

A L V S C E E x e c u t i v e C o u n c i l

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Monday, October 5, 2020
1.00p.m. – 2:45p.m., ZOOM

1. Employee/Unit Issues
 - a. **SNRE Director search** (waiver, chair, search committee members esp. CES and external stakeholders) All
 - b. Recording meetings- Jeannie McLean will join when she can

2. Budget, finance, business
 - a. **RCM changes timeline, future, discussion.** All

3. Mission areas

4. Capital assets

5. Other Business

- A. Notes about meeting recording that JM took during her 10/1 meeting with Stephanie Rosenberg and Eric Kay.

Arizona is a one-party state

- Meaning, as long as one person consents to being recorded, it is not considered surreptitious. The “one person” CAN be the person doing the recording – but if that person leaves the meeting (to take a restroom break, for example), leaving the recording in place and no one else in the room has consented to being recorded – that is considered surreptitious and is a violation of privacy rights.
- California is a two-party state. Thus, if someone in the meeting is in California and has not consented to being recorded, this is a crime.

CALS can set default expectations on recording of meetings

- For example, we can set the expectation that it is the meeting lead who decides whether a meeting can be recorded, and that people entering the meeting MUST be told of the recording (Zoom does this automatically).
- A recorded meeting is a matter of public records and is subject to retention guidelines
- Another expectation can be that no recording can be done without a legitimate business reason
- Shane should communicate recording expectations to all UHs and encourage UHs to communicate them in turn to all faculty and staff

If we suspect recordings are being made without permission

- Searching for these recordings can ONLY be done on UA equipment (no home computers), and only UArizona email addresses (we can't search gmail)
- Once the expectations are in place, faculty will know that making of recordings without permission of the meeting lead is wrong
- Once the expectations are in place, they are enforceable under UHAP Chapter 6, Grievances and Hearings

- B. Message to me from Stephanie Rosenberg on 7/6/20.

I do not know of any legal prohibition to your listening to a recording where people did not consent. However, I caution you to consider pragmatically whether to review the recording and further caution you against acting on it, especially if you would be acting outside well-established University procedures for reviewing and resolving grievances. If you do watch/listen, consider, and act on the recording then will you be usurping another process? Will you be encouraging others to surreptitiously record meetings for evidence and then bring them to the dean? Will your consideration and reliance on the recording undermine trust from people who did not know they were being recorded and lead to a situation worse than one presented? These are all considerations for you and your HR advisor to think about.