A Resolution -

To be entitled - “A Resolution in support of Ethical Video Surveillance” which recommends amendments to the university policy regarding video surveillance on the Texas State campus.

WHEREAS: Texas State University, as an institute of higher education, has the responsibility of protecting the safety and privacy of its students, faculty, and staff; and

WHEREAS: The use of video surveillance, which is a widely accepted safety and security measure\(^1\), presents certain

\(^1\) https://policies.utexas.edu/policies/video-and-cctv-security-systems
https://it.tamu.edu/services/security/physical-security/surveillance-cameras/
https://uh.edu/police/camera_network.html
ethical conflicts, and necessitates a balance between safety measures and privacy protections\textsuperscript{2}; and

WHEREAS: UPPS 05.04.05 “Video Documentation and Surveillance Systems” does not adequately address issues concerning student privacy, and leaves room for certain offices to abuse the powers granted by policy on VDS systems\textsuperscript{3}; and

WHEREAS: It is the responsibility of Student Government to represent students’ interests, and to speak out against policies which could adversely affect their rights on campus; and

WHEREAS: Texas State University should work to ensure that the implementation of its security policies is done in a way that is not only legal, but fair, accountable, and ethical; THEREFORE

BE IT RESOLVED: The Student Government at Texas State University calls on the university

\textsuperscript{2} https://policies.utexas.edu/policies/video-and-cctv-security-systems
https://it.tamu.edu/services/security/physical-security/surveillance-cameras/
https://uh.edu/police/camera_network.html

\textsuperscript{3} https://policies.txstate.edu/university-policies/05-04-05.html
administration to amend University Policy
and Procedure Statements to include the
protections for students in Appendix A; and

BE IT RESOLVED: This legislation be forwarded to the Student
Body President for further action.

Appendix A

Video Documentation and Surveillance Systems
UPPS No. 05.04.05
Issue No. #
Revised: MM/DD/YYYY
Effective Date: MM/DD/YYYY
Next Review Date: MM/DD/YYYY (E2Y)
Sr. Reviewer: Director, University Police Department

01. POLICY STATEMENTS

01.01 The purpose of this policy is to regulate the installation and use of video
documentation and surveillance (VDS) systems designed to allow observation
and recording from cameras installed on Texas State University property. This
policy does not imply or guarantee that the university will monitor cameras 24
hours a day, seven days a week. Cameras are NOT a guarantee of safety, but
are tools that assist the university in overall security, serve as a deterrent against
crimes and inappropriate or unlawful activity, as well as provide information to
assist with incident investigations.

01.02 This policy applies to all students, faculty, staff, departments, colleges, and
divisions in the use of VDS systems. This policy applies to all forms of video
documentation and surveillance, regardless of the technology employed,
including closed circuit television (CCTV), Internet-based (Web) camera systems,
and cameras used for academic or business purposes. The viewing, recording,
reviewing and release of any data will be in compliance with all federal and state
laws governing the release of information in compliance with the Freedom of
Information Act.

The sole purpose of academic cameras is viewing and recording academic
activities and they are not attached to the VDS system. The sole purpose of
business cameras is viewing and recording business activities, and attachment to
the VDS system is required.
Application of this policy to cameras used for legitimate academic purposes will comply with UPPS No. 02.02.03, Protection of Human Research Subjects. Camera systems installed expressly and specifically to enable teleconferencing among willing and fully informed participants are exempt from this policy.

01.03 VDS operations will be conducted in a professional, ethical, and legal manner following appropriate training and with supervision in the responsible use of this technology. Violations of the VDS Code of Procedures (as defined in Section 05.) may result in disciplinary action consistent with the rules and regulations that govern the behavior of the involved parties.

02. DEFINITIONS

02.01 Video Documentation and Surveillance (VDS) systems – the continuous or periodic observation or recording of campus activity to detect, deter, or obtain evidence of criminal or otherwise prohibited behavior. The university may also use VDS to observe and record academic or business activities if this function and use is consistent with this policy.

02.02 Covert Video – VDS conducted in secret with no visible evidence or warning of monitoring or recording activities. All video cameras are subject to covert use as described in Section 05.09 of this policy.

02.03 Video Surveillance Operator – any individual approved by the director of the University Police Department (UPD) to view or control a VDS camera, or to view or control the data captured by a VDS system.

02.04 Academic Activities – those teaching, learning, and assessment functions involved in the expansion or transfer of knowledge between or among students and faculty.

02.05 Business Activities – direct interactions between the university and its students, faculty, staff, alumni, and other constituencies, exclusive of academic activities.

02.06 Active Video Documentation and Surveillance – video surveillance in which a video surveillance officer monitors VDS footage live and in real time, at all times or on a regular basis. Active VDS is prohibited on the Texas State University Campus as described in section 05.10.

02.07 Passive Video Documentation and Surveillance – video surveillance in which VDS footage is captured and stored without an operator to continuously monitor it. Passive VDS footage may only be accessed and/or viewed after the period of time in which it was recorded and stored. Passive VDS follows the code of procedures for storage and erasure described in section 05.03.
03. GENERAL PRINCIPLES

03.01 Texas State is committed to enhancing the campus quality of life by integrating the best practices of public and private policing with state-of-the-art technology. VDS systems are a critical component of a comprehensive security plan using state-of-the-art technology.

03.02 The primary purpose of an integrated VDS system under UPD is to deter crime and to assist the police in protecting the property of the university community and access to facilities and services. Any diversion of security technologies and personnel for other purposes that might compromise the viability of these resources for critical security goals is prohibited by this policy.

03.03 The university will only release information obtained through VDS when authorized by the director of UPD following steps established in this policy.

03.04 Existing university policies, including policies related to non-discrimination, will govern VDS of public areas. The Code of Procedures for VDS prohibits documentation based on the characteristics and classifications contained in these policies.

03.05 VDS of public areas will not violate the reasonable expectation to privacy as defined by law.

03.06 The university will only use VDS to observe or record activities in campus areas as necessary to protect significant university interests as stated in UPPS No. 07.04.05, Assembly Activities Involving Amplified Sound, Exhibits, and Erecting Symbolic Structures.

03.07 VDS of academic activities requires prior review by the supervisor of Access Services and prior approval by the provost and vice president for Academic Affairs and vice president for Student Affairs.

04. RESPONSIBILITIES

04.01 UPD is authorized to oversee and coordinate all university VDS uses. All university organizations that utilize VDS are responsible for implementing this policy in their respective operations. UPD has primary responsibility for disseminating the policy and assisting other units in implementing the policy and procedures.

04.02 The director of UPD is responsible for authorizing all VDS at the university. All new installations and changes to existing camera systems must adhere to this policy and the university's network, hardware, or software requirements for VDS systems.
04.03 UPD will monitor new developments in the relevant law and in security industry practices to ensure that the university’s policies and practices relating to VDS systems are consistent with the highest standards, protections, and requirements of all federal, state, and local laws, Regents’ Rules, and campus policies.

04.05 The supervisor of Access Services must receive new requests for VDS installations and changes to existing camera systems using the Request for Security Devices form prior to equipment purchase and installation. The supervisor of Access Services will classify the proposed VDS camera location according to the criteria outlined in VDS Camera Installation Criteria. The proposed location of all VDS cameras must be consistent with the criteria outlined in VDS Camera Installation Criteria. The requesting department’s chair, the provost and vice president for Academic Affairs, and the vice president for Student Affairs must also approve academic activity cameras utilizing the VDS system.

04.06 Access Services will perform timely reviews of proposed permanent surveillance camera installations to ensure they conform to the university’s established policies, practices, and implementation criteria. Access Services will submit recommendations to the director of UPD and the vice president for Student Affairs for their consideration in determining the appropriateness of the proposed installations.

04.07 UPD will maintain a list of all VDS camera locations, including a general description of the technology employed and the capabilities of the camera at each location. Information pertaining to camera location, camera view, camera models, visual capabilities, camera network infrastructure, planned tactical use, and camera and software configuration is confidential under the Texas Government Code, Chapter 418, Emergency Management, and may be exempt from public release under the Texas Open Records Act and Texas Public Information Act (Texas Government Code Chapter 552) or Freedom of Information Act 5 U.S.C. 552. This information is controlled, handled, transmitted, distributed, and disposed of according to the university’s information management and disclosure policies and the director of UPD must approve release to the public or other personnel who do not have a valid “need to know.”

04.08 Students and staff entering certain sensitive locations on campus may have an increased concern for privacy or confidentiality. Persons having concerns related to these issues may petition the director of UPD to review installation of a proposed camera or for the removal of an existing camera. The director of UPD will consider the requesting person’s concerns, the provisions of the established criteria (see VDS Camera Installation Criteria), and the need for documentation at that location when reviewing a complaint.
04.09 The permanent removal of a VDS camera requires approval by the vice president over the department served by the camera and the vice president for Student Affairs.

04.10 The director of UPD, or a designee, will review all requests to release VDS systems recordings. No releases will occur without the authorization of the director of UPD, or a designee, as provided for in this policy.

05. VDS CODE OF PROCEDURES

05.01 All persons involved in VDS will perform their duties in accordance with this policy.

05.02 The university will configure documentation systems to prevent camera operators from tampering with or duplicating recorded information.

05.03 The university will store recorded video for 30 days and then erase it, unless retained as part of a criminal investigation or court proceedings (criminal or civil), or other bona fide uses as approved by the director of UPD.

05.04 The university will store video media in a secure location with access by authorized personnel only.

05.05 Video surveillance operators who are granted access to archived recorded video must access footage in a manner to maintain the integrity of that video footage.

05.06 Camera control operators will be trained in the technical, legal, and ethical parameters of appropriate camera use before being authorized to handle VDS hardware or being granted access to any VDS footage.

05.07 Video surveillance operators will monitor individuals solely based on suspicious activities or behavior, not individual characteristics protected by the university’s non-discrimination policies (race, color, national origin, age, sex, religion, disability, veterans’ status, sexual orientation, gender identity, or gender expression).

05.08 UPD will only use covert VDS for criminal investigation with the director of UPD’s approval. The vice president of Student Affairs will receive notification of all covert VDS operations prior to deployment.

05.09 VDS is limited to uses which do not violate the reasonable expectations of privacy as defined by law.

05.10 VDS is limited to Passive VDS uses at all times without exception.
05.11 The use of facial recognition software in conjunction with VDS systems is prohibited on the Texas State University Campus.

06. ACCESS TO LIVE OR RECORDED VIDEO FOOTAGE OR IMAGES BY UNIVERSITY FACULTY AND STAFF

06.01 The director of UPD, or a designee, may grant permission to UPD personnel to view or control a video camera, or to view the data captured by a VDS system. All other persons must request permission in writing from the director of UPD stating the reason for and intended use of the requested data.

If access is granted to recorded footage by the director of UPD, the supervisor of Access Services will coordinate with the requestor to allow the requestor to view the requested footage or images.

06.02 Video footage from VDS systems shall not be released, transferred, converted to alternate media, or otherwise provided to any person without the prior written permission of the director of UPD. VDS footage containing images of all or part of any campus expression area shall not be released, transferred, converted to alternate media, or otherwise provided to any person without prior written permission from the vice president for Students Affairs and the vice chancellor and general counsel of The Texas State University System (TSUS).

06.03 Consistent with other provisions of this policy, the director of UPD may authorize extended access to the live or recorded images of academic activities or business activities to persons having oversight responsibility for those activities. This use of the extended access to live or recorded images is limited to academic or business purposes.

06.04 The UPD director will only be allowed to grant access to VDS footage when it is a part of an ongoing investigation in which either a crime has been reported, charges have been filed, or both, and in which the footage collected by surveillance cameras is deemed necessary to determine the facts of a case related to criminal matters in accordance with the customary procedures of due process.

07. RELEASE OF RECORDED VIDEO FOOTAGE OUTSIDE THE UNIVERSITY

07.01 Any release of recorded video footage outside the university must have the prior approval of the director of UPD and the vice president of student affairs. This policy does not apply to section 08.03.

08. EVIDENCE-RELATED RECORDINGS

08.01 UPD will manage transferred recordings from the VDS in accordance with state and federal laws pertaining to evidence handling and storage.
08.02 Individuals may no longer request access to recordings maintained for evidence purposes as described in this policy.

08.03 The director of UPD, or a designee, may release VDS footage and images to law enforcement agencies sharing jurisdiction with UPD.

09. REVIEWERS OF THIS UPPS

09.01 Reviewers of this UPPS include the following:

- Director, University Police Department  July 1 E2Y
- Supervisor, Access Services  July 1 E2Y
- Director of Network Operations  July 1 E2Y
- Vice President for Student Affairs  July 1 E2Y

10. CERTIFICATION STATEMENT

This UPPS has been approved by the following individuals in their official capacities and represents Texas State policy and procedure from the date of this document until superseded.

- Director, University Police; senior reviewer of this UPPS
- Vice President for Student Affairs
- President