
SENATE BILL 6342

State of Washington **56th Legislature** **2000 Regular Session**

By Senators Jacobsen, Brown, Shin, Costa and Gardner

Read first time 01/13/2000. Referred to Committee on Higher Education.

1 AN ACT Relating to community and technical colleges; adding a new
2 section to chapter 44.04 RCW; adding a new chapter to Title 43 RCW;
3 creating a new section; and providing expiration dates.

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

5 NEW SECTION. **Sec. 1.** (1) The joint legislative audit and review
6 committee shall review the personnel management systems of the
7 community and technical colleges. The review shall be completed by
8 November 15, 2000. Results of the review shall be reported to the
9 legislature by December 1, 2000. In conducting the review, the joint
10 legislative audit and review committee shall review the following
11 issues including but not limited to:

12 (a) Practices for employing part-time rather than full-time
13 faculty;

14 (b) Practices for recruiting, hiring, terminating, and promoting
15 part-time faculty;

16 (c) Salary disparities for full-time and part-time faculty;

17 (d) Benefits for part-time and full-time faculty;

18 (e) Policies on sick leave and vacation time;

1 (f) Access to facilities and support services for part-time
2 faculty; and

3 (g) Teaching assignments for part-time faculty.

4 (2) This section expires December 31, 2000.

5 NEW SECTION. **Sec. 2.** There is hereby created an office of part-
6 time community and technical college faculty liaison within the office
7 of the governor for the purpose of promoting a quality education at the
8 community and technical colleges through fair employment practices for
9 full-time and part-time faculty, identifying system issues and
10 responses for the governor and the legislature to act upon, and
11 monitoring and ensuring compliance with administrative acts, relevant
12 statutes, rules, and policies pertaining to full-time and part-time
13 community college faculty. The liaison shall report directly to the
14 governor and shall exercise his or her powers and duties independently
15 of the secretary.

16 NEW SECTION. **Sec. 3.** (1) Subject to confirmation by the senate,
17 the governor shall appoint a liaison who shall be a person of
18 recognized judgment, independence, objectivity, and integrity, and
19 shall be qualified by training or experience, or both, in higher
20 education and employment law and policy. Before the appointment, the
21 governor shall consult, and may receive recommendations, regarding the
22 selection of the liaison.

23 (2) The person appointed liaison shall hold office for a term of
24 three years and shall continue to hold office until reappointed or
25 until his or her successor is appointed. The governor may remove the
26 liaison only for neglect of duty, misconduct, or inability to perform
27 duties. Any vacancy shall be filled by similar appointment for the
28 remainder of the unexpired term.

29 NEW SECTION. **Sec. 4.** The liaison shall perform the following
30 duties:

31 (1) Provide information as appropriate on the rights and
32 responsibilities of full-time and part-time employees of community and
33 technical colleges;

34 (2) Investigate, upon his or her own initiative or upon receipt of
35 a complaint, an administrative act alleged to be contrary to law, rule,
36 or policy, imposed without an adequate statement of reason, or based on

1 irrelevant, immaterial, or erroneous grounds; however, the liaison may
2 decline to investigate any complaint as provided by rules adopted under
3 this chapter;

4 (3) Monitor the employment practices for part-time faculty at the
5 community and technical colleges;

6 (4) Review employment practices for part-time community college
7 faculty in other states;

8 (5) Recommend changes in the procedures for addressing the
9 employment of part-time faculty;

10 (6) Submit annually to the governor by November 1st a report
11 analyzing the work of the office including recommendations; and

12 (7) Adopt rules necessary to implement this chapter.

13 NEW SECTION. **Sec. 5.** The part-time faculty liaison shall treat
14 all matters under investigation, including the identities of
15 complainants and individuals from whom information is acquired, as
16 confidential, except as far as disclosures may be necessary to enable
17 the liaison to perform the duties of the office and to support any
18 recommendations resulting from an investigation. Upon receipt of
19 information that by law is confidential or privileged, the liaison
20 shall maintain the confidentiality of such information and shall not
21 further disclose or disseminate the information except as provided by
22 applicable state or federal law. Investigative records of the office
23 of the liaison are confidential and are exempt from public disclosure
24 under chapter 42.17 RCW.

25 NEW SECTION. **Sec. 6.** Neither the liaison nor the liaison's staff
26 may be compelled, in any judicial or administrative proceeding, to
27 testify or to produce evidence regarding the exercise of the official
28 duties of the liaison or of the liaison's staff. All related
29 memoranda, work product, notes, and case files of the liaison's office
30 are confidential, are not subject to discovery, judicial or
31 administrative subpoena, or other method of legal compulsion, and are
32 not admissible in evidence in a judicial or administrative proceeding.

33 NEW SECTION. **Sec. 7.** Identifying information about complainants
34 or witnesses shall not be subject to any method of legal compulsion,
35 nor shall such information be revealed to the legislature or the
36 governor except under the following circumstances: (1) The complainant

1 or witness waives confidentiality; (2) under a legislative subpoena
2 when there is a legislative investigation for neglect of duty or
3 misconduct by the liaison or liaison's office when the identifying
4 information is necessary to the investigation of the liaison's acts; or
5 (3) under an investigation or inquiry by the governor as to neglect of
6 duty or misconduct by the liaison or liaison's office when the
7 identifying information is necessary to the investigation of the
8 liaison's acts.

9 For the purposes of this section, "identifying information"
10 includes the complainant's or witness's name, location, telephone
11 number, likeness, social security number or other identification
12 number, or identification of immediate family members.

13 NEW SECTION. **Sec. 8.** The privilege described in section 6 of this
14 act does not apply when:

15 (1) The liaison or the liaison's staff member has direct knowledge
16 of an alleged crime, and the testimony, evidence, or discovery sought
17 is relevant to that allegation;

18 (2) The liaison or a member of the liaison's staff has received a
19 threat of, or becomes aware of a risk of, imminent serious harm to any
20 person, and the testimony, evidence, or discovery sought is relevant to
21 that threat or risk; or

22 (3) The liaison has been asked to provide general information
23 regarding the general operation of, or the general processes employed
24 at, the liaison's office.

25 NEW SECTION. **Sec. 9.** (1) An employee of the office of part-time
26 community and technical college faculty liaison is not liable for good
27 faith performance of responsibilities under this chapter.

28 (2) No discriminatory, disciplinary, or retaliatory action may be
29 taken against an employee of a community or technical college, an
30 employee of a contracting agency of the state board for community and
31 technical colleges, or a student at a community or technical college or
32 information given or disclosed, to aid the office of the liaison in
33 carrying out its responsibilities, unless the communication or
34 information is made, given, or disclosed maliciously or without good
35 faith. This subsection is not intended to infringe on the rights of
36 the employer to supervise, discipline, or terminate an employee for
37 other reasons.

1 (3) All communications by the liaison, if reasonably related to the
2 requirements of that individual's responsibilities under this chapter
3 and done in good faith, are privileged under RCW 9.58.070 and that
4 privilege shall serve as a defense in any action in libel or slander.

5 NEW SECTION. **Sec. 10.** When the liaison or liaison's staff member
6 has reasonable cause to believe that any public official, employee, or
7 other person has acted in a manner warranting criminal or disciplinary
8 proceedings, the liaison or liaison's staff member shall report the
9 matter, or cause a report to be made, to the appropriate authorities.

10 NEW SECTION. **Sec. 11.** A new section is added to chapter 44.04 RCW
11 to read as follows:

12 (1) The legislative part-time community and technical college
13 faculty oversight committee is created for the purpose of monitoring
14 and ensuring compliance with administrative acts, relevant statutes,
15 rules, and policies pertaining to part-time community and technical
16 college faculty. The committee shall consist of three senators and
17 three representatives from the legislature. The senate members of the
18 committee shall be appointed by the president of the senate. The house
19 members of the committee shall be appointed by the speaker of the
20 house. Not more than two members from each chamber shall be from the
21 same political party. Members shall be appointed before the close of
22 each regular session of the legislature during an odd-numbered year.

23 (2) The committee shall have the following powers:

24 (a) Selection of its officers and adoption of rules for orderly
25 procedure;

26 (b) To request investigations by the part-time community and
27 technical college faculty liaison of administrative acts by the
28 community and technical colleges;

29 (c) To receive reports of the liaison;

30 (d)(i) To obtain access to all relevant records in the possession
31 of the liaison, except as prohibited by law; and (ii) to make
32 recommendations to all branches of government;

33 (e) To request legislation; and

34 (f) To conduct hearings into such matters as it deems necessary.

35 (3) Upon receipt of records from the liaison, the committee is
36 subject to the same confidentiality restrictions as the liaison under
37 section 5 of this act.

1 NEW SECTION. **Sec. 12.** Sections 2 through 10 of this act
2 constitute a new chapter in Title 43 RCW.

3 NEW SECTION. **Sec. 13.** Sections 2 through 11 of this act expire
4 December 31, 2005.

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