

---

HOUSE BILL 2195

---

State of Washington                      55th Legislature                      1997 Regular Session

By Representatives O'Brien, Carlson and Anderson

Read first time 02/26/97. Referred to Committee on Higher Education.

1            AN ACT Relating to community and technical colleges; and adding a  
2 new chapter to Title 28B RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            NEW SECTION.    **Sec. 1.** The legislature finds that:

5            (1) In adopting RCW 28B.50.4892, the legislature found that  
6 community and technical colleges have an obligation to carry out their  
7 roles and missions in an equitable fashion; and that governing boards  
8 for community and technical colleges have a responsibility to provide  
9 leadership and guidance to their colleges in the equitable treatment of  
10 part-time faculty;

11            (2) A task force established under RCW 28B.50.4892 to conduct a  
12 best practices audit of the conditions of employment for part-time  
13 faculty in the community and technical college system found no  
14 community or technical college in the state of Washington currently  
15 treats their part-time faculty in an equitable manner when compared to  
16 full-time faculty in categories such as salary, benefits, work load  
17 definition, and other tangible and intangible ways;

18            (3) No chapter of the Revised Code of Washington sets standards for  
19 the equitable treatment of part-time faculty members.

1        NEW SECTION.    **Sec. 2.**    It is the purpose of this chapter to  
2 establish a system of priority hiring that protects the concepts of  
3 faculty employment rights and faculty involvement in the protection of  
4 those rights in the state system of community and technical colleges  
5 and to define a reasonable and orderly process for the placement of a  
6 part-time faculty member on a priority hiring list and the dismissal of  
7 an associate faculty member.

8        NEW SECTION.    **Sec. 3.**    The definitions in this section apply  
9 throughout this chapter unless the context clearly requires otherwise.

10        (1) "Part-time faculty" means any community or technical college  
11 faculty member who is employed by a college solely in a nontenure track  
12 position.

13        (2) "Priority hiring list" means an ordered list of part-time  
14 faculty members who may be employed for particular courses or subject  
15 areas at a particular community or technical college.

16        (3) "Associate faculty" means a part-time faculty member who is on  
17 the priority hiring list.

18        (4) "Probationary part-time faculty" means a part-time faculty  
19 member who is not on the priority hiring list.

20        (5) "Right of first refusal" means the right of an associate  
21 faculty member to be offered a contract for teaching classes before an  
22 associate faculty member who is lower on the priority hiring list and  
23 before a probationary part-time faculty member.

24        (6) "Appointing authority" means the board of trustees of a college  
25 district or their designees.

26        (7) "Review committee" means a committee composed of the  
27 probationary part-time faculty member's peers, a student  
28 representative, and the administrative staff of the community or  
29 technical college. The committee must include at least one associate  
30 faculty member. The exact composition of the committee is to be  
31 determined through collective bargaining.

32        NEW SECTION.    **Sec. 4.**    Nothing in this chapter implies the granting  
33 of tenure to part-time faculty members.

34        NEW SECTION.    **Sec. 5.**    The appointing authority shall adopt rules  
35 and regulations implementing this chapter and shall provide for a part-  
36 time faculty member to be placed on the priority hiring list following

1 a probationary period not to exceed nine college quarters of  
2 employment. A part-time faculty member shall be placed on the priority  
3 hiring list at any time as determined by the appointing authority after  
4 the appointing authority has given reasonable consideration to the  
5 recommendations of the review committee. If the appointing authority  
6 makes a formal recommendation not to place a part-time faculty member  
7 on the priority hiring list, the faculty member may be dismissed from  
8 further employment at that school.

9 If the appointing authority fails to make a formal recommendation  
10 to place or not to place a probationary part-time faculty member on the  
11 hiring list after ten quarters of employment, the faculty member will  
12 be placed on the priority hiring list by default.

13 NEW SECTION. **Sec. 6.** The appointing authority shall provide each  
14 part-time faculty member, immediately upon employment, with a written  
15 agreement that delineates the terms of employment including all  
16 conditions and responsibilities.

17 NEW SECTION. **Sec. 7.** During the probationary period for a part-  
18 time faculty member, the member must be evaluated by a review  
19 committee. The evaluation process must place primary importance upon  
20 the part-time faculty member's effectiveness in his or her appointment.  
21 The review committee shall periodically advise each part-time faculty  
22 member, in writing, of his or her progress during the probationary  
23 period and receive the part-time faculty member's written  
24 acknowledgment of the report. The review committee shall at  
25 appropriate times make recommendations to the appointing authority as  
26 to whether the part-time faculty member's name should be placed on the  
27 priority hiring list. The appointing authority shall make the final  
28 decision to place the name on the list, after it has given reasonable  
29 consideration to the recommendations of the review committee. The  
30 names of part-time faculty members who are added to the priority hiring  
31 list must be placed below those already on the list.

32 NEW SECTION. **Sec. 8.** An associate faculty member may not be  
33 dismissed except for sufficient cause, nor may a probationary part-time  
34 faculty member be dismissed prior to the written terms of the agreement  
35 with the hiring authority except for sufficient cause after all due  
36 process requirements are met.

1        NEW SECTION.    **Sec. 9.** Prior to the removal of an associate faculty  
2 member from the priority hiring list, the case must first be reviewed  
3 by a review committee. The review must include testimony from all  
4 interested parties including, but not limited to, other faculty members  
5 and students. The associate faculty member whose case is being  
6 reviewed must be afforded the right of cross-examination and the  
7 opportunity to defend himself or herself. The review committee shall  
8 prepare recommendations on the action they propose be taken and submit  
9 the recommendations to the appointing authority prior to their final  
10 action.

11        NEW SECTION.    **Sec. 10.** Any associate faculty member dismissed  
12 under this chapter has a right to appeal the final decision of the  
13 appointing authority in accordance with RCW 34.05.510 through  
14 34.05.598.

15        NEW SECTION.    **Sec. 11.** The appointing authority shall place all  
16 part-time faculty members of a community college district who have been  
17 employed during at least one quarter during the 1996-97 academic year  
18 and for at least six quarters before the effective date of this act on  
19 the priority hiring list for the subjects that they have taught. The  
20 part-time faculty members must be listed in order of seniority,  
21 according to the number of credit hours or student-contact hours  
22 taught.

23        NEW SECTION.    **Sec. 12.** If a particular department or program in a  
24 community or technical college becomes aware of a class that is to be  
25 assigned to a nontenure track faculty member, the associate faculty  
26 member whose name is listed first on the priority hiring list must be  
27 offered at least a one-half academic work load, or less if less than a  
28 one-half work load is available, as defined by RCW 28B.50.489 for right  
29 of first refusal. Any additional classes must be offered to the next  
30 person on the priority hiring list for right of first refusal until all  
31 associate faculty members have been offered at least a one-half  
32 academic work load or until all available classes have been assigned.

33        NEW SECTION.    **Sec. 13.** The name of an associate faculty member may  
34 be removed from the list upon his or her employment as a full-time  
35 faculty member or upon request by the faculty member. The appointing

1 authority may remove the name of an associate faculty member if he or  
2 she has refused all classes for three consecutive quarters, not  
3 including summer quarter.

4 NEW SECTION. **Sec. 14.** Sections 1 through 13 of this act  
5 constitute a new chapter in Title 28B RCW.

--- END ---