



INVESTIGATIVE REPORT

Lori Torres, Inspector General

OFFICE: INDIANA DEPARTMENT OF EDUCATION (IDOE)
TITLE: RETALIATION
CASE ID: 2019-04-0108
DATE: July 24, 2019

Inspector General Chief Legal Counsel, Tiffany Mulligan, after an investigation by Inspector General Special Agent Jack Bedan reports as follows:

The Indiana General Assembly charged the Office of the Indiana Inspector General (OIG) with addressing fraud, waste, abuse and wrongdoing in executive branch agencies of state government. IC 4-2-7-2(b). The OIG investigates allegations of criminal activity and Code of Ethics violations within state government. IC 4-2-7-3. The OIG may recommend policies and carry out other activities to deter, detect and eradicate fraud, waste, abuse, mismanagement and misconduct in state government. IC 4-2-7-3(2).

Complaint and Background

In April 2019, the OIG received a complaint alleging that a supervisor (Supervisor) with the Indiana Department of Education (IDOE) had retaliated against an IDOE employee (Employee) for providing information to the OIG during an OIG investigation (the Prior Investigation) involving allegations against the Supervisor. Specifically, the retaliation complaint alleged that the Supervisor had demoted the Employee to a different position within the IDOE in which the Employee had little expertise because the Employee spoke with Special Agent Bedan for the Prior Investigation. The complaint raised a potential violation of IC 4-2-6-13, which prohibits a state employee from retaliating against an individual for providing information to the OIG.

Special Agent Bedan had interviewed the Employee in March of 2019, during the Prior Investigation. The OIG closed the Prior Investigation for insufficient cause.

Investigation

OIG Special Agent Bedan investigated the retaliation allegations against the Supervisor. During the course of his investigation, Special Agent Bedan interviewed several current and former IDOE employees, including the Employee. He also obtained and reviewed documents, including job descriptions and emails.

Special Agent Bedan learned that the Employee served in one position when he interviewed the Employee for the Prior Investigation in March of 2019. In April of 2019, IDOE reassigned the Employee to a different position. The reassignment did not involve a change in pay but involved a new title and job description.

Special Agent Bedan interviewed the Employee, who told Special Agent Bedan that the new job was not within the Employee's "skill set" and that the Employee was "being set up to fail." The Employee stated that before the OIG's Prior Investigation into the Supervisor, the Employee had reported to IDOE other concerns regarding the Supervisor. In a separate interview with Special Agent Bedan, the Employee said that he or she had told only one person that the Employee had spoken with Special Agent Bedan about the Prior Investigation; however, the Employee believes people are aware that the Employee talked with him because of "buzz" in the office.

Special Agent Bedan interviewed one individual, who stated that the Employee's pay did not change with the reassignment; however, the new position appeared to be a demotion because of the change of title. This individual also stated that he or she was not involved in any discussion or decision to reassign the Employee. The individual later learned that IDOE leadership wanted the Employee in the new position because of the Employee's background and knowledge of the office.

This individual did not have any information to show that the reassignment was retribution for talking with the OIG. The individual also stated that he or she did not know how the Supervisor would have known that the Employee had spoken with Special Agent Bedan during the Prior Investigation.

Special Agent Bedan interviewed another individual. This individual expressed concern that IDOE leadership has a pattern of reorganizing the agency, putting employees in different departments, and then eliminating the employees. This individual stated that the Supervisor did not like the Employee, but the individual did not state that he or she believed the Supervisor retaliated against the Employee for talking with the OIG.

Special Agent Bedan also interviewed a third individual. This individual stated that he or she was not involved in the decision to reassign the Employee, but the individual was aware of the reassignment. He or she believed several individuals, including the Supervisor, were involved in the decision to reassign the Employee. The individual said that the Employee's reassignment was not a demotion and that the Employee did not lose any money with the new position. The individual further explained that IDOE leadership makes reassignments frequently because education does not remain static. The individual stated that the Employee is a valued employee and IDOE leadership put the Employee in the new position because they thought the Employee would do well in it due to the Employee's experience and expertise. The individual stated that he or she does not believe anyone retaliated against the Employee.

Special Agent Bedan also reviewed the Supervisor's emails from the date that he first interviewed the Employee for the Prior Investigation to the date that IDOE reassigned the Employee to the new position. He found no emails in the Supervisor's account during this time period to demonstrate that the Supervisor reassigned the Employee in retaliation for the Employee providing information to the OIG.

Special Agent Bedan followed up with the Employee to determine if the Employee had received any unjustified discipline or reprisals from IDOE since moving into the new position. The Employee stated he or she has not.

Conclusion

Special Agent Bedan's investigation found insufficient evidence to support an allegation that the Supervisor retaliated against the Employee for providing information to the OIG during an OIG investigation. Although the timing of the reassignment was soon after the Employee spoke with Special Agent Bedan regarding the Prior Investigation, no witness or documentary evidence demonstrates that the Supervisor independently made the decision to reassign the Employee, that the Supervisor knew that the Employee spoke with Special Agent Bedan at the time the reassignment was made or that the Supervisor made the decision to reassign the Employee because he or she spoke with Special Agent Bedan. As a result, the OIG closes this case for insufficient cause.

Dated: July 24, 2019

APPROVED BY:



Lori Torres, Inspector General