

Searches of Employee Personal Property and Cooperative Owned/Provided Property

East Dakota Educational Cooperative administrators are authorized to make searches of employees' personal property and vehicles on Cooperative premises and Cooperative owned/provided property under the conditions outlined below.

"Cooperative owned/provided property" includes, but is not limited to, real estate, buildings, parking lots, offices, desks, instruments, storage containers, storage areas, lockers, computer systems and equipment, voicemail, electronic devices and vehicles. This property is intended for use for educational purposes and Cooperative business only.

Employees shall have no expectation of privacy or confidentiality when using Cooperative owned/provided property.

"Reasonable suspicion" means a determination based on objective facts and inferences drawn from those facts as well as personal observations that suggest there has been a violation of Cooperative policy or state or federal law related to public schools (e.g. prohibition against bringing weapons on public school property).

Employee Personal Property and Vehicle Searches

When a Cooperative administrator has reasonable suspicion to believe that an employee is in possession of items that are, or may contain items that are, unauthorized according to Cooperative policy or state or federal law related to public schools (e.g. prohibition against bringing weapons on public school property), the administrator may take possession of and hold an employee's personal property (e.g. purse, wallet, book bag, cell phone, electronic devices or vehicle) brought onto Cooperative premises, for processing by the appropriate entity. In emergency situations an administrator may take possession of and hold an employee's personal property without the employee's knowledge.

Any search, and the extent of any search, of the employee's personal property shall be determined and conducted by law enforcement unless written authorization, witnessed by another adult, for the Cooperative to perform a search is provided by the employee prior to the search. Any authorized search by the Cooperative will be conducted in the presence of another adult witness. For any Cooperative search of employee personal property, the employee has the right to representation.

Cooperative Owned/Provided Property Inspections and Searches

Cooperative owned/provided property is temporarily assigned to employees and remains the property of the Cooperative at all times. Employees are expected to assume full responsibility for the security of Cooperative owned/provided property. Employees have no expectation of privacy or confidentiality when using Cooperative owned/provided property.

Maintenance Inspections– The Cooperative has a reasonable and valid interest in ensuring Cooperative owned/property provided to employees is properly maintained. For this reason, periodic inspection of Cooperative owned/provided property is permissible. An employee may request an inspection or the Cooperative may conduct a maintenance inspection at any time without notice and without the employee's consent.

Any items discovered during such inspections that are or may contain items in violation of Cooperative policy or state or federal law related to public schools (e.g. prohibition against bringing weapons on public school property) will be confiscated by administration.

Non-maintenance Searches – Cooperative owned/provided property and its contents may be searched by a Cooperative administrator when a reasonable suspicion exists that the property contains items that are or may contain items that are unauthorized according to Cooperative policy or state or federal law related to public schools (e.g. prohibition against bringing weapons on public school property). Whenever possible the employee shall be informed of the search of Cooperative owned/provided property. The employee has the right to Association representation. However, emergency situations may necessitate a search with or without the employee's knowledge or representation. Searches should be conducted in the presence of another adult witness.

Law Enforcement Involvement

Any search and/or seizure initiated by law enforcement officials will occur only when law enforcement officials properly advise Cooperative administration and provide documentation of the lawful authority to conduct the search and/or seizure.

Searches Related to Termination of Employment

In situations where employees have elected to use personal cell phones and other electronic devices for work purposes and have, therefore, linked to the Cooperative network and Cooperative intellectual property and/or student records, the Cooperative Technology Manager may elect to engage in a “remote wipe” of the employee’s personal device in order to protect the Cooperative from unauthorized dissemination or sabotage of Cooperative and private student information. This practice is further explained in separate Cooperative policy (GBEF – Cellular Phones and Electronic Communication Devices).

Informing Employees

This policy will be included in the Employee Handbook and employees will be notified of the policy upon hire and annually thereafter.

Policy Adopted: May 19, 2018