



Office of the Washington State Auditor
Pat McCarthy

Whistleblower Investigation Report

Green River College

Published February 26, 2018

Report No. 1020866





**Office of the Washington State Auditor
Pat McCarthy**

February 26, 2018

Suzanne Johnson, Ph.D, President
Green River College

Report on Whistleblower Investigation

Attached is the official report on Whistleblower Case No. WB 18-006 at the Green River 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
Marshall Sampson, Vice President of Human Resources and Legal Affairs
Kate Reynolds, Executive Director, Executive Ethics Board
Cristopher de la Peña, Investigator

WHISTLEBLOWER INVESTIGATION REPORT

Assertion and Results

Our office received a complaint that a Green River College (College) employee (subject) used state equipment for non-work-related purposes.

We found reasonable cause to believe an improper governmental action occurred.

About the Investigation

We obtained the subject's hard drive and created a forensic report based on the retrieved data. We reviewed the subject's Internet history from August 10, 2016, through August 9, 2017. The subject's browsing history contained 3.6 hours of non-work-related browsing, of which 19 minutes related to her volunteer work for a non-profit organization.

We also found three documents related to the non-profit organization on the subject's hard drive.

During an interview, the subject acknowledged she used her state computer to do volunteer work for the non-profit organization. The subject said she often worked up to 12 hours a day at the College and supervised activities outside of normal business hours, and as a result, would conduct some personal business during downtimes. She said she believed her use of the computer was de minimis since she did not receive a monetary benefit and the use was brief.

A state ethics rule (WAC 292-110-010(3)(a)) requires all state employees to be responsible for the proper use of state resources. The rule permits the de minimis use of state resources if certain criteria are met, including the use does not support an outside organization or group.

Because the subject used her state computer to conduct work related to an outside organization, we found reasonable cause to believe an improper governmental action occurred.

College's Plan of Resolution

Green River College (GRC) has reviewed your preliminary whistleblower investigation report involving an assertion of improper government activity, specifically an employee's use of state equipment for non-work related activities. GRC agrees with the results of your investigation, which concluded there was reasonable cause to believe an improper governmental action occurred in that the subject's browsing history for the past year included "19 minutes related to her volunteer work for a non-profit organization." Thank you for the opportunity to provide a response to your report.

GRC wishes to acknowledge its many employees who are well versed in the laws, rules, regulations, policies, and procedures in place to ensure the proper use of state resources. This instance of improper use does not align with the policies of GRC or the training on State Ethics given to all employees. The employee who violated the policy of GRC and state law voluntarily

resigned when offered an opportunity in the private sector. GRC updated its State Ethics training in September of 2017. The updated training highlights the nuances of the rules and providing interaction with training participants regarding actual Washington State Ethics complaints. In addition to this existing, update training, GRC will add articles to its HR Newsletter to regularly remind existing employees of the laws, rules, regulations, policies, and procedures in place to ensure the proper use of state resources.

GRC thanks the Washington State Auditor's Office for its diligence in reviewing this Whistleblower Complaint.

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 42.52.160(1) – Use of persons, money, or property for private gain.

(1) No state officer or state employee may employ or use any person, money, or property under the officer's or employee's official control or direction, or in his or her official custody, for the private benefit or gain of the officer, employee, or another.

WAC 292-110-010 – Use of state resources.

(1) Statement of principles. All state employees and officers are responsible for the proper use of state resources, including funds, facilities, tools, property, and their time. This section does not restrict the use of state resources as described in subsections (2) and (3) of this section.

(3) Permitted personal use of state resources. This subsection applies to any use of state resources not included in subsection (2) of this section.

(a) A state officer or employee's use of state resources is de minimis only if each of the following conditions are met:

- (i) There is little or no cost to the state;
- (ii) Any use is brief;
- (iii) Any use occurs infrequently;
- (iv) The use does not interfere with the performance of any state officer's or employee's official duties;
- (v) The use does not compromise the security or integrity of state property, information systems, or software;
- (vi) The use is not for the purpose of conducting an outside business, in furtherance of private employment, or to realize a private financial gain; and
- (vii) The use is not for supporting, promoting the interests of, or soliciting for an outside organization or group.