

BEFORE THE WASHINGTON STATE
EXECUTIVE ETHICS BOARD

In the Matter of:

Christina Sciabarra
Respondent.

No. 2019-025

STIPULATED FACTS,
CONCLUSIONS OF LAW AND
AGREED ORDER

THIS STIPULATION is entered into by Respondent, CHRISTINA SCIABARRA, and Board Staff of the WASHINGTON STATE EXECUTIVE ETHICS BOARD (Board) through KATE REYNOLDS, Executive Director, pursuant to chapter 42.52 RCW, chapter 34.05 RCW, and WAC 292-100-090(1). The following stipulated facts, conclusions of law, and agreed order will be binding upon the parties if fully executed, and if accepted by the Board without modification(s), and will not be binding if rejected by the Board, or if the Respondent does not accept the Board's proposed modification(s), if any, to the stipulation. This stipulation is based on the following:

A. STIPULATED FACTS

1. On July 16, 2019, the Board received a complaint referred by the State Auditor's Office (SAO) alleging that Christina Sciabarra (Ms. Sciabarra), Director of the Center for Career Connections at Bellevue College (BC), may have violated the Ethics in Public Service Act by using state resources for her private benefit and gain and receiving additional compensation for conducting her official duties.

2. On November 29, 2017, a BC HR Consultant informed the President's Office of concerns they had regarding how payments were being made for extra-duty assignments (moonlighting) by exempt and classified staff members. Due the concerns raised to the President, Gerald Weber (Mr. Weber), a

taskforce was created to develop procedures that would proactively align with the college and state ethics laws.

3. After reviewing the current practices, the taskforce offered recommendations to ensure the integrity and fairness of assignments and to eliminate conflicts or potential conflicts between teaching and regular assigned duties and workload. The taskforce recommendations and procedures underwent an all-college review from March 1, 2018 to April 23, 2018, and were subsequently approved by President Weber on April 24, 2018.

4. On January 30, 2018, the SAO Whistleblower program received a complaint asserting that some administrative staff were inappropriately receiving supplemental pay, “double-dipping” related to teaching classes to BC students during the same period as their administrative duties.

5. The SAO’s investigation covered the period of January 2017 through January 2018. On May 6, 2019, the SAO released their report. The SAO report indicated that there was reasonable cause to believe improper governmental actions occurred. The SAO report found that there was no clear, distinguishable line between Ms. Sciabarra’s administrative position and her Adjunct Professor position and that Ms. Sciabarra was paid additional compensation to conduct contract work that was part of her administrative duties.

6. In January 2017, Ms. Sciabarra was the Associate Director of the Center of Career Connections. In August 2017, she was appointed as the interim Director and in October 2017, she was appointed as the Director of the Center of Career Connections.

7. According to the position description for the Director of Community Connections Center (CCC), the Director will provide leadership for all CCC programs with a primary responsibility to lead

the Experiential Learning Instructional Program¹ and to oversee CCC core services which include, Informal Experiential Learning Initiatives, Women's Career Connections, Project Succeed for Veterans Career Advancement², the STEM-to- Stern Cohort³, the Work-Study Career Support, and the Scholarship Resource Programs.

8. Ms. Sciabarra's position is overtime exempt. She is allowed to set her own schedule with the expectation that she would be available to students and community members during college business hours as long as she works a minimum of 40 hours per week. The official hours of operation for all college activities are 6:30 am to midnight, Monday through Thursday and 6:30 am through 10:30 pm on Friday.

9. Ms. Sciabarra requested and received approval to work an 80 percent work schedule or 32 hours per week for the spring quarter of 2017. During that period, she taught two BC courses as an adjunct professor (moonlighting); Political Science 203, an in-person class taught Monday through Friday 11:30 am to 12:20 pm, and Political Science 203, an online class.

10. The course syllabus for the spring quarter of the Political Science 203 course indicates that Ms. Sciabarra would be available to meet with the students during scheduled office hours on Mondays at 8 to 10 am or by appointment. The office location was not her CCC office, but A-265, next to the Carlson Theater. The online Political Science 203 course indicates that Ms. Sciabarra would be available to meet with the students online during scheduled office hours, 6 to 7 pm on Wednesday, or by appointment.

¹ Experiential learning is an engaged learning process whereby students "learn by doing" and by reflecting on the experience. Experiential learning activities can include, but are not limited to, hands-on laboratory experiments, practicums, field exercises, and studio performances. (Wikipedia)

² Project Succeed is a program within Bellevue College's Center for Career Connections dedicated to career advancement for military Veterans, spouses, and dependents. (Bellevue College web page)

³ The *STEM to Stern* program is a yearlong 2-credit class to accelerate the growth of students in the science, technology, engineering, and math (*STEM*) fields. You will learn skills and make connections that will help you succeed as a *STEM* student and *STEM* professional. (Bellevue College web page)

11. Ms. Sciabarra indicated in a response to Board staff that during the period under investigation by the SAO (2017 and 2018) she used her CCC office space to meet with her Political Science students. She indicated that this rarely happened, no one seemed concerned because it was a campus office, and that at the time, she and others did not make that distinction between her classified staff position within the CCC and her adjunct professor position.

12. The SAO investigators reviewed the BC Canvas internet site. Canvas is an online learning platform used by BC. The review could not determine how much time Ms. Sciabarra spent in Canvas because the data does not track time spent but places a time stamp to each page viewed. For an example, a time stamp would indicate that a page on Canvas was visited at 7:54 am and the next page was accessed at 8:54 am. Without knowing the content of the specific page and how much information needed to be reviewed, it cannot be determined whether the first page was visited for 10 minutes or for one hour, all that can be determined is when the two pages were initially accessed.

13. Board staff's review of the BC Canvas access by Ms. Sciabarra indicated that she accessed the Canvas site during her official workday (spring quarter 2017) on 29 days; 10 days in April, 12 days in May, and 7 days in June.

14. For the week of April 24 through April 28, Ms. Sciabarra submitted leave as the Associate Director of CCC to attend the annual summit of an international non-profit organization she worked with which focuses on youth. Ms. Sciabarra failed to submit four hours of leave (Monday through Thursday) for missing the in-person Political Science 203 class.

15. Ms. Sciabarra asked a CCC staff member, Lindi Mujugira (Ms. Mujugira), to cover for the class on Monday through Thursday. According to Ms. Sciabarra, Ms. Mujugira started a film and took attendance. The students watched the film and filled out worksheets that Ms. Sciabarra collected upon her return on Friday.

16. Ms. Mujugira indicated in her response to Board staff that at the time Ms. Sciabarra asked to her to help with her Political Science class, Fabienne Mouton was her direct supervisor.

17. Ms. Mujugira indicated that at the same time she showed the video to the students she was working her regular shift and did her normal CCC duties. She indicated that the video lasted about 50 minutes.

18. Ms. Mujugira indicated in her response that she has watched Ms. Sciabarra work beyond her regular work time to perform her staff duties.

19. On April 20, 2017, Ms. Sciabarra sent an email to Tim Jones (Mr. Jones), Chair of the Political Science Program at BC. The email was to inform Mr. Jones that she would be attending the above-mentioned annual summit of the international non-profit.

20. Mr. Jones indicated in a response to Board staff that he was the Chair of the Political Science program but that he was not Ms. Sciabarra's direct supervisor, who would have been the Dean of the Social Science Division.

21. Ms. Sciabarra indicated in her response to Board staff that she failed to submit leave for the classes she missed. She indicated that she submitted leave for her staff position for her time away for that week but was not aware she needed to submit leave for her class as long as she provided coverage.

22. Ms. Sciabarra indicated in her response to the SAO that before the SAO investigation, no one has ever explained to her that she needed to submit leave for time she took off from teaching courses. Ms. Sciabarra further indicated in her response to the SAO that she made sure her classes were covered, but she did not realize she needed to also take leave from her Social Science Division office, indicating that she thought putting the leave on her time sheet for her CCC role was sufficient.

23. Ms. Sciabarra indicated in her response to Board staff that according to the faculty contract, faculty are not required to use personal leave when missing a class for professional development. Ms.

Sciabarra believes that attending the annual Youth To Youth Initiative⁴ was for her professional development as a Political Science Professor.

24. The Bargaining Agreement between BC and the Bellevue College Association of Higher Education describe Professional Leave as:

21.3. Professional Leave

Professional Leave is neither accrued nor deducted from other leaves to which the faculty member is entitled. Faculty members on approved Professional Leave will not suffer a salary reduction. Faculty may be granted Professional Leave to attend state and national meetings of their professional organizations related to their discipline or to attend academic or occupational meetings related to their disciplines. Requests shall be submitted to the dean and appropriate vice president at least five (5) days prior to the meeting, or as soon as possible if the faculty member has less than five (5) days' notice, and will not be unreasonably denied.

25. On May 1, 8, 15, and 22 in 2017, Ms. Sciabarra facilitated a workshop titled, "Addressing Domestic Violence through Education." The workshops were from 9:00 am to 10:30 am, and considered a part of Ms. Sciabarra's job duties as an Associate Director of the CCC. Ms. Sciabarra applied for and was paid a stipend of \$250, by BC's Faculty Commons Department, to conduct these workshops. The workshops occurred during Ms. Sciabarra's regular work hours. Ms. Sciabarra did not submit leave for this time.

26. Ms. Sciabarra acknowledged in her response to Board staff that facilitating the workshops was a part of her CCC duties and that she applied for and received the stipend and did not account for it in her work hours.

27. The 2017 fall quarter covered the period of September 18, 2017 through December 7, 2017.

See her daily schedule below:

⁴ Youth to Youth Initiative is an umbrella non-profit, started in 2015 in Lithuania, which aims to foster change and to construct an effective environment for youth participation in the decision-making process and community development. Through dialogue and immediate action plans, it strives to solve the most critical issues in the spheres of education, employment, culture and religion, human rights, civil society participation, gender equality, informal diplomacy, migration, environment, social entrepreneurship, sustainable development of communities, anticorruption, and similar.

Monday	Tuesday	Wednesday	Thursday	Friday	Total Hours
Staff Hours					
7:30 - 12:30 pm 1:30 - 5:30 pm Lunch: 30 minutes, unscheduled 8.5 hours	7:30 - 12:30 pm 1:30 - 5:30 pm Lunch: 30 minutes, unscheduled 8.5 hours	7:30 - 12:30 pm 1:30 - 5:30 pm Lunch: 30 minutes, unscheduled 8.5 hours	7:30 - 12:30 pm 1:30 - 5:30 pm Lunch: 30 minutes, unscheduled 8.5 hours	7:00 am - 12:30 pm 1:30 - 2:00 pm Lunch: 2-2:30 pm 6 hours	40 hours
Class Hours					
12:30 - 1:30 pm	12:30 - 1:30 pm	12:30 - 1:30 pm	12:30 - 1:30 pm	*Online 8-9 am 12:30 - 1:30 pm	

*Office hour for her online Political Science 203 class students.

28. Ms. Sciabarra indicated in a response to the SAO that she held these office hours in the CCC and was available for her students, but at no point did any of the online students contact her to set up an appointment.

29. Ms. Sciabarra indicated in a response to Board staff that if no one walked in she would work on emails and various other tasks related to the CCC, including walk-in students seeking career center services.

30. Board staff's review of the BC Canvas access by Ms. Sciabarra indicated that she accessed the Canvas site during her official workday (as identified in #27 above) on 29 days; 7 days in September, 9 days in October, 10 days in November, and 3 days in December.

31. The course syllabus for the fall quarter of the Political Science 203 indicates that Ms. Sciabarra would be available to meet with the students during the scheduled office hours on Fridays at 8 to 10 am or by appointment. The office location is identified as her CCC office, A-232. The online Political Science 203 course indicates that Ms. Sciabarra would be available to meet with the students online during the scheduled office hours 8 to 9 am on Fridays or by appointment.

32. Board staff’s review of Ms. Sciabarra’s emails for this period, showed that she sent/received at least 40 emails to students enrolled in her Political Science classes through either Outlook or Canvas during her workday as described in #27 above.

33. The 2018 winter quarter covered the period of January 2 through March 22, 2018. See her daily schedule below:

Monday	Tuesday	Wednesday	Thursday	Friday	Total Hours
Staff Hours					
7:30 -9:30 am	7:30 -9:30 am	7:30 -9:30 am	7:30 -9:30 am	8 AM-3:30 PM	
10:30 am – 5:30 pm	10:30 am – 5:30 pm	10:30 am – 5:30 pm	10:30 am – 5:30 pm	Lunch: 10:30-11 am	
Lunch: 30 minutes, unscheduled	Lunch: 30 minutes, unscheduled	Lunch: 30 minutes, unscheduled	Lunch: 30 minutes, unscheduled		
8.5 hours	8.5 hours	8.5 hours	8.5 hours	6 hours	40 hours
Class Hours					
9:30 – 10:30 am	9:30 – 10:30 am	9:30 – 10:30 am	9:30 – 10:30 am	9:30 – 10:30 am	

34. Board staff’s review of the BC Canvas access by Ms. Sciabarra indicated that she accessed the Canvas site during her official workday (as identified above) on 16 days in January 2018.

35. The course syllabus for the winter quarter of the Political Science 227 indicates that Ms. Sciabarra would be available to meet with the students during scheduled office hours on Fridays at 8 to 10 am or by appointment. The office location is identified as A-232, Ms. Sciabarra’s CCC office.

36. Board staff’s review of Ms. Sciabarra’s emails for this period, showed that she sent/received at least 79 emails to students enrolled in her Political Science classes through either Outlook or Canvas during her workday as, described in #33 above.

37. Ms. Sciabarra indicated in a response that she did not realize that there was a computer for her to use in the Political Science adjunct office and that she should have been using that computer instead

of her CCC office computer for Political Science related use, i.e., responding to student emails and accessing Canvas. She further indicated that once she was aware of the complaint she started using her personal laptop.

38. Board staff's review of the hard drive identified as Ms. Sciabarra's desktop hard drive revealed no activity by Ms. Sciabarra after September 21, 2016.

39. Prior to the creation and approval of BC Policy – 4250P – Extra-duty Teaching Assignments for Classified and Exempt Employees, effective date 4/4/18, there were no clear expectations or guidance provided by the college.

40. In December of 2018, Ms. Sciabarra resigned her position as the Director of the CCC in order to become a full-time adjunct professor in the Political Science Department.

41. On June 20, 2019, Ms. Sciabarra received a letter of counseling from the BC Provost for violation of BC's policy 4250 regarding the Standards of Ethical Conduct.

B. CONCLUSIONS OF LAW

1. The Ethics in Public Service Act, Chapter 42.52 RCW, prohibits state employees from receiving outside compensation for conducting an official duty. RCW 42.52.110 - Compensation for official duties or nonperformance states:

No state officer or state employee may, directly or indirectly, ask for or give or receive or agree to receive any compensation, gift, reward, or gratuity from a source for performing or omitting or deferring the performance of any official duty, unless otherwise authorized by law except: (1) The state of Washington; or (2) in the case of officers or employees of institutions of higher education or of the *Spokane intercollegiate research and technology institute, a governmental entity, an agency or instrumentality of a governmental entity, or a nonprofit corporation organized for the benefit and support of the state employee's agency or other state agencies pursuant to an agreement with the state employee's agency.

2. The Ethics in Public Service Act, Chapter 42.52 RCW, prohibits state employees from using state resources for their benefit. RCW 42.52.160(1) states:

No state officer or state employee may employ or use any person, money,

or property under the officer's or employee's official control or direction, or in his or her official custody, for the private benefit or gain of the officer, employee, or another.

3. Based on the stipulated facts above, Ms. Sciabarra used state resources for a personal benefit in violation of RCW 42.52.160.

4. The Board is authorized to impose sanctions for violations to the Ethics Act pursuant to RCW 42.52.360. The Board has set forth criteria in WAC 292-120-030 for imposing sanctions and consideration of any mitigating or aggravating factors.

C. AGGRAVATING AND MITIGATING FACTORS

In determining the appropriateness of the civil penalty, the Board reviewed the criteria in WAC 292-120-030. In the matter at hand, it is an aggravating factor these types of violations significantly reduce the public respect and confidence in state government employees and they were continuous in nature. In the matter at hand, it is a mitigating factor that at the time of Ms. Sciabarra's violation her actions were allowed by the common practice and acceptance of the College. It is also a mitigating that Ms. Sciabarra received a letter of counseling for her violations of college policy related to the state ethics laws.

D. STIPULATION AND AGREED ORDER

1. Pursuant to chapter 42.52 RCW, the Executive Ethics Board has jurisdiction over Christina Sciabarra and over the subject matter of this complaint.

2. Under RCW 34.05.060, the Board can establish procedures for attempting and executing informal settlement of matters in lieu of more formal proceedings under the Administrative Procedures Act, including adjudicative hearings. The Board has established such procedures under WAC 292-100-090.

3. Pursuant to WAC 292-100-090(1), the parties have the authority to resolve this matter under the terms contained herein, subject to Board approval.

4. Christina Sciabarra agrees that if any or all of the alleged violations were proven at a hearing, the Board may impose sanctions, including a civil penalty under RCW 42.52.480(1)(b) of up to \$5,000, or the greater of three times the economic value of anything received or sought in violation of chapter 42.52 RCW, for each violation found. The Board may also order the payment of costs, including reasonable investigative costs, under RCW 42.52.480(1)(c).

5. Christina Sciabarra further agrees that the evidence available to the Board is such that the Board may conclude she violated the Ethics in Public Service Act. Therefore, in the interest of seeking an informal and expeditious resolution of this matter, the parties agree to entry of the stipulated findings of fact, conclusions of law and agreed order.

6. Christina Sciabarra waives the opportunity for a hearing, contingent upon acceptance of this stipulation by the Board, or her acceptance of any modification(s) proposed by the Board, pursuant to the provisions of WAC 292-100-090(2).

7. If the Board accepts this stipulation, the Board agrees to release and discharge Christina Sciabarra from all further ethics proceedings under chapter 42.52 RCW for any allegations arising out of the facts in this matter, subject to payment of the full amount of the civil penalty due and owing, any other costs imposed, and compliance with all other terms and conditions of the stipulation. Christina Sciabarra in turn agrees to release and discharge the Board, its officers, agents and employees from all claims, damages, and causes of action arising out of this complaint and this stipulation.

8. If the Board accepts this stipulation, it does not purport to settle any other claims between Christina Sciabarra and the Washington State Executive Ethics Board, the State of Washington, or other

third party, which may be filed in the future. No other claims of alleged violations are pending against Christina Sciabarra at this time.

9. If the Board accepts this stipulation, it is enforceable under RCW 34.05.578 and any other applicable statutes or rules.

10. If the Board rejects this stipulation, or if Christina Sciabarra does not accept the Board's proposed modification(s), if any, this matter will be scheduled for an administrative hearing before the Board. If an administrative hearing is scheduled before the Board, Christina Sciabarra waives any objection to participation by any Board member at the hearing to whom this stipulation was presented for approval under WAC 292-100-090(2). Further, Christina Sciabarra understands and agrees that this stipulation as well as information obtained during any settlement discussions between the parties shall not be admitted into evidence during the administrative hearing, unless otherwise agreed by the parties.

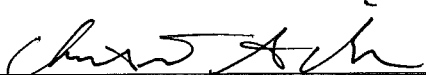
11. Christina Sciabarra agrees to pay a civil penalty in the amount of five-hundred dollars (\$500.00) associated with violations of, RCW 42.52. The Board agrees to suspend one-hundred dollars (\$100.00) on the condition that Christina Sciabarra complies with all terms and conditions of this Stipulation and Order and commits no further violations of RCW 42.52 for a period of two years from the date this agreement is executed.

12. The civil penalty in the amount of four-hundred dollars (\$400.00) is payable in full to the Washington State Executive Ethics Board within forty-five (45) days after this stipulation is signed and accepted by the Board, or as otherwise agreed to by the parties.

II. CERTIFICATION

I, Christina Sciabarra, hereby certify that I have read this stipulation in its entirety, that my counsel of record, if any, has fully explained the legal significance and consequence of it. I further certify that I fully understand and agree to all of it, and that it may be presented to the Board without my appearance.

I knowingly and voluntarily waive my right to a hearing in this matter and if the Board accepts the stipulation, I understand that I will receive a signed copy.

 3/9/20
CHRISTINA SCIABARRA Date
Respondent

Presented by:

 7/10/2020
KATE REYNOLDS Date
Executive Director

