. Monitoring individual students, faculty, or staff, except as necessary for a criminal investigation and/or in accordance with the terms of a warrant. Security Cameras may be used to monitor a student or employee work area, such as an area with financial transactions. Cameras used to monitor a work area should not be able to view the contents of computer screens. If the Security Cameras can pan to view computer screens, electronic shielding should be utilized so that these Security Cameras are not used to monitor employee computer use.
  - iii. Security Cameras shall not be permanently affixed in areas with the expectation of privacy. Cameras may be used to prosecute violations on campus, provided that there is a video record of such behavior. In general, when the College President and the College's security personnel reasonably believe that activity violating College policy or law has occurred in an area with an expectation of privacy, the College President, in consultation with legal counsel, may authorize, in writing, the use of Security Cameras in such areas. The exact location, number and function of all Security Cameras pursuant to this paragraph will generally be considered confidential for security purposes and not be disclosed unless required by law. Absent the steps in this paragraph, Security Cameras shall not be used in areas with an expectation of privacy.
- h. Access and Monitoring
- i. College Security Cameras are not generally monitored continuously under normal operating conditions but may be monitored for legitimate safety and security purposes that include, but are not limited to, the following: high-risk areas, restricted access areas/locations, in response to an alarm, special events, maintenance purposes, functionality purposes, and specific investigations authorized by the College's President, FOIA Coordinator or a Title IX Coordinator.
  - ii. All recording or monitoring of individual or group activities using college Security Cameras will be done in a manner consistent with all college policies, and state and federal laws. Monitoring or recording will not be based on the subjects' personal characteristics, including age, color, disability, gender, gender identity or presentation, national origin, race, religion, sexual orientation, or other protected characteristics.
  - iii. When an incident is reported, the personnel responsible for the area in question may request Public Safety to review the Recordings from the Security Camera. The College President may authorize others to review Recordings.
  - iv. Requests for Recordings must be made by submitting a request form. The request should identify the location and the purpose for the access to a Recording. This form is available on the Public Safety page of the KCC Intranet and will be reviewed and approved by the College's President, FOIA Coordinator or a Title IX Coordinator. Any request pursuant to law enforcement investigations, subpoena, or the Michigan Freedom of Information Act will be evaluated to determine if the Recording requires legal counsel approval prior to release.
- i. Appropriate Use and Confidentiality
- i. Except as allowed by this policy, accessing, viewing, using, or disseminating Recordings acquired from College Security Cameras is prohibited. All Recordings are considered confidential. Violations or abuse of this policy may result in disciplinary action up to, and including, termination of employment. Violations or abuse of this policy may also subject the violator to criminal and civil liability.

- ii. The College President may authorize employees of the College view-only access to the Recordings when there is a defined operational reason for having access (e.g. student and employee safety, protection of assets, or the management of access to areas of the facilities).
- iii. The Department of Public Safety will maintain an up-to-date list of authorized Security Camera System Operators, and Administrators, having access to the system.

j. Training

Security Camera System Operators shall receive a copy of this policy and provide written acknowledgment that they have read and understood its contents and will participate in annual training related to use and responsibility.

k. Operation

Security Camera System Operators and Public Safety Officers shall install, monitor, maintain Security Cameras and maintain and store Recordings. Video surveillance will be conducted in a manner consistent with all existing college policies. Security Cameras will record but will not be monitored 24 hour per day, 7 days per week. Security Camera System Operators shall monitor based on suspicious behavior, not individual characteristics. Security Camera System Operators shall comply with any applicable federal, state, and local laws.

l. Storage and Retention of Recordings

- i. Recordings are the property of the College. Recordings shall be securely maintained and protected from unauthorized access, for 30 days unless the recording device has limited storage capacity or space. To ensure that Recordings can be authenticated and remain viable for administrative or legal proceedings, a record log will be kept of all instances of access to, and use of, recorded material.
- ii. After a request is made, the Security Camera and Recordings will be checked to determine that the requested Recording video is available. If approvals for access to video footage are pending, then an archive copy must be made and stored as evidence pending the decision. If used in personnel matters, student judicial proceedings, other administrative, civil or criminal proceedings, those recorded video images shall be preserved until all appeals or actions are complete. Recordings are subject to Michigan Freedom of Information Act. Recordings may be released, in accordance with the Federal Educational Rights and Privacy Act (FERPA), to local law enforcement authorities in furtherance of an investigation into a criminal incident or motor vehicle accident. Individual students and employees are not permitted to review Recordings except in accordance with the Freedom of Information Act or through proper discovery in a legal proceeding.

### 3. Definitions

- a. College - Kellogg Community College.
- b. Monitoring- The viewing of live video images as they are happening.
- c. Recordings - all Security Camera recorded video images and video information.
- d. Security Camera - the hardware (Security Cameras, monitors, personal computers, wiring, network access points, servers, memory storage devices, etc.) and software that runs the Security Cameras, computers, servers, and supports the capture and recording of video images on College property.
- e. Security Camera System Operators - trained staff members who have access and been assigned responsibility by Public Safety to view live Security Camera feeds.

f. Video surveillance- The act of capturing motion picture images of a targeted area.

**4. Forms**

a. LINK to video request form

**5. Persons/Departments Affected:** The Board of Trustees of the College, and its employees, departments, contractors, students, and members of the public while on the College property.

**6. Authoritative References**

a. Law Enforcement Video Retention regulations - [https://www.michigan.gov/dtmb/-/media/Project/Websites/dtmb/Services/Records-Management/RMS\\_GS11.pdf?rev=a0f0608199374f4db3ab4fcb344c3205&hash=78F30FB89302FC936C771423C28658A9](https://www.michigan.gov/dtmb/-/media/Project/Websites/dtmb/Services/Records-Management/RMS_GS11.pdf?rev=a0f0608199374f4db3ab4fcb344c3205&hash=78F30FB89302FC936C771423C28658A9)

**7. Right to Change Policy.** The College reserves the right to interpret, change, modify, amend, or rescind this policy, in whole or in part, at any time, without prior notice.

**8. Approval Date:** February 21, 2024

**9. Past Revisions.** Not applicable.