



THE UNIVERSITY OF NORTH CAROLINA SYSTEM

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November 20, 2018

VIA E-MAIL (jbussian@aol.com)

John A. Bussian, Esq.
The Bussian Law Firm
Wells Fargo Capitol Center, 17th Floor
150 Fayetteville Street
Raleigh, North Carolina 27601

Dear Mr. Bussian:

I am writing in response to your November 19, 2018, letter to Harry Smith, Chair of the Board of Governors of the University of North Carolina, requesting a copy of the “360 review,” which you assert was publicly referenced by East Carolina University Chancellor Cecil Staton during a recent interview. As explained below, North Carolina law prohibits the University of North Carolina System Office from allowing public inspection or copying of any records related to a “360 review” of Chancellor Staton. Also, Chairman Smith and members of the UNC Board of Governors are not the appropriate University representatives for directing public records requests or other administrative matters related to University employees, including constituent institution chancellors.

The North Carolina Human Resources Act provides that, except in limited circumstances not applicable here, the personnel files of State employees like Chancellor Staton are confidential and not subject to inspection and examination under the North Carolina Public Records Act. See NCGS § 126-22(a); NCGS § 126-23; § 126-24. Records related to a “360 review” of any employee clearly constitute personnel information as that term is defined by North Carolina law and are therefore protected from public disclosure. See NCGS § 126-22(b)(3) (defining “personnel file” as “any employment-related or personal information gathered by an employer”). Given the nature of the records you seek, North Carolina law prohibits their release in any form.

State law allows only the following employee information to be made available for public inspection: employee name; age; date of original employment or appointment to State service; the terms of any contract by the employee is employed; current position; title; current salary; the date and amount of each increase or decrease in salary; date and type of each promotion, demotion, transfer, suspension, separation or other change in position classification; the date and general descriptions of the reasons for each promotion; date and type of each dismissal, suspension, or demotion for disciplinary reasons; and the office or station to which the employee is currently assigned. See NCGS § 126-23 (a).

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Page 2 of 2

Given your threat of litigation, please cease any direct communication with Chairman Smith or any other University official or employee and direct all future communications on this issue to my office.

Sincerely,



Thomas C. Shanahan

cc: Harry Leo Smith, Jr., UNC Board of Governors Chair (via e-mail) (hsmith@bog.northcarolina.edu)
Joshua Ellis, Associate Vice President for Media Relations (via e-mail) (jnellis@northcarolina.edu)