

2 **SSB 5456 - H COMM AMD ADOPTED 4-17-91**  
3 By Committee on Higher Education

4

5 Strike everything after the enacting clause and insert the  
6 following:

7 "NEW SECTION. **Sec. 1.** Improving the quality of instruction at  
8 our state institutions of higher education is a priority of the  
9 legislature. Recently, many efforts have been made by the legislature,  
10 the colleges, and the higher education coordinating board to assess and  
11 improve the quality of instruction received by students at our state  
12 institutions. It is the intent of the legislature that, in conjunction  
13 with these various efforts, the process for the award of faculty tenure  
14 at community colleges should allow for a thorough review of the  
15 performance of faculty appointees prior to the granting of tenure."

16 **"Sec. 2.** RCW 28B.50.851 and 1988 c 32 s 2 are each amended to read  
17 as follows:

18 As used in RCW 28B.50.850 through 28B.50.869:

19 (1) "Tenure" shall mean a faculty appointment for an indefinite  
20 period of time which may be revoked only for adequate cause and by due  
21 process;

22 (2) (a) "Faculty appointment", except as otherwise provided in  
23 subsection (2)(b) below, shall mean full time employment as a teacher,  
24 counselor, librarian or other position for which the training,  
25 experience and responsibilities are comparable as determined by the  
26 appointing authority, except administrative appointments; "faculty  
27 appointment" shall also mean department heads, division heads and

1 administrators to the extent that such department heads, division heads  
2 or administrators have had or do have status as a teacher, counselor,  
3 or librarian; faculty appointment shall also mean employment on a  
4 reduced work load basis when a faculty member has retained tenure under  
5 RCW 28B.50.859;

6 (b) "Faculty appointment" shall not mean special faculty  
7 appointment as a teacher, counselor, librarian, or other position as  
8 enumerated in subsection (2)(a) of this section, when such employment  
9 results from special funds provided to a community college district  
10 from federal moneys or other special funds which other funds are  
11 designated as "special funds" by the state board for community college  
12 education: PROVIDED, That such "special funds" so designated by the  
13 state board for purposes of this section shall apply only to teachers,  
14 counselors and librarians hired from grants and service agreements and  
15 teachers, counselors and librarians hired in nonformula positions. A  
16 special faculty appointment resulting from such special financing may  
17 be terminated upon a reduction or elimination of funding or a reduction  
18 or elimination of program: PROVIDED FURTHER, That "faculty appointees"  
19 holding faculty appointments pursuant to subsections (1) or (2) (a) who  
20 have been subsequently transferred to positions financed from "special  
21 funds" pursuant to subsection (2) (b) and who thereafter lose their  
22 positions upon reduction or elimination of such "special funding" shall  
23 be entitled to be returned to previous status as faculty appointees  
24 pursuant to subsection (1) or (2) (a) depending upon their status prior  
25 to the "special funding" transfer. Notwithstanding the fact that  
26 tenure shall not be granted to anyone holding a special faculty  
27 appointment, the termination of any such faculty appointment prior to  
28 the expiration of the term of such faculty member's individual contract  
29 for any cause which is not related to elimination or reduction of  
30 financing or the elimination or reduction of program shall be

1 considered a termination for cause subject to the provisions of this  
2 chapter;

3 (3) "Probationary faculty appointment" shall mean a faculty  
4 appointment for a designated period of time which may be terminated  
5 without cause upon expiration of the probationer's terms of employment;

6 (4) "Probationer" shall mean an individual holding a probationary  
7 faculty appointment;

8 (5) "Administrative appointment" shall mean employment in a  
9 specific administrative position as determined by the appointing  
10 authority;

11 (6) "Appointing authority" shall mean the board of trustees of a  
12 community college district;

13 (7) "Review committee" shall mean a committee composed of the  
14 probationer's faculty peers or tenured faculty member's peers, a  
15 student representative, and the administrative staff of the community  
16 college: PROVIDED, That the majority of the committee shall consist of  
17 the probationer's faculty peers or tenured faculty member's peers."

18 "Sec. 3. RCW 28B.50.852 and 1969 ex.s. c 283 s 34 are each amended  
19 to read as follows:

20 The appointing authority shall promulgate rules and regulations  
21 implementing RCW 28B.50.850 through 28B.50.869 and shall provide for  
22 the award of faculty tenure following a probationary period not to  
23 exceed (~~three consecutive regular college years~~) nine consecutive  
24 college quarters, excluding summer quarter and approved leaves of  
25 absence: PROVIDED, That tenure may be awarded at any time as may be  
26 determined by the appointing authority after it has given reasonable  
27 consideration to the recommendations of the review committee. Upon  
28 formal recommendation of the review committee and with the written  
29 consent of the probationary faculty member, the appointing authority

1 may extend its probationary period for one, two, or three quarters,  
2 excluding summer quarter, beyond the maximum probationary period  
3 established herein. No such extension shall be made, however, unless  
4 the review committee's recommendation is based on its belief that the  
5 probationary faculty member needs additional time to complete  
6 satisfactorily a professional improvement plan already in progress and  
7 in the committee's further belief that the probationary faculty member  
8 will complete the plan satisfactorily. At the conclusion of any such  
9 extension, the appointing authority may award tenure unless the  
10 probationary faculty member has, in the judgment of the committee,  
11 failed to complete the professional improvement plan satisfactorily."

12 "Sec. 4. RCW 28B.50.857 and 1969 ex.s. c 283 s 37 are each amended  
13 to read as follows:

14 Upon the decision not to renew a probationary faculty appointment,  
15 the appointing authority shall notify the probationer of such decision  
16 as soon as possible during the regular college year: PROVIDED, That  
17 such notice may not be given (~~subsequent to the last day of the winter~~  
18 ~~quarter~~) later than one complete quarter, except summer quarter,  
19 before the expiration of the probationary faculty appointment."

20 "NEW SECTION. Sec. 5. A new section is added to chapter 28B.50  
21 RCW to read as follows:

22 (1) The effectiveness and performance of each tenured faculty  
23 member of a community college shall be reviewed and formally evaluated  
24 by a review committee at least once every fifteen regular college  
25 quarters in which the tenured faculty member is employed by the  
26 community college. The size, composition, and duties of the review  
27 committee defined in RCW 28B.50.851(7) may be altered for the purposes

1 of this section with the mutual consent of the exclusive bargaining  
2 agent and the appointing authority.

3 (2) If, after the review conducted pursuant to subsection (1) of  
4 this section, the performance of the tenured faculty member is judged  
5 to be unsatisfactory by the review committee, the tenured faculty  
6 member may be required by the appointing authority to implement a  
7 performance improvement plan for a period of no more than three regular  
8 college quarters, not including summer quarter.

9 (3) If, after the three quarter period in subsection (2) of this  
10 section, the tenured faculty member's performance is deemed to be  
11 unsatisfactory by the review committee, the appointing authority may  
12 revoke tenure and return the faculty member to a probationary faculty  
13 appointment. The appointing authority shall ensure due process for  
14 tenured faculty members in the decision to return any member to a  
15 probationary faculty appointment.

16 (4) The provisions of subsections (2) and (3) of this section are  
17 in addition to any tenure revocation procedures established pursuant to  
18 chapter 28B.52 RCW.

19 (5) The procedures, criteria, and conditions implementing this  
20 section are subject to negotiations between the appointing authority  
21 and the faculty's exclusive bargaining representative."

22 "NEW SECTION. **Sec. 6.** Nothing contained in this act shall be  
23 construed to alter any existing collective bargaining unit or the  
24 provisions of any existing collective bargaining agreement."

25 "NEW SECTION. **Sec. 7.** This act is necessary for the immediate  
26 preservation of the public peace, health, or safety, or support of the  
27 state government and its existing public institutions, and shall take  
28 effect July 1, 1991, and shall apply to all faculty appointments made

1 by community colleges after June 30, 1991, but shall not apply to  
2 employees of community colleges who hold faculty appointments prior to  
3 July 1, 1991."

4 "NEW SECTION. Sec. 8. If any provision of this act or its  
5 application to any person or circumstance is held invalid, the  
6 remainder of the act or the application of the provision to other  
7 persons or circumstances is not affected."

8 SSB 5456 - H COMM AMD  
9 By Committee on Higher Education

10  
11 On page 1, line 1 of the title, after "modification;" strike the  
12 remainder of the title and insert "amending RCW 28B.50.851, 28B.50.852,  
13 and 28B.50.857; adding a new section to chapter 28B.50 RCW; creating  
14 new sections; providing an effective date; and declaring an emergency."