



Chapter XXV

An Expectation of Privacy: When Does an Employer Have the Right to Monitor Employee E-Mail Messages?

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EXECUTIVE SUMMARY

This case presents the ethical dilemma of an IT staff member at an academic university. The IT staffer was caught in the middle of a squabble between the dean of the business school and the associate dean, also of the business school. Professional differences spilled over into personal differences, and the dean was seeking methods of retribution against the associate dean while the associate dean was on sabbatical. E-mail is an extensively used tool at this university, and the dean suspected that the associate dean was sending personal messages on the university's server. The dean asked the IT staffer to intervene in two ways: (1) remove her from the staff e-mail list; and (2) forward all of her e-mail to both the dean and the dean's secretary. He hoped that there would be evidence of misuse of government resources, giving him just cause to terminate her. While this case is based on real events in a real organization, we have changed the names of organizations and participants involved. We regret having to make changes to even the nation in which the program is located, but the tightness of the community compelled the players involved to require absolute anonymity before they gave their consent to publish.

BACKGROUND

Anonymous University (hereafter referred to as AU) is a well-known school. AU has existed for many years and is well respected globally, attracting students not only from its own country but also from abroad. AU is a school that has experienced growth and fame throughout the latter half of the 20th century as a well-known place to learn.

AU has many deans and programs relating to several areas throughout the school. The organizational structure is fairly flat, with the dean holding significant power and autonomy. This case deals with the New Important Program (NIP), a current initiative of AU.

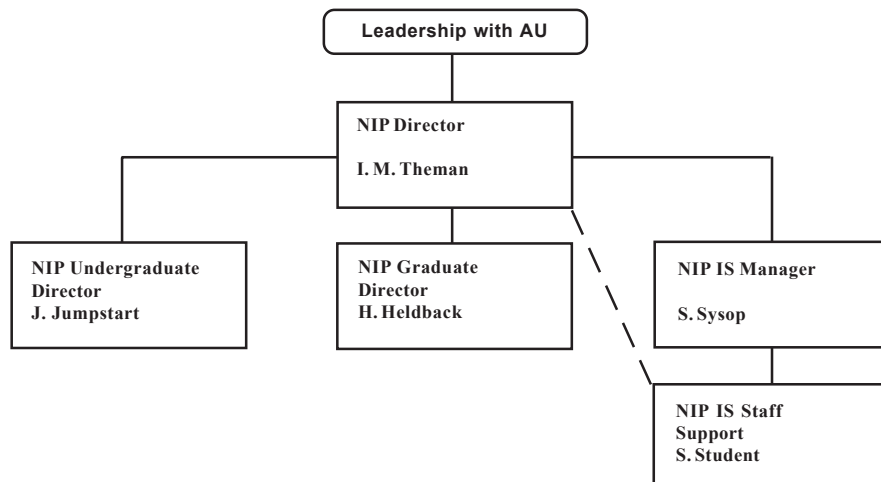
NIP is headed by Dean I. M. Theman, a professor from within AU. Theman has been with AU for many years and still occasionally teaches courses, though he is released from the majority of his teaching and research requirements to concentrate on administration. Theman spends his time promoting NIP and AU, attracting new students and funds, and reporting to the various constituents that oversee the school. Much of Theman's time is spent away from the actual office.

Theman has several associate deans that handle various aspects of NIP. These deans are largely autonomous in their duties, working with little guidance from Theman. Henry Heldback is the associate dean for NIP in graduate studies, while Jenny Jumpstart is the associate dean for NIP in undergraduate affairs. Several clerical staff aid the deans in their daily activities and administration. Figure 1 details an organization chart for NIP.

SETTING THE STAGE

As NIP has become more important and successful, it has been highlighted as a flagship of AU. Theman has become recognized as a leader in education and others have tried to follow his model. However, several employees reported that it was becoming increasingly difficult to work for Theman. Many felt that Theman was starting to pay too

Figure 1. Organizational structure of NIP



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