

MSCF Minute



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System Procedure 5.22.2

by Kevin Lindstrom, MSCF president and Jess Anna Glover, Education Minnesota staff attorney

As you may have read in our previous communications or in the March 31 Star Tribune ([click here](#)), we have been expressing concern regarding proposed system procedure 5.22.2 for some time now. Despite the fact that many of our concerns remain, particularly those regarding your personal privacy, the system has chosen to implement the procedure effective April 1.

We'll continue to work with our colleagues at IFO and with other groups, including the legislature, to change the procedure. In the meantime, you should know what we believe is the best advice regarding the procedure and your rights if the employer demands you turn over your personal electronic device.

You have a reasonable expectation of privacy in your personal electronic devices. You do not give that up entirely by using it for work, talking to students, or talking to colleagues. If your employer directs you to turn over your personal electronic device or demands you to access the device in front of

them, you can choose not to comply with that directive. You do not need to turn over your personal device; we recommend that you do not turn it over.

We routinely tell faculty to comply with employer directives and then we will grieve or challenge the action. We will not give you that same advice if the employer is asking for your personal electronic device. Instead, ask the employer for the specific data that they would like you to provide. Then contact your local grievance representative or your field staff representative right away. Our field staff, along with our Education Minnesota attorneys, will help you comply with the specific data request. We will also assist you with actions taken against you for refusing to turn over your device.

MnSCU cannot hide the violation of individual privacy rights behind the language in the procedure that says it is the faculty member's choice to use their personal devices. We know for many faculty members there is no

real choice. Colleges are not providing them with the technology they need to match the demands and expectations of the students and the colleges.

MnSCU has asserted that it needs the procedure to protect government data. But the procedure being implemented is unreasonable and violates the legal rights of faculty. It is not written to address compliance with the law regarding data. If they want to go on a fishing expedition, they have the right procedure. If they want to address concerns regarding protection of government data, they should change the procedure immediately to let faculty know they should protect data on their personal devices and that faculty may be asked to provide specific government data.

It's worth noting that the procedure was implemented solely via the Chancellor's signature. It can be changed in short order via the same mechanism.

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