

**PRIVATE AND CONFIDENTIAL**

January 20, 2016

Paul G. Ramsey, MD  
CEO, UW Medicine  
Executive Vice President for Medical Affairs &  
Dean of the School of Medicine  
University of Washington

Re: Professor Michael Katze – Special Investigating Committee Report

Dear Dr. Ramsey:

Per a letter dated November 6, 2015, you asked us to serve on a special investigations committee (SIC) pursuant to Faculty Code Section 25-71.D(3) and to report back to you by January 20, 2016.

**SIC Charge**

We were charged with gathering information and documentation to assist you in determining whether Professor Michael Katze violated certain University policies related to inappropriate use of state resources, conflict of interest and unprofessional behavior. We were tasked to answer 3 specific questions:

1. Did Dr. Katze violate Executive Order 32 (Conflict of Interest) and/or Administrative Policy Statement 47.2 (Personal Use of Facilities, Computers, and Equipment) by asking staff to perform work of a personal nature for Dr. Katze unrelated to University business?
2. Did Dr. Katze violate the UW Medicine Policy on Professional Conduct, Executive Order 32, and/or Administrative Policy Statement 47.2 in his interactions with laboratory personnel or by using University equipment, facilities and staff to engage in activities for Dr. Katze's personal benefit and gratification and unrelated to University business?
3. If the answer to No. 1 above is yes, were Dr. Katze's non-University activities and use of state resources de minimis?

**SIC Meetings**

The committee met on the following dates: November 13, 23 and December 1, 16, 18 of 2015; January 12 & 14 of 2016.

**Documents Reviewed:**

The committee reviewed the following documents:

1. Charge letter and attachments, including University policies and regulations, School of Medicine policies and Faculty Code section 25-71. (Exhibit A)

2. A subset of emails from Dr. Katze's University email account, which had been provided to Dr. Katze earlier in the 25-71 process. These had been extracted by Ian Messerle, UCIRO Investigator. (Exhibit B)
3. A set of documents (mainly correspondence) from Dr. Katze's attorney, Jon Howard Rosen. (Exhibit C)
4. Outline of contents of Dr. Katze's University email, text, and phone accounts and University hard drive. (Exhibit D)
5. Internal Audit report conducted by Richard Cordova, Executive Director of Internal Audit (Exhibit E)
6. Select notes of witness interviews carried out by Ian Messerle from the UCIRO investigation that bear on whether Dr. Katze violated SOM policy on Professional Conduct.<sup>1</sup> (Exhibit F)

**Persons Interviewed:**

The SIC interviewed the following persons:

1. Ian Messerle, UCIRO Investigator
2. Richard Cordova, Executive Director Internal Audit
3. Michael Katze<sup>2</sup>

**Summary of Work**

The Committee was provided with a set of emails and text messages from University accounts as well as reports of interviews with current and former staff suggesting that Dr. Katze engaged in activities that potentially violated University policies related to conflict of interest, misuse of state resources and professional conduct. For example, University accounts and staff interviews reflect the following conduct on the part of Dr. Katze.

- Asking a staff member to solicit a prostitute for him
- Asking a staff member to obtain medical marijuana for him
- Asking a staff member to obtain a prescription medication (Percocet) for him
- Asking a staff member to shop for furniture for his apartment, pick up his mail, vacuum his apartment, and arrange to pay his parking ticket
- Derogatory remarks about women, gay, and Asian employees
- Use of profanity in the workplace and in work email
- Demeaning, hostile, and threatening remarks to staff
- Threats of dismissal of employees

We interviewed Ian Messerle to gauge the scope of data he had collected that might be relevant to our charge. Mr. Messerle provided us with a detailed outline of the contents of

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<sup>1</sup> Data related solely to the UCIRO investigation was segregated from data related to the SIC investigation and we were provided only the latter.

<sup>2</sup> The SIC scheduled a meeting on December 18 for the express purpose of interviewing Dr. Katze. Mr. Rosen, Dr. Katze's attorney, attended the meeting but he objected to the attendance of University counsel and Marie Westermeier, and he advised Dr. Katze not to address the SIC in their presence. Mr. Rosen also declined the invitation to allow the SIC to meet with Dr. Katze without University counsel present. Dr. Katze did not provide written information to the SIC nor did he otherwise meet in person with the SIC.

Dr. Katze's University email account obtained through a snapshot taken by UW IT services. The outline summarized data collected in his UCIRO investigation that was pertinent to the SIC charge. The data had been extracted from University-owned devices (such as an iPhone and iPad) and University accounts (such as email and text), which had been captured by a forensic imaging service, Altep.

We consulted with Richard Cordova to better understand the conflict of interest policies and state ethics rules. We requested that his office review the contents of Dr. Katze's University-owned devices and accounts to determine whether there had been violations of University rules and policies. Neither Dr. Katze nor his lawyer have informed the SIC that there is any basis to challenge the authenticity or authorship of the emails, text messages, or other data extracted from University-owned devices.

**Conclusions:**

1. With respect to the first item in our charge, did Dr. Katze violate Executive Order 32 (Conflict of Interest) and/or Administrative Policy Statement 47.2 (Personal Use of Facilities, Computers, and Equipment) by asking staff to perform work of a personal nature for Dr. Katze unrelated to University business? We conclude that Dr. Katze violated both.
  - a. Executive Order 32, Section 1F states, "no employee shall employ or use any person, money, or property under the employee's official control or direction, or in his or her custody, for private benefit or gain of the employee or another." Section 2D, reflecting RCW 42.52.070, states "no state officer or state employee may use his or her position to secure special privilege or exemptions for himself. . ."
    - i. The emails and texts we reviewed include requests by Dr. Katze to his employees to perform personal errands, including buying furniture, overseeing delivery of furniture, paying a parking ticket, and providing IT support for someone who did not appear to be a UW employee. (Exhibit B, pp. 18, 40-41,56-67) We cannot determine from the emails if these actions were performed during work hours or were understood as personal requests, or whether employees made up these hours at other times. However, the fact that Dr. Katze was the direct supervisor of these employees creates an inherent conflict of interest. His employees might reasonably feel obligated to carry out the personal errands or be reluctant to object, even though these tasks are outside the scope of the employee's official work responsibilities.
    - ii. Administrative Policy Statement 47.2 states, "University employees may not use state resources (including any personal property) under their official control or direction or in their custody, for personal benefit or gain" . . . and (1b) "occasional limited personal use of University facilities, computers, and equipment, including email and Internet access, is permitted only if all five of the following

conditions are met (per WAC 292-110-010): there is little or no cost to the state; any use is brief; any use occurs infrequently; the use does not interfere with the performance of the state employees' official duties; and the use does not compromise the security or integrity of property, information, or software."

Based on Mr. Cordova's internal audit of Dr. Katze's messages, images, emails, browser history, and cell phone use between 1/1/15-2/18/15, 82% of his messages, 94% of images on University-owned devices, and 43% of his browser history were non-work related. (Exhibit E) This audit demonstrates a violation of the University policy, including the provision allowing de minimis personal use of state resources. We recommend a more comprehensive internal audit of the use of state resources, based on these initial findings.

- iii. Under the State Ethics Law, RCW 42.52.160, employees are prohibited from using University resources for activities prohibited by law. The materials obtained in our investigation include documented requests by Dr. Katze to University personnel to solicit a prostitute for him and to procure medical marijuana and a prescription drug (Percocet) for him. (Exhibit B, pp. 1-17)
2. Regarding the second charge, did Dr. Katze violate the UW Medicine Policy on Professional Conduct, Executive Order 32, and/or Administrative Policy Statement 47.2 in his interactions with laboratory personnel or by using University equipment, facilities and staff to engage in activities for Dr. Katze's personal benefit and gratification unrelated to University business? We conclude that Dr. Katze violated these policies.
    - a. Please see our responses to the first charge regarding violations of Executive Order 32 and Administrative Policy 47.2. Below is our analysis with respect to the UW Medicine Professional Conduct Policy. The UW Medicine Policy on Professional Conduct requires UW Medicine employees to "conduct themselves in a professional manner in all of their interactions with patients, members of the public and the University community, and each other. The purposes of this policy are . . . to assure that all persons are treated with respect, dignity, and courtesy; and to promote constructive communication and collaborative teamwork." The policy defines unprofessional behavior as behavior that "violates laws or rules regarding discrimination and harassment; violates rules of professional ethics, including professionalism in clinical education, research, or business practices; or is disrespectful, retaliatory or disruptive." In addition, professionalism in the conduct of research requires "collegial and fair treatment of trainees and research staff at all levels"; ethical business practices are defined as "the wise use of resources and practices that are compliant with and appropriate under laws

and regulations governing conflicts of interest"; and "disrespectful, retaliatory, or disruptive behavior includes shouting or using profane or otherwise offensive language; degrading and demeaning statements; threats or similar intimidating behavior."

Interviews with both current and former employees of Dr. Katze, performed by Ian Messerle in the course of his UCIRO investigation, suggest a longstanding pattern of treating select members of his staff disrespectfully and of creating an intimidating and hostile work environment. This pattern includes derogatory remarks about gay, female and Asian employees, use of profanity, yelling at and belittling of staff, and threats that staff can be terminated by him, creating an atmosphere of fear, hostility, and intimidation. Supporting documents can be found in Exhibit F. A letter to Dr. Katze from his department chair, Dr. James Champoux, dated June 10, 2013, admonished Dr. Katze for threatening and intimidating behavior in his interactions with one employee, in which Dr. Champoux states that "were anything like this to happen again, including even the perception by others of threatening or intimidating behavior, you will be in violation of the Faculty Code." (Exhibit F, p. 6) Similarly, a letter dated [REDACTED] is a formal complaint by an [REDACTED] research assistant that describes, among other things, [REDACTED]

(Exhibit F, pp. [REDACTED])

FERPA

RCW 42.56.070(1)

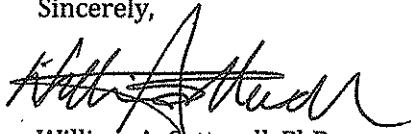
[REDACTED] and describes Dr. Katze's [REDACTED] and [REDACTED]. This characterization is corroborated by many of the interviews conducted by Mr. Messerle. It is also reflected in communications authored by Dr. Katze directed to employees in his lab. (Exhibit F, pp. 3, 5, 12, 19-20, 23-26) Another example of unprofessional behavior by Dr. Katze is his frequent use of University-owned devices to access pornography-related websites, based on the internal audit conducted by Richard Cordova.

3. Regarding the third charge, if the answer to No. 1 above is yes, were Dr. Katze's non-University activities and use of state resources de minimis? While Administrative Policy 47.2 tolerates de minimis personal use of state resources, our reading of the policy is that it applies to material resources, not to personnel. Enlisting personnel under his direct supervision to perform tasks outside the reasonable scope of their job descriptions, including personal errands and illegal activities, is simply prohibited. We conclude that Dr. Katze violated the policy and exceeded de minimis personal use of material resources. We also conclude that his personal requests of staff were inappropriate whether they occurred once or multiple times. Evidence from our investigation suggests the latter.

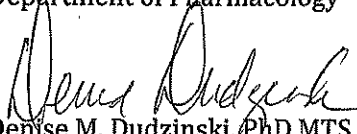
**Recommendations**

Given the conclusions outlined above and due to the egregious nature of these violations, we believe there is reasonable cause to adjudicate charges of wrongdoing against Dr. Katze.

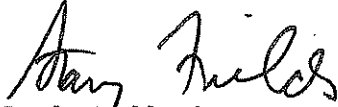
Sincerely,



William A. Catterall, PhD  
Professor & Chair  
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Stanley Fields, PhD  
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Cc: Jim Champoux, PhD  
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Attachments: Exhibits A-F