

MSCF Minute



An electronic publication of the Minnesota State College Faculty

5.22.2 Update

by Kevin Lindstrom, MSCF President

Back in January I sent you an invitation to comment on a proposal to significantly alter system procedure 5.22.2. I suggested that the proposal compromised your privacy by providing the system with the right to seize your personal devices used for work purposes in order to obtain work-related data. More in-depth descriptions of the nature of our concerns have been provided in earlier MSCF Minute articles (which are archived on our website), at the Delegate Assembly, and in the press.

On April 1 the system implemented the new procedure 5.22.2 over our objections and over the objections of several other employee unions in the system. The complete text of the new procedure can be found here: <http://www.mnscu.edu/board/procedure/522p2.html>. The primary, but not exclusive, source of our concern regards Part 7, Subpart B of the new procedure, which reads:

Subpart B. Privacy. *Government data that are stored on an employee-owned cellular or other mobile computing device are subject to the Act. When such government data becomes the subject of a data practices act*

request, a litigation hold, a reasonable security concern, a records retention inquiry, a misconduct investigation in which the government data is relevant, or is needed for another legitimate business purpose, the employee may be required to produce the device to the employer for inspection and if necessary copying and/or deleting the relevant government data. In such circumstances, the employer will take reasonable steps to safeguard the privacy of personal data on the employee owned device, i.e., the employer will use good faith efforts to avoid accessing, copying, and apprising itself of such personal data.

In response to the new procedure a group that has come to be called the MnSCU Collective Bargaining Coalition sent a joint letter to the system on April 7 asking that the system modify the procedure and inviting a discussion to explore alternative language. A meeting was subsequently scheduled for April 22. At the meeting the Coalition offered following proposed language for Part 7, Subpart B:

Subpart B: Data Requests. *When needed to respond to*

requests under the Minnesota Government Data Practices Act for data that is not otherwise available to the employer, employees are expected to make a good faith effort to provide a copy of business-related data that is on their device and be responsive to the request. The employer shall not copy, retain or use for any purpose non-business-related data provided.

The crux of the coalition's point is that while the system's focus is on creating a mechanism to access data, the procedure they created focusses on seizing a device. In doing so they have also created a potentially chilling effect on the way communication currently occurs in the system, particularly between faculty and students.

After a good deal of productive discussion at the April 22 meeting, the parties agreed to the following statement:

The Employer and the MnSCU Collective Bargaining Coalition (AFSCME, IFO, MAPE, MMA, MSCF, MSUAASF/ Teamsters) have agreed to put together a workgroup that will work expeditiously to look for alternative language

Volume 2, Issue 30

April 25, 2016

to MnSCU Procedure 5.22.2, Part 7, Subpart B. During the pendency of this effort, the Employer will not use Subpart B to demand inspection of personal devices.

We'll keep you posted as this group does its work. In the meantime, your personal device is not subject to seizure under this procedure.

Calendar of Upcoming Events

Tues-Wed., April 26-27
MSCF Lobby Days

Thursday, April 28
Transfer Oversight

Friday, April 29
Racial Equity and Diversity

Friday, April 29-30
Education Minnesota Rep Convention

Monday, May 2
Academic Affairs Council

Tuesday, May 3
Joint Labor Management

Thursday, May 5
Credential Fields

Friday, May 6
Meet and Confer

