

STATE OF OHIO  
OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

REPORT OF  
INVESTIGATION



AGENCY: OHIO DEPARTMENT OF EDUCATION  
FILE ID NO.: 2011-103  
DATE OF REPORT: August 23, 2011

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*“Safeguarding integrity in state government”*

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RANDALL J. MEYER, INSPECTOR GENERAL

**REPORT OF INVESTIGATION**

**FILE ID NUMBER:** 2011-103

**SUBJECT NAME:** Melanie Brown

**POSITION:** State Employee

**AGENCY:** Ohio Department of Education

**BASIS FOR INVESTIGATION:** Complaint

**ALLEGATIONS:** Inappropriate Material in the Workplace,  
Misuse of State Resources

**INITIATED:** June 1, 2011

**DATE OF REPORT:** August 19, 2011

## **INITIAL ALLEGATION AND COMPLAINT SUMMARY**

On May 23, 2011, the Office of the Ohio Inspector General received a memo from the Ohio Department of Education (ODE) regarding suspected illegal activity by an ODE employee. The complaint alleged that Melanie Brown downloaded and housed inappropriate materials, including videos, photos, and audio clips, on her state-issued computer during business hours, which constituted a possible theft in office pursuant to Ohio Revised Code 2921.41.

This complaint was also received by the Ohio State Highway Patrol who declined to open an investigation. The Office of the Ohio Inspector General opened an investigation June 1, 2011, based on the content of the ODE memo.

## **BACKGROUND**

On May 3, 2011, the ODE information technology service desk received a ticket regarding a potential security issue involving a “tagline” on Brown’s e-mail.<sup>1</sup> (**Exhibit 1**) This “tagline” contained an active link for a user to open. This type of e-mail is a phishing attempt to install disruptive software on an unsuspecting user’s computer system. The user may open the link, thinking that the e-mail is legitimate. In the process of ensuring that no viruses resulted from this e-mail on Brown’s state-issued computer, ODE information technology located several suspicious files on her system. After viewing some of the files, the Ohio Department of Education determined they were inappropriate, copied them over to a secure server, and notified the Human Resources Department about the problem. The files were not removed from Brown’s computer and she was not notified that the material had been located on her computer.

## **INVESTIGATIVE RESULTS**

On June 1, 2011, the Office of the Ohio Inspector General met with Pamela King, Executive Director of ODE’s Office of Human Resources, and Lori Denzer, ODE’s Chief Information Security Officer, at ODE headquarters in Columbus. At this meeting, a discussion was held regarding how the materials had been located and if Brown had a history of excessive use of her computer for non-work related activities. King indicated that Brown did not have a history of excessive use of her computer for non-work related activities. However, Executive Director

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<sup>1</sup> In this instance, tag line refers to the phrase, “Please click on the link below to validate your mailbox,” as seen as the accompanying link within Exhibit 1.

King expressed concern, given the content of the materials and Brown's duties visiting and monitoring child care facilities, that these materials may have been or would be viewed outside of ODE headquarters. The Office of the Ohio Inspector General obtained copies of the materials for review along with the Ohio Department of Education's policy on the "Acceptable Use of Information Resources" (ISP-019).

After reviewing the materials, it was determined the items could be considered distasteful and/or offensive to some and were not work related. It was also noted that these questionable items were saved on Brown's computer during the period of 2007 to 2009, but had not been accessed after 2009. No additional materials were saved after 2009.

On June 6, 2011, the Office of the Ohio Inspector General met with Brown regarding the materials located on her computer. During the interview, Brown indicated that she was aware of the service desk ticket, as she had initiated it, but was not aware that ODE staff had located anything questionable on her computer. After reviewing the materials, she recalled receiving them via e-mail but did not recall intentionally saving them to her computer. Brown also stated that when she received these e-mails, she would reply back to the sender and ask the individuals to stop sending them to her.

## **CONCLUSION**

While the Office of the Ohio Inspector General was unable to confirm that the materials in question were intentionally saved on Brown's computer, the OIG did confirm that the materials were not appropriate for the workplace. Regarding the theft in office claim, the Ohio Department of Education policy ISP-019 states that "incidental personal use of ODE information systems is permissible as long as the usage does not interfere with job performance, does not deny other users access to the system resources, and does not incur a cost to the agency. Personal use of the computer resources during breaks, including lunch, totaling no more than 60 minutes per day is usually considered acceptable." (**Exhibit 2**) As there was no evidence to support that the materials on Brown's computer were accessed outside of e-mail attachments she received, the allegation of theft in office was determined unfounded.

**However, the Office of the Ohio Inspector General finds that there is reasonable cause to believe an appearance of impropriety exists in this instance.**

### **RECOMMENDATIONS**

The Office of the Ohio Inspector General makes the following recommendations to the Ohio Department of Education and asks that the agency respond within 60 days with a plan detailing how these recommendations will be implemented:

- 1) Review the ODE policy ISP-019, “Acceptable Use of Information Resources,” with Brown and have her sign a letter acknowledging she has reviewed and agrees to abide by the policy.
- 2) The ODE’s Office of Human Resources should review the Ohio Department of Education’s policy regarding harassment in the workplace to determine if any violations occurred.
- 3) The Ohio Department of Education should revise its “Acceptable Use of Information Resources” policy which addresses the time an employee is permitted to use information technology resources for personal use to align with the Ohio Department of Administrative Service’s Office of Information Technology policy ITP-E.8, “Use of Internet, E-mail and Other IT Resources.” **(Exhibit 3)** Policy ITP-E8 sets forth that “personal use, if permitted by an agency, shall be strictly limited and can be restricted or revoked at an agency’s discretion at any time.”
- 4) Where possible, the Ohio Department of Education should create a filter on e-mails from sources that are deemed untrustworthy to remove attachments and store them on a secure server.

### **REFERRALS**

The Office of the Ohio Inspector General is referring this report to the Ohio Department of Education regarding the recommendations above. We have no other referrals at this time.

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