

## **UUP Labor Management Meeting Notes**

Monday, March 20, 2017

1:30 - 3:00 p.m.

AD 712

In attendance: UUP -- Benita Roth, Joe Goldman, Serdar Atav, Fran Goldman, Sean Massey; NYSUT -- Darryl Wood.

Management: President Stenger, Provost Nieman, Joe Schultz, JoAnn Navarro, Rebecca Benner, Valerie Hampton

UUP (Benita) opened by thanking everyone for coming, and saying that the four items on the agenda were member-driven.

### **New Items from UUP:**

#### **Binghamton University's role in contract negotiations and this year's state budget:**

We all know that contract negotiations among the state, SUNY and UUP have been ongoing. Our members have asked us to ask management about their role in communicating to SUNY how important SUNY's role is in taking care of the health of the economy in upstate New York. Members are concerned that SUNY communicate to the governor their concerns about increased health care costs.

Members have also asked about what management has done to communicate concerns to SUNY about salary compression, as UUP has an proposal to add three steps to our compensation scheme, with increases of \$1200 coming at various intervals for a total of \$3600 for long term employees.

UUP reminds management that we have been talking about the issue of salary compression continuously. Management, on the basis of its own calculations, determined that some relief was due a portion of UUP -represented employees. Since that meeting, we have heard from a professional employee who has been employed by BU since 1998, who was making six thousand dollars less per year than a person they supervised. This example of salary inversion is unfair to the individual involved and bad for general morale.

We are aware that BU does not sit at the negotiations table as such, but it can play a role by advocating in a positive direction for its employees.

We also want to know what BU is doing to advocate for restoration of SUNY's budget, which has yet to bounce back from the "Great Recession" in a number of areas, including, crucially, EOP. What has management done to advocate for a greater commitment to the crucial functions of public higher education in this budget process?

Apropos this agenda item, UUP asked about managements role in communicating concerns about our members to SUNY. UUP was also concerned about the stall in tackling the questio of salary compression, noting that UUP had recently uncovered a case of salary inversion (i.e. a long-time employee supervising those that make more money) and units where new hires are making 90% of what long-time employees are making.

President Stenger replied that the state budget process is almost done, and that BU is particularly concerned that unlike at the conclusion of the last round of negotiations, that the governor and legislature not forget to fund the UUP negotiated raises. Without such funding, Bu will have to cut personnel to fund the raises. 100 people may have to be let go/not renewed. That is the biggest issue for BU. EOP is OK. Excelsior tuition scholarship plan will freeze tuition and 75% of our students will not have any tuition increase. The government does not seem to want to pay for any of the raises. We should start to prepare for the possibility that they may not fund any of the pay increases.

Benita: A paybill was not done at the last round to fund raises.

Presidnt Stenger: The government can either use a paybill or direct funding (to fund raises). We are worried that neither will be given to universities. The Excelsior plan freezes our tuition- we asked the legislators not to support the Excelsior tuition bill. I estimate that 50 million dollars needed every year to SUNY to cover the raises.

Benita: UUP is a bit skeptical on Excelsior. Many feel that a sliding scale would be more appropriate, or more money to TAP or EOP.

President Stenger: TAP is for privates (colleges and universities) also. Excelsior will have a huge impact on us. So we wish to concentrate on graduate students but a 100-200 grad students a year increase will not do it.

Darryl: Since the Chancellor retiring - where is she on that?

Stenger: Staff answer phones (implying that management does not know he answer to the question).

Benita: We are bringing alary compression back to the negotiations by bringing up step increases for longtime members. We have discussed faculty salary compression, but professionals are also compressed. At the campus level what can you / we do? It is a morale issue.

President Stenger: Staff side was different than Faculty in Cortland plan (for alleviating compression). We need money to solve the problem. Faculty side is easier with the assistant profs. who are compressed. We need to wait for the budget. We are

wondering if third year renewal salary increases might alleviate the problem? A 3 year renewal raise can be given to them.

Darryl: However, professionals do not have the same opportunities (i.e. third year renewals). During their contract renewal/permanency, they can also get the raise.

President Stenger: I agree - a promotion raise makes sense.

Benita: So are you waiting for the budget or UUP negotiations to conclude?

Stenger: We need to see the numbers - a pay bill has to be in the budget.

Darryl: UUP negotiations pay bills have never been in the budget. They are done after the fact.

Stenger: If we get a somewhat happy budget - we can work on the compression if the numbers in the budget are good. We can look at the staff and faculty compression issues.

Benita: When management comes out in favor of salary compression, they can make everybody happy.

Stenger: BU does not want to promise something without seeing the budget.

**Binghamton University's legal office and communications:** Recently, the university's legal office has communicated with at least one faculty member about a lawsuit for which the member potentially had information, informing that member that they would be meeting with a DA. The manner in which this information was communicated upset the member, who wanted their rights protected and thought the communication did not make their rights in the matter clear.

Since then we have heard from other members about other potential (or actual?) lawsuits against the university. We realize that the content of those cannot be discussed here. However, we do want to know what changes management will institute so that communications with UUP members about these issues will be clearer. One member wrote: "When a member of the faculty is called in to talk to someone from the attorney general's office about a lawsuit against the university, then the university counsel has to write an email explaining the process and UNDERSCORING that the employee is represented by the university because this is a lawsuit against the university." This seems reasonable, whether the employee is faculty or professional.

Benita: One of our members was sent a message about meeting with the DA on a matter. The faculty member was upset, as were others. Communication from our legal office needs to be clearer. University counsel has to clarify the situation and the process. We would like to know the process so that the members know their rights.

Joe Schultz: It was not an individual lawsuit (that the member was called in about). The university was sued. We wanted the deposed people to come and talk to the counsel. (A draft of an alternate email message was distributed).

Darryl: There was a legal requirement for deposition?

Joe Schultz: The university was not mandating (the meeting). The AG's office indicated the faculty was going to be deposed.

Benita: In any case, nothing was clear in the email.

Sean: The sentence was misleading...

President Stenger: We messed this up, we will do better the next time.

Benita: We will take a look at the draft and edit it and make it more friendly.

Joe Schultz: Yes, sure.

**Title IX:** In the current negotiations, one of the **proposals** being made by **NYS** in our negotiations is about making UUP represented employees mandatory reporters for Title IX and Clery Act purposes." Presumably as a result of hearing about this NYS proposal, BU's Title IX coordinator, Andrew Baker, wrote to UUP and in the strongest possible way, urged UUP to resist this demand by the state. The coordinator then apparently has a conversation with UUP's chief negotiator, Philippe Abraham, about this issue (local UUP chapter officers were not part of this discussion).

In the meantime, the state's proposal and the university response has prompted a bit of research on the question. First and most importantly, aren't folks who work at BU already mandated by the federal government to report violations of Title VII, IX, and crimes that fall under the Clery Act? If so, it seems the state proposal simply aligns state policy with federal.

If not, it should be noted that many states and universities have already taken the step of mandating reporting, as least in terms of Title IX. While there needs to be exclusions for the purposes of confidentiality for victims (i.e mental health counselors, physicians, chaplains), it seems reasonable for the state to ask that staff and faculty be required to report violations of Title IX.

Can management shed some light on their position re: this issue?

Benita: The state wants UUP represented members to be mandated reporters for Title IX violations. BU employees are already mandated according to my reading. Is the state

aligning its policy with the federal government? What are the concerns of the management?

Joe Schultz: Whatever is negotiated we will do. This is not a management issue. A UUP member was doing his thing. This is rather complex (Handouts).

President Stenger: Everybody should be responsible. UUP, MC etc. - all employees should be reporting violations. There is an the online training programs.

Benita: We are required to report federally.

Joe Schultz: Campus goal is awareness and (sensitivity to) confidentiality issues.

President Stenger: We need to protect the victim. Nothing happens to people who do not complete their annual training programs. Should this be a requirement of the annual reports?

Fran: A reminder will be good for the training modules.

(There was discussion here about the various training and compliance online modules that state employees are required to take. Benita expressed ongoing dismay that the module on sexual harassment contains no information specific to working on a college campus, and that in previous incarnations, the subject of harassment was made light of by the module itself. The rate of employees who take the training modules seems to range on campus by unit/dept from about 70% to 90%.)

**Video cameras/automated license plate readers/surveillance and privacy concerns:**

Recently, as a result of BU's parking services desire to institute an automatic license plate reader to figure out who was parked legally on campus, we have heard from members who are quite concerned with the issue of the university's gathering of data and its storage of said data for six months. It is UUP's understanding as it has been communicated to us in previous labor-management meetings, that the license plate data of **legally** parked cars will be kept for six months. At first we were told that storing data for six months was "industry standard." UUP asserts that there is in fact **no such thing as industry standard**, and cites as evidence the various state rules that are summarized at <http://www.ncsl.org/research/telecommunications-and-information-technology/state-statutes-regulating-the-use-of-automated-license-plade-readers-alpr-or-alpr-data.aspx> .

Of the states that have statutes on the books re: the management of data collected from ALPRs (and sometimes other passive surveillance by arms of state law enforcement), the laws vary from **no time specification to three minutes:**

Arkansas= 150 days

California = 60 days

Maine = 21 days  
North Carolina = 90 days  
Tennessee = 90 days  
Utah = 30 days  
New Hampshire = 3 minutes (because when they say "live free or die" they mean it.)

UUP asserted that members are uncomfortable with the 6 months of data storage and were then, at last month's LM meeting, told that the storage was necessary in order to determine usage, i.e. how many spots were available over the long term in which lots.

UUP has therefore recommended that the software attached to such a program be modified so that the information about usage is maintained, but **not the photos of license plates of cars that are legally parked on campus. This seems like a reasonable compromise to us. To reiterate, we see no reason to keep the photos of license plates of cars that are legally parked on campus in the system for months on end.**

Our members are also concerned **about increasing surveillance on and off campus.** Here is a comment from a member about the use of biometrics at Fitspace:

When the gym went to mandatory biometric/fingerprint entry for Fitspace, I asked about the purpose and where the images and data were stored: no answer at the gym, just bland assurances. I and others dropped use of Fitspace.

This member then FOIL'ed management as to why biometrics were needed at the gym and was told that they could not have an answer because security reasons were at stake.

Cameras have been in place in various spots on campus, including but limited to Jazzman's at the base of Library Tower. There are cameras on OCC buses. And we have heard that the Downtown Center is so heavily policed that members of the general public has had trouble getting into events advertised as open to the public. Our members, as well as students and community members are concerned about what can easily be read as a fortress mentality on the part of BU. This is especially concerning as we continue to add campuses in the community, such as the Pharmacy School.

The draft (?) of the policy statement (see below, attached) recently sent to UUP by the Office of the Vice-President for Operations answers some of these questions but opens up others.

**-- What is the "transparent process" referred to in the policy statement regarding video system monitoring (VSM), as cameras are already up all over the place?**

The document reads as if the policy will be implemented in the near future. However, VSM is already in place in multiple spaces. **What was the process by which already existing cameras were put into place?**

-- Why does the "video system monitoring review committee" have no representative from UUP, other unions on campus, or the other interested parties like the Faculty Senate, or actual students? **Are their plans to expand representation on the committee?**

**See draft of policy attached below.**

President Stenger: I talked to (VP) Brian (Rose) about the parking data. The system will start in August or September. We will hold the initial data for 60 days for analysis. If he can prove it useful, it will be kept for 60 days. If not it will be deleted.

Benita: We were told first that the parking data needed to be held for six months because that was "industry standard." There is no such thing. Then the reason turned to needing to have data about parking usage.

Serdar: After 60 days no more than 60 days?

President Stenger: If he comes up with a good reason, 60 days or less but not more.

Sean: Even if there is a reason to keep the data, there is no need to keep the identifying information.

Benita: The second item is the increased surveillance on campus (many examples).

JoAnn Navarro: The video surveillance policy is final. But this is not a surveillance program, as it is not actively monitored. It is for safety only. Tape is kept for 21 days only.

Benita: How are the decisions of locations (for cameras) made?

JoAnn Navarro: Pharmacy-like new buildings - entrances, parking areas, lab etc. Cash registers at SODEXO. Areas of issues and concern will get the cameras. University Police has access to the video. SODEXO would go to the police to get the video.

Benita: This policy came after video cameras were put in place. And on the committee to formalize the process, there is no representation on the committee from UUP and other unions, students, the Faculty Senate or the Professional Staff Senate, etc. It would be good if the entire community had a say on where the cameras are going. This place is known as "FORTRESS Binghamton" by community members.

JoAnn Navarro: We are not doing anything cutting edge. Cameras are everywhere in the community.

Darryl: I have questions: for example, while there are cameras in my credit union, there are signs. They are required to put signs up. Is the university required to put signs up?

JoAnn Navarro: No, we are not required to put signage.

Darryl: Just announcing cameras in certain areas would be a deterrent. Keeping cameras secret may go against the idea of deterrence.

President Stenger: There is one in my office. Should we tell people?

Benita (to JoAnn Navarro): You need a different group of people to discuss these issues in your group - A broader group of people to voice their opinions and be a part of the decision making. Hackers are another problem that we are concerned with.

Darryl: This group (to make decisions about video surveillance) may be the right group but a broader group would be better.

President Stenger: Individual units will be charged for cameras. We needed a policy. That's why we are developing a policy. We should continue talking about this - this is a good conversation.

Benita: The number of people needs to increase in this policy making group even beyond UUP. Race, class, gender representation also.

Meeting ended here at approximately 2:40 p.m.

<b>STATE UNIVERSITY OF NEW YORK AT BINGHAMTON</b>	
OFFICE OF THE VICE PRESIDENT FOR OPERATIONS	
<i><b>Policy Type:</b></i> <b>Security and Safety</b> <i><b>Policy Number:</b></i> 854 <i><b>Last Date Revised:</b></i> 3/1/17	<i><b>Policy Title:</b></i> Use of Video Monitoring Systems  <i><b>The following office is responsible for the accuracy of the information contained in this policy:</b></i>  Vice President for the Division of Operations

## Policy Statement



Binghamton University allows the use of approved video monitoring systems (VMS) through a transparent process, subject to rules governing equipment installation and employment, and use of the resulting recorded material.

## Purpose

Binghamton University aims to provide a secure environment for members of its community and to protect personal safety and property, assisted by video monitoring systems (VMS) technology. These technologies should be used to assist Binghamton University in its efforts to provide for public safety, security, public convenience, and operational effectiveness.

## Definitions

Camera	A device that captures images shot per time period (stop action, time lapse), or multiple images (motion, video) and is connected to a video monitoring system
Facilities	Buildings and grounds that are owned or controlled - via leases or other contractual arrangements - by Binghamton University, and whose operations are controlled by Binghamton University. This definition includes but is not limited to, offices, labs, building exteriors, hallways, parking lots and garages, outdoor areas, and common areas.
Video Monitoring System	A technology that has the capability to view or record university owned or controlled spaces, with the exception of the following (when not used for monitoring): <ul style="list-style-type: none"><li>▪ Personal web cameras, whether connected to a computer or other device (e.g. smartphone)</li><li>▪ Video streaming, webcasting, video conferencing, and/or video distribution in support of official university business or instruction</li></ul>
Video Monitoring System Review Committee (VMSRC)	A group convened on an as-needed basis to review VMS installations for appropriateness and to verify consistent application of controls. The VMSRC will balance the concerns of VMS use and resultant recorded material to improve security on campus with the community members' interests in privacy, assembly and free speech. The group is comprised, but not limited to representatives from Risk Management, the University Police Department, Information Technology Services, Human Resources, and Student Affairs and will be chaired by the Chief of Police.
Video Monitoring Operator	An individual authorized and assigned responsibility by the VMSRC for the installation, management, operation, and/or viewing or controlling of VMS.

## Principles

Binghamton University aims to provide its community with a secure environment, which is enhanced by using VMS to monitor its facilities. Systems will be deployed and professionally managed in accordance with applicable laws and the values of Binghamton University. The University will take steps to avoid unnecessary intrusions upon academic freedom or individual civil liberties including freedom of expression and freedom of assembly, and will follow laws and policies that prohibit discrimination, harassment, and honor an individual's reasonable expectation of privacy in accordance with accepted social norms. In addition:

- VMS shall only be installed and operated following review and approval by the VMSRC.
- VMS shall be installed, administered, and managed centrally.

**Note:** Information obtained through video monitoring authorized under this policy will be used primarily for security and law enforcement purposes. If, in the course of a legitimate, safety- or regulation-related use of VMS, information is collected and related to safety and security that warrants disciplinary action, such action may be taken.

### **Scope**

This policy applies to all units of the university using or managing VMS.

Exceptions to the policy include VMS uses that are governed by federal and state law and regulations. Examples include but are not limited to HIPAA, Human Subjects, etc.

The Chief of University Police may authorize temporary VMS installations in the following situations:

- When determined appropriate for an impending visit by a dignitary
- For a criminal investigation or request by Internal Audit, Risk Management, University Counsel or Human Resources
- When determined by University Police than a security/safety and or University property or a campus emergency.

This policy does not apply to the use of video equipment for the recording of public performances or events, interviews, personal use, news or other use for broadcast or educational purposes. Examples of such excluded activities would include videotaping of athletic events for post-game review, videotaping of concerts, plays, and lectures, live stream activity or videotaped interviews of persons.

Automated teller machines (ATMs) and banking establishments, and other auxiliary service operations, which utilize cameras, may be exempted from this policy.

### **Prohibited Uses**

VMS shall not be installed in or used to monitor or record areas where there is a reasonable expectation of privacy in accordance with accepted social norms. Areas where there are reasonable expectations of privacy include but are not limited to restrooms, locker rooms, individual residential rooms, changing or dressing rooms, and health treatment rooms.

VMS shall not be used to record audio unless prior approval is obtained from the University Counsel and the VMSRC. This does not apply to University Police interview rooms which are authorized to record audio.

VMS shall not be used to monitor or record sensitive institutional or personal information which may be found, for example, on an individual's workspaces, on computer or other electronic displays. Information obtained through VMS shall not be accessed, used, or disclosed except as outlined in this policy.

## **Procedures**

Installation requests: Requests to install VMS are directed to Information Technology Services (ITS). The documented request should include the following information:

- a description of the safety or security issues warranting the installation of VMS,
- the number and proposed location of camera(s) to be installed,
- and whether the location of cameras involve the recording of activity by students, faculty, staff or the general public and to what extent,
- Account number to be charged for initial installation and annual maintenance fee

Approval: VMS shall be installed and operated only following prior review and approval by the VMSRC. The ITS will shepherd requests for installation to the VMSRC. The VMSRC will consider the request and render its decision as to approval of the installation to the requestor. The recommendation might propose an installation that is less or more extensive than described in the original request. The requestor may ask ITS staff to interpret the VMSRC recommendation.

Removal requests: Requests for removal of VMS are directed to Information Technology Services (ITS). The ITS will shepherd requests for removal to the VMSRC.

In cases where the VMSRC deliberations result in a non-decision the Vice President of Operations (VPO) will make the decision regarding the appropriateness of an installation weighing the concerns of the unit making the requests, the safety and security of the entire community, instructional considerations and the privacy interests of those whose activity may be recorded.

Decisions of the VMSRC, or VPO as applicable, may be appealed to Office of University Counsel, which is the final arbiter of video monitoring system use.

Signs may accompany video and electronic monitoring systems. The VPO or designee shall determine when signs are appropriate. Any signage posted shall include a statement indicating that the surveillance is not actively monitored, such as *"This area is subject to surveillance for security purposes and may or may not be monitored."*

## **Preservation, Review and Release of VMS Recordings**

Preservation: For monitoring that is recorded, recordings will be stored in a secure location and configured to prevent unauthorized access, modification, duplication, or destruction.

The monitoring system is capable of storing images up to 21 days, depending on the amount of recording taking place. The system will automatically record over the oldest image when the hard drive is full. Monitored information may be kept longer than 21 days if it is considered as evidence in an investigation, or if otherwise required by applicable law.

Review: The VMSRC will accept, review and approve requests for operator access to video and electronic monitoring systems. VMS operators must be trained and supervised in the responsible use of monitoring technology, including the technical, legal, and ethical parameters of such use.

Monitored information may be accessed or otherwise used by operators only as authorized and in accordance with this policy.

Monitored information shall only be released to non-operators under specific circumstances, and upon review and approval of the Chief of University Police who is the data owner for VMS recorded information. When an incident is reported, the personnel responsible for the area in question may request the State University Police to review the images from the camera. As circumstances require, the Chief of Police may authorize others to view images. Any requests for live data viewing capabilities in a particular building / department would need to be approved by the VMSRC. All requests, whether to the Chief of Police or VMSRC, shall be responded to in a timely manner so as not to significantly compromise the otherwise appropriate use of VMS to respond to an incident.

## **Charges**

VMS requests will generally incur an installation and annual maintenance charge for each device installed. Rates are available from Information Technology Services. Decommissioning and removal may incur restoration charges through a service request and/or work order. Charges will be applied to the requesting department.

Over time, all VMS installations at Binghamton University will be consolidated and provided via the central university infrastructure. A roadmap and timeline or transition will be developed and available on the ITS website. Rates will be applied to all VMS installations.

## **Sanctions**

Violations of this policy will be dealt with in accordance with applicable University policies and procedures. Failure to comply with university policies may result in sanctions relating to the individual's employment (up to and including termination of employment in accordance with applicable University policy); the individual's rights and privileges as a student including but not limited to student status in accordance with the procedures set forth in the Code of Student Conduct; civil or criminal liability; or any combination of these, as applicable.

## **Abuse**

Any perceived misuse of the video monitoring system must be reported to the Chief of Police, University Counsel, Risk Management and/or the Fraud Hotline (777-5049) for

review and resolution. Misuse of the video monitoring system may result in criminal, civil and administrative actions.

**Responsibilities**

University Police Department Consults on and authorizes VMS installations when: it is required for a visiting dignitary; the University Police Department or University Audit is conducting a criminal investigation; or in an emergency situation.

Data stewards and trustees of all physical security card access system transactions, video monitoring system footage, and badge access

Reviews and approves requests for the release of recorded data; may consult with camera owner if appropriate

Investigates events as appropriate using video recordings

Documents the release of VMS recordings

Note: Where such requests take the form of subpoenas or other legal documents compelling production, the responsibility for responding to requests rests with University Counsel.

Office of Risk Management Interprets the Use of Video Monitoring System policy if requested

Information Technology Services Accepts installation requests and submits to VMSRC for review

Posts signage stating that the area is subject to monitoring for security purposes and may or may not be monitored in areas determined by the VMSRC

Ensures storage of recorded material in a secure location, accessible only to designated individuals, and retain materials for no less than 21 days.

Convenes meetings of the VMSRC

Bills for VMS services at rates approved by the University chargeback committee, where applicable

Maintains and enhances VMS systems, including associated services and tools, as appropriate and conducts periodic audits of monitoring processes

Provisions and de-provisions VMS operator access in support of the VMS system and/or at the direction of the VMSRC. Conducts periodic audits of operator accounts.

University  
Counsel

Acts as final authority on questions of law related to video monitoring tools.

Any court ordered, public records, or public information act requests for recorded video will be routed through the University Counsel, unless the recording is part of a criminal filing, which is subject to the rules of discovery. University Counsel will coordinate any such requests with the University Police Chief.

Accepts and reviews appeals from VMSRC deliberations

Video  
Monitoring  
Systems Review  
Committee

Meet as needed, as convened by ITS, to review requested installations and removals

Approve and adjust installation requests as needed, including number and location

Determine locations where signage is needed

Vice President  
Operations

Makes determinations in situations where a VMSRC deliberation results in a non-decision

