

2 **SSB 5878 - H COMM AMD NOT ADOPTED 4-15-93**

3 By Committee on Higher Education

4

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

7 "Sec. 1. RCW 28B.50.851 and 1991 c 294 s 2 and 1991 c 238 s 68 are  
8 each reenacted and amended to read as follows:

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

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

13 (2)(a) "Faculty appointment", except as otherwise provided in (b)  
14 of this subsection, shall mean full time employment as a teacher,  
15 counselor, librarian or other position for which the training,  
16 experience and responsibilities are comparable as determined by the  
17 appointing authority, except administrative appointments; "faculty  
18 appointment" shall also mean department heads, division heads and  
19 administrators to the extent that such department heads, division heads  
20 or administrators have had or do have status as a teacher, counselor,  
21 or librarian; faculty appointment shall also mean employment on a  
22 reduced work load basis when a faculty member has retained tenure under  
23 RCW 28B.50.859;

24 (b) "Faculty appointment" shall not mean special faculty  
25 appointment as a teacher, counselor, librarian, or other position as  
26 enumerated in (a) of this subsection, when such employment results from  
27 special funds provided to a community college district from federal  
28 moneys or other special funds which other funds are designated as  
29 "special funds" by the college board: PROVIDED, That such "special  
30 funds" so designated by the college board for purposes of this section  
31 shall apply only to teachers, counselors and librarians hired from  
32 grants and service agreements and teachers, counselors and librarians  
33 hired in nonformula positions. A special faculty appointment resulting  
34 from such special financing may be terminated upon a reduction or  
35 elimination of funding or a reduction or elimination of program:  
36 PROVIDED FURTHER, That "faculty appointees" holding faculty

1 appointments pursuant to subsections (1) or (2)(a) of this section who  
2 have been subsequently transferred to positions financed from "special  
3 funds" pursuant to (b) of this subsection and who thereafter lose their  
4 positions upon reduction or elimination of such "special funding" shall  
5 be entitled to be returned to previous status as faculty appointees  
6 pursuant to subsection (1) or (2)(a) of this section depending upon  
7 their status prior to the "special funding" transfer. Notwithstanding  
8 the fact that tenure shall not be granted to anyone holding a special  
9 faculty appointment, the termination of any such faculty appointment  
10 prior to the expiration of the term of such faculty member's individual  
11 contract for any cause which is not related to elimination or reduction  
12 of financing or the elimination or reduction of program shall be  
13 considered a termination for cause subject to the provisions of this  
14 chapter;

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

18 (4) "Probationer" shall mean an individual holding a probationary  
19 faculty appointment;

20 (5) "Administrative appointment" shall mean employment in a  
21 specific administrative position as determined by the appointing  
22 authority;

23 (6) "Appointing authority" shall mean the board of trustees of a  
24 college district;

25 (7) "Review committee" shall mean a committee composed of the  
26 probationer's faculty peers (~~((or tenured faculty member's peers))~~), a  
27 student representative, and the administrative staff of the community  
28 or technical college(~~((: PROVIDED, That the majority of the committee  
29 shall consist of the probationer's faculty peers or tenured faculty  
30 member's peers))~~)).

31 **Sec. 2.** RCW 28B.50.869 and 1991 c 238 s 70 are each amended to  
32 read as follows:

33 The review committees required by RCW 28B.50.850 through 28B.50.869  
34 shall be composed of members of the administrative staff, a student  
35 representative, and the ~~((teaching))~~ faculty. ~~((The representatives of  
36 the teaching faculty shall represent a majority of the members on each  
37 review committee.))~~ The members representing the teaching faculty on  
38 each review committee shall be selected by a majority of the

1 ((teaching)) faculty and faculty department heads acting in a body.  
2 The student representative, who shall be a full time student, shall be  
3 chosen by the student association of the particular community or  
4 technical college in such manner as the members thereof shall  
5 determine.

6 NEW SECTION. **Sec. 3.** A new section is added to chapter 28B.50 RCW  
7 to read as follows:

8 By June 30, 1994, each community college and technical college  
9 shall establish, through the local collective bargaining process,  
10 periodic posttenure evaluation of all full-time faculty consistent with  
11 the standards of the Northwest association of schools and colleges.

12 NEW SECTION. **Sec. 4.** RCW 28B.50.858 and 1991 c 294 s 5 are each  
13 repealed.

14 NEW SECTION. **Sec. 5.** Nothing contained in this act shall be  
15 construed to alter any existing collective bargaining unit or the  
16 provisions of any existing collective bargaining agreement.

17 NEW SECTION. **Sec. 6.** This act is necessary for the immediate  
18 preservation of the public peace, health, or safety, or support of the  
19 state government and its existing public institutions, and shall take  
20 effect July 1, 1993.

21 NEW SECTION. **Sec. 7.** If any provision of this act or its  
22 application to any person or circumstance is held invalid, the  
23 remainder of the act or the application of the provision to other  
24 persons or circumstances is not affected."

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