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To Whom It May Concern,

My name is Amy Parker. I am a student at California State University, Fullerton, and a Founding Member of the Open Information Collective (OIC), a community advocacy non-profit group which focuses on governmental transparency. In my work with the OIC, I often make requests under the California Public Records Act (CPRA), a California law (Division 10 of Title 1 of the Government Code) which protects the rights of individuals to access public records stored by government agencies.

In working with California State University, Fullerton on requests, I have run into many issues due to the University's interpretation of the laws. Of the many agencies that the OIC has worked with in California, many of the University's interpretations are unique. Some of these interpretations include the ability to delay the handling of a request indefinitely (in violation of GOV 7922.535(a-b)), setting "no earlier than" times for the disclosure of records (in violation of GOV 7922.500), refusing to provide pay information and employment contracts for certain classifications of workers (in violation of GOV 7928.400), and refusing to provide reasons for the delays in disclosure of records (in violation of GOV 7922.535(b)).

All of these interactions have been within the Risk Management office of Human Resources, Diversity and Inclusion. My first interactions were with Confidential Administrative Support for Records and Retention Stephanie Mikhail, but after conflicts arose, all future direct interactions regarding public records requests were with Compliance Manager Anne Grogan. Executive

From the desk of the Open Information Collective

"Without publicity, no good is permanent; under the auspices of publicity, no evil can continue."

F.M. Amy Parker, A.A.

F.M. Monica Hanson

S.M. Sem Arquieta

Director John Beisner is also knowledgeable about the issues which have arisen, and I met with him regarding them; however, he refused to alter departmental policy on handling requests. The analysis of the applicable statutes I provided to him is available on the OIC website at <https://oic.amyip.net/wp-content/uploads/2023/10/CSUF-Risk-Management-HRDI-Analysis-of-Applicable-Law-CPRA-1.pdf>; please note that while the analyses of the laws are still up-to-date, the circumstances surrounding them have changed, and the letter is not a complete compendium of all violations of the law by the University nor contains analyses of all statutes that have been broken.

In addition to all of the previous issues that have arisen, a major new one - which prompted me to make this complaint - has as well: the long, illegal delays on a particular request. I sent my request on 17 September 2023, asking for either the total expenditures for Convocation, or all purchase orders related to Convocation, for this year. On 25 September 2023, Compliance Manager Anne Grogan (henceforth “CM Grogan”) wrote back stating that the documents should be available by October 9. A 22-day delay from the time the records were requested, this was not legal of itself, although it could have been legal had a proper exemption from GOV 7922.535(b-c) been applied. This was, while still an issue, a relatively minor one, as it fell within the violations of the law which the office had already previously committed and which it had stated it did not believe violated the law.

On 6 October 2023, however, CM Grogan sent another letter, stating that the records would be available “no earlier than October 23, 2023”. This was a substantially more severe violation. To begin with, it constitutes a 36-day delay, which is under no circumstances legal, and is clearly too long of a time to handle such a request; if this request was made internally by a supervisor, it would likely have been handled much more quickly. The next violation is the verbiage “no earlier than”, which is clearly illegal. GOV 7922.500 makes any intentional delay in disclosure of a record by a public agency illegal, and the usage of “no earlier than” is a clear intentional delay; if the records were received and cleared through University Counsel the next day, CM Grogan would be required to disclose it, but her statement indicates she would not do so.

The other key item is that she refused to provide any justification for the delay in disclosing the records, which is required under GOV 7922.535(b). I asked her to provide a reason for the delays, as well as maintaining the legal basis for doing so (and reaffirming my opposition to the delays in the timeline) on 7 October 2023 and 9 October 2023. On 10 October 2023, she refused to provide any information whatsoever. She also stated that “we disagree on our interpretations of the Government Code related to Public Records”, even though under the conclusions came to in the meeting held between me, her, and Executive Director John Beisner, the verbiage used and failure to state a legitimate reason for the delay would not be permitted.

I have attempted to speak with members of the California State University Office of General Counsel regarding these matters; however, I was informed that OGC employees cannot speak with the public, even if they have administrative positions within the CSU Chancellor’s Office. Given that some of these issues have resulted and continue to be perpetuated through closed-door discussions with the Office of General Counsel, I have to use this pathway to challenge these violations and to see policy in Risk Management changed to be compliant with the law.

I am happy to meet regarding these issues and to provide whatever evidence is requested. Most emails directly about requests which have concluded are available as “provenance documents” in the archives on the Open Information Collective’s website at <https://oic.amyip.net>. I hope we can reach a swift conclusion on these matters.

Sincerely,

Amy Parker, A.A.

she/her/hers

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