

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

In re: MYA CLEMENTS

)

OEIG Case # 10-00140

OEIG FINAL REPORT (REDACTED)

Below is a final summary report from an Executive Inspector General. The General Assembly has directed the Commission to redact information from this report that may reveal the identity of witnesses, complainants or informants and “any other information it believes should not be made public.” 5 ILCS 430/20-52(b).

The Commission exercises this responsibility with great caution and with the goal of balancing the sometimes competing interests of increasing transparency and operating with fairness to the accused. In order to balance these interests, the Commission may redact certain information contained in this report. The redactions are made with the understanding that the subject or subjects of the investigation have had no opportunity to rebut its factual allegations or legal conclusions before the Commission.

The Executive Ethics Commission (“Commission”) received a final report from the Governor’s Office of Executive Inspector General (“OEIG”) and a response from the agency in this matter. The Commission redacted the final report and mailed copies of the redacted version and responses to the Attorney General, the Governor’s Executive Inspector General and to at his last known address.

These recipients were given fifteen days to offer suggestions for redaction or provide a response to be made public with the report. Certain information contained in the proposed public response may have been redacted in accordance with the Commission’s determination that it should not be made public. The Commission, having reviewed all suggestions received, makes this document available pursuant to 5 ILCS 430/20-52.

FINAL REPORT

I. Allegation and Background

The Office of Executive Inspector General (“OEIG”) received a complaint alleging that University of Illinois at Urbana-Champaign (“UIUC” or “University”) former employee Mya Clements completed University Ethics Orientation for nineteen University employees.

Ms. Clements was an Office Support Specialist at the UIUC College of Internal Medicine until her September 18, 2010 termination from employment.¹ Prior to her discharge, Ms. Clements's primary responsibility was to facilitate the College of Medicine Residency Program orientation, which consists of processing personal information documentation provided by new medical Residents ("Residents"), establishing an electronic profile for each newly hired Resident, and personally assisting the Residents with the orientation program. As part of the orientation process, each Resident must complete ethics training mandated by the State Officials and Employees Ethics Act, which the University entitled Ethics Orientation.

II. Investigation

A. Interview of [redacted]

[Redacted]. [Redacted] informed OEIG investigators that she performed an electronic analysis of activity from the Internet Protocol ("IP") address Mya Clements created when she established a new hire entry in the University computer system. As part of her analysis, [Redacted] constructed a spreadsheet illustrating the activity from Ms. Clements's IP address in June and July 2009, which divided data into thirteen categories including, among other things, Ethics Orientation completion date and time. [Redacted] noted that the analysis could not verify the specific computer to which the IP address was assigned, but she could affirmatively state that all of the entries came from the address Ms. Clements created for new hire orientation.

B. Review of Clements's IP Address Activity Spreadsheet

Investigators obtained and reviewed a copy of [redacted] spreadsheet, which detailed the Residency Program Orientation activity for nineteen new Residents conducted from Ms. Clements's IP address. According to the data included in the spreadsheet, all but one new Resident completed Ethics Orientation within one minute of finishing the previous orientation task.

C. Interview of Mya Clements

During her OEIG interview, Mya Clements stated that she completed Ethics Orientation for each of nineteen new Residents between June 25 and July 27, 2009. She explained that she created accounts for each of the employees, entered any personal information they provided, and completed the entire orientation program, including Ethics Orientation. At the conclusion of each session, Ms. Clements printed the form verifying that each Resident satisfactorily completed Ethics Orientation. She then informed each Resident that she had completed their Ethics Orientation and informed them that they would have to do their own training in the future. When asked why she completed the new Residents' ethics training, Ms. Clements responded that in June 2009, the office was understaffed and she felt pressure to complete the orientation process so that the Residents could receive their appointments and begin their medical training. Ms. Clements said that no one specifically directed or pressured her to complete the Ethics

¹ Ms. Clements was terminated for, among other things, her improper administration of the 2009 Medical Residency orientation and her failure to process payroll paperwork for the 2010 incoming class of Medical Residents.

Orientation for the Residents. Investigators provided Ms. Clements with a copy of the spreadsheet with [redacted] electronic analysis, and Ms. Clements confirmed that she did complete the Ethics Orientation for the Residents on the dates and times indicated on the spreadsheet.

III. Analysis

A. State Officials and Employees Ethics Act Ethics Training Provision

The Ethics Act, in particular 5 ILCS 430/5-10, directs that “[e]ach [State] officer, member, and employee must complete, at least annually beginning in 2004, an ethics training program conducted by the appropriate State agency.”² Pursuant to 5 ILCS 430/1-5 and 110 ILCS 220/2, the Ethics Training provision applies with equal weight to State Universities, such as UIUC. From the statutory requirement that “each” State employee complete the ethics training program, it logically follows that a State employee may not complete ethics training on other employees’ behalf. However, during her OEIG interview, Ms. Clements admitted completing the University Ethics Orientation, the University ethics training program, for nineteen new Residents between June 25 and July 27, 2009. When confronted with the analysis of activity from her IP address, Ms. Clements confirmed that she completed the training sessions as the spreadsheet indicated. She further stated that she told the Residents that she satisfied their 2009 training obligations but that they would need to complete the program themselves in 2010. In making that statement, Ms. Clements recognized that it was improper to complete another individual’s ethics training. Nonetheless, Ms. Clements improperly attempted to fulfill the statutorily mandated Ethics Orientation requirement on behalf of nineteen State employees and consequently the allegation that she violated the Ethics Act is **FOUNDED**.

B. University Employee Conduct Policy

In addition to violating the Ethics Act, Ms. Clements’s actions violated University policy. According to the University of Illinois Code of Conduct, all University of Illinois employees are required to “practice integrity by maintaining an ongoing dedication to honesty and responsibility” and “compl[y with] State laws...related to their duties and responsibilities.” At the conclusion of each Resident’s Ethics Orientation, Ms. Clements printed certificates of completion verifying that the new hires individually completed their mandatory ethics training. However, Ms. Clements, not the individual Residents, took the training session which renders the printed statement of completion false and, therefore, counter to the “ongoing dedication to honesty.” Furthermore, Ms. Clements’s misconduct constituted a violation of State law related to her official duties, as one of her primary occupational tasks is ensuring newly hired employees personally take Ethics Orientation as State law requires. Accordingly, Ms. Clements’s conduct violated both relevant policy provisions and the allegation that her administration of the University Ethics Orientation violated University policy is **FOUNDED**.

² Effective August 18, 2009, Section 5-10 was amended to require agencies to provide annual reports of ethics training to the Executive Ethics Commission, shorten the time for initial training from six months to 30 days, and mandate employee certification of completion of the training program. These amendments do not apply to Clements’s conduct occurring in June and July 2009, and in any case, there was no change in the requirement that “each” State employee complete ethics training.

IV. Recommendations

Following due investigation, the OEIG issues these findings:

- **FOUNDED** – Mya Clements completed Ethics Orientation for nineteen University employees in violation of the Ethics Act.
- **FOUNDED** – Mya Clements completed Ethics Orientation for nineteen University employees in violation of the University of Illinois Code of Conduct.

The OEIG recognizes that the University has terminated Mya Clements. Should she ever be rehired, the OEIG recommends that she be reminded of the Ethics Act requirement that State employees complete their own ethics training.

The OEIG also recommends that, to the extent any of the nineteen Residents are still employed by the University and have not subsequently completed ethics training, the University require the Residents to satisfactorily complete the mandatory University ethics training as soon as possible.

No further investigative action is warranted and this case is considered closed.



OFFICE OF EXECUTIVE INSPECTOR GENERAL
for the Agencies of the Illinois Governor

James A. Wright, Executive Inspector General • www.inspectorgeneral.illinois.gov

OEIG RESPONSE FORM

Case Number: 10-00140

Return By: November 28, 2010

Please check the box that applies.

- We have implemented all of the OEIG recommendations:
(Provide details regarding action taken.)

With respect to employee noted within the recommendation, civil service employees who
are released for cause, are flagged to not be rehired within the University of Illinois.

With respect to your recommendation regarding training of the 19 medical residents
noted, all 19 employees have either completed training using the 2010 training materials
or have separated from the University.

- We will implement all of the OEIG recommendations but will require additional
time. We will report to OEIG within 30 days from the original return date:
(Provide details regarding action planned / taken.)

*** IF YOU WISH TO DEVIATE FROM OEIG RECOMMENDATIONS YOU MUST OBTAIN**

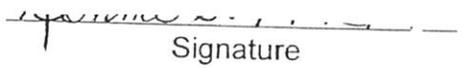
PRIOR WRITTEN APPROVAL FROM THE OEIG.

- We are implementing the OEIG recommendations however, we request approval to deviate as follows:

(Provide details regarding action planned / taken and proposed alternate(s).)

- We do not wish to implement any of the OEIG recommendations and request approval to deviate as follows:

(Explain why and provide details of alternate plan.)


Signature

Donna S. McNeely
Print Name

University Ethics Officer
Print Agency and Job Title

November 22, 2010
Date

* We will accept or reject your proposed alternate plan within 30 days of its receipt.