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SUPERIOR COURT OF WASHINGTON  
FOR WHATCOM COUNTY

ANTONIA ALLEN,

Plaintiff,

vs.

THE STATE OF WASHINGTON,

Defendant.

Case No.:

COMPLAINT FOR DAMAGES,  
INJUNCTIVE AND DECLARATORY  
RELIEF

**I. PARTIES AND JURISDICTION**

1.1 The Plaintiff Antonia Allen (“Ms. Allen” or “Allen”) is a resident of  
Whatcom County, Washington.

1.2 The Defendant State of Washington (“State”) is a state in the United States.

1.3 Western Washington University (“WWU”) is a regional university of the  
State of Washington.

1.4 This Court has jurisdiction over this matter pursuant to RCW 4.28.020 and  
RCW 4.92.010.

1.5 Prior to filing this lawsuit, Ms. Allen timely filed two administrative tort

1 claims with the Department of Enterprise Services, Office of Risk Management.

2 1.6 The contents of her tort claims met the requirements of RCW 4.92.100.

3 1.7 Ms. Allen filed this action more than sixty days after her tort claim filings  
4 and fulfilled all other prerequisites for commencing this action under RCW 4.92.100.

## 5 II. FACTS

### 6 **Background**

7 2.1 Plaintiff Antonia Allen has worked as an auditor for government and  
8 accounting firms since 1988. From 1988 to 1991, she worked as an external auditor. In  
9 1991, she became an Oregon Licensed Certified Public Accountant, and from 1991 to  
10 1993, she worked as a budget analyst and accountant. From 1993 to 1999, she worked as a  
11 senior internal auditor and, during that time, became a certified internal auditor. From 2001  
12 to 2007, Ms. Allen worked as a senior management auditor, and during that time, she also  
13 became a certified information systems auditor. From 2007 to 2013, Ms. Allen worked as  
14 an audit supervisor, and then in 2013, she started a position as a Chief Audit Executive and  
15 worked in that position until 2017.

16 2.2 In 2017, Ms. Allen was hired as the Director of the Office of the Internal  
17 Auditor (“OIA”) at WWU. Ms. Allen worked in that position from January 2017 until she  
18 was terminated in November 2019.

### 19 **The Director of the Office of the Internal Auditor Works Independently**

20 2.3 As Director of OIA at WWU (“the Director”), Ms. Allen was charged with  
21 working independently and with integrity to accomplish the office’s mission and purpose.  
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1           2.4     The purpose of the OIA is to provide independent, objective assurance and  
2 consulting services designed to add value and improve WWU’s operations.

3           2.5     The mission of the OIA is to enhance and protect organizational value by  
4 providing risk-based and objective assurance, advice, and insight.

5           2.6     The OIA helps WWU accomplish its objectives by bringing a systematic,  
6 disciplined approach to evaluate and improve the effectiveness of governance, risk  
7 management, and control processes.

8           2.7     As the Director of the OIA, Ms. Allen was charged with ensuring that the  
9 OIA collectively possesses or obtains the knowledge, skills, and other competencies  
10 needed to meet the requirements of the Office of the Internal Auditor Charter  
11 (“the Charter”).

12           2.8     The Charter provides for the OIA’s independence.

13           2.9     Under the Charter, in order to permit independent and unbiased judgments  
14 essential to the proper conduct of audits, the OIA Director [Ms. Allen] reports functionally  
15 to the Audit Committee of the Board of Trustees and administratively as deemed  
16 appropriate by the President with the concurrence of the Audit Committee.

17           2.10    The Director of the OIA [Ms. Allen] is also charged with ensuring that the  
18 OIA remains free from all conditions that threaten the ability of the OIA internal auditors  
19 to carry out their responsibilities in an unbiased manner, including matters regarding audit  
20 selection, scope, procedures, frequency, timing, and reporting. If the Director determines  
21 that independence or objectivity may be impaired in fact or appearance, the details of  
22 impairment will be disclosed to appropriate parties.  
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1           2.11    OIA Internal Auditors are required to maintain an unbiased mental attitude  
2 that allows them to perform engagements objectively and in such a manner that they  
3 believe in their work products, that no quality compromises are made, and that they do not  
4 subordinate their judgment on audit matters to others.

5           2.12    To further ensure the independence and objectivity of the OIA, the OIA  
6 Director does not functionally report to the WWU administration.

7           2.13    Instead, the Director of the OIA [Ms. Allen] reports functionally to the  
8 Finance, Audit, and Enterprise Risk Management Committee [“Committee” or “FARM  
9 Committee”], which directs the planning, execution, and results of audit activities.  
10

11          2.14    The Director of the OIA reports administratively (e.g., oversight of payroll,  
12 budget, and space allocation) as deemed appropriate by the President with the concurrence  
13 of the Committee.

14          2.15    To demonstrate this functional reporting relationship and to establish,  
15 maintain, and assure that the OIA has sufficient authority to fulfill its duties, the  
16 Committee has established and implemented internal audit program oversight duties  
17 specifically identified in the Committee Charter.  
18

19          2.16    The Director of the OIA participates in Committee meetings and has  
20 unrestricted access to, and communicates and interacts directly with the Committee,  
21 including in private meetings without management present.  
22

23          2.17    Internal auditing is an independent, objective assurance and consulting  
24 activity designed to add value and improve an organization's operations. It helps an  
25 organization accomplish its objectives by bringing a systematic, disciplined approach to

1 evaluate and improve the effectiveness of risk management, control, and governance  
2 processes.

3 2.18 Ms. Allen has been a member of the Institute of Internal Auditors (“IIA”).  
4 since October 12, 1993, and as a member, she is required to follow the IIA’s Code of Ethics.

5 2.19 Pursuant to the IIA’s Code of Ethics, Ms. Allen is required to, among other  
6 things, (1) perform her work with honesty, diligence, and responsibility; (2) observe the law  
7 and make disclosures expected by the law and the profession, and (3) not knowingly be a  
8 party to any illegal activity or engage in acts that are discreditable to the profession of  
9 internal auditing or to the organization.  
10

11 **The Investigative Process**

12 2.20 The OIA investigates issues brought by administrators, staff, and faculty.

13 2.21 Once the Director makes the decision to investigate, the Director and the  
14 OIA investigators outline the scope and objectives of the investigation and then review  
15 documents and interview witnesses to learn the facts.  
16

17 2.22 The OIA investigators, under the supervision of the Director, then create a  
18 written report of the facts and conclusions and make recommendations to remedy any  
19 deficiencies.  
20

21 2.23 A final draft of their report is sent to the affected department requesting  
22 management’s responses to the recommendations.

23 2.24 The report is then finalized with the inclusion of management’s responses to  
24 the recommendations and distributed to the WWU president, senior WWU management  
25 and the managers in the affected department, and when appropriate, to the State Auditor to

1 report “improper governmental action” under RCW 42.40, *et seq.* Copies are also sent to  
2 members of the FARM Committee.

3 2.25 The OIA’s Woodring Internship Ghost Courses Irregularities Investigation  
4 was in-process when Ms. Allen received and reported two whistleblower complaints to the  
5 State Auditor’s Office Whistleblowers’ Office (“SAO WBO”) under RCW 42.40, *et seq.*

6 2.26 Ms. Allen was authorized by the SAO WBO to continue the investigation.

7 2.27 The SAO WBO requested a status report on the investigation and to provide  
8 final reports to the SAO WBO.  
9

10 2.28 In this case, Ms. Allen was the investigator and also became a whistleblower.

11 **Federal Oversight**

12 2.29 Many WWU students receive federal financial aid.

13 2.30 The distribution of the federal financial aid for WWU’s students is overseen  
14 by the U.S. Department of Education (“USDOE”).

15 2.31 The USDOE’s Office of the Inspector General (“USDOE/OIG”) is charged  
16 with, among other things, ensuring that the financial aid is properly managed by  
17 educational institutions and ensuring that the money goes only to eligible students.  
18

19 2.32 Failure to properly manage federal financial aid could result in federal and  
20 state fines, imprisonment, and other penalties under a variety of laws, regulations and  
21 accreditation standards, including:

- 22 • 20 U.S.C. §1097 – Criminal Penalties;
- 23 • 34 CFR § 668.16 – Standards of Administrative Capability;
- 24 • 34 CFR § 668.72 – Nature of Education Program;
- 25 • 34 CFR § 668.82 – Standard of Conduct;
- 34 CFR § 668.84 – Fine Proceedings;

- 34 CFR 668.85 – Suspension Proceedings;
- NWCCU – Standards;
- NWCCU – Fraud and Abuse Policy.

### **Management Support**

2.33 During Ms. Allen’s tenure as Director of the OIA, the FARM Committee and WWU President Sabah Randhawa had always supported Ms. Allen and the conclusions reached in the various prior investigations conducted by the OIA, in which there had been no need to report improper activity to the USDOE/OIG.

2.34 In contrast, Ms. Allen received no support from the FARM Committee and WWU President Sabah Randhawa regarding the Woodring Internship Ghost Courses Irregularities Investigation, which involved the need to report improper activity to the USDOE/OIG.

### **The Woodring Internship Ghost Courses Irregularities Investigation**

2.35 On November 11, 2018, the OIA received a complaint from the registrar (David Brunnemer) that “ghost courses” (falsified practicums) were being used to bolster credit loads for Woodring students so that they could receive full financial aid packages (“Woodring Internship Ghost Courses Irregularities”).

2.36 The registrar noted that he had tried to work with management to stop the practice, but no action was taken, so he reported the activity to the OIA in hopes that actions would be taken.

2.37 In January 2019, Ms. Allen decided to initiate an investigation into the Woodring Internship Ghost Courses Irregularities.

1           2.38    On January 22, Ms. Allen issued an engagement letter to management  
2 regarding the Woodring Internship Ghost Courses Irregularities Investigation.

3           2.39    On January 24, Ms. Allen met with the President (Sabah Randhawa),  
4 Provost (Brent Carbajal), Vice President for Enrollment and Student Services (Melynda  
5 Huskey), and the Assistant Attorney General (Melissa Nelson) to provide an update on the  
6 Woodring Internship Ghost Courses Irregularities Investigation.

7           2.40    On January 24, 2019, two employees knowledgeable about the ghost  
8 courses activities requested that Ms. Allen, in her role as the State Auditor's Office (SAO)  
9 Whistleblower liaison, file for state whistleblower protection with the State Auditor  
10 (Whistleblower 1 and Whistleblower 2; the names remain confidential under RCW  
11 42.40.040(2)). Ms. Allen then filed the SAO whistleblower complaints on behalf of the  
12 two employees.  
13

14           2.41    On or before February 7, 2019, Ms. Allen provided additional information  
15 about the case for the SAO Whistleblower Committee review, which met on that date.  
16

17           2.42    Ms. Allen notified the Board of Trustees FARM Committee Chair John M.  
18 Meyer and AAG Melissa Nelson of the filings for the Woodring Internship Ghost Courses  
19 Irregularities Investigation via emails on February 7, 2019.

20           2.43    The SAO Whistleblower Committee authorized Ms. Allen to proceed with  
21 the Woodring Internship Ghost Courses Irregularities investigation on behalf of the SAO  
22 pursuant to RCW 42.40, *et seq.*  
23

24           2.44    The OIA under Ms. Allen's supervision conducted the Woodring Internship  
25 Ghost Courses Irregularities Investigation and determined that the ghost courses



1 complaints were valid, and then worked with WWU financial aid management and staff to  
2 determine the amount of loss.

3 2.45 On May 15, 2019, an initial draft report was created and transmitted to  
4 WWU management (“Woodring Internship Ghost Courses Irregularities Investigation  
5 Report”) in preparation for the management pre-exit meeting on May 16, 2019.

6 2.46 On May 16, 2019, Ms. Allen and OIA staff conducted the pre-exit meeting  
7 with WWU management.

8 2.47 On or about May 21, 2019, AAG Melissa Nelson drafted a memorandum  
9 (“Nelson memo”) for the purpose of dissuading Ms. Allen from contacting the  
10 USDOE/OIG about the Woodring Internship Ghost Courses Irregularities Investigation.  
11 The Nelson memo is eleven pages.

12 2.48 On May 22, 2019, in the morning, the Assistant V.P. in charge of financial  
13 aid (Clara Capron) called USDOE/OIG to report “ghost courses” losses and noted that the  
14 Director of Internal Audit, Antonia Allen, was in the room as well and would be calling to  
15 provide supporting details.

16 2.49 On May 22, 2019, Ms. Allen notified AAG Melissa Nelson that the Nelson  
17 memo was not requested or needed, and that she would not change the report to be  
18 consistent with Ms. Nelson’s advice and that in addition to reporting the resulting losses to  
19 the USDOE/OIG she would also be reporting losses to the State Auditor’s Office. That  
20 evening, Ms. Allen notified Melynda Huskey (VP ESS) that the losses had been reported  
21 to the USDOE/OIG.  
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1           2.50    On May 23, 2019, AAG Nelson sent an email that transmitted a copy of the  
2 draft Woodring Internship Ghost Courses Irregularities Investigation Report with the  
3 AAG’s suggested edits.

4           2.51    On May 23, 2019, after receiving an email from AAG Nelson that  
5 transmitted her draft report suggested edits, Ms. Allen directed her staff to contact the  
6 USDOE/OIG to discuss the loss report and obtain clarification regarding whether the ghost  
7 courses were fraud and whether the information should have been reported to the  
8 USDOE/OIG.  
9

10          2.52    In the afternoon on May 23, the OIA contacted the Special Agent in Charge  
11 of the USDOE/OIG’s Western Regional Office (“Special Agent in Charge”) Adam  
12 Shanedling to provide supporting detail on the ghost courses irregularity and to request the  
13 USDOE/OIG’s opinion on whether the ghost courses were fraud and should be reported.  
14

15          2.53    On the morning of May 24, 2019, USDOE/OIG Special Agent in Charge  
16 Adam Shanedling responded that the ghost courses were “definitely fraud and must be  
17 reported to the OIG.”

18          2.54    The USDOE/OIG also asked the OIA to “Give me a call and we can discuss  
19 the matter.”

20          2.55    Pursuant to her authority and responsibilities as the WWU Auditor, Ms.  
21 Allen scheduled a telephone meeting for May 28 with the USDOE/OIG’s Western  
22 Regional Office Special Agent in Charge Adam Shanedling to discuss the legal advice she  
23 had obtained from the AAG (“May 28, 2019, Shanedling Meeting”).  
24  
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1           2.56    The purpose of the May 28, 2019 Shanedling Meeting was to discuss the  
2 content of Ms. Nelson’s advice memo and to obtain Mr. Shanedling’s thoughts about Ms.  
3 Nelson’s advice.

4           2.57    At the start of the call, Ms. Allen advised Special Agent in Charge  
5 Shanedling that she was placing the call on speakerphone and that Senior Internal Auditor  
6 Paul Schronen was in attendance for the meeting.

7           2.58    In the May 28, 2019 Shanedling Meeting, Ms. Allen told Mr. Shanedling  
8 that the OIG had received an advice memo from the WWU AAG (Ms. Nelson) that didn’t  
9 agree with the advice that OIG had previously received from him via email (that this was  
10 absolutely fraud and must be reported) or with the OIG training materials from the ACUA  
11 conference that indicated that this type of activity (Ghost Students) must be reported.  
12

13           2.59    At the May 28, 2019 Shanedling Meeting, the participants discussed with  
14 Mr. Shanedling the legal advice that they received, indicating that this situation did not rise  
15 to the level of fraud, misrepresentation, etc., and that there were risks to reporting to the  
16 OIG when the situation was not of a sufficient level to report.  
17

18           2.60    After Ms. Allen completed reading the final paragraph of the Nelson memo,  
19 Mr. Shanedling said that the advice was wrong, that the situation that they were  
20 investigating was fraud, and that it needed to be reported to the OIG—even if there was no  
21 dollar impact, it needed to be reported.  
22

23           2.61    Mr. Shanedling said that he had seen another attorney that advised this way,  
24 thinking that it protected the university, but it was the wrong advice and didn’t end well for  
25 them. He suggested that they find another attorney.

1           2.62    The Special Agent in Charge also suggested that there was another law that  
2 applied to this situation, specifically, 20 U.S.C. §1097 – Criminal penalties. He repeated  
3 his admonition that they should seek advice from another attorney.

4           2.63    Mr. Shanedling also indicated that if the university did not take appropriate  
5 actions that he could see this being a case for suspension or debarment from the Title IV  
6 program.

7           2.64    After the May 28, 2019 Shanedling Meeting concluded, Ms. Allen and Mr.  
8 Schronen met with Provost Brent Carbajal to give him details of the May 28, 2019  
9 Shanedling Meeting.

10          2.65    Provost Carbajal was shown handwritten notes of the May 28, 2019  
11 Shanedling Meeting, pointing out quotes of the conversation with the Special Agent in  
12 Charge.

13          2.66    Provost Carbajal was informed that Special Agent in Charge Shanedling  
14 said that he had seen another attorney who advised this way, thinking it protected the  
15 university, but that it was the wrong advice and hadn't ended well for them. He was further  
16 informed that the Special Agent in Charge had suggested that the university find another  
17 attorney, and that he had said another law that applied to the situation, citing, 20 U.S.C.  
18 §1097 – Criminal penalties.

19          2.67    Provost Brent Carbajal was also told that the Special Agent in Charge had  
20 discussed punishments for not appropriately reporting that could result in suspension or  
21 debarment and that investigators would be sent from the US Attorney's Office or the  
22 District Attorney's Office in Washington State.

1           2.68    Provost Carbajal looked very distressed as Ms. Allen and Mr. Schronen  
2 provided him this information and report.

3           2.69    Shortly after they finished relaying the contents of their conversation with  
4 USDOE/OIG Special Agent in Charge Adam Shanedling, Provost Carbajal left for another  
5 meeting.

6           2.70    At no time did Provost Carbajal assert that Ms. Allen and Mr. Paul  
7 Schronen should not have shared the content of the Nelson memo with USDOE/OIG  
8 Special Agent in Charge Adam Shanedling.

9           2.71    Given her job duties as Director of OIA, and since the Nelson memo was  
10 directed to Ms. Allen, in her conversation with Mr. Shanedling Ms. Allen had the authority  
11 to waive any privilege associated with the Nelson memo before, during, and after the May  
12 28, 2019 Shanedling Meeting.

13           2.72    At the time, Provost Carbajal was a public official under RCW  
14 42.40.020(7), and the content of the May 28, 2019 Shanedling Meeting told to him was a  
15 report of improper governmental action under RCW 42.40.040(6)(a).

16           2.73    After receiving the report of improper governmental action, Provost  
17 Carbajal had a duty to report AAG Nelson’s conduct to the state auditor within fifteen  
18 calendar days of this event. RCW 42.40.040(1)(a). On information and belief, Provost  
19 Carbajal would make such a report to the state auditor.

20           2.74    A failure of the public official to report the assertion to the auditor within  
21 fifteen days does not impair the rights of the whistleblower.” RCW 42.40.040(1)(a).

1           2.75    On May 29, 2019, the OIA conducted an exit meeting to discuss the draft  
2 Woodring Internship Ghost Courses Irregularities Investigation Report with the subjects of  
3 the investigation.

4           2.76    On June 13, 2019, Ms. Allen provided a pre-final draft of the Woodring  
5 Internship Ghost Courses Irregularities Investigation Report to Brent Carbajal, Melynda  
6 Huskey, Clara Capron, and others for a “last look before we send out the final draft.”

7           2.77    On June 18, 2019, Ms. Allen provided the final draft version of the  
8 Woodring Internship Ghost Courses Irregularities Investigation Report to WWU  
9 Management (e.g., Brent Carbajal, Melynda Huskey, Clara Capron, and others) and  
10 requested management responses for each of the audit recommendations noted in the final  
11 draft investigation report within 10 days to ensure timeliness and accountability in  
12 addressing the concerns.

13           2.78    In addition to the severe civil and criminal penalties discussed in the May  
14 28, 2019 Shanedling Meeting and relayed to Provost Brent Carbajal, on June 19, 2019, Ms.  
15 Allen provided the final draft version of the Woodring Internship Ghost Courses  
16 Irregularities Investigation Report to FARM Chair John Meyer and President Sabah  
17 Randhawa, and in that email, she reported AAG Nelson’s improper advice and the  
18 USDOE/OIG response and stating the risk to the university, noting in part:

19           I would like to point out that the legal advice provided by Ms. Nelson promotes  
20 actions that violate federal reporting requirements. Violating these reporting  
21 requirements jeopardizes both the University and its employees. In addition, Ms.  
22 Nelson took it upon herself to conduct her own investigation interviewing  
23 subjects and providing advice to key stakeholders while my investigation was  
24 ongoing, resulting in substantial interference in my investigation. Based on this  
25 conduct and other advice/comments that I have received from Ms. Nelson, I have  
notified Kerena Higgins & Ms. Nelson that Ms. Nelson is no longer to be

1 involved with my department. I am in the process of requesting that Kerena be  
2 assigned to my department as legal counsel instead of Ms. Nelson.

3 2.79 On June 30, 2019, in an email response, FARM Chair John Meyer asked  
4 Ms. Allen, "Do you have legal advice, written or otherwise, from a qualified attorney that  
5 differs from Ms. Nelson's opinion?"

6 2.80 Ms. Allen replied that she received an opinion from the USDOE/OIG and  
7 Asst. V.P. in charge of Financial Aid who have expertise in this area.

8 2.81 In reply to FARM Chair John Meyer's June 30, 2019, email, Ms. Allen  
9 wrote:

10 Clara Capron, Assistant Vice President for Enrollment and Student Services  
11 in charge of WWU's Financial Aid made the determination based upon her  
12 expertise and experience that this incident needed to be reported to the OIG.  
13 She routinely reports to the OIG as required when incidents such as this  
14 arise. After she reported this information to the OIG, we had a phone  
15 meeting to discuss the case in detail with Adam Shanedling, the Special  
16 Agent in Charge of the U.S. Department of Education's Office of Inspector  
17 General's Western Regional Office. I am not sure if Adam is a "qualified  
18 attorney" but he is the primary expert on whether the OIG determines  
19 actions are financial aid fraud and what should be reported to the OIG.  
20 Based upon the facts that Clara provided and additional details that we  
21 provided Adam he confirmed that this case was "absolutely fraud and must  
22 be reported to the OIG." *I feel that I can rely on the advice of these two  
23 experts and both are contrary to Ms. Nelson's opinion.*

24 2.82 WWU President Sabah Randhawa was copied on this email string.

25 2.83 Neither FARM Chair Meyer nor President Randhawa asserted at any time  
that Ms. Allen should not have shared the content of the attorney client privileged memo  
drafted by AAG Nelson with USDOE/OIG Special Agent in Charge Adam Shanedling.

2.84 On or about June 17, 2019, Clara Capron (AVP ESS) telephoned Ms. Allen  
asking her to remove the characterization of the ghost courses as "financial aid fraud" from

1 the Woodring Internship Ghost Courses Irregularities Investigation draft report.

2 2.85 In addition, Ms. Capron proposed in an email:

3 I've thought about this some more and think the use of the descriptor  
4 "financial aid fraud" would lead the typical reader to conclude that  
5 Financial Aid was the perpetrator, which is hardly the case. The phrase  
6 doesn't represent the true nature of what took place. Financial Aid has in  
7 fact been the victim of alleged mishandling of academic matters within the  
8 Woodring College of Education.

9 I suggest that you use something such as "Woodring College of Education:  
10 Manipulation of Student Enrollment."

11 2.86 Ms. Allen would not remove the words "financial aid fraud" from the  
12 Woodring Internship Ghost Courses Irregularities Investigation draft report; she only  
13 agreed to change the wording in the title of the finding while retaining the financial aid  
14 fraud language in the final draft.

15 2.87 On July 9, 2019, Ms. Allen attended a special lunch meeting with FARM  
16 Chair Meyer and President Randhawa one day before Ms. Allen received the management  
17 response.

18 2.88 FARM Chair Meyer and President Randhawa disclosed that the  
19 management response was not going to be in agreement.

20 2.89 FARM Chair Meyer notified Ms. Allen that he had a close and long  
21 attorney-client relationship with AAG Nelson, and that in his opinion, "she was a good  
22 attorney."

23 2.90 FARM Chair Meyer asked Ms. Allen if she would be able to work with Ms.  
24 Nelson.

25 2.91 Ms. Allen reiterated that she could not work with Ms. Nelson when she was



1 providing illegal advice.

2           2.92    On July 10, 2019, Ms. Allen received management’s response to the  
3 Woodring Internship Ghost Courses Irregularities Investigation draft report, which was  
4 authored by Provost Carbajal and Vice President for Enrollment and Student Services  
5 Melynda Huskey (“VPESS Huskey”).

6           2.93    As part of management’s response, it stated in part, “we do not believe that  
7 faculty and staff engaged in fraudulent actions, [but] we recognize that would be a legal  
8 conclusion for others to make.... We do not agree that faculty made misrepresentations  
9 about program requirements, so we focus on process improvement and training.”

10 (management response cover email) and (management’s response prefatory memo).  
11 Management responses were provided by inserting the response into the final Woodring  
12 Internship Ghost Courses Irregularities Investigation Report after each recommendation.  
13 President Randhawa was copied on the email and attachments.

14           2.94    On July 11, Ms. Allen emailed FARM Chair Meyer confirming that at the  
15 meeting between Ms. Allen, FARM Chair Meyer, and President Randhawa the prior  
16 Tuesday, they had told Ms. Allen that the management responses would not be in  
17 agreement with the findings in the Woodring Internship Ghost Courses Irregularities  
18 Investigation Final Report.

19           2.95    Ms. Allen indicated that the final report would incorporate the management  
20 responses and that the report would be finalized by July 12.

21           2.96    On July 12, 2019, Ms. Allen issued the Woodring Internship Ghost Courses  
22 Irregularities Investigation Final Report containing management’s responses, which  
23  
24  
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1 provided notice to those who did not know that Ms. Allen was reporting facts that  
2 constituted improper governmental action. In the report, Ms. Allen wrote in part:

3 Per discussion with the Special Agent in Charge at the Western Regional  
4 Office of the Inspector General (OIG) of the Department of Education  
5 (DOE), this practice constitutes fraud and must be referred to their office for  
6 possible investigation per 34 CFR 668.16. The DOE Secretary may impose  
7 fines of up to \$57,317 per violation and/or limit, suspend, or terminate  
8 WWU's participation in the Title IV, HEA program. In addition, the  
9 NWCCU could sanction WWU or withdraw our accreditation.

10 Correspondence appears to indicate that ELED staff and faculty engaged in  
11 these activities for the benefit of their students without consideration of the  
12 financial or academic implications of their actions. If the OIG determines  
13 that ELED staff or faculty knowingly and willfully misapplied any Title IV  
14 funds, and/or furnished any false information in connection with the  
15 assignment of Title IV loans, the employees in question may be subject to  
16 possible fines and/or imprisonment.

17 2.97 Under RCW 42.40.040(1)(a), this is a report of improper governmental  
18 action because it was directed to managers, which included designated public officials, and  
19 to the state auditor.

20 2.98 On July 13, 2019, via email attachment, Ms. Allen sent a copy of the  
21 Woodring Internship Ghost Courses Irregularities Investigation Final Report to Provost  
22 Carbajal and VPES Huskey.

23 2.99 At the time, Provost Carbajal and VPES Huskey were each a public  
24 official under RCW 42.40.020(7) and was designated to receive reports of improper  
25 governmental action.

As a public official under RCW 42.40.020(7), Provost Carbajal and VPES  
Huskey each had a duty to report the fraud findings to the state auditor within fifteen  
calendar days of this event. RCW 42.40.040(1)(a).

1           2.101 On information and belief, neither Provost Carbajal nor VPESSE Huskey  
2 reported the fraud findings to the state auditor within fifteen calendar days.

3           2.102 Their failure to report does not impair Ms. Allen’s status as a whistleblower  
4 under RCW 42.40.040(1)(a).

5           2.103 The delivery of the Woodring Internship Ghost Courses Irregularities  
6 Investigation Final Report to Provost Carbajal or VPESSE Huskey perfected Ms. Allen’s  
7 status as a whistleblower under RCW 42.40.040(1)(a).  
8

9           2.104 On July 16, 2019, via email attachment, Ms. Allen sent a copy of the  
10 Woodring Internship Ghost Courses Irregularities Investigation Final Report to Rayne  
11 Rambo, the Assistant Secretary to the Board of Trustees, asking them to forward the report  
12 to the FARM Committee Members. This transmission included FARM Chair Meyer.

13           2.105 On July 17, 2019, Rayne Rambo wrote back to say, “Done.”

14           2.106 On July 16, 2019, via email attachment, Ms. Allen sent a copy of the  
15 Woodring Internship Ghost Courses Irregularities Investigation Final Report to Elaine  
16 Hanson at the State Auditor’s office, asking them to, “please file Deena’s copy of this  
17 WWU Internal Audit report.” On the same day, via email attachment, Ms. Allen sent a  
18 copy of the Woodring Internship Ghost Courses Irregularities Investigation Final Report to  
19 Cheri Elliott at the State Auditor’s office. The delivery of the Woodring Internship Ghost  
20 Courses Irregularities Investigation Final Report to the SAO officers also perfected Ms.  
21 Allen’s status as a whistleblower under RCW 42.40.040(1)(a) who reported improper  
22 governmental action.  
23  
24  
25

1           2.107 On July 16, 2019, via email attachment, Senior Internal Auditor Paul  
2 Schronen at OIA sent a copy of the Woodring Internship Ghost Courses Irregularities  
3 Investigation Final Report to USDOE/OIG Special Agent in Charge Adam Shanedling.

4           2.108 On July 25, 2019, a special meeting of the Board of Trustees was called to  
5 discuss personnel actions.

6           2.109 On information and belief, in an executive session without public  
7 attendance, the board made the decision to terminate Ms. Allen. There appears to be no  
8 record of a public vote on the issue.  
9

10          2.110 A regular Board of Trustees meeting with an executive session to discuss  
11 personnel actions was held on August 23, 2019. The Board of Trustees also had a work  
12 session in Seattle, where they went into executive session to discuss personnel action on  
13 September 26, 2019. There was another regular board meeting that included an executive  
14 session to discuss personnel actions on October 11, 2019.  
15

16          2.111 On July 25, 2019, via email attachment, Ms. Allen sent a copy of the  
17 Woodring Internship Ghost Courses Irregularities Investigation Final Report to Laura  
18 Wellington.

19          2.112 On October 21, 2019, as the result of WWU settling a wrongful termination  
20 lawsuit by the former OIA director, Matt Babick, the Whatcom County Superior Court  
21 entered a stipulated judgment for \$216,318.68.  
22

23          2.113 Also, on October 21, 2019, President Sabah Randhawa sent Ms. Allen a  
24 meeting request for an Antonia/Sabah meeting for October 24, 2019, that turned out to be a  
25 termination meeting for Ms. Allen.

1 **Using University Resources For Private Gain**

2 2.114 On May 9, 2018, President Randhawa appointed Ms. Allen to the position  
3 of Ethics Officer as an additional responsibility to her existing position as Director of  
4 WWU's Office of the Internal Auditor. Ms. Allen's job description and pay were not  
5 updated to account for the additional assigned job duties.

6 2.115 As the Ethics Officer, Ms. Allen had the following responsibilities:

- 7
- 8 • The administration of a university-wide ethics program consistent with the
  - 9 Revised Code of Washington Title 42, Chapter 52, Washington Administrative
  - 10 Code 292, and various existing university policies;
  - 11 • The receipt, investigation, and resolution of ethics complaints by or against
  - 12 faculty or staff;
  - 13 • The adoption and maintenance of a suitable record keeping process to
  - 14 memorialize her operations as the Ethics Officer; and
  - 15 • The reporting of ethics violations as required or requested by or to the
  - 16 University President, the University Board of Trustees or the Board's
  - 17 subcommittees, and to the Washington State Executive Ethics Board.
  - 18 She could also be required to perform other duties as mandated by other laws,
  - 19 regulations or policies.

20 2.116 The WWU President also designated Ms. Allen as the University Ethics  
21 Advisor with the Executive Ethics Board ("EEB") and notified the EEB of her  
22 appointment consistent with RCW 42.52.365(1) requirements.

23 2.117 On June 5, 2018, President Randhawa approved a revised version of the  
24 policy on "Using University Resources" (POL-U1500.08) and moved ownership of the  
25 policy from the Office of Human Resources to the OIA. The policy states that:

The state ethics law establishes high ethical and public service standards and holds University employees accountable to the public in many areas including outside consulting, using university facilities, property, and equipment, outside business interests, and conflicts of interest. The law and this policy applies to all faculty and staff, including student employees.

1           2.118 To effectively perform her duties, Ms. Allen was required to receive and  
2 investigate complaints and/or questions by or against faculty or staff and to report ethics  
3 law violations as required or requested.

4           2.119 After her appointment and through her termination date, Ms. Allen received  
5 and investigated over 80 ethics-related complaints and/or questions. Ms. Allen logged  
6 information about the complaints or questions, investigations, and resolutions, and she  
7 reported as required or requested.  
8

9           2.120 The Ethics in Public Service Act, RCW 42.52, *et seq.*, applies to all state  
10 officers and employees, with the exception of employees of the state’s superior courts.

11           2.121 All college and university employees (professional staff, classified  
12 employees, and faculty) are subject to the Ethics in Public Service Act and its rules apply  
13 to each.

14           2.122 Under RCW 42.52.160(1), “No state officer or state employee may employ  
15 or use any person, money, or property under the officer's or employee's official control or  
16 direction, or in his or her official custody, for the private benefit or gain of the officer,  
17 employee, or another.” Section (4), however, authorizes “the appropriate ethics boards [to]  
18 adopt rules providing exceptions to this section for occasional use of the state officer or  
19 state employee, of de minimis cost and value if the activity does not result in interference  
20 with the proper performance of public duties.”  
21

22           2.123 Additionally, under the Ethics in Public Service Act, “no state officer or  
23 state employee may use his or her position to secure special privileges or exemptions for  
24 himself or herself, or his or her spouse, child, parents, or other persons.” RCW 42.52.070.  
25

1           2.124 Generally, state employees are only permitted the use of state resources if it  
2 is de minimis and the use does not interfere with the performance of any state officers' or  
3 employee's official duties; the Act does not permit the use of state resources for the  
4 purpose of conducting an outside business, in furtherance of private employment, or to  
5 realize a private financial gain. WAC 292-110-010(3)(a)(i)-(vii).

6           2.125 As the appointed WWU Ethics Officer, Ms. Allen's duties included  
7 investigation and reporting of violations of the Ethics in Public Service Act.

8           2.126 During an ethics complaint investigation as to whether a faculty member  
9 using a University piano and studio to conduct his private piano lesson business violated  
10 the ethics law, she discovered that the faculty policy on consulting and other outside  
11 activities included language that permitted faculty use of University resources for private  
12 gain if the use was part of the faculty member's official duties. She reasonably believed  
13 this policy provision did not comply with the ethics law and WWU's policy on "Using  
14 University Resources."  
15

16           2.127 On September 19, 2018, Antonia Allen and Paul Schronen, Senior Internal  
17 Auditor, met with Brian Burton, Associate Vice President for Academic Affairs, to discuss  
18 whether or not it would be permissible for music faculty to use practice rooms and/or  
19 equipment (such as pianos) to conduct lessons for their for-profit outside business. They  
20 discussed the inconsistencies between the university's use of resource policy and the  
21 faculty policy on consulting and other compensated professional activities, the faculty  
22 handbook, and the restrictions established by the Ethics in Public Service Act.  
23  
24  
25

1           2.128 Following this meeting, Ms. Allen asked Mr. Schronen, OIA's Senior  
2 Internal Auditor, to email Kate Reynolds with the Executive Ethics Board ("EEB")  
3 requesting that Ms. Reynolds provide guidance and/or resources for advisory services  
4 related to whether or not faculty members can use state resources to conduct outside  
5 compensated business activities (not honoraria) if the activities could reasonably be argued  
6 to enhance the faculty member's professional development and/or are within the scope of  
7 professional activities for their position.  
8

9           2.129 On September 19, 2018, at Ms. Allen's direction, Mr. Schronen emailed  
10 Ms. Reynolds (copying Ms. Allen and Ruthanne Bryant with the EEB) to request her  
11 guidance and/or resources for advisory services related to whether or not faculty members  
12 can use state resources to conduct outside compensated business activities (not honoraria)  
13 if the activities could reasonably be argued to enhance the faculty member's professional  
14 development and/or are within the scope of professional activities for their position.  
15

16           2.130 On September 21, 2018, Ms. Bryant, the Administrative Officer for EEB,  
17 responded to Mr. Schronen (copying Ms. Allen and Ms. Reynolds), stating that the Ethics  
18 in Public Service Act applies to all state officers and employees and that all  
19 college/university employees (professional staff, classified employees and faculty) are  
20 under the same umbrella in this regard and that the same laws and rules apply to each.  
21

22           2.131 Ms. Bryant also indicated, and it was the case, that the policy WWU was  
23 working under regarding faculty members using state resources to conduct outside  
24 compensated business activities was different from the one that had been approved by the  
25 Executive Ethics Board in April 2004.



1           2.132 Ms. Bryant requested that WWU remove the language indicating that the  
2 policy was “approved by Executive Ethics Board 4/9/04.”

3           2.133 Ms. Bryant also said that “our concern is that if your employees, faculty  
4 included, are relying on the advice contained within, the Board would likely not grant safe  
5 harbor to that employee due to the changes. Of note, section 3(e) and sections 5 and 6 are  
6 different from the original Board approved policy.”

7           2.134 On November 16, 2018, Antonia Allen sent an email titled “Safe Harbor” to  
8 Brian Burton, WWU Associate Vice President for Academic Affairs and copying Sabah  
9 Randhawa, President; Brent Carbajal, Provost; and Kerena Higgins (AAG) informing them  
10 that the faculty policy on outside consulting contained language permitting faculty to  
11 benefit from the use of university resources that was not permitted by the ethics law.  
12

13           2.135 Ms. Allen advised Mr. Burton that the main issue is that the current policy  
14 (POL-5400.18) has some components that do not appear to comply with certain State  
15 Ethics Law provisions, such as RCW 42.52.070, RCW 42.52.160, and WAC 292-110.010.  
16

17           2.136 Ms. Allen further advised Mr. Burton that in September, Ms. Allen was  
18 notified by the Executive Ethics Board (“EEB”) staff that WWU’s Policy did not match  
19 the previously EEB approved policy and thus did not provide Safe Harbor for WWU  
20 employees. In response, the EEB had asked for “EEB approved” be removed from the  
21 policy, and they had asked that WWU revisit this policy and the related patent and  
22 copyright policy and bring forth new version(s) of the policy to the EEB for approval and  
23 resulting safe harbor for employees.  
24  
25

1           2.137 On November 26, 2018, Ms. Allen forwarded the Safe Harbor email  
2 correspondence to the WWU Vice Provost for Research, Gautam Pillay, noting that there  
3 may be ethics policy compliance issues with the patent and copyright policy.

4           2.138 On or about November 26, 2018, Ms. Allen had a phone call meeting with  
5 Mr. Pillay, and he said that the whole patent and copyright policy needed to be revised;  
6 that the policy mandated that there be a committee to review patents and copyrights and  
7 that the committee was inactive and had not had any meetings; yet there were still patents  
8 and copyrights being issued to professors.

9           2.139 On December 5, 2018, the Associate Vice Provost (“AVP”) of Academic  
10 Affairs, Brian Burton, emailed the Provost to ask that they follow Ms. Allen’s  
11 recommendations to revise the policies to comply with the Ethics Law and to cease posting  
12 the illegal policy on the website and to instead post a legal version of the policy.  
13

14           2.140 On December 7, 2018, the Provost emailed the president, stating that he was  
15 in full agreement with Ms. Allen’s recommendations to revise the policies to comply with  
16 the ethics law and to post an interim policy. The Provost stated in his email to the  
17 President, “I am in full agreement with the recommendation below and forward this email  
18 and attachments for your consideration.”  
19

20           2.141 On December 8, 2018, the President replied to the Provost, “I am in support  
21 of adopting an interim policy.”  
22

23           2.142 On March 20, 2019, Ms. Allen forwarded her November 16, 2018 email to  
24 AAG Melissa Nelson (copying Kerena Higgins, Brian Burton, Dolapo Akinrinade, and  
25 Chyerl Wolfe-Lee) regarding the Safe Harbor.

1           2.143 On May 9, 2019, Ms. Allen, Mr. Schronen, and Mr. Burton met with WWU  
2 faculty union representatives William “Bill” Lyne, President, United Faculty of  
3 Washington State (UFWS) and Rich Brown, United Faculty of Western Washington  
4 (UFWW), along with McNeel Jantzen (Faculty Senate President), to discuss the problems  
5 with the outside consulting policy and the need for an interim policy.

6           2.144 After the meeting with the faculty union and senate representatives, Mr.  
7 Lyne met with Ms. Allen in her office to discuss the differences between the EEB  
8 approved policy and the WWU policy. During the meeting in Ms. Allen’s office, he  
9 disclosed that he worked with the previous Ethics Officer (Chyerl Wolfe Lee) to add the  
10 policy language of concern after the policy was approved by the EEB, but he believed that  
11 their edits were accepted by the EEB.

12           2.145 On May 10, 2019, Ms. Allen emailed Mr. Lyne, following up on his  
13 questions regarding the specific differences between the EEB approved policy and the  
14 WWU policy, attaching the WWU policy with the additions to the EEB approved policy  
15 highlighted.

16           2.146 On May 17, 2019, Austin Cooper emailed Chyerl Wolfe-Lee and Ms. Allen  
17 (copying Mr. Burton) about the approval of outside work. In the email, Mr. Cooper asked,

18           Must all outside work/compensation be reported and approved up the chain  
19 (faculty member to department chair to college dean to provost)... Some  
20 faculty report it, while others don’t. Most don’t know what they’re required  
21 to do. Some Chairs and Deans approve requests over email, while others  
22 approve using the e-sign form.... Most have no idea what’s required of  
23 them and what criteria they should use to make approval decisions. Your  
24 advice on what’s required and what’s best practice would be very much  
25 appreciated. Antonia, I know you are working on getting back to me about a  
similar question.

1           2.147 On May 21, 2019, Ms. Allen responded to Mr. Cooper, in part, that the  
2 approved EEB policy states that all outside work must be disclosed and reported. If an  
3 employee follows the approved EEB policy, then they have “safe harbor,” in that conduct  
4 that follows the approved policy will be deemed to have not violated the Ethics Law.

5           2.148 On August 16, 2019, Mr. Lyne sent Brian Burton, AVP Academic Affairs,  
6 an email (“Subject: Re: Gov Response”) regarding the status of WWU’s efforts to have  
7 WWU qualify for exceptions to the ethics law per RCW 42.52.220 that are allowable for  
8 the state’s research universities, specifically identified as the University of Washington and  
9 Washington State University.  
10

11           2.149 On August 16, 2019, Mr. Burton responded to Mr. Lyne, “What are your  
12 thoughts on putting the old policy back up to ensure safe harbor until the legislative fix  
13 occurs?”

14           2.150 On the same day, Bill Lyne responded to Mr. Burton that,

15  
16 If it were up to me, I would leave the current policy in place. As you say,  
17 there is the risk of drawing attention to it. But also, putting the old policy  
18 back up doesn't ensure safe harbor, since it doesn't include the activities for  
19 which pretty much every faculty member (and probably most academic  
20 administrators) in the state are vulnerable. If the old policy were put back  
21 and there were a complaint, the accused would simply be found guilty of  
22 violating both the policy and state ethics law. Leaving the current policy in  
23 place would reflect the university's previous understanding of the ethics  
24 interpretation, the university's common sense understanding of faculty  
25 work, and the university’s strong feeling that faculty at Western are the  
same as faculty at UW or WSU. It would also save us the hassle of  
changing the policy and then having to change it back after the legislative  
fix. On the off chance that there is some sort of incident before January,  
UFWW will of course fight vigorously on behalf of the faculty member. I  
think that leaving the current policy in place would allow the University to  
join us in that fight, rather than leaving the university in the awkward place  
of wanting to support the faculty but not really being able to. I think that  
whenever faculty and administration have the opportunity to fight the power

1 together it creates both a stronger immediate response and more solid long-  
2 term relations.

3 2.151 On August 20, 2019, Brian Burton forwarded the email correspondence  
4 with Bill Lyne titled, "Gov Response" to Ms. Allen stating,

5 ... I'm inclined to agree with him, because the Ethics Board's ruling is such  
6 that if someone were reported for earning money for a royalty on something  
7 produced as a part of work, that would be illegal under the old policy. But  
8 I'd be interested in arguments from the other side if you care to make any.

9 2.152 On August 22, 2019, Ms. Allen replied to Mr. Burton's email ("Subject:  
10 FW: Gov Response"), copying the President and Provost, indicating that she had concerns  
11 about leaving an illegal policy posted. She wrote in her email:

12 Thank you for the update on the current status of the outside consulting  
13 policy and the hoped-for legislative fix. I do have concerns about leaving a  
14 policy in place that is not compliant with the ethics law while we wait for a  
15 legislative fix. I looked back through my emails, and on December 7, 2018,  
16 the Provost identified that you and others in the Academic Affairs Division  
17 would facilitate the implementation of the interim policy with the Executive  
18 Ethics Board (EEB)-approved version. Other emails that I reviewed  
19 identified that the EEB, Sabah, the Provost, the AAG's, and the OIA all  
20 weighed in that WWU policies need to comply with current law. I am  
21 personally hopeful that Bill Lyne and others will prevail with the legislative  
22 fix to treat the regionals the same as WSU & UofW with regards to this  
23 policy. In the meantime, if complaints relating to these types of activities  
24 are received by the OIA, the EEB, or the State Auditor's Whistleblower  
25 Office we will apply the current law. Having a policy that does not comply  
with the current law does not protect the university; instead I believe it puts  
the university at greater risk by knowingly providing faculty with guidance  
that is inconsistent with current legislation. I understand that this is a  
difficult situation, but I still recommend that you immediately proceed with  
implementing the interim policy with the EEB approved version of the  
policy as the Provost and others previously directed. If you decide to  
proceed with facilitating the interim EEB-approved policy, I am happy to  
assist with these efforts.

24 2.153 On September 23, 2019, Ms. Allen met with President Randhawa to discuss  
25 the "Gov Response" email from August 22, 2019. During the meeting, Ms. Allen again

1 requested that there be some action with regards to removing the illegal policy and instead  
2 posting an interim legal policy that was approved by the EEB.

3 2.154 On September 30, 2019, Kate Reynolds, Executive Ethics Board Executive  
4 Director, forwarded her correspondence with Becca Kenna-Schenk, WWU Executive  
5 Director of the Government Relations Office, and Mr. Lyne, United Faculty of Washington  
6 President. (“Subject: FW: inquiry about RCW 42.52.220 from Western Washington  
7 University”), to Antonia Allen; Ms. Reynolds wrote to Ms. Allen, “Just wanted to keep  
8 you in the loop.”  
9

10 2.155 On September 30, 2019, Ms. Allen forwarded the email she received from  
11 Ms. Reynolds back to Becca Kenna-Shenk asking, “Could you please copy me when you  
12 correspond with the Executive Ethics Board? As the University’s Ethics Officer and Ethics  
13 Advisor, I am Western’s authorized liaison with the Executive Ethics Board.”  
14

15 2.156 On October 24, 2019, at the time of her termination, Ms. Allen was told the  
16 reason for her termination was that she was an at-will employee.

17 2.157 During her tenure, Antonia Allen demonstrated a pattern of behavior of  
18 making an issue out of improper actions by the university faculty that experts advised were  
19 fraudulent or illegal. After Antonia Allen was terminated, no one else was making an issue  
20 out of faculty policies and actions violating the ethics law. The laws have not changed, and  
21 the non-compliant fraudulent policy is still posted as of the date of Ms. Allen’s

22 supplemental tort claim filing

23 //

24 //

1 **Retaliation**

2 2.158 On October 24, 2019, Ms. Allen met with WWU President Randhawa and  
3 Associate Vice President for Human Resources Lea Aune.

4 2.159 At the meeting, Ms. Allen was handed a letter signed by President  
5 Randhawa, placing Ms. Allen on administrative leave immediately and terminating her  
6 employment effective November 30, 2019.

7 2.160 Ms. Allen told the President that the termination was “retaliation for [the]  
8 Woodring project.”  
9

10 2.161 The President looked down and shook his head, saying “no, no, no.” As he  
11 struggled to respond, Ms. Aune sought to rescue the President, telling Ms. Allen that she  
12 was an at-will employee and that no reason for her termination needed to be given.

13 2.162 The letter did not indicate that there was a cause for termination.

14 2.163 On November 24, 2019, AVPHR Aune emailed Ms. Allen a citation to  
15 Washington laws requiring the State to defend state employees and indemnifying state  
16 employees who are sued.  
17

18 2.164 On November 30, 2019, Ms. Allen was terminated.

19 2.165 Ms. Allen has and will suffer economic damages as a result.

20 2.166 Ms. Allen has also suffered emotional harm damages proximately caused by  
21 the State’s wrongful conduct, including emotional distress, personal indignity,  
22 embarrassment, fear, anxiety, loss of enjoyment of life, mental anguish, injury to  
23 reputation, and humiliation experienced to date and with reasonable probability to be  
24 experienced by the Plaintiff in the future.  
25





1 whistleblower retaliation in violation of RCW 42.40.050 and RCW 49.60.210.

2 3.3 The facts set forth above state a claim against the State of Washington for  
3 wrongful discharge in violation of public policy.

4 **IV. PRAYER FOR RELIEF**

5 WHEREFORE, Plaintiff prays for relief as follows:

6 4.1 Damages for back pay, front pay, and lost benefits in an amount to be  
7 proved at trial;

8 4.2 Damages for emotional harm including, but not limited to, loss of  
9 enjoyment of life, emotional distress, injury to reputation, fear, personal indignity,  
10 embarrassment, humiliation, anxiety, and anguish in an amount to be proved at trial;

11 4.3 Prejudgment interest in an amount to be proved at trial;

12 4.4 Reinstatement to plaintiff's prior position and to the status quo ante;

13 4.5 Expungement of any negative evaluations or comments from her personnel  
14 files and from the record of the defendant;

15 4.6 Injunctive relief prohibiting the defendant from further retaliation against  
16 Ms. Allen;

17 4.7 A permanent injunction prohibiting retaliation against any person who has  
18 complained about, opposed, given testimony concerning, or otherwise participated in any  
19 inquiry into improper governmental conduct or discrimination at WWU;

20 4.8 Equitable relief to reform the organizational culture to reduce fear of  
21 reporting issues in the workplace;

