



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

# **Whistleblower Investigation Report**

## **Eastern Washington University**

**Published October 18, 2018**

**Report No. 1022391**





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October 18, 2018

Mary Cullinan, Ph.D., President  
Eastern Washington University

**Report on Whistleblower Investigation**

Attached is the official report on Whistleblower Case No. 18-042 at the Eastern Washington University.

The State Auditor's Office received an assertion of improper governmental activity at the University. 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 Director of 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

Toni Habegger, Associate Vice President and Chief Financial Officer  
Kate Reynolds, Executive Director, Executive Ethics Board  
Jacque Hawkins-Jones, Investigator

# WHISTLEBLOWER INVESTIGATION REPORT

## Assertion and Results

Our Office received a whistleblower complaint regarding an Eastern Washington University (University) faculty member (subject). The complaint asserted that students and faculty had received an email inviting them to a launch party for the subject's new CD. There was an admission fee and the attendees were encouraged to purchase the CD. The complaint stated that this activity was unrelated to the subject's University duties.

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

## About the Investigation

The subject is a member of the Creative Writing program at the University.

On May 29, 2018, the subject used his personal email to draft and forward an email to the program coordinator for distribution. The program coordinator used her University email to forward the message from the subject to 70 students and faculty. The email invited the recipients to purchase tickets to attend a launch party for the subject's CD. The email also provided a link to listen to and purchase the subject's music.

The subject said they used the same list of recipients for previous program event notifications, such as, lectures, art openings, and "anything arts related that seems potentially of interest."

The subject said the launch party was at another faculty member's house and that he sent the email to University staff as a last-minute gesture to be "inclusive." He said these events relate to the program or are "potentially of interest to people in the program."

Additionally, the subject sent a separate email from his University email account to a local radio station to promote the launch party.

He said he did not profit from the ticket sales because the money collected covered the cost of party supplies, equipment and payment to the other musicians.

During our review of the subject's University webpage, we found the subject referenced five books he wrote, four of which had direct links to retail sites to purchase the books. The webpage also included a link to his personal website, where his books and music can be purchased.

The subject said that only three of his books are currently in publication. The remaining two are no longer in print and only available for second-hand purchases, so he receives no money from those sales. He said he has links to his books on his University website because his department uses their publications to entice students to enroll. He said he might have received an advance in the past but no longer receives money from those publications.

Although the subject said other faculty members include links to their books on the University website, University policy states, “University resources may not be used for product sales (online book sales or referral links to book publishers or sales houses).”

State ethics laws prohibit the use of state resources for “the purpose of conducting an outside business, in furtherance of private employment, or to realize a private financial gain” and “promoting the interests of, or soliciting for an outside organization or group.”

Therefore, we found reasonable cause to believe an improper government action occurred.

### **University’s Plan of Resolution**

*The university thanks the State Auditor's Office for the work performed on this case. EWU policy 90L-0L, Ethical Standards, references RCW 42.52 and provides general as well as specific guidance to employees relating to compliance with the state ethics laws. The university provides multiple opportunities for employees to become familiar with the requirements of the policy. As part of the new faculty orientation program held each fall, the university provides an overview of the state ethics laws. In addition, the university conducts a policy workshop each fall and spring for new employees during which the ethics laws are covered. The university also sends an annual compliance reminder to employees pertaining to ethics laws and the university's ethics policy. The university is committed to ongoing employee dialogue and training as part of an ethics compliance program.*

### **State Auditor’s Office Concluding Remarks**

We thank University 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(1) and (3) - 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.