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E-Mail Privacy in the Workplace:

Is it a Public Relations Concern?

by Charles H. Harrison

A Thesis

Submitted in partial fulfillment of the requirements of the Master of Arts

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Approved by

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Thesis Abstract

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E-Mail Privacy in the Workplace: Is it a Public Relations Concern?
1999

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This study determined that many, perhaps most, public relations executives do not consider real or potential clashes between employers and employees over the use of organization E-mail systems for personal communication to be their concern.

The drafting of organization E-mail policy and its communication to employees seem to be the primary concerns of management information systems (MIS) , human resources executives and legal counsel. When such policies result in misunderstanding and discontent among employees, human resources executives are more likely than public relations executives to seek solutions. Both public relations and human resources executives addressed the thesis question through a focus panel, two surveys, and personal interviews.

This study also revealed that at least half of organizations in America still lack a written E-mail policy. This is true despite rulings in cases brought by disgruntled employees in which the court told employers they should advise their employees in writing that the organization owns the E-mail system and employees are not permitted to use the system to send and receive personal correspondence.

Based on the findings of this study, further study is recommended to determine if public relations executives have relinquished some responsibilities for internal communication. This study also recommends further examination of this

question: Should public relations executives be more concerned than they apparently are about potential threats to good employer-employee relations posed by trends in business practices and advances in technology?

Table of Contents

Chapter One

Introduction

Every employee's boss could be fined, perhaps even jailed, for rummaging through an employee's home mailbox or tapping into his home phone. But the employer may monitor or print out an employee's office-generated E-mail with virtual impunity. Why?

Because office computers are owned by the employer and may be used only for purposes determined by the employer. Consequently, all E-mail messages are also the property of the employer.

> No doubt, a company has a legal right to scan E-mail. Indeed, managers and administrators can read every message on every user's PC if they so desire. The Electronic Communications Privacy Act prohibits the intentional interception, use and disclosure of electronic communications, but contains exceptions that allow employers to lawfully monitor E-mail. Some employees have cried foul, bringing claims for invasion of privacy and intentional infliction of emotional distress. But courts that have considered these cases have ruled that employees do not have a reasonable expectation of privacy in E-mail sent via a company's system.[1]

Some courts, however, have scolded employers who have failed to devise and publish policies concerning employees' E-mail. Employees may not have a legal right to E-mail privacy, but they still "may have an expectation of privacy for E-mail," says Hugh Webster, an attorney with Chamberlain & Bean in Washington, D.C. "So put in the employee manual that all E-mail messages are considered property of the employer."[2]

Employers *should* have an E-mail policy, but a recent survey of company security directors conducted for Security Management magazine reported that 50

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[1] Cohen, Alan (1998). "Keeping an Eye on Employee E-Mail," New York Law Journal (Lexis-Nexis Academic Universe, Tech Files; P. 82).

[2] Perry, Philip M. (1996). Don't Get Sued for Invading Your Employees' Privacy. Private report, 4.

percent of companies have no policy.[3]

This, then, is the current condition in American organizations concerning employee E-mail:

• Despite court decisions and published articles concerning employers' prerogatives, many employees have an expectation of privacy and some have "cried foul" when they have been informed otherwise by their employer.

• Most organizations have no written policy concerning E-mail usage.

Problem Statement

The combination of these factors is a potential cause of friction between employer and employees -- presumably a concern of public relations executives who have some responsibility for internal communication and the maintenance of untroubled employer-employee relations.

If public relations executives have adopted a two-way symmetric model for internal public relations, they have placed great value on frequent and accurate communication between employer and employees. [4]

"In the two-way symmetric model...public relations people do not change only the orientation of publics. They try to change the way the organization and its publics jointly orient to each other and the common parts of their environment. Communication scientists have coined the term coorientation to define that joint orientation. " Among the goals of coorientation is accuracy in communication, "the extent to which one person's perception of the other person's idea or evaluation approximates the other person's actual idea or evaluation."[5]

[3] "Can a Loose E-Mail Policy Sink Your Company's Ship?" (1999). Security Directors Report, IOMA. (Lexis-Nexis, Academic Universe, P. 1).
[4] Gruning, James E. and Todd Hunt. (1984), Managing Public Relations. Orlando, FL.: Harcourt Brace Jovanovich College Publishers.
[5] Ibid., 128

Organizations that achieve this goal may reasonably be assured that employer and employees at least know each other's positions on an issue. In the matter of employer monitoring of employee E-mail, employer's and employees' knowledge of each other's position can go far to prevent the kind of misunderstanding between the parties that may lead to a breakdown in two-way communication and, possibly, hostility.

This thesis, therefore, sought (1) to determine to what extent misunderstandings concerning E-mail usage may have led to breakdowns in two-way communication, and (2) to determine what steps, if any, public relations executives are taking to alleviate such misunderstandings, including activities undertaken in cooperation with human resources executives and other members of management.

Purpose

This study sought to demonstrate that organizations that monitor employees' E-mail could face critical public relations problems in addition to legal and ethical questions related to the employees' perceived right to privacy. The study expected to show, therefore, that most public relations executives play a major role in drafting and communicating E-mail policies. Also, the study sought to determine if public relations practitioners address potential threats to two-way symmetric communication and amicable employer-employee relations that might be posed by E-mail monitoring.

Delimitations

This study examined only the manner in which public relations practitioners are involved in drafting and communicating E-mail monitoring policies and in

coping with threats to good employer-employee relations resulting from enforcement of such policies.

Chapter Two

This review of literature regarding employer monitoring of employee E-mail is divided into an introduction and four sections as follows:

- **Introduction**
- **Section 1: Employers' perceived need to monitor.**
- **Section 2: Laws and court decisions regarding employers' right to monitor and employees' perceived right to privacy.**
- **Section 3: Employers' need for monitoring policies.**
- **Section 4: Implications for employers and public relations practitioners.**

Introduction

Approximately 60 pieces of literature were examined. These ranged from a three-paragraph article in The Wall Street Journal to a 40-page treatise on employee privacy rights that appeared in the *American Business Law Journal*. Most of the material was found in publications aimed at management in general (e.g. *Forbes* and *Management Review*), human resources/personnel managers in particular (e.g. *Focus* and *Personnel Journal*), lawyers and legal counsels to management (e.g. *American Business Law Journal* and *The National Law Journal*), and information systems managers (e.g. *Journal of Systems Management*). Very little came from publications directed at public relations executives.

- **Section 1: Employers' perceived need to monitor**

Employers perceive a need to monitor employees' E-mail for the following reasons:

1. To "assess employee job performance."[6] For example, the organization seeks to determine how employees communicate with and assist customers or clients. Also, the organization may want to know if employees are spending work time on private business.

2. To prevent an employee from "sending information detrimental to the company."[7] This information may include trade secrets, information that could give an organization's competitors an unfair advantage, and information that could otherwise damage the reputation of the organization or its management and employees.

3. To investigate an employee suspected of a felony crime. For example, employers (often in cooperation with law enforcement agencies) have monitored E-mail when they have suspected an employee of collaborating with outsiders to commit within the organization such crimes as theft and the selling of drugs.[8] The organization also may be concerned about its liability in such cases.

4. To prevent the "display or transmission of sexually explicit images, messages and cartoons." Also, the organization may wish to prevent the display and transmission of "ethnic slurs, racial comments, off-color jokes or anything that may be construed as harassment or showing disrespect for others."[9]

5. To "control telephone and E-mail communications costs."[10]

• **Section 2: Laws and court decisions regarding employers' right to monitor and employees' perceived right to privacy.**

The literature is very clear in observing that existing laws, court decisions and

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[6] Perry, Philip M. (1996). Don't Get Sued for Invading Your Employees' Privacy. Private Report.

[7] Brown, Bonnie (1994, June 27)."Companies own e-mail and can monitor it." Computerworld, 136.

[8] Creamer, J. Shane. The Law of Arrest, Search and Seizure, 337.

[9] Employee Handbook. Universal Micro Electronics. Sayreville, NJ.

[10] Perry, Philip M. (1996). Don't Get Sued for Invading Your Employees' Privacy. Private Report.

legal opinions generally uphold employers' right to monitor E-mail generated by employees on the organization's equipment located in the workplace. This section examines these aspects of E-mail monitoring in two parts:

Part 1. Historical perspective.

Part 2. Court decisions and legal opinions.

Part 1: Historical perspective

"There is no general federal or state law creating or protecting a `zone of privacy' in the workplace. The U.S. Constitution's First Amendment free speech clause and the Fourth Amendment protection against `unreasonable searches and seizures' apply only to action by the government, not to private sector employers, including associations."[11] However, even the privacy rights of public employees are not particularly well-defined, especially in light of all the potential threats to privacy created by technological advances and changes in business practices.

In an attempt to address this problem, Congress in recent decades has introduced, but not always passed, legislation protecting privacy of private sector employees. "The federal government has responded to the dearth of workplace privacy protection with legislation, including parts of the Freedom of Information Act (1966), the Fair Credit Reporting Act (1970), and the Privacy Act of 1974; however, none of these acts sufficiently or effectively guard the privacy rights of employees in the private sector. Indeed private sector employees were included in an earlier version of the Privacy Act, but that provision was removed at the last minute because Congress did not believe that the benefits of privacy legislation in the private sector justified the costs [to employers]."[12]

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[11] Webster, George D. (1994, January)." Respecting Employee Privacy." Association Management, 142.
[12] Pincus, Laura B. and Clayton Trotter. (1995). "The disparity between public and private sector employee privacy protections. "American Business Law Journal, 33 and 58.

In 1968, Congress adopted the Omnibus Crime Control and Safe Streets Act. Primarily, this law was intended to protect citizens from unlawful taps of their telephone lines and other electronic surveillance. However, the law did not address electronic surveillance in the workplace.[13]

Throughout the 1970s and 1980s, privacy protection bills were introduced in Congress by various representatives with little success. A commonality among the bills was a call for the formation of a privacy protection commission or board. "In 1993, Senator [Paul] Simon (Illinois) introduced the `Privacy Protection Act of 1993.' The purpose of the bill was to establish a Privacy Protection Commission to...(A) ensure that privacy rights of United States citizens in regard to electronic data and fair information practices and principles are not abused or violated; (B) provide advisory guidance to the public and private sector on matters related to electronic data storage, communication and usage; (C) provide the public with a central agency for information and guidance on privacy [protections and fair information practices and principles]..."[14]

The Simon bill was defeated.

However, even the Simon bill did not take into full account how E-mail impacts on employee privacy in the workplace. "Because E-mail is a relatively new form of commercial communication, it lacks extensive legal precedents to define the parameters of privacy associated with its use. Technological progress proceeds more quickly than the law."[15]

The Electronic Communications Privacy Act of 1986 was viewed as the real attempt to deal with E-mail. However, while the law "prohibits a third party -- the

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[13] Posch, Robert J., Jr. (1996, January)."E-mail and Voice Mail: Basic Legal Issues for Corporate Management. " Direct Marketing, 54

[14] Pincus and Trotter, 76 and 77.

[15] Sipior, Janice C. and Burke E. Ward. (1995, December). The Ethical and Legal Quandary of E-mail Privacy. Communications of the ACM, 38 and 51.

government, the police or an individual -- from gaining access to or disclosure of E-mail without proper authorization," it "does not offer such ample coverage for messages sent through a private employer's E-mail system." Indeed, by specific exception to the law, employers in the private sector "may inspect and disclose E-mail sent on in-house systems, if the inspection is done in the normal course of business and is necessary for business purposes to protect the employer's rights or property..."[16]

Because of the law's specific reference to employer monitoring of E-mail for business purposes, it has been interpreted as prohibiting employers from monitoring strictly personal messages.

State constitutions and laws generally are as vague on privacy rights in the private workplace as the federal Constitution and laws. "The fourth amendment to the Constitution prohibits unreasonable searches and seizures. But again, the legislation applies only to public sector workers, not people who work for corporations in the private sector. Some states. such as California and Louisiana, now have more stringent privacy laws than the [federal] government legislation provides. Based on cases brought against companies in those states, this legislation still has proven to be an ineffective weapon against the monitoring of E-mail by employers."[17]

Part 2: Court decisions and legal opinions

If neither federal and state constitutions nor federal and state laws adequately address employees' right to privacy in the public workplace, the question is whether statutory (common) law based on past court decision applies. The answer seems to be no.

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[16] Posch, 55.
[17] Glassberg, Bonnie et al. (1996). "Electronic communication: an ounce of policy is worth a pound of cure." Business Horizons (Wilson Business Abstracts; P. 77.)

"Generally, the courts have narrowly construed employee privacy rights and seemed reluctant to expand such privacy protection. Employee claims based on common-law invasions of privacy [have not been] usually successful."[18]

In 1993, James Cappel, then a teaching fellow in business computer information systems at the University of North Texas, examined two major cases related to E-mail monitoring. The cases involved Epson America and Nissan Motor Corp. In the Epson case, management fired an employee who had used the company's E-mail system to open an MCI Mail account for personal use. A California judge threw out the suit, claiming the employee inappropriately filed her complaint under a wiretapping law that did not apply to E-mail. By reading two employees' E-mail, a Nissan supervisor discovered they had made disparaging remarks about her. One employee was fired and the other asked to resign. The employees charged in California court that their right to privacy had been violated. In this instance, the court ruled that since Nissan owned the E-mail system, it had a right to monitor its use. Cappel concluded: "...even though the law apparently allows employers to perform [E]-mail monitoring, the issue is still largely untested in the courts."[19]

Not much has changed in six years. Larry Atkins, a Philadelphia lawyer, wrote in 1999, "E-mail is so new that there is not much case law addressing the question. But so far, courts have not found such a right [to privacy on company E-mail]. In Pennsylvania, a federal district court ruled in 1996 (*Smith v. Pillsbury Co.*) that employees do not have a reasonable expectation of privacy in the contents of their [E]-mail communications over the company system." However, he went on to point out that other courts may rule differently in the future.[20]

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[18] Sipior and Ward, 52
[19] Cappel, James J. (1993, December). "Closing the E-Mail Privacy Gap." Journal of Systems Management,8.
[20] Atkins, Larry (1999, April 10). "Watched Words on the Job." The Philadelphia Inquirer, p. A15.

• **Section 3: Employers' need for E-mail monitoring policies**

Philip M. Perry, writing in 1996 about employees' expectation of privacy, recounted this story:

When a small business owner in Texas suspected an employee of stealing, the solution seemed obvious: monitor the worker's telephone conversations for evidence. The employer felt justified when he tape recorded 22 hours of the worker's phone conversations during normal business hours. The tape proved the small business owner was right about the employee. She had been paying fake invoices provided by a friend in a scheme to drain money from the business. While that discovery would seem to justify the surveillance, the story did not have a happy ending for the business owner. The employee sued for invasion of privacy and won a $40,000 settlement. What went wrong? The court ruled that the business owner had not adequately informed the employee that personal telephone calls were subject to monitoring. As a result, the court decided, the employee's "natural expectation of privacy" had been illegally violated.[21]

The message is still clear. Management is advised to draft and distribute a written policy "that lays out reasonable ground rules for inspecting employee [E]-mail..."[22]

To be specific, the policy should include the following provisions:

"1. Users' consent to monitoring (e.g. computer-generated warning, when each user logs in).

"2. Statement of business purposes for monitoring.

"These measures offer relatively simple and inexpensive protections against potential liability for breaching E-mail privacy."[23]

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[21] Perry, 1 and 2.

[22] Posch, 55.

[23] Posch, 55.

Writing in the *Employee Relations Law Journal*, Donald H. Seifman and Craig W. Trepanier further fleshed out a model policy:

• Clearly communicate to employees that the security of E-mail communications is not guaranteed. The policy should require employees to disclose all computer passwords and codes to the employer and inform employees that the employer may override individual passwords and codes.

• Explain the employer's monitoring procedure and how it may be used by management.

• Provide for limited, authorized access to E-mail communications, defining the scope of authorization.

• Provide that electronic communications, including E-mail and the contents of an employee's computer, are the sole property of the employer.

• Identify the reasons for surveillance and the specific business purposes to be achieved, such as preventing excessive personal use of the company's systems, monitoring employees' service and effectiveness with clients and customers, assuring compliance with company policies, and investigating conduct or behavior that may be illegal or adversely affect the employer or the welfare of other employees.

• Provide that, by using the employer's E-mail system and equipment, the employee knowingly and voluntarily consents to being monitored and acknowledges the employer's right to conduct such monitoring. It is also advisable to obtain from each employee a signed consent form.[24]

The Electronic Messaging Association in Arlington, VA suggests that a management team work on the organization's E-mail policy. According to the EMA,

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[24] Seifman, Donald H. and Craign W. Trepanier. (1995-96 Winter). "Evolution of the Paperless Office: Legal Issues Arising Out of Technology in the Workplace, Part 1. E-mail and Voice Mail Systems". Employee Relations Journal, Vol 21, No. 3, P.28.

team members should include a representative from "senior management, legal counsel, human resources, information technology and, in unionized workplaces, a union rep." The EMA also points out that the "E-mail policy should be one part of an overall and consistent policy on communications and privacy that includes guidance on telephone and (postal) mail usage."[25]

• **Section 4: Implications for employers and public relations practitioners**

It is important to note that the EMA did not specify that a representative of the organization's public relations or public affairs office be included on the team. In fact, the vast majority of literature that calls on organizations to adopt and widely publicize policies governing employees' use of E-mail do not mention public relations practitioners as being involved in the process.

Particularly telling is the account of how Kraft Foods Inc. addressed the need to acquaint employees with the rules governing the use of the company's E-mail system. "Theodore L. Banks. associate general counsel at the Northfield, Illinois-based company, had mounting concerns about E-mail's negative effect on [Kraft Foods Inc employees], particularly its ability to create a hostile work environment and spur lawsuits. Earlier this year [1998], he began planning an aggressive training program to instruct employees on the proper use of E-mail and on company policy. While searching for aids that would get the message across quickly, he decided to use video as a training tool for new and existing employees. He approached Boston-based Commonwealth Films, Inc. about the matter, and the production company decided to create a video on the subject. Banks says that response to the video is overwhelmingly positive, and it is getting out the message. "[26]

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[25] "Can a Loose E-Mail Policy Sink Your Company's Ship?" (1999). Security Directors Report, IOMA. (Lexis-Nexis, Academic Universe, P. 1).
[26] Neeley, DeQuendre. (October 1998). "Seeing is believing; Kraft Foods Inc uses training video to instruct proper use of E-mail." Security Management , 1,2. (Lexis-Nexis Academic Universe Document)

The legal department, not the public relations department, took the lead in finding a way to address the need to communicate with employees on a matter of great importance. This occurred even though the PR theorists stress that PR practitioners, not lawyers, should be primarily responsible for two-way communication between the organization and its publics, including employees.

Gruning and Hunt, for example, go out of their way to explain to would-be and existing PR practitioners that their responsibility for communication with employees should be symmetric and, therefore, involve much more effort than putting out the employee newsletter and occasional special publication.

"Much of the research on interpersonal communication in organizations has great relevance to public relations.... Our discussion of symmetric internal communication shows that public relations people now have more responsibility for researching and improving both scheduled and unscheduled communication. If scheduled internal media are to be effective, they must complement overall internal communication."[27]

Gruning and Hunt also recommend the systems theory as a guide to symmetric communication between management and employees. "The system...in a dynamic environment will give employees autonomy and have an open, symmetric communication system. There will be more horizontal and crisscross communication than in the more structured organization. Employee media and other communication programs will emphasize 'getting the right information to the right people at the right time' --the communication objective -- rather than persuading employees to have attitudes and to behave in ways that support management."[28]

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[27] Gruning, James E. and Todd Hunt. (1984). Managing Public Relations. Orlando, FL: Harcourt Brace Jovanovich College Publishers, 247.
[28] Ibid. , 253.

When defining the roles of the PR practitioner, Gruning and Hunt and others often refer to the PR practitioner as being part of the management team: a close advisor and decision-making partner, particularly when it comes to all aspects of internal and external communication with the organization's publics or stakeholders. Gruning and Hunt refer to these kinds of practitioners as communication managers. "These practitioners systematically plan and manage an organization's public relations program, counsel management, and make communication policy decisions. They are involved in all segments of public relations decision making. They frequently use research to plan or evaluate their work."[29]

Nicole Casarez is one of the few writers in publications aimed at PR practitioners to point out how important it is for the PR practitioner to help determine policy governing employees' E-mail: "Effective PR involves predicting and addressing potential issues <u>before</u> they become fodder for litigation and/or government regulation. If employers fail to respond to their employees' concerns about E-mail privacy in a sensitive manner, Congress or the courts can be expected to change current law. Open communication with employees regarding sensitive privacy issues can not only forestall litigation, but also improve employee relations by building employee trust."[30]

As already indicated, the literature on the subject usually refers to legal and human resources personnel as those responsible for drafting and communicating E-mail policy to employees. Except for Casarez, it is difficult to find any source that recommends that PR practitioners, those theoretically most responsible for overseeing two-way communication between management and employees and

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[29] Ibid., 91.
[30] Casarez, Nicole B. (1992, Summer). "Electronic Mail and Employee Relations: Why Privacy Must Be Considered." <u>Public Relations Quarterly</u>, 39.

maintaining amicable relations between the parties, should play a key role in heading off employee grievances regarding E-mail usage or drafting E-mail policy.

For example, recently the National Education Association (NEA) affiliate in Shawnee Mission School District, Kansas complained that district policy prohibiting personal use of the E-mail system prevented it from communicating with members. Carol Allen, president of the union, argued that "our association should be able to use [the E-mail system] to correspond with our members in the building. The problem is that there isn't a whole lot of law around these issues and certainly not negotiated law that other associations have in their contract."[31] The report never mentioned what role the district's PR practitioner played or should have played in helping to satisfy the union's grievance.

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[31] Harowitz, Sherry L. (October, 1998). "E-mail's packet of problems; formulation of an e-mail policy." Security Management, 5 (Lexis-Nexis Academic Universe Document).

Chapter Three

Procedure

The following research strategies were undertaken:

• Searched literature for information concerning employer monitoring of E-mail, legal and ethical issues related to such monitoring, and real or potential challenges to two-way symmetric communication. The literature included these publications: *American Business Law Journal, Association Management, Business Horizons, Computerworld, Direct Marketing, Federal Human Resources Week, Focus, Forbes, Journal of Systems Management, Management Review, National Law Journal, New York Law Journal, Personnel Journal, Public Relations Quarterly, Texas Lawyer, The Wall Street Journal , The New York Times,* and a number of reports.

• Conducted a focus panel of public relations executives and others.

• Conducted one nonprobability, selective survey of public relations executives by mail and one nonprobability, selective survey in-person of human resources executives.

• Conducted in-depth telephone interviews with six PR executives.

Research Method

In the **first phase,** the author conducted a focus panel consisting of the following persons: Christine Bahr, information systems specialist at the Chambers Works plant of DuPont De Nemours E I & Company; Peg Lawlor, director of publications and public relations for the New Jersey School Boards Association;

David McDonald, director of ethics for Lockheed-Martin, Inc.; John C. Nestor,

human resources coordinator for Johnson-Matthey, Inc.; and Linda Parthemer, vice-

president of the Tri-State Human Resources Association and a lawyer.

These persons were selected because they represented different perspectives and

opinions regarding such issues as the following: • employee use and abuse of E-

mail systems, • management policy concerning E-mail usage and E-mail

monitoring, • possible damage to management-employee relations as a result of

unrealistic employee expectation of privacy, and • the role of PR practitioners in all

these matters.

In the **second phase**, the author conducted one nonprobability and selective

mail survey. This was a double postcard sent to 100 PRSA members in the 48

continental states. A two-page questionnaire was distributed in-person to 100

members of the Tri-State Human Resources Association at an Association meeting

by Linda Parthemer, vice-president of the organization. The sample population for

the mail survey of PRSA members was selected to create a balance among PR

practitioners from different areas within the 48 states, large and small organizations,

and public and private organizations. The author had no control over the

disbursement of the questionnaire to human resources personnel.

Sample questions from the survey of PRSA members are as follows:

• Has employee use of E-mail been a source of friction or misunderstanding

between employer and employees?

• Does your organization have a written policy regarding employee use of E-

mail?

• What role does the public relations office play regarding E-mail policy and

practice?

The full text of this questionnaire is included in Appendix A.

Sample questions asked of the human resources personnel are as follows:

• Does your organization monitor employees' E-mail?

• Do you have a written policy regarding monitoring?

• How was the policy communicated to employees?

The full text of this questionnaire is included in Appendix A.

Analysis

The author conducted telephone interviews with six public relations officials identified through the surveys to assist in analyzing responses to questions posed to the focus panel and contained in the surveys. Particular attention was directed to the following areas:

•role of public relations department vis a vis role of legal, human resources and information systems departments insofar as developing and communicating E-mail policy and handling complaints about monitoring.

• comparing roles in large and small organizations.

• comparing different approaches to communicating E-mail policy.

Chapter Four

First Phase: Focus Panel

The first phase of the study sought answers to a series of questions asked of a focus panel consisting of persons representing the following departments of a typical organization: public relations, human resources, legal and information systems. The questions were these:

- What grounds does an organization have for monitoring employee E-mail?

- How should the organization go about developing a monitoring policy and explaining it to employees?

- What role should the organization's PR manager play in these steps?

- How should the organization respond to employees' complaints that the monitoring system invades their privacy?

- What role should the organization's PR manager play in such responses?

- What strategies should be employed to prevent or cope with strains in employer-employee relations resulting from E-mail policies?

The focus panel participants were as follows: Christine Bahr, information systems specialist with the DuPont Corporation; Peg Lawlor, director of publications and public relations for the New Jersey School Boards Association; David McDonald, director of ethics for Lockheed-Martin; John C. Nestor, human resources coordinator for Johnson-Matthey; and Linda Parthemer, vice president of Tri-State Human Resources Association and a lawyer.

A primary reason for monitoring employees' E-mail, according to the panel,

is to ensure that the organization's E-mail equipment is being used exclusively for business purposes. For example, Ms Bahr said DuPont requires most employees to sign an agreement in which they acknowledge that the E-mail system is owned by the company and is to be used for business purposes only. The policy advises employees that their E-mail may be monitored. A message so advising employees appears on their computer screen when employees log on to the E-mail system. (See Appendix B for the text of the DuPont policy and the message flashed on employees' computer screen.)

DuPont annually assesses "resources allocation," said Ms Bahr. The assessment includes the E-mail system. "If [the system] is being fully utilized, we have to make provisions for increasing the hardware capacity. If the hardware is not being used for business purposes, then the company is spending money to support people [using] the equipment for personal reasons, and that is not good use of company money and company resources."

Lockheed-Martin has a similar policy, said Mr. McDonald, including the stated right to monitor E-mail. However, the company does not ordinarily monitor an employee's E-mail unless it suspects the employee has violated the policy.

The DuPont and Lockheed-Martin policies, which are comparable to other organizations' policies described in the literature, specifically prohibit personal messages that may be illegal (e.g. libelous statements), unethical (e.g. offensive or obscene language), and political (e.g. advocacy of a candidate or platform). Also, employees may not use company equipment to sell products or services (e.g. announcing a yard sale or offering to sell unwanted household items).

"We do not arbitrarily monitor employees' E-mail," said Mr. McDonald. "If there is an ethics allegation or complaint [for example], we will review [the situation] with legal and HR [human resources] whether we should review [an

employee's E-mail]. If there is [reason], then we will go in and review it." Lockheed-Martin has no policy of random monitoring. In fact, no panel member reported random monitoring.

At the New Jersey School Boards Association, said Ms. Lawlor, management adopted a policy warning against abuse of the E-mail system after some employees complained about"unnecessary messages on E-mail. It kind of became a nuisance -- Tupperware party and yard sale [announcements]." Before the policy, she said, employees "didn't realize the system belonged to the Association." Management also complained that private use of E-mail was costly to the Association in terms of time not spent on Association business,

Although E-mail policies generally prohibit personal use of the system, participants noted that there are some exceptions. For example, the Lockheed-Martin policy states, "Occasional personal use of [equipment] is permitted subject to the following...." However, the "following" never specifically states what personal uses are allowed. Whether an employee's personal use of E-mail equipment is permitted is determined on a "case by case basis," said Mr. McDonald.

However, he added, orientation sessions with new employees discuss the issue of personal use, and on other occasions the company may circulate to employees on-screen scenarios depicting authorized and unauthorized personal use of E-mail. The orientation and scenarios may point out, for example, that an employee's notice of a yard sale is not considered a permitted personal use of E-mail.

A reason why language regarding personal use is sometimes vague, said Ms. Parthemer, is because employers can run into problems if their policy is too rigid. "Employees need to get [and send] personal messages. One way employers decide is the percent of time used for personal [business]." Sometimes misuse is uncovered when an employee has been out of the office for a week or more and someone is

asked to check the employee's E-mail for messages. Often, it is a secretary who monitors an absent employee's E-mail . She also noted that recent case law regarding monitoring has ruled that, while employers have a right to monitor employees' E-mail to determine personal use, once such a determination is made, the company should discontinue monitoring personal messages.

Panel members stated that top management -- almost always including legal counsel, sometimes human resources personnel, but almost never public relations directors -- draft E-mail policies. Employees are normally not consulted. "In our case [at Johnson-Matthey] it [E-mail policy] is from on high and given down to us [human resources department] and we disseminate it," said Mr. Nestor. "Certainly this is not the best way. I would prefer to do it on a local level involving employees and get some input -- again for the morale issue -- and they might have ideas that would be helpful."

The author asked panel members whether policy covering E-mail use by employees and monitoring by employers is subject to collective bargaining with employee unions. "From a management perspective," said Ms. Parthemer, "[monitoring] is considered a management right. Management has the right to manage the business the way it sees fit. If the policy does not affect wages and benefits, they [management] don't have an obligation to negotiate the policy with labor."

The author also asked whether employees' use of E-mail to criticize supervisors or top management is considered free speech and, therefore, not subject to disciplinary action. Ms. Parthemer replied, "It hasn't become an issue, but I can see the potential. The thing that saves employers is that they have the right to discipline a disruptive employee, and such [critical] comment by an employee during working hours might fall into that category."

At Lockheed-Martin, Mr. McDonald said, employees have another avenue if they have a complaint about their supervisor, The company has an ethics help line where they can express their opinion about the work of a supervisor. "Instead of sending off E-mail to everyone, they go through the ethics help line, and they can go anonymously." Employees are advised they cannot be disciplined for messages they put on the ethics help line.

The author asked whether the public relations department plays a role in drafting and implementing E-mail use and monitoring policies and whether the department also deals with issues affecting employer-employee relations and employee morale that may result from enforcement of the policy. Ms. Lawlor said she assists NJSBA members who seek help with public relations issues, but she is not considered a public relations advisor by the organization's top management. If other directors within the organization believe they have a problem affecting employer-employee relations [and morale], whether it results from E-mail monitoring or from some other cause, they do not go through her office. Instead, they go directly to top management.

At Lockheed-Martin, Mr. McDonald said, the corporate public relations office publishes a monthly newsletter that includes an ethics page. Information pertaining to E-mail usage and monitoring and other subjects is included, and employees are encouraged to write in and express their views on ethics issues.

According to Ms. Bahr, human resources personnel at DuPont are responsible for publishing a monthly newsletter that makes employees aware of the E-mail policy and other issues. She said she did not know of any role played by the public relations office.

"I never would have considered PR when developing an [E-mail] policy," said Mr. Nestor. At Johnson-Matthey, issues affecting employer-employee relations are

considered strictly the province of human resources.

Ms. Parthemer said, based upon her legal experience and position as vice president of Tri-State Human Resources Association, that 98 percent of the responsibility for drafting and implementing E-mail policies and coping with employer-employee issues rests with human resources. Two percent of the time it may be a combination of HR and PR, but usually this occurs only in the largest corporations. However, she added, she advises her own human resources clients to work with public relations personnel to help resolve issues affecting employer-employee relations, even when these issues involve legal questions.

At Lockheed-Martin, Mr. McDonald repeated, the public relations department does become involved in communicating to all employees about general issues regarding E-mail usage and monitoring, "We take a proactive approach to this whole issue." However, public relations personnel do not become involved in individual problems and complaints about E-mail usage and monitoring.

DuPont human resources personnel handle employer-employee issues resulting from E-mail monitoring, said Ms. Bahr. She supposed the public relations department might get involved if issues "get out of hand."

Mr. Nestor said his division at Johnson-Matthey has no resident public relations official, even though the plant employs 300 persons. Furthermore, corporate public relations personnel have never communicated with his human resources department. "I would welcome their input. From our perspective, legal [counsel] is too rigid, and PR could be a nice balance to explain [issues arising from E-mail monitoring]. They could help HR convince legal that these [issues] need to be softened for morale purposes."

Ms. Lawlor agreed that public relations strategies, such as small group meetings with employees, would help considerably to "soften" employees' attitudes

toward restricted personal use of E-mail and monitoring by the organization. In her Association, management's directive and attitude toward monitoring, which did not take into consideration employees' concerns and questions, "has made for bad feelings" among many employees. "At least if there was more discussion -- if the executive office would include others and indicate to staff they are listening to them."

The most important thing a public relations department can do, or assist human resources department in doing, Mr. McDonald said, is to explain to employees what the E- mail policy is all about and why it was instituted. Also, as previously stated, Lockheed-Martin's help line offers employees an opportunity to voice their questions and/or complaints. Annual training sessions for all employees regardless of the issues, including those resulting from the E-mail policy, are another way Lockheed-Martin deals face-to-face with employees.

At Johnson-Matthey, human resources personnel also explain the monitoring policy to employees in orientation.

All panel members voiced agreement with Mr. McDonald's final comment: "Good communication can go a long way toward solving problems in employer-employee relations resulting from E-mail policies."

Second Phase: Surveys

The author conducted one mail survey of 100 Public Relations Society of America members in the 48 continental states. The Tri-State Human Resources Association distributed an in-person survey at one of its conferences. The data comparisons that follow refer to these two surveys as follows: USPRSA and HRA.

The returns from both surveys were small: USPRSA: 23% returned; HRA: 32% returned.

The two surveys did not always include the same questions. In some instances wording of questions has been changed slightly from the way the questions appeared on the surveys. Questions that received few or no responses are not included. Comparisons of answers follow. (Also see charts on pages 28 and 30.)

Q1. Does your organization have an E-mail use/monitoring policy?

A. USPRSA: Yes, 13; No, 9; NA, 0

HRA: Yes, 5; No, 2; NA, 25

Q2. Did your organization involve employees in drafting the policy?

A. USPRSA: Question not asked

HRA: Yes, 2; No, 3; NA, 27

Q3. If the organization has an E-mail policy, how is it communicated to employees?

A. Respondents to USPRSA were able to choose from among five answers, including "other." Respondents to HRA had seven choices.

USPRSA: Employee newsletter, 3; Employee E-mail, 7; Video presentation, 0; Meetings, 4; Other, 4 (employee handbook, policy manual, through MIS Dept., multiple methods)

HRA: Distributed to all employees, 5; Meetings, 2; Posting on bulletin board, 0; Employee newsletter, 1; Personal letter from CEO, 1; Memos, 0; Employee E-mail, 2

Q4. What role did the public relations office play regarding E-mail policy and practice?

A. USPRSA (four choices, including "other"): Helped draft policy, 5; Communicated policy to employees, 8; None, 9; Other, 3 (another office notifies, PR office helps "enforce" policy, small office needs no policy)

HRA: Question not asked

Question #1 Does organization have E-mail policy?	Yes	No	NA
USPRSA	13	9	0
HRA	5	2	25

Question #2 Involve employees in drafting?	Yes	No	NA
USPRSA			Not asked
HRA	2	3	27

Question #3 How informed	Newsletter	E-mail	Meetings	Distribute	Video Memo	Other
USPRSA	3	7	4	NA	0	4
HRA	1	2	2	5	0	1

Question #4 Role PR office play	Helped draft	Inform Employees	None	Other
USPRSA	5	8	9	3
HRA	NA	NA	NA	NA

Q5. Has employee use of E-mail and E-mail monitoring by employer been a
source of friction or misunderstanding? (This question was asked more
directly in USPRSA than in HRA; this wording captures the
intent of both questions.)

A. Respondents to HRA could choose from among six answers to question
asking about employees' reaction to monitoring.

USPRSA: Yes, 7; No, 15

HRA: Passively, 4; Some employees alleged invasion of privacy, 0;

Employees complain among themselves, 0; Formal grievance, 0; Lawsuit,

0; Some employees quit, 0

Q6. Does your organization engage in monitoring? (While an organization
may have a policy regarding E-mail usage by employees that warns periodic or
random monitoring may occur, it may not monitor employees' E-mail except
when some breech of the policy is suspected.)

A. USPRSA: Question not asked

HRA: Yes, 5; No, 27

Q7. Which of the following concerns would prompt your organization to
monitor employees' E-mail?

A. Respondents were asked to rank five answers in priority order.

USPRSA: Question not asked

HRA: #1 Fear employees might divulge confidential information about

organization; #2 Use of employer's system for private business; #3 Fear

employees might damage organization's reputation; #4 Fear outsiders

might "plant"offensive or undesirable messages on employees' E-mail; #5

Fear employees might be harassed by fellow employees

Question #5						
Reaction?	Yes	No	Passive	Privacy	Complain	Other
USPRSA	7	15				
HRA			4	0	0	0

Question #6 Does organization monitor?	Yes	No	NA
USPRSA	Question not asked		
HRA	5	27	0

Question #7 What cause to monitor	Ranked in order				
USPRSA	Not asked				
HRA	#1 Divulge info	#2 Private use	#3 Damage reputation	#4 Offensive messages	Harrass

Analyzing responses from focus panel and survey returns

Six public relations practitioners who responded to the USPRSA survey were questioned at length via telephone in an effort to draw some conclusions from the focus panel and survey responses concerning the role of the PR practitioner insofar as drafting and communicating E-mail policy and coping with problems in employer-employee relations that might result from such a policy. The persons questioned are as follows:

Joel D. Albizo, Public Relations Director, American Association of Nurserymen, Washington, DC.

Carol C. Corley, Executive Director of External Affairs, Southwestern Bell Telephone, Little Rock, AR.

Clark P. Dumont, Vice President for Corporate Relations, Blue Cross and Blue Shield of New Hampshire, Manchester, NH.

J. Alan Hill, Senior Public Relations Manager, Bell Atlantic, Arlington, VA.

Evan D. McCollum, Communications Manager, Lockheed-Martin, Denver, CO.

Lisa Snyder, Human Resources Manager (formerly with the Public Relations Division), Tropicana Products, Bradenton, FL.

• **Drafting E-mail policy**

All six persons agreed with the majority of responses that public relations practitioners are not often consulted concerning the drafting of E-mail policy. Typically, E-mail policy is written by management information services (MIS, the technology division of the organization), either alone or in conjunction with the legal department.

They affirmed that focus panel members and survey respondents (as well as authors of articles about E-mail policy) are correct when they describe E-mail policy

as being primarily designed to prevent employees from using the system for personal reasons and from divulging confidential information about the organization.

• Communicating E-mail policy

The six persons interviewed agreed that survey results and focus panel responses fairly reflect what is typical in most organizations today concerning communication of E-mail policy to employees:

• Responsibility for communicating E-mail policy is often shared by public relations, management information services (MIS) and human resources.

• The organization initially communicates policy usually via employees' E-mail (and MIS is most often in charge of this step). However, public relations is frequently responsible for follow-up communication (policy reminders and answers to questions about policy).

For example, Evan McCollum of Lockheed-Martin said, "The Communications Department coordinates all formal external and internal communications. The policy is first transmitted over everyone's E-mail; we then provide up-to-date information about use of E-mail and answer questions through a weekly newsletter." While MIS at Blue Cross and Blue Shield of New Hampshire is responsible for initially communicating policy via employees' E-mail, the public relations office is thereafter responsible for occasional reminders about provisions of the policy, according to Clark Dumont. MIS at Tropicana Products also is responsible for first advising employees of E-mail policy, said Lisa Snyder. However, the public relations office thereafter interprets policy and responds to queries via an electronic newsletter.

The situation at Southwestern Bell Telephone Company may typify what

occurs at many organizations, particularly those where survey respondents said public relations played little or no role in communicating E-mail policy. According to Carol Corley, most public relations functions at Southwestern Bell were "outsourced" three years ago, and the outside firm concentrates almost exclusively on "media relations" and other strictly external functions. Therefore, most internal communications regarding E-mail policy are handled by human resources and information services. While PR functions might not be farmed out by most organizations, as in the case of Southwestern Bell, the interviewees believe that public relations practitioners in many organizations have little responsibility for most internal communication, despite the dual PR function described and recommended by most PR theorists. Public relations practitioners may publish an employee newsletter, but, as will be noted later, human resources and MIS often play a more significant role in communicating to employees and attending to employer-employee relations.

- **Coping with employees' misunderstanding and resentment regarding E-mail policy enforcement**

To begin with, the six persons affirmed what survey respondents and focus panel participants reported regarding possible discontent among employees' as a result of organization policy that prohibits personal use of organization E-mail. While some employees resent what they consider to be an invasion of their private E-mail correspondence (via MIS monitoring), the vast majority of employees accept organization policy and abide by it.

As previously stated, when misunderstanding or resentment does occur, problems most often are attended to by human resources. At Tropicana, for example, Lisa Snyder reported that human resources is in charge of "counseling"

employees who have serious questions about E-mail policy, and HR is responsible for "disciplining" those persons who violate policy provisions.

Human relations also is primarily responsible for employer-employee relations, including "morale building," at Lockheed-Martin, said Evan McCollum. However, HR and public relations may work together when employees ask questions or complain about E-mail policy via the "president's E-mail account." The president of Lockheed-Martin does not actually handle such questions and complaints, said McCollum, but HR and PR seek the president's approval for their responses to employees.

Both Clark Dumont at Blue Cross and Blue Shield of New Hampshire and Joel Albizo at American Association of Nurserymen testified to the "team approach" that apparently exists at many organizations, not only in matters related to E-mail policy but also in many other situations. Size of organization does not seem to be a factor, because Blue Cross and Blue Shield of New Hampshire has 900 employees and American Association of Nurserymen (AAN) has 15.

Dumont refers to the team approach as "executive management;" the team includes the president of the organization, senior vice president and heads of public relations, human relations and MIS. The structure is less formal at AAN. "We try to operate with common sense and mutual respect," said Albizo. If an employee should circulate on E-mail an off-color story, for example, that could be offensive to some employees, a member of the team, which includes Albizo as PR executive, would go to that person and explain why some employees may not want to receive such messages. "We rely on person-to-person communication," he said. Apparently, it is effective in his small organization.

Chapter Five

The author began this study with four reasonable assumptions:

• Because of employees' expectation of privacy in their communications at work as well as at home, rather E-mail or telephone, most organizations have developed a policy pointing out to their employees that E-mail belongs to the organization and may, therefore, be monitored.

• Most, if not all, public relations practitioners have primary responsibility in their organization for all, or nearly all, internal communication. Therefore, public relations practitioners play an important role in writing and disseminating an organization's E-mail policy.

• Policy prohibiting private use of an organization's E-mail is apt to create misunderstandings and outright friction between management and employees, requiring the intervention of public relations practitioners whose responsibility it is to maintain amicable employer-employee relations.

Almost none of these assumptions proved valid based upon literature reviewed, responses of focus panel members, answers to survey questions and statements by public relations executives interviewed.

Conclusions

• Employers know that their computers and, therefore, all E-mail and other material composed on those computers are the organization's property. And they worry that some of their employees may use the organization's property either to divulge sensitive information about the organization to outsiders or to while away

their time chatting with friends and coworkers or, worse, offending and harassing coworkers. Many employers evidently assume their employees also recognize that the organization's computers and E-mail are for organization business only, and therefore they find it unnecessary to advise employees of this fact. How else can one explain why, according to <u>Security Management</u> magazine, half the nation's employers near the end of the Nineties still have no written policy regarding E-mail use and why forty-one percent of those public relations practitioners surveyed also report their organization has no policy.

Federal law does not *yet* require private employers to adopt an E-mail policy. Also, courts have thus far ruled in favor of employers in those cases where employees have claimed their privacy rights were violated when their E-mail was monitored by their employer. However, the literature indicates that employers may not be able to avoid their responsibility for adopting written E-mail policy for very long. Although the Congress may procrastinate, some judges have warned employers that their defense is weakened when they fail to recognize employees' *expectation* of privacy (not their right) and do not address that expectation through written policy communicated to all employees.

• The literature regarding issues and problems associated with E-mail use by employees, E-mail monitoring by employers and the subsequent need for E-mail policy gave the first indication that public relations practitioners perhaps do not concern themselves very much, if at all, with these matters. Publications directed at PR management have been mostly silent on the subject. They certainly have not urged their readers to play any significant role in drafting and communicating E-mail policy or helping to smooth strained employer-employee relations caused by E-mail policy and practice. Perhaps the most telling statement made by those persons interviewed for this study was the statement by John C. Nestor, human resources

coordinator for Johnson-Matthey, Inc.: "I never would have considered PR when developing an [E-mail] policy," because issues affecting employer-employee relations are considered strictly the province of human resources. At Du Pont, even the company newsletter is published by the human resources department, and at Southwestern Bell, public relations was "outsourced" to a firm that deals almost exclusively with external communications.

According to what was learned from focus panel members, survey respondents and interviews, public relations practitioners seem to play a lesser role in internal communications than PR theorists and graduate PR courses would suggest. (Also, see Recommendations for Further Study on page 38.)

What seems to be more the case at organizations around the country is that, when it comes to internal communications, the primary role is played by human resources, with public relations and information systems in supporting roles. In part this may have come about for two reasons:

1. Human resources departments are apparently far more active and involved in ongoing employer-employee relations than were their predecessors: personnel departments. This may be true because of the improved training of HR personnel and the increased emphasis on person-to-person communication. Today, it is no extension of HR's responsibilities to include communicating E-mail policy and coping with strained relations between management and workers resulting from E-mail monitoring.

2. Communicating E-mail policy and E-mail monitoring, naturally, concern the computer technology that now holds center stage in almost all offices around the country. Even employee newsletters are frequently E-mailed. Management information systems (MIS) therefore, which holds the keys to the organization's technology so to speak, seems then to be a logical choice to become a key

communicator between employer and employees.

• Disagreements today between employer and employees are more likely than in the past to escalate into issues for collective bargaining, formal grievances and lawsuits. It seems natural, therefore, that an organization's legal department also would play a more prominent role insofar as drafting and communicating E-mail policy and, certainly, ameliorating strained relations arising from E-mail monitoring.
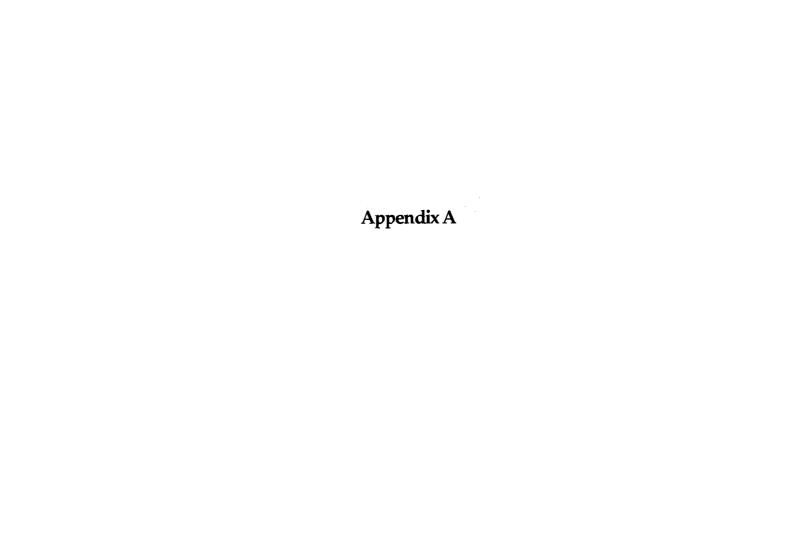
Public relations executives seem all too willing to allow legal and the other departments to take over what PR theorists have generally argued are important PR functions. The account on page 13 concerning how an associate general counsel for a major industry literally took over employee training and communication regarding E-mail use begs this question: What has happened to the PR department's responsibilities for internal communications?

Recommendations for Further Study

This study has been neither broad enough nor deep enough to draw conclusive findings regarding what seems to be a changing and perhaps diminishing role played by public relations executives insofar as internal communications. What is needed, therefore, is far more extensive and intensive research. The recommended studies should perhaps answer at least these questions:

• To what degree have human resources, MIS and legal assumed internal communications responsibilities once the province of public relations?

• If there is a trend toward other departments becoming more responsible for internal communications, should PR theorists redefine the PR role and create a new paradigm that calls for greater cooperation among PR, HR, MIS and legal?

• Should PR executives be more concerned than they apparently are about potential threats to good employer-employee relations? Should PR, for example, lead the way toward evaluating in advance what effects certain trends might have on internal communications and employer-employee relations. Scant evidence exists that public relations executives ever seriously considered what might occur when strict rules governing E-mail use and random monitoring of employees' E-mail clashed with employees' expectation of privacy.

Appendix A

Survey of Human Resources Directors
for New Jersey Organizations

Dear HR Director:

   To ensure electronic systems are used for the right reasons, more
and more organizations monitor employees' e-mail and voice mail.
I am researching the nature and extent of such monitoring among New
Jersey organizations.

   You can help with my investigation by completing this
questionnaire and returning it promptly. Thank you. To show my
appreciation for your assistance, I will send you an executive summary
of the research findings. To ensure receipt of the summary, remember
to provide your name and mailing address on the questionnaire.

   Your responses will be held in strictest confidence; neither you
nor your organization will be identified in my published report.

   Thank you.

   Charles H. Harrison, Rowan College of New Jersey

Your name and title: _____

Organization:_____

Address: _____

_____Tele #_____

Q1. Does your organization monitor employees' e-mail?
____ Yes ____ No

Q2. Does your organization monitor employees' voice mail?
____ Yes ____ No

Q3. If your answers to Questions 2 and 3 were no, is your organization
contemplating monitoring employee e-mail and/or voice mail?
____ Yes ____ No

Note: If you answered no to ALL of the above questions, you need not
go further, but please return this questionnaire. Thank you.

Q4. Which of the following concerns prompted your organization to
monitor employees' e-mail and/or voice mail? Please rank in priority
order from 1 to 5, with 1 being the most important reason.

A __   Use of organization systems and equipment for personal business
B __   Fear that employees might divulge confidential or sensitive
       information about the organization
C __   Fear that outsiders might "plant" messages injurious to the
       organization and/or its employees
D __   Fear that employees may damage the reputation or financial
       security of the organization by accident or design
E __   Fear that employees might be subjected to harassment from fellow
       employees or from persons outside the organization

1. Has employee use of e-mail been a source of friction or misunderstanding between employer and employees?
___Yes   ___No

2. Has employee use of e-mail been the subject of employer-employee negotiations?
___Yes   ___No

3. Does your organization have a written policy regarding employee use of e-mail?

4. What role does/did the public relations office play regarding e-mail policy and practice? (Please check appropriate responses)
a)___Helped draft written policy
b)___Communicated policy to employees
c)___None
d)___Other (please explain)

5. If the public relations office communicated e-mail policy to employees, what methods did you use? (Please check appropriate boxes)
a) ___Employee newsletter
b)___Employee e-mail
c)___Video presentation
d)___Meetings
e)___Other (please explain)

Your name and title_____Tele#_____

Address_____

___Yes, send me survey results

Appendix B

Corporate Electronic Mail Authorized Use & Rights of Access and Disclosure Policies

This document sets forth DuPont's policy for *authorized use* of the Company's electronic mail systems. It also sets forth policy with regard to *acccess* and *disclosure* of electronic mail messages sent or received by DuPont employees with the use of the Company's electronic mail systems.

It is the policy of DuPont that corporate electronic mail systems will be used *only* for company business unless otherwise specifically authorized by company management.

Management may authorize use for Company-related purposes such as to assist a civic cause (e.g., the United Way). The Company electronic mail systems must not be used to: send chain letters; solicit for political candidates; engage in any illegal, unethical or improper activities; or to further *any* non-Company business.

The Company's electronic mail systems may be used by customers, suppliers and other third parties *when no effective alternative exists* and when use is limited to conducting ongoing business activities with specific Company employees. These third party users must be made aware of our policy and expectations of use, before such privilege is granted (see ELIS Recommended Practices).

As policy, DuPont will not read electronic message content as a routine matter, but company management reserves the right to authorize such at any time without any prior notification. The company may electronically scan mail messages for the presence of specific content such as viruses or passwords. The company will also respond to legal process and fulfill its obligations to third parties.

Unauthorized monitoring of the Company's E-Mail system or its contents is a violation of Company policy.

Violation of these policies is a cause for **disciplinary action** .

DuPont reserves the right to change these policies at any time.