

Model Clause on Privacy and Campus Surveillance

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The parties **acknowledge that employees retain a reasonable expectation of privacy in their employment with the University institution and agree that these provisions supplement employee privacy rights otherwise established through legislation and common law.**

2. The parties agree that any type of surveillance, by its very nature, represents an invasion of privacy and has a chilling effect on free expression and the free exchange of ideas. Therefore, the employer has an onus to justify the surveillance of any member and the introduction of any type of surveillance devices onto the University campus.

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The parties recognize that the safety of employees, staff, students and the general public may require ~~the violation of individual privacy through the~~ **surveillance and** -installation of **surveillance equipment or programs, including imaging and audio equipment and recorders** ~~video cameras, audio recorders~~ or other monitoring **and recording** devices, in public access areas of the campus such as parking lots and garages, walkways, building entrances, exits and hallways. Any area subject to such surveillance **that is otherwise lawful** must be identified by a posted notice to that effect.

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Before posted surveillance devices are installed, the employer shall meet with the faculty association and the university's health and safety committee to determine the necessity of, and the appropriate location for, the placement of such monitoring devices.

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~~Video cameras~~**Imaging**, audio ~~recorders~~ or other monitoring **and recording** devices which are used for surveillance purposes shall not be placed **or operated** in university classrooms without the faculty association's consent. ~~These~~ **No surveillance or use of surveillance** devices shall ~~not be placed~~**carried out** within an employee's office, work space, or laboratory without the consent of that employee. Any area subject to such surveillance must be identified by a posted notice to that effect.

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The parties recognize that hidden **or covert** surveillance ~~devices~~ represents an extraordinary infringement of the privacy rights of employees and that the employer has a heavy burden to meet to justify **such surveillance**~~the use of such devices~~. For this reason no such ~~device surveillance~~ shall be ~~used~~**carried out by any means** unless there is a pressing and substantial threat of criminal activity and ~~there is~~ a strong probability that hidden surveillance will assist in ~~solving~~**addressing** the ~~problem~~**concern**. No such ~~devices~~ **surveillance** shall be used unless and until the employer has exhausted all available alternatives and no other less intrusive methods are available. Finally, such surveillance can only be conducted in a systematic and non-discriminatory way and in a manner that is not in contravention of any terms of the Collective Agreement, ~~or~~ the Criminal Code **and privacy rights arising by statute or common law.**

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Before ~~using any~~**conducting any** hidden surveillance ~~devices~~, the employer shall meet with the faculty association and outline the reasons for the proposed action, the proposed location of ~~the~~**surveillance or** surveillance devices, and the proposed duration during which the area will be under hidden surveillance.

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Information obtained through surveillance, **including that recorded through any surveillance** devices, shall not be used against employees at any time unless such information constitutes evidence of criminal acts. In particular, such information shall not be used in any evaluation of an employee's teaching or research performance, in any renewal, promotion or tenure proceeding, or in any disciplinary action. Such information shall not be made part of an employee's personnel file.

Note: Privacy of communication is addressed in the CAUT Model Clause on Privacy and Security of Personal and Professional Communication.

Approved by the CAUT Council, November 1999.
Revision approved by the Executive Committee, September 2017.

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