



Office of the Washington State Auditor
Pat McCarthy

Whistleblower Investigation Report
Western Washington University

Published August 19, 2019

Report No. 1024450





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

August 19, 2019

Sabah Randhawa, President
Western Washington University

Report on Whistleblower Investigation

Attached is the official report on Whistleblower Case No. 19-008 at the Western 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 results 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 Assistant Director of State Audit Troy Niemeyer at (360) 725-5363.

Sincerely,

Pat McCarthy
State Auditor
Olympia, WA

cc: Governor Jay Inslee
Antonia Allen, Director, Internal Audit
Kate Reynolds, Executive Director, Executive Ethics Board
Cheri Elliott, Investigator

WHISTLEBLOWER INVESTIGATION REPORT

Assertion and Results

Our Office received a complaint asserting a Western Washington University (University) faculty member (subject) used the University email system to invite faculty to a campaign event for a local office.

About the Investigation

We reviewed the subject's email folders and found an email sent to the subject from an outside source requesting she forward the attached flier to members of her department. The flier was for a campaign event hosted by the sender.

According to the subject, the initial sender is a frequent speaker at the University. The subject said she forwarded the email to faculty so they could share the event with their students, some of whom might have been interested in attending because it related to the courses they were taking. She said that it is normal for department faculty to forward information regarding events that might be relevant to their students. The subject said she was sharing the email as informational and was not endorsing the candidate.

While reviewing her email folders, we found one other email related to the election. This email pertained to a forum where both candidates were present. The subject sent this email to a select group of recipients, not the entire department faculty. When asked about this, the subject said that the forum event was during the summer when only a few of the courses taught were relevant to the election. She said she sent it to recipients she knew would be interested in attending. We spoke with the department chair, who confirmed the subject's explanation and confirmed she sent the email to the appropriate recipients.

Witnesses were divided on whether it is standard practice to send emails out regarding events that might be of interest to students. None of the witnesses passed the email on to their students; one said there was nothing in the email that indicated it was for students. Two witnesses said that the subject should have used private email addresses, not the University's system. One said the subject sends a lot of "political stuff," because it is relevant to her work with students. The witness could not recall anyone ever explicitly endorsing a candidate, because that would be inappropriate. One witness said that it was common knowledge within the department that the subject and her husband were part of the candidate's team.

We found no other emails related to the election, nor witnesses who said they spoke with the subject about the candidate.

Regarding the statement that the subject and her husband worked on the candidate's campaign, the subject told our Office that she had not yet met the candidate when she sent out the invitation. She

also stated the same in an email when she forwarded the invitation to a recipient who was not included in the department-wide email.

The candidate confirmed that he met the subject the night of the event and that she later joined his campaign team.

The subject said that she was not endorsing the candidate when she sent the email, but was sharing information regarding the event.

The ethics law related to using state resources for political purposes states, in part:

“No state officer or state employee may use or authorize the use of facilities of an agency, directly or indirectly, for the purpose of *assisting a campaign for election of a person to an office* or for the promotion of or opposition to a ballot proposition.” [emphasis ours]

Only one of the witnesses perceived the email as politically motivated, and none said the subject discussed the candidate with them. The subject also forwarded, to the appropriate recipients, the email regarding the forum involving both candidates, obviously not endorsing either candidate.

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

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 42.52.180(1) Use of public resources for political campaigns.

(1) No state officer or state employee may use or authorize the use of facilities of an agency, directly or indirectly, for the purpose of assisting a campaign for election of a person to an office or for the promotion of or opposition to a ballot proposition. Knowing acquiescence by a person with authority to direct, control, or influence the actions of the state officer or state employee using public resources in violation of this section constitutes a violation of this section. Facilities of an agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of state employees of the agency during working hours, vehicles, office space, publications of the agency, and clientele lists of persons served by the agency.