



WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION
WEST VIRGINIA COMMUNITY AND TECHNICAL COLLEGE SYSTEM



VIDEO SURVEILLANCE POLICY

PURPOSE

This policy sets out the guidelines within which the Higher Education Policy Commission (“Commission”) and the Council on Community and Technical College Education (“Council”) (collectively, “the agencies”) will employ surveillance security cameras on their premises. It establishes standards for the installation, viewing, recording, access to, release, and destruction of recorded video.

The agencies will employ surveillance cameras to enhance the safety and security of their employees, property, and premises, as well as its contractors, service providers, and visitors, considering individuals’ reasonable expectations of personal privacy. The primary intent of the use of surveillance cameras is to discourage the occurrence of behavior violating laws or policies and to secure evidence that enhances the likelihood of identifying offenders through post-incident investigations.

DEFINITIONS

“Agency” or “agencies” means the Higher Education Policy Commission and the Council on Community & Technical College Education.

“Agencies’ facilities” means the executive offices of the Higher Education Policy Commission and the Council on Community & Technical College Education, located at 1018 Kanawha Boulevard East, Charleston, West Virginia.

“Chancellor” means the Chancellor of the Higher Education Policy Commission and/or the Chancellor of the West Virginia Community & Technical College System.

“Signage” means placards or official notices posted within areas where surveillance cameras are employed in accordance with State and federal regulations.

“Surveillance camera” means any item, system, camera, technology device, communications device or process, used alone or in conjunction with a network, for the purpose of gathering, monitoring, recording or storing an image or images of the agencies’ facilities and/or people in the agencies’ facilities. These devices may include, but are not limited to, analog and digital surveillance cameras, closed circuit televisions, web cameras, and computerized visual monitoring.

“Surveillance camera data” means images captured by surveillance cameras, which may be real-time or preserved for review at a later date.

PROCEDURE

1. Installation

The Administrative Services Division is responsible for the management of video surveillance systems used by the agency. The Executive Vice Chancellor for Administration will approve the installation and the appropriate placement of surveillance cameras. Other divisions shall not install video surveillance systems without the knowledge and prior approval of the Executive Vice Chancellor for Administration. The Administrative Services Division will maintain a record of each authorized camera location. Surveillance cameras employed by the agencies are limited to video recording capabilities only; no audio surveillance can be detected or recorded by these cameras.

Employees are not permitted to create audio or video recordings of conversations, meetings or conferences without prior written approval of the Executive Vice Chancellor for Administration and the approval of the parties being recorded. This restriction does not apply to open public meetings. Employees discovered making unapproved recordings will be subject to disciplinary action, up to and including dismissal. The Executive Vice Chancellor for Administration may make exceptions to this restriction for employees who present medical certification of the need to use a recording device as a reasonable accommodation.

Cameras will not be installed in areas where employees, contractors, vendors or visitors could reasonably expect privacy, such as restrooms and break rooms, except in accordance with the procedures for temporary installation of cameras included in this Policy. Video surveillance cameras also will not be installed in conference rooms, employee offices or where confidential information may be copied or transmitted, except in accordance with the procedures for the temporary installation of cameras.

2. Signage

Before live camera monitoring and recording may begin, in all areas where surveillance cameras are installed, signs must be displayed indicating that the area may be monitored. This signage shall serve as the method to inform all employees and visitors of surveillance camera installation. Signage states that surveillance cameras are in use, not that they are being monitored. Monitoring implies 24-hour viewing of live footage.

The one permitted exception to the posting of signage is when a temporary camera employment is required specifically to capture unlawful or inappropriate behavior arising from a documented incident of such behavior in a particular location. The temporary camera installation must be approved in accordance with the procedures set forth below.

3. Temporary Installation

When a detailed case of potential unlawful or policy violative conduct has been documented and presented to the Executive Vice Chancellor for Administration or the Chancellor, either one of them may authorize the use of temporary surveillance cameras. Temporary camera employment may be required to specifically capture suspected unlawful conduct or violations of the agencies' governing standards of conduct.

The footage recorded with temporary surveillance cameras will be subject to the same camera monitoring and access restrictions as permanently employed surveillance cameras. The only exception is that authorized viewing of footage is limited to the Executive Vice Chancellor for Administration and the Chancellor, in conjunction with the General Counsel, unless another individual is specifically authorized by the Chancellor or law enforcement as deemed necessary to an investigation. Temporary surveillance cameras can be employed for a maximum of 30 consecutive days, unless the Executive Vice Chancellor for Administration or the Chancellor gives written authorization for a longer period of time.

4. Viewing

All video surveillance cameras are capable of being recorded continuously by a digital video recording system. Recorded video is used exclusively for the investigation of security and safety incidents and not for other purposes. Viewing of surveillance camera footage (either live video feed or recording) shall be conducted only by personnel authorized directly by the Executive Vice Chancellor for Administration or the Chancellor. Any member of the Chancellor's Cabinet may submit a request to the Executive Vice Chancellor for Administration to view specific footage for a particular reason outlined by the Cabinet member in his or her request. In some limited circumstances, the Executive Vice Chancellor for Administration may authorize other designated supervisors to view surveillance camera footage.

Any employee authorized by the Executive Vice Chancellor for Administration to view surveillance camera footage shall perform their duties in a legal, responsible, and ethical manner. The Chancellor, Executive Vice Chancellor for Administration or other designated individuals viewing the live footage or conducting investigations of stored video footage shall not discuss information contained within or regarding the footage to any individual other than the Executive Vice Chancellor for Administration or those designated by her or him. All designated individuals viewing live feed and/or reviewing recorded video footage will be required to sign a confidentiality agreement to prevent unauthorized disclosure.

Surveillance camera viewing does not guarantee that someone on the agencies' property is safe from crime. The agencies' employees and other invitees to the property should have no expectation that the surveillance cameras are being monitored 24-hours per day, seven days per week, nor that the Administrative Services Division is going to observe or respond to a crime in progress.

5. Access and Release

The Executive Vice Chancellor for Administration or Chancellor has exclusive control of the release of video recording produced by this system. Only personnel authorized by the Chancellor or Executive Vice Chancellor for Administration may review surveillance camera recorded data. Any requests for access to video recording must be approved by the Executive Vice Chancellor of Administration and/or the Chancellor. Circumstances that may warrant a review should be limited to instances where an incident has been reported or observed or for investigation of a potential crime or violation of the policies regarding employees' standards of conduct. A request to review recorded footage must be submitted in writing to the Executive Vice Chancellor for Administration. All viewing shall be recorded on a written log identifying the need to review the recording, the individuals present, and the date and time of the viewing. The log shall be maintained for a period of 12 months by authorized personnel of the Administrative Services Division.

Requests from within or outside the agencies to release or obtain a copy of recorded data must be authorized by the Executive Vice Chancellor for Administration and the General Counsel prior to release. Recorded data may be released when it is related to a criminal investigation, civil suit, subpoena or court order, arrest of any employee or non-employee occurring on the agencies' premises or disciplinary or personnel action against an employee. Any release of recorded data shall be detailed on a written log, including a brief description of the footage released; its date, time, and location; and any supporting documentation necessitating its release (i.e. subpoena, court order, etc.).

6. Storage and Retention

Images and video captured by the surveillance cameras will be for a minimum of 30 days, unless required for a continuing investigation of an incident, after which the recorded data will be erased or destroyed.

All recorded data shall be stored on assigned secure network video recorders with secured access. Recorded data retained for investigation purposes shall be strictly managed, with access limited to personnel authorized by the Executive Vice Chancellor for Administration.

REFERENCES

W. Va. Code § 21-3-20