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VIA EMAIL

President Randy K Avent
Provost Terry Parker
Chief Compliance Officer David Blanton
General Counsel Gina Delulio
Labor Counsel Mark Bonfanti
Florida Polytechnic University
4700 Research Way
Lakeland, FL 33805-8531

Re: Cease And Desist Defamation of Casey Fox

Dear Officers,

Each of you has been heard making false and disparaging statements regarding Casey Fox. This must stop. I am writing to request that you stop making such statements and immediately correct the record to the extent you contributed to false public information.

Ms. Fox Did Not Own the University's Clinical Records.

Ms. Fox never owned the University's clinical records as each of you has claimed. Before Ms. Fox was hired, the university adopted a policy that its clinical records are the property of the University and should always remain at the university's counseling center in a locked filing cabinet. When Ms. Fox was hired, she was trained in and accepted that policy.

In addition to Ms. Fox, the University employed two other Wellness Counselors, Thomas Huber and Marah McAleer. Both of these individuals were also trained that their clinical records were university property and should always remain with the University. When Dr. Huber and Ms. McAleer left the university, they left their clinical records with the university. Neither was asked to sign any document purporting to assign ownership of the records, nor did the University claim that these clinicians had any ongoing duties with respect to the records after they left the employment of the University.

In the context of counseling in a university setting, the standard of care *requires* that patient files of a university counselor belong to and remain at the university. See the Standards for University and College Counseling Services published by the International Association of Counseling Services, Section III (Ethical Standards), F (Case Records).

Ms. Fox Did Not Refuse to Cooperate with the University After She Was Laid Off.

As you know, on June 26, 2018, without any advanced notice, Ms. Fox was notified that she was being laid off. The University's human resources director took Ms. Fox's key to the clinical records filing cabinet. Her electronic accounts with the University were suspended. She was made to gather her personal items. And she was physically escorted off campus.

Ten days after Ms. Fox had already been laid off, on July 6, 2018, in response to Ms. Fox's contacting the University about another issue, a university human resources officer, DeAnn Doll, told Ms. Fox that she was the owner of the clinical records and that it was her responsibility to "maintain custody and control for such records." Ms. Doll offered, however, that the University would accept responsibility for the records if Ms. Fox "would like." Ms. Fox promptly wrote back and told Ms. Doll that the University already had control of the records and should consider itself the owner. On July 11, 2018, I wrote to Ms. Doll myself and reiterated that the University was the records owner and should send appropriate notices to students and ensure continuity of care.

I was then contacted by the University's Assistant General Counsel Melaine Schmiz about the records. Ms. Schmiz made the same assertions as Ms. Doll, claiming that Ms. Fox was the record owner, but again offering for the University to accept ownership. Ms. Schmiz' correspondence illustrates how little the University cared about ensuring that the records were promptly delivered to a licensed counselor. On July 12, 2018, Ms. Schmiz wrote, "Since Ms. Fox is still a University employee, we have time to iron out the details relating to counseling records."

I responded to Ms. Schmiz again agreeing that the University was the records owner and again urging the University to ensure continuity of care. On July 24, 2018, Ms. Schmiz confirmed her understanding of the agreement: "Good morning, To summarize: Ms. Fox has agreed to designate the University as the record owner for the student counseling records."

The records issue seemed to be resolved. Ms. Fox received no further demands from the University until after a student killed himself on August 1, 2018, and the Tampa Bay Times published a story on August 4, 2018, "At Florida Poly, a student suicide and a question: Could it have been prevented?" After the Tampa Bay Times article, the University's general counsel and its outside labor counsel attempted to reopen the records ownership issue. They accused Ms. Fox of abandoning the clinical records and they threatened to report Ms. Fox to the Board of Clinical Social Work, Marriage, & Family Therapy for licensure discipline unless Ms. Fox signed an eight-page agreement that sought to make Ms. Fox responsible for the clinical records through the date of the student suicide.

Ms. Fox declined to sign this agreement and encouraged the University to contact the Board of Clinical Social Work, Marriage, & Family Therapy so that the University could clarify its own obligations.

Request for Corrections.

In the University's August 16, 2018, Report on Counseling and Behavioral Health Services, Mr. Blanton makes a number of false statements which warrant review and correction. In particular, Mr. Blanton falsely claims that Ms. Fox did not have an agreement with the University regarding the ownership of clinical records; that she was the records owner of the clinical records; and that she somehow "failed to cooperate with the University or provide an answer resolving ownership" after she was laid off. These statements are false and warrant reinvestigation and correction.

The sharing of false and disparaging information about another individual is serious, particularly when the information damages the individual's professional reputation. Govern yourselves accordingly.

Sincerely,

Eric Lindstrom