



Office of the Washington State Auditor
Pat McCarthy

Whistleblower Investigation Report

Grays Harbor College

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February 22, 2018

Dr. James Minkler, President
Grays Harbor College

Report on Whistleblower Investigation

Attached is the official report on Whistleblower Case No. WB 18-007 at the Grays Harbor College.

The State Auditor's Office received an assertion of improper governmental activity at the College. This assertion was submitted to us under the provisions of Chapter 42.40 of the Revised Code of Washington, the Whistleblower Act. We have investigated the assertion independently and objectively through interviews and by reviewing relevant documents. This report contains the result of our investigation.

If you are a member of the media and have questions about this report, please contact Assistant Director for Communications Kathleen Cooper at (360) 902-0470. Otherwise, please contact Whistleblower Manager Jim Brownell at (360) 725-5352.

Sincerely,

Pat McCarthy
State Auditor
Olympia, WA

cc: Governor Jay Inslee
Darin Jones, Human Resource Director
Kate Reynolds, Executive Director, Executive Ethics Board
Cristopher de la Peña, Investigator

WHISTLEBLOWER INVESTIGATION REPORT

Assertion and results

Our Office received a whistleblower complaint asserting a Grays Harbor College (College) faculty member (subject) improperly profited from the sale of her textbook.

We found no reasonable cause to believe an improper governmental action occurred.

Background

It is a violation of a state law (RCW 42.52.030) for a faculty member to gain a personal benefit by requiring students to purchase a textbook the faculty member authored for use in classes the faculty member taught. However, if the faculty member had no role in selecting the textbook for use in the course, the faculty member may profit from the sale.

The College had a policy in place that allowed instructors to choose the textbooks used in the courses they taught. The College had no provision in its policy regarding textbooks authored by faculty members.

About the Investigation

We reviewed syllabi for courses the subject taught in fall 2016 and spring 2017 semesters, emails, financial statements and written agreements between the subject and a publishing company.

The subject started the process to publish her textbook in 2011. As part of that process, the publishing company sold a “draft” version of the textbook exclusively to the College bookstore. The subject arranged for the publishing company to donate royalties from the book’s sale to the College.

In December 2015, the final version was published; no arrangement to donate royalties was made for this version.

The student syllabi for courses taught by the subject in fall 2016 and spring 2017 semesters listed the textbook as required course material. Before this investigation started, the College decided to stop the use of her textbook in her courses, based on the appearance that she played a role in the textbook’s selection.

During an interview, the subject said she had not received royalty payments from sales of the final version. Financial statements sent to the subject from the publishing company showed the company had not sold enough copies of the textbook to show a profit and so had not made royalty payments to her.

Although it appeared the subject played a role in selecting the textbook, we found no evidence she received a monetary gain from the sale.

Therefore, we found no reasonable cause to believe an improper governmental action had occurred.

State Auditor's Office Concluding Remarks

We thank College officials and personnel for their assistance and cooperation during the investigation.

WHISTLEBLOWER INVESTIGATION CRITERIA

We came to our determination in this investigation by evaluating the facts against the criteria below:

RCW 42.52.030(1) – Financial interests in transactions.

(1) No state officer or state employee, except as provided in subsection (2) of this section, may be beneficially interested, directly or indirectly, in a contract, sale, lease, purchase, or grant that may be made by, through, or is under the supervision of the officer or employee, in whole or in part, or accept, directly or indirectly, any compensation, gratuity, or reward from any other person beneficially interested in the contract, sale, lease, purchase, or grant.