

Washington State Auditor's Office
Whistleblower Report

University of Washington

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WASHINGTON
BRIAN SONNTAG
STATE AUDITOR



**Washington State Auditor
Brian Sonntag**

September 26, 2011

Michael K. Young, President
University of Washington

Report on Whistleblower Investigation

Attached is the official report on Whistleblower Case No. WB 11-024 at the University of Washington.

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.

Questions about this report should be directed to Investigator Rob Cotton at (360) 725-5342 or Director of Special Investigations Jim Brittain at (360) 902-0372.

Sincerely,

BRIAN SONNTAG, CGFM
WASHINGTON STATE AUDITOR

BS:rc

cc: Richard Cordova, Executive Director
Governor Chris Gregoire
Melanie de Leon, Executive Director, Executive Ethics Board

Whistleblower Investigation Report

State of Washington University of Washington King County

ABOUT THE INVESTIGATION

We received a whistleblower assertion that a professor in the Pediatrics Division of Neonatology at the University of Washington Medical Center violated state ethics law by securing employment and special privileges for a relative. The assertion further asserted the professor used National Institutes of Health grant funds inappropriately to pay for a relative to visit an out-of-state medical school that she may have been interested in attending.

ASSERTION 1

A professor at the University of Washington used her position to secure employment and special privileges for a relative.

RESULTS

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

We reviewed job applications submitted to the Medical Center's Department of Pediatric Director of Administration and Finance for a research scientist and engineer assistant position and found that 19 of the 29 applicants met the education and experience requirements. The subject's relative applied for the position, but did not meet the minimum educational requirement. The relative was selected for the position after a final interview by a panel that included the subject. We also determined the subject was involved in the decision to hire her relative.

Therefore, we found reasonable cause to believe the professor violated the state ethics law and used her position to secure employment for a relative.

ASSERTION 2

A professor at the University of Washington used National Institutes of Health money inappropriately to pay for a relative to visit an out-of-state medical school that she may have been interested in attending.

RESULTS

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

We found that the subject, the subject's relative and one other employee traveled out of state to attend a medical conference. All three employees made presentations at the conference. We found that the medical conference was not located at the medical

school the relative later attended after her employment at the University ended. Therefore, we determined the costs associated with this travel were allowable. We reviewed other travel expenditures for the relative and did not find any inappropriate travel expenses. Therefore, we found no reasonable cause to believe the subject used her position to secure special travel privileges for her relative.

UNIVERSITY'S PLAN OF RESOLUTION

The Department of Pediatrics' HR process missed three opportunities to prevent the Conflict of Interest as follows: 1) posting the wrong minimum education and experience requirements, 2) not accurately identifying the candidate did not meet the minimum qualifications posted and 3) by not excluding the faculty member from the hiring decision making process. The Department of Pediatrics managed the Conflict of Interest after the hiring process by having the employee report to the lab manager for all work assignments and for supervision of work. The School of Medicine is currently developing an HR Policy on hiring process and candidate evaluation requirements. The policy will incorporate UW and State conflict of interest policies in regards to the hiring practices such as the state RCW regarding special privileges, the UW faculty code on Conflict of Interest and the UW presidential Executive Order 32 on Conflict of Interest. The policy will be published and communicated to all SOM Departments and Deans office units.

STATE AUDITOR'S OFFICE REMARKS

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

Whistleblower Investigation Criteria

State of Washington University of Washington King County

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

RCW 42.52.070 Special privileges

Except as required to perform duties within the scope of employment, no state officer or state employee may use his or her position to secure special privileges or exemptions for himself or herself, or his or her spouse, child, parents or other persons.

UW Presidential Order, Executive Order 32: Employee Responsibilities and Employee conflict of interest section

B. Accordingly, members of the same family or household may be appointed to University faculty and staff positions when it has been determined that they are qualified for the position. Such determination as to qualification may not be made by the member of the candidate's family or household.

C. An employee may not supervise another member of the employee's family or household.

UW Faculty Code: Section 24-50: Conflict of Interest

The procedures set forth in this chapter shall apply in all cases, except that no faculty member, department chair, dean or other administrative officer shall vote, make recommendations, or in any other way participate in the decision of any matter which may directly affect the appointment, tenure, promotion or other status or interest of such person's parent, child, spouse, sibling, or in-law.

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