

**PUBLIC RESPONSE OF DR. LAURA GREENE TO OEIG FINAL REPORT
(OEIG Case #14-00421)**

The OEIG Final Report (“the report”) overlooks critical facts and misapplies the law.

The report finds that I “intentionally misappropriated [my] State email account by engaging in prohibited political activity” on 04/29/13 and 05/20/13. This finding appears to be made under §5-15(a) of the State Officials and Employees Ethics Act (5 ILCS 430/5-15(a)). A separate finding is made for each date. It is important to note that there was absolutely no finding under §5-15(a) that I intentionally performed prohibited political activity during compensated time.

In my interview with the two OEIG investigators on May 28, 2014, I made it clear that the use of my University email account for the email exchanges on 04/29/13 and 05/20/13 was inadvertent and not intentional. Therefore, no violation of §5-15(a) or any other section of the State Officials and Employees Ethics Act took place. Unless the conduct is intentional, there can be no violation.

I received somewhere around 600 emails a day in April and May of 2013. Emails from my University email account and from my personal Gmail account went to a combined inbox on my iPhone and iPad. I would not look to see which email account they were sent to. Rather, I would just read and respond to the emails as quickly as possible.

The email exchanges on 04/29/13 and 05/20/13 both started when I received an email in my combined inbox. As it turns out, those emails were sent to my University account. The 04/29/13 email exchange began when I received an email while traveling, which advised that a package for me had been delivered to the National Academy of Sciences. I had been attending the NAS annual meeting, but wasn’t able to pick up the package. The second email exchange on 05/20/13, which took place late in the evening, involved only two emails. Mr. Gollin sent an email to me, and I replied with a very short response a little over an hour later.

Section 1-5 of the State Officials and Employees Ethics Act (5 ILCS 430/1-5) defines “prohibited political activity,” while §5-15 of that Act (5 ILCS 430/5-15) identifies “prohibited political activities.” Neither one of those sections mentions email or email servers. It is highly questionable whether even an intentional but minor use of a state email account for political purposes amounts to a misappropriation of State property. Any such “use” of State property would be infinitesimally small and could not be reasonably characterized as a “misappropriation.” In any event, it is abundantly clear that an unintentional and inadvertent use of a State email account for a political purpose is not a misappropriation of State property.

The report also finds that I violated the University of Illinois “Guidelines Concerning Use of University Resources for Political Campaign Activities” (“the University Guidelines”) when I used my State email “for political campaign activities” on 04/29/13 and 05/20/13. Again, a separate finding is made for each date. These two findings are not tied to the State Officials and Employees Ethics Act in any way. They are totally unsupported by law for several reasons, including the following:

1. The University Guidelines do not have the force of law.
2. OEIG has only the power to enforce the State Officials and Employees Ethics Act. (5 ILCS 430/20-20(1)) It does not have the power to enforce the University Guidelines.
3. No findings were made that I intentionally violated the University Guidelines, and I did not do so. As I explained earlier, the use of my University email account in connection with the emails in question was unintentional and inadvertent.

4. Even if the University Guidelines somehow had the force of law, and even if OEIG had the power to enforce them, intentional conduct is still required under §5-15(a) of the State Officials and Employees Ethics Act for a violation to take place. OEIG has no power to change the law by finding a violation where no intentional conduct has taken place.

5. The University of Illinois publication entitled “A Handbook for Good Ethical Practice” suggests that there is no hard and fast University rule prohibiting the use of University resources to send personal email. In responding to a question about sending personal email to colleagues outside the University, that handbook includes the following statement: “Use of the University’s computing and network infrastructure by University employees unrelated to their University positions must be limited in both time and resources and must not interfere in any way with the University’s functions or the employee’s duties.” (See page 28.)

It is interesting to note that the version of the report that the Executive Ethics Commission proposes to publish leaves off the very end of the original report dated October 9, 2014. The last two paragraphs of the original 10/09/14 report read as follows:

The OEIG recommends that the University of Illinois take whatever action it deems appropriate in regards to University of Illinois Professors:

- Laura Greene
- Leon Dash
- Nancy Blake

Finally, although the OEIG has the statutory discretion to refer this matter to the Office of the Illinois Attorney General for prosecution, the OEIG will exercise its discretion to not refer this matter and considers this matter closed.

In conclusion, the findings relating to me in the OEIG Final Report ignore both the facts and the law. They also ignore the realities of technology in the modern workplace, as well as the nature of the modern workplace itself. Finally, they represent an affront to me. I have been a long-time zealous advocate for the University of Illinois, as well as a tireless and ethical Professor of Physics. A couple of e-mail exchanges that inadvertently took place on my University email account and that were not even initiated by me simply do not justify the conclusions in the report.