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Review the Personnel File of a Former GSU Employee Who Had Filed a Faculty Grievance Complaint

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Review the Personnel File of a Former GSU Employee Who Had Filed a Faculty Grievance Complaint

Submitted by Debra Sabia

5/27/2005

Question:

A few weeks ago, former Senate Moderator Jeanette Rice sent out an email to Senators on the Senate Listserv encouraging them to review the personnel file of a former GSU employee who had filed a faculty grievance complaint

I would like to know: (1)whether is it legal for GSU employees to review the personnel records and/or faculty grievance files of another current and/or former GSU employee? (2)Whether the Moderator's request for Senators to seek this information was encouraged by GSU administrators and/or by Georgia Southern's legal team? (3)Whether this action has created a precedent for allowing similar reviews of records of other faculty and/or staff? Is this a practice we want to encourage at GSU?

Rationale:

Faculty and staff at Georgia Southern clearly have certain rights to privacy. Perhaps those rights are not as expansive as one might think.

It is important for all employees to know how much of their private affairs can be made available for others to review, especially in cases where faculty members are considering using the established grievance process at Georgia Southern University.

SEC Response:

From Patricia Humphrey, 5-31-2005: I have consulted with Jeff McLellan, Georgia Southern Open Records Custodian, and Former Moderator Jeanette Rice in answering this RFI.

Jeff McLellan's Response:

Question 1: Is it legal for GSU employees to review the personnel records and/or faculty grievance files of another current and/or former GSU employee?

Yes. Georgia is an Open Records state. This means that unless a requested document is specifically excluded (for example: your social security number, mother's maiden name and date of birth, other information which could be used for identity theft, most health records unless requested by subpoena), ANYTHING is fair game if requested in compliance with the act. This applies not only to GSU employees requesting the files of others, but ANYONE can request your files. This also means not only evaluations and written documents pertaining to grievances but, if desired, even your emails sent from your office computer could be requested. If one desires more information on the Open Records Act, consult the Attorney General's web page at http://www.ganet.org/ago/open_govt.html or Jeff McLellan.

Question 2: Was the Moderator's (Jeanette Rice's) request for Senators to seek this information encouraged by GSU administrators and/or by Georgia Southern's legal team? No. The following is from Jeanette Rice: "Despite my numerous attempts at clarification of facts, Dr. Sabia apparently participates in selective hearing/reading. I did not encourage anyone to review "personnel" files. The file I referred to in Dr. McLellan's office is the GSU response to a grievance filed and was the official GSU response to the Board of Regents. As Dr. Sabia should know, as should all employees of the University of Georgia System, Georgia Southern University is an open records institution. I am certain that Dr. McLellan would be happy to clarify what that means for Dr. Sabia should she require it. My actions are my own - always have been, always will be. If Dr. Sabia is looking for conspiracies, she'll have to focus elsewhere. And, may I suggest once again, that if Dr. Sabia has a question for the administration, she somehow muster the backbone to actually send an email to the individuals from whom she'd like a response. Wouldn't that be the mature and rational thing to do?"

Question 3: Has this action created a precedent for allowing similar reviews of records of other faculty and/or staff? Is this a practice we want to encourage at GSU? No. This

is nothing new. The precedent was set many years ago with the enactment of Open Records. I don't know whether or not we at GSU want to encourage the practice; the fact of the matter is that we have no choice as long as Open Records is law in this state. Addressing Dr. Sabia's rationale, I would have to say that privacy rights are NOT as expansive as one might think, given the Open Records Act. As an individual who has filed requests using the provisions of the Act, she should be aware of what can and cannot be requested. It behooves all of us to bear these facts in mind.