

Video Surveillance System Policies for Esponda Associates, Inc. and Managed House Corporations

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PURPOSE

The purpose of this policy is to provide guidelines for the use of Video Surveillance System(s) (“System” or “Systems”) in a way that enhances security and aids law enforcement while respecting the privacy expectations of members, tenants, and guests.

Esponda Associates, Inc. (“Esponda”) and House Corporations under the management of Esponda (“House Corporations” or “Corporations”) make limited use of Systems to record surveillance footage of the exterior of the Premises, surrounding streets, and Limited Access Areas.

The primary purpose of System is to allow the after-the-fact investigation of crimes committed against Esponda, its managed Premises, and/or its tenants by law enforcement. System is not intended to be utilized for the purpose of tracking the work habits, schedules, or productivity of individual employees, tenants, or guests, although such information may later be “discoverable” in legal proceedings.

The existence of this policy does not imply or guarantee that systems will be monitored in real time continuously or otherwise, nor that it will provide a full and complete depiction of a certain occurrence.

DEFINITIONS

As used within and for the purposes of this policy, the following terms are defined as follows:

Guests: Persons other than members and tenants that have been invited onto the property including but not limited to friends, parents, alumni, and community members.

Law Enforcement: Personnel employed by Law enforcement agencies with appropriate jurisdiction.

Limited Access Areas: Areas of premises to which access may be limited including, but not limited to, commercial kitchens, roofs, electrical/mechanical/network rooms, and Esponda-designated storage rooms.

Members: Active undergraduate members of Alpha Epsilon Pi fraternity Inc.

Premises: Building and surrounding grounds, including parking lot, driveway(s), and walkway(s) under the management of Esponda.

Private Areas: Areas in which a person has a reasonable expectation of privacy, including, but not limited to, interior non-common areas, corridors, bathrooms, shower areas, locker and changing rooms and other areas where a reasonable person might change clothes.

Public Areas: Areas made available for use by the public, including, but not limited to, exterior grounds, parking areas, building exteriors, loading docks, areas of ingress and egress, study rooms, lobbies, theaters, libraries, dining halls, gymnasiums, recreation areas and any area of the in which persons would not have a reasonable expectation of privacy.

Security Camera(s): A camera used for monitoring or recording public areas for the purposes of enhancing public safety, discouraging theft and other criminal activities, and investigating incidents.

Security Camera Recording(s): Digital or analog recording(s) of the feed from a security camera, including stills from, and screenshots of, recordings. Also referred to as “recording”, “recordings”, “video”, or “videos”.

Tenants: Full time occupants of Premises.

Video Surveillance System(s): All electronic service, software, and hardware directly supporting or deploying a security camera and storing associated recordings.

SCOPE

This policy applies to all Premises that are owned or managed by an Alpha Epsilon Pi related House Corporation and managed by Esponda. A Premises that is leased by a House Corporation or chapter will be subject to this policy as determined by Esponda, in its sole discretion, on a case-by-case basis, taking into consideration factors including, but not necessarily limited to, the location of the Premises, its attributes, and the terms of the pertinent master lease agreement.

This policy applies to all staff employed by Esponda, and to all tenants of Premises under Esponda's management. This policy shall not apply to use of recording equipment used for reasons unrelated to surveillance activity, including, but not necessarily limited to, remote monitoring of Premises construction and progress, videotaping of events for PR or advertising purposes, or the use of cameras for educational purposes, nor shall this policy apply to cameras used by Tenants, members, or Guests for such purposes.

RESPONSIBILITIES AND AUTHORITY

Responsibility for oversight of installation, maintenance, and utilization of Systems and associated policies, standards, and procedures is delegated by the Esponda Director of Real Estate, to their staff. This responsibility includes:

1. Creation, maintenance, and review of strategy for the procurement, deployment, and use of security cameras, including this and related policies;
2. Designation of the standard security camera system or service;
3. Authorizing the placement of all security cameras;
4. Authorizing the purchase of any new security camera systems;
5. Reviewing existing security camera systems and installations and identifying modifications required to bring them into compliance with this policy;
6. Creating and approving standards for security cameras and their use;
7. Creating and approving procedures for the use of security cameras; and
8. Removal of unauthorized or non-compliant Security Camera Systems.

TRAINING

All personnel involved in the installation, maintenance, or monitoring of security cameras and systems will be instructed in the technical, legal, and ethical parameters of appropriate use and will receive a copy of this policy and provide a written acknowledgment that they have read and understand its contents.

SECURITY CAMERA INSTALLATION

Systems are not used to observe employee work areas and security cameras are never to be used in areas where employees, tenants, or guests would have an expectation of privacy, such as restrooms, locker rooms, or bedrooms.

Audio recordings shall be prohibited unless permitted by law in the governing jurisdiction, or without proper notification. Use of security cameras shall be limited to public and limited access areas. Video surveillance shall be not conducted in private areas of the Premises. Security cameras shall not be directed at the windows of any privately-owned residence not located on the property. If needed, electronic shielding will be utilized so that the security camera cannot be used to look into or through windows into private areas.

Inoperative, placebo, or "dummy" security cameras shall NEVER be installed or utilized, as they may lead to a false sense of security that someone is monitoring an operational camera.

Tenants shall not install, or have installed, their own security camera, interior or exterior, nor will they allow others to install security cameras at Premises, other than those installed by Esponda or the House Corporation.

VIDEO SURVEILLANCE MONITORING

The video surveillance systems may be capable of being monitored remotely but no staff or third party service has been retained to provide active monitoring of the systems. There should be no expectation that one is under continuous surveillance when they are in the range of a camera. Recorded video surveillance footage is viewed only in response to a specific incident and are not monitored on a continuous basis.

VIDEO SURVEILLANCE RECORDING

All video surveillance cameras are capable of being recorded continuously by a digital video recording system. Recorded video is used exclusively for the investigation of security and safety related incidents and not for other purposes.

Esponda staff is responsible for the management of the video surveillance system and has exclusive control of the release of video recordings produced by this system.

Security camera recordings will not be made directly available to tenants, chapters, volunteers, employees (except as provided herein), or the general public. In the event that a security incident occurs, the incident should be reported to the Esponda Director of Real Estate. If the event occurred in an area where video surveillance coverage is available, the Director of Real Estate, or their designee, will review the recorded video and make a determination if any video relevant to the incident is available.

Requests to provide security camera recordings directly to chapters, volunteers, tenants, guests, neighbors, or members of the general public will not be accommodated. If a crime has been committed, anyone involved or affected should be encouraged to report it to the police. If it is believed that recorded video from Esponda would assist in the investigation of this crime, the police should be told to contact the Director of Real Estate. If relevant video is available, a permanent video clip of the incident will be produced and made available to law enforcement. Exceptions to this clause may be made at the joint discretion of Esponda's Director of Real Estate and General Counsel in cases where requests for footage are made by non-law enforcement authorities conducting investigations of incidents, or when Esponda has recordings of activity occurring adjacent to Premises that may aid in investigations of criminal activity that does not involve Premises, Members, or Guests.

If, while performing another action outlined within this policy, the Director of Real Estate notes anything that constitutes a violation of House Corporation or Alpha Epsilon Pi Fraternity Health & safety policies, they may, at their sole discretion, share such recordings with other members of the Esponda staff or with members of the Alpha Epsilon Pi executive staff. Any individual receiving recordings in such a scenario shall be sent a copy of this policy and will be subject to the policies contained herein concerning use.

RETENTION POLICY

Video footage will be stored off site with appropriate computer security with access by authorized personnel only.

All Video Recordings are retained for the greater of fifteen (15) days or in accordance with the records retention policies of the local municipality or state. The retention period may be extended at the direction of the General Counsel or Director of Real Estate or as required by law.

Video recordings will be automatically erased by the security camera system in order to accommodate new footage. Requests for retention of footage made by law enforcement or in response to a reported incident must be made within the period of retention and, if made, footage will be cataloged and maintained for a period of time sufficient for the investigation and prosecution of crimes.

NOTIFICATION

Notification signs shall be placed in conspicuous areas in close proximity to the security cameras and shall clearly state that activity may be recorded. No signs should be posted that state or give the impression that the area is under continuous surveillance. Where applicable, such signs will include notification of audio recording.

MAINTENANCE OF VIDEO SURVEILLANCE SYSTEM

Video surveillance system will be checked for function on at least a quarterly basis, or more often if the Director of Real Estate deems it necessary in order to ensure proper coverage/operation. Director of Real Estate may, at their sole discretion, designate other members of the Esponda staff who are permitted to access system for maintenance purposes. At no time shall any employees designated with access for system maintenance download, store, or distribute security camera recordings.

LIMITATIONS OF VIDEO SURVEILLANCE SYSTEMS

The use of systems in no way guarantees safety or security on the premises. Systems are not actively monitored and will not automatically alert law enforcement of criminal activity. The video surveillance system has cameras that cover only a fraction of the total premises. Even when camera coverage exists, it may not provide the level of detail necessary to spot suspicious activity or identify criminals.

Video surveillance systems may be subject to outages or equipment malfunction, and the presence of video surveillance systems, and of any related policies, does not warrant the operation of operation of system or the availability of security camera recordings. Esponda and House Corporations are not liable for the absence of any security camera recordings due to security camera malfunctions.

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