

TRANSMITTAL OF RULES ADOPTED

FROM: Community College District #12 (Centralia College and O.V.T.I.)
(Name of Agency)

TO: CODE REVISER
LEGISLATIVE BLDG (Southwest Corner, Ground Floor)
Olympia 98501

The enclosed Permanent rules , being order No. 74-47
Emergency rules

relating to (Name of rules or description of subject matter)

WAC Chapter 132L-128 - Rules and Procedures for Faculty Tenure and Probationary Employment in Community College District No. 12. District rules and procedures for implementing faculty tenure including probationary employment, the award and withholding of tenure and dismissal procedures.

Repeals WAC 132X-12-010 through WAC 132X-12-090 and WAC 132L-12-010 through WAC 132L-12-090.

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notice No. 4758 ① filed with the code reviser on July 19, 74 ② were regularly adopted as permanent rules of this (date) agency at Centralia, Washington on Aug. 8, 1974 and are herewith (place) (date) filed in the office of the code reviser pursuant to chapter 34.04 RCW. The effective date of such rules shall be Sept. 9, 74 ③

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding that the immediate adoption of these rules is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest, were regularly adopted as emergency rules of this agency at _____ on _____ and are herewith filed in (place) (date) the office of the code reviser pursuant to chapter 34.04 RCW.

Dated this _____ 9th day of August 1974.

STATE OF WASHINGTON
FILED
AUG - 9 1974
CODE REVISER'S OFFICE
DOCKET # 5784 FILE # _____

Community College District #12
(AGENCY)
Rodney Egan
By _____
Assistant to the President
Title _____

- ① NOTICE NUMBER AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY REVISER'S OFFICE (IF PROCEEDINGS WERE CONTINUED, USE NO. OF LAST NOTICE)
- ② STAMPED DATE AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY REVISER'S OFFICE (IF PROCEEDINGS WERE CONTINUED, USE DATE OF LAST NOTICE)
- ③ UNLESS A LATER DATE IS SPECIFIED IN THIS ORDER OR IS PRESCRIBED IN ANOTHER STATUTE, RULES ARE EFFECTIVE 30 DAYS AFTER FILING: RCW 34.04.040. LEAVE THIS SPACE BLANK EXCEPT IN SUCH SPECIAL CASES.

TRANSMITTAL OF RULES ADOPTED BY INSTITUTION OF HIGHER EDUCATION
(Instruction for Completion on Back of Page)

FROM: Community College District #12 (Centralia College and O.V.T.I.)
(Name of Institution)

TO: CODE REVISER
LEGISLATIVE BLDG (Southwest Corner, Ground Floor)
Olympia 98504

The enclosed Permanent rules Emergency rules, being order No. 74-47

relating to (Name of rules or description of subject matter)
WAC Chapter 132L-128 - Rules and Procedures for Faculty Tenure and Probationary Employment in Community College District No. 12. District rules and procedures for implementing faculty tenure including probationary employment, the award and withholding of tenure and dismissal procedures.
Repeals WAC 132X-12-010 through WAC 132X-12-090 and WAC 132L-12-010 through WAC-12-090.

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notice No. 4758 ① filed with the code reviser on July 19, 1974 ② were regularly adopted as permanent rules of this institution at Centralia, Washington on Aug. 8, 1974 and are herewith filed in the office of the code reviser pursuant to chapter 28B.19 RCW (1971 1st ex.s. c 57). The effective date of such rules shall be Sept. 9, 1974. ③

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding that the immediate adoption of these rules is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest, were regularly adopted as emergency rules of this institution at _____ on _____ and are herewith filed in the office of the code reviser pursuant to chapter 28B.19 RCW (1971 1st ex.s. c 57).

The undersigned hereby certifies that the requirements of chapter 28B.19 RCW (1971 1st ex.s. ch 57) and of the Open Public Meetings Act of 1971, chapter 42.30 RCW (1971 1st ex.s. ch 250) have been fulfilled.

Dated this 9th day of August 1974.

Community College District # 12
(INSTITUTION)

By Rodney Eason

Assistant to the President
Title

*Received 10/23/74
Jacket - 6018
Sub 1*

STATE OF WASHINGTON
COMMUNITY COLLEGE DISTRICT NO. 12
Board of Trustees

RESOLUTION NO. 74-47

Administrative Order No. _____

A RESOLUTION Relating to permanent rules of the Community College District No. 12

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE COMMUNITY COLLEGE DISTRICT NO. 12,
STATE OF WASHINGTON:

Section 1. The annexed regulations, to-wit:

WAC Chapter 132L-128 - Rules and Procedures for Faculty Tenure and Probationary Employment in Community College District No. 12. District rules and procedures for implementing faculty tenure including probationary employment, the award and withholding of tenure and dismissal procedures.

Repeals WAC 132X-12-010 through WAC 132X-12-090 and WAC 132L-12-010 through WAC 132L-12-090

are hereby approved and adopted as permanent rules of the Community College District No. 12.

Sec. 2. This resolution and annexed regulations, after being first recorded as an administrative order in the Order Register of the Community College District No. 12, shall be forwarded to the Code Reviser for filing pursuant to chapter 28B.19 RCW (1971 1st ex.s. c 57) and WAC 1-13-050.

APPROVED and ADOPTED August 8, 1974.

Attest:

Wesley W. Hanson
Secretary of the Board of Trustees

CHAPTER 132L-128

RULES AND PROCEDURES FOR FACULTY TENURE AND
PROBATIONARY EMPLOYMENT IN COMMUNITY COLLEGE DISTRICT NO. 12

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| 132L-128-010 | PURPOSE |
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| 132L-128-060 | PROCEDURE RELATING TO THE DISMISSAL OF A TENURED OR PROBATIONARY FACULTY MEMBER |
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RULES AND PROCEDURES FOR FACULTY TENURE AND
PROBATIONARY EMPLOYMENT IN COMMUNITY COLLEGE DISTRICT NO. 12

NEW WAC 132L-128-010 PURPOSE. Consistent with RCW 28B.50.850-.869, the Board of Trustees of Community College District No. 12 hereby establishes the following rules and procedures on faculty tenure and probationary employment, the purpose of which is threefold:

(1) To protect faculty appointment rights and faculty involvement in the establishment and protection of those rights at Centralia Community College/Olympia Vocational Technical Institute (OVTI) and all subsequent community college campuses hereafter established within Community College District No. 12; and

(2) To define a reasonable and orderly process for appointment of faculty members to tenure status and the dismissal of the tenured faculty member; and

(3) To assure that tenure is granted to faculty members of such character and instructional ability that the district, so far as its resources permit, can justifiably undertake to employ them for the rest of their academic careers.

NEW WAC 132L-128-020 DEFINITIONS. As used in this chapter the following terms and definitions shall mean:

(1) "Appointing Authority" shall mean the Board of Trustees of Community College District No. 12.

(2) "Tenure" shall mean a faculty appointment for an indefinite period of time which may be revoked only for sufficient cause and by due process.

(3) "Faculty Appointment" shall mean full-time employment as a teacher, counselor, librarian, or other position for which the training, experience and responsibilities are comparable as determined by the appointing authority, except administrative appointments. Faculty appointment shall also mean department heads, division heads and administrators have had or do have status as a teacher, counselor, or librarian.

(4) "Probationary Faculty Appointment" shall mean a full-time faculty appointment for a designated period of time which may be terminated without cause upon expiration of the probationer's terms of employment.

(5) "Probationer" shall mean any individual holding a probationary faculty appointment.

(6) "Administrative Appointment" shall mean employment in a specific administrative position as determined by the appointing authority.

(7) "Regular College Year" shall mean a faculty appointment inclusive of consecutive fall, winter, and spring quarters

(8) "President" shall mean the president of Community College District No. 12, or in the president's absence, the acting president.

(9) "College" shall mean Centralia Community College or OVTI located within Community College District No. 12

(10) "Review Committee" shall mean a committee composed of three faculty members who hold faculty appointments, one student representative, who shall be a full-time student chosen by the student association of the particular college, and one member with administrative responsibilities.

(a) A separate probationary review committee shall be established for each full-time probationer which shall serve as a standing committee until such time as the probationer is either granted tenure or his employment in a probationary

faculty appointment is terminated. Each probationary review committee shall be composed of five persons, three of whom shall be tenured faculty members selected by a majority of the tenured and probationary faculty members and faculty department heads acting in a body within 30 days of the probationer's first full-time appointment. The president shall appoint one administrative officer of the college as the fourth member of the committee who shall serve as chairman. The fifth member shall be a full-time student chosen by the student association of the particular college. If a vacancy occurs on the committee, the same process for selecting a replacement should be followed as applied in the selection of the original member. Furthermore, the composition of the committees for probationary faculty members appointed prior to the effective date of this policy will be made within 30 days following its adoption.

(b) A separate dismissal review committee shall be established for each tenured faculty member for whom dismissal procedures are being initiated or for each probationary faculty member whose appointment may be terminated prior to the terms of the written contract. Each dismissal review committee shall be composed of five persons, three of whom shall be tenured faculty members selected by a majority of the tenured and probationary faculty members and faculty department heads acting in a body; one administrative officer appointed by the president, and one full-time student chosen by the student association of the particular college. Appointments shall be made within ten calendar days of receipt of letter pursuant to article (2), WAC 132L-128-060.

The division chairman or the immediate administrative superior of the faculty member under dismissal review should not be a member of his dismissal review committee. The committee should elect its own chairman from its membership. If a vacancy on the committee occurs, the same process for selecting a replacement should be followed as applied in the selection of the original members.

(11) "Full-Time" shall mean an appointment which requires the appointee's presence at the college for the entire normal working day during the entire regular college year.

NEW WAC 132L-128-030 DUTIES AND RESPONSIBILITIES OF PROBATIONARY REVIEW COMMITTEES.

(1) The general duty and responsibility of the probationary review committee shall be to assess and advise the probationer of his professional strengths and weaknesses and to make reasonable efforts to encourage and aid him to overcome his deficiencies.

(2) The probationary review committee shall meet at the call of the chairman, when in his discretion the need for such a meeting arises, provided that the committee shall meet with the probationer at least twice during each of the first two quarters of employment and once during all other quarters and, additionally within 10 days of the receipt of a written request setting forth good cause to meet as directed to the chairman by the probationer.

(3) The first order of business for each probationary review committee shall be to establish the procedure it will follow in evaluating the performance and professional competence of the full-time probationer assigned thereto. The

committee's evaluation of the probationer shall be directed toward and result in the determination of whether or not the probationer possesses the necessary personal characteristics and professional competence to perform effectively in his appointment. A probationary review committee's evaluation procedures should include the following:

- (a) Classroom observations by members of the probationary review committee;
- (b) Student evaluation administered by the director of counseling;
- (c) Assessment of the probationer's participation in professional activities both on and off campus;
- (d) Self-evaluation; and
- (e) The probationer shall have the right to determine one of the above or an additional method or procedure of evaluation.

(4) Each probationary review committee shall be required to conduct an on-going evaluation of the full-time probationer assigned thereto and render the following written reports to the probationer, the president, and the appointing authority on or before the designated times during each regular college year such appointee is on probationary status; or, as is also required, within fifteen days of the president's written request therefore:

(a) A written progress report after fall quarter outlining the probationer's strengths and weaknesses. This report should also include a list of steps that can be taken by the probationer to improve his deficiencies.

(b) A written evaluation of each full-time probationer's performance including the degree to which the probationer has overcome stated deficiencies on or before February 15. The review committee shall obtain the probationer's written acknowledgement of receipt of the written evaluation. The probationer shall have the right to answer the evaluation report in writing and attach his answer to the report.

(c) A written recommendation that the appointing authority award or not award tenure, such written recommendations to be submitted at times during the regular college year deemed appropriate by each probationary review committee, provided that during such probationer's third regular college year of appointment the probationary review committee shall, prior to February 15 of such regular college year, make a written recommendation as to the award or nonaward of tenure.

Failure of any review committee to make such written recommendation by February 15 of a probationer's third consecutive regular college year shall be deemed a recommendation neither for nor against the awarding of tenure and the appointing authority may award or deny tenure based upon this type of recommendation by the committee.

(5) The final decision to award or withhold tenure shall rest with the appointing authority after it has given reasonable consideration to the recommendations of the probationary review committee.

(6) All written evaluations and recommendations prepared and submitted by a probationary review committee pursuant to these rules shall include the committee's findings and supportive data and analysis.

(7) On or before the last day of the winter quarter of a probationer's third consecutive regular college year of appointment, the appointing authority shall notify him of the

decision to either grant him tenure or not renew his appointment for the ensuing year.

(8) This appointment to tenure is effective until the faculty member is either dismissed for "sufficient cause," (as defined in WAC 132L-128-040,) or until the age of 65 years whereupon contract renewal is at the annual option of the appointing authority.

NEW WAC 132L-128-040 POLICY RELATING TO THE DISMISSAL OF TENURED AND PROBATIONARY FACULTY MEMBERS. When reason arises to question the fitness of a tenured or probationary faculty member, it shall be the policy to attempt to resolve the matter without instituting the formal dismissal procedures. Furthermore, it shall be the policy that a tenured faculty member shall not be dismissed except for "sufficient cause," nor shall a faculty member who holds a probationary faculty appointment be dismissed prior to the written terms of the appointment except for "sufficient cause." "Sufficient cause" shall include but is not limited to:

- (1) Aiding and abetting or participating in:
 - (a) Any unlawful act of violence.
 - (b) Any unlawful act resulting in destruction of community college property.
 - (c) Any unlawful interference with the orderly conduct of the educational process.
- (2) Incompetency.
- (3) Neglect of duty.
- (4) Insubordination.
- (5) Conduct unbecoming a member of the faculty and which is detrimental to the educational objectives of the college, provided that no such charge shall be sustained that constitutes interference with academic freedom of the person charged.
- (6) Physical or mental inability to perform duties and responsibilities as specified in the contract.
- (7) Criteria relative to the prudent financial operation of the institution:
 - (a) The college is financially unable to justify the faculty position for which the member is employed and the position is being dropped.
 - (b) Student enrollment in the course or courses taught by the instructor is at a level where continuance of the course or courses is no longer justified.
 - (c) In the event of either (a) or (b) the president shall determine whether the individual tenured faculty member is qualified for another faculty position within Community College District No. 12; if such tenured faculty member is not qualified for another position, the president, if the tenured faculty member so desires, shall use his best efforts in attempting to procure similar employment for such tenured faculty member in another community college district within the state of Washington.

NEW WAC 132L-128-050 DUTIES AND RESPONSIBILITIES OF THE DISMISSAL REVIEW COMMITTEE.

(1) The general duty of the dismissal, review committee shall be to determine if a "sufficient cause" criteria as stated by the president in article (1), WAC 132L-128-060 shall be sustained by the committee.

(2) At the time the academic employee requests a hearing before the dismissal review committee, the dismissal review committee shall immediately notify the Board of Trustees of the Washington State Community College District 12 of such pending hearing. Upon receipt of said notice, the Board of Trustees shall appoint a hearing officer to assist the dismissal review committee in the conduct of the hearing. Such hearing officer shall not be a voting member of the dismissal review committee and shall have the following responsibilities:

(a) Preside over the hearing;

(b) Make all rulings regarding evidentiary and procedural issues presented during the course of the dismissal review committee hearing.

(c) Meet and confer with the members of the dismissal review committee and advise them in regard to procedural and evidentiary issues considered during the course of the committee's deliberations;

(d) Appoint and effect payment of a court reporter who shall operate at the direction of the hearing officer and shall record all testimony, receive all documents and other evidence introduced during the course of the hearings, and record any other matters related to the hearing as directed by the hearing officer.

(e) Prepare and forward to the Board of Trustees within a reasonable time of the conclusion of the hearing a complete record which shall include: (a) all pleadings, motions and rulings; (b) all evidence received or considered; (c) all questions and offers of proof, objections and rulings thereon; (d) proposed findings and exceptions; (e) a copy of the recommendations of the dismissal review committee.

(f) The hearing officer appointed shall not be a full-time administrative employee of any community college district within the State of Washington. The hearing officer shall also not be on the Board of Trustees of any community college district within the State of Washington.

(g) In the case of a hearing concerning the alteration in employment status of more than one academic employee, the hearing officer may consolidate all matters into a single hearing.

(h) Within ten calendar days of the conclusion of the hearings, the dismissal review committee shall present the academic employee, the district president, and the Board of Trustees of Community College District 12 with its recommendation concerning the particular academic employee involved in said hearing. The dismissal review committee's recommendations shall be advisory only and not binding in fact or law upon the Board of Trustees.

(3) Failure of any dismissal committee to make written recommendations regarding dismissal within the prescribed time set forth in WAC 132L-128-060 shall be deemed a recommendation neither for nor against dismissal and the appointing authority may proceed with the dismissal or continue the appointment of the faculty member based upon this type of recommendation from the committee.

NEW WAC 132L-128-060 PROCEDURE RELATING TO THE DISMISSAL OF A TENURED OR PROBATIONARY FACULTY MEMBER. When reason arises to question the fitness of a tenured faculty member or

of a probationary faculty member whose appointment may be terminated prior to the terms of the written contract, then the appropriate administrative officer shall discuss the matter with him in personal conference. The matter may be terminated by mutual consent at this point, but if an adjustment does not result, the case shall be referred to the president. If the president deems that the case warrants dismissal, the dismissal process shall be governed by the following procedure:

(1) It shall be the responsibility of the president, or his designee, to formulate a statement with reasonable particularity of the grounds proposed for the dismissal.

(2) Formal proceedings shall commence by a letter addressed to the faculty member from the president. The letter shall include (a) a copy of the statement of particulars proposed for dismissal, and (b) the fact that the case will be referred to the review committee as required by law.

(3) The president shall refer the case to the dismissal review committee, in writing, with a request that the committee review the matter and make recommendations to the Board of Trustees as required by law. A copy of this communication, with any accompanying documents, shall be sent to the members of the Board of Trustees and to the faculty member under review for their information.

(4) Except under emergency conditions, as determined by the president, the dismissal proceedings described above shall be instituted prior to February 15.

(5) Within five calendar days after the establishment of the dismissal review committee, the committee shall set a date for a review hearing; and inform, in writing, the faculty member under review and the president of the date, time, and place of the hearing.

(6) The date set for the dismissal review committee hearing shall provide sufficient time, but not to exceed twenty calendar days, for the faculty member whose case is being reviewed to prepare his defense against the charges filed against him.

(7) The dismissal review committee hearing shall:

(a) Include testimony from all interested parties including, but not limited to, other faculty members and students.

(b) The faculty member whose case is being reviewed shall be afforded the right of cross-examination and the opportunity to defend himself.

(8) The review committee shall complete the hearing and prepare recommendations within ten calendar days on the action they propose be taken and submit such recommendations to the appointing authority: Except, the appointing authority may grant an extension of time should evidence be presented to it from which the Board of Trustees determines that an extension of time is justified. These recommendations, in writing, shall be accompanied by a copy of the written record of proceedings described above.

(9) The appointing authority shall be the final authority in cases of faculty dismissal. Before taking final action, the appointing authority shall give reasonable consideration to the recommendations of the review committee. In addition, the Board of Trustees may give consideration to other evidence and recommendations which they deem appropriate or necessary.

(10) As soon as possible thereafter, the appointing authority shall inform the faculty member by letter of their decision regarding the case. In the letter the appointing authority shall state the basis for their decision.

(11) A dismissed tenured faculty member or a probationary faculty member whose appointment is terminated prior to the terms of the written contract shall have a right to appeal the final decision of the appointing authority in accordance with RCW 28B.19.150 as now or hereafter amended.

(a) Suspension of the faculty member whose case is being reviewed during proceedings involving him may be imposed by the president if immediate harm to the faculty member or to others is threatened by his continuance. Salary payments during the period of suspension may be withheld. If the appointing authority retains the faculty member in his previous employment status, any withheld salary payments shall be paid to the faculty member.

NEW

WAC 132L-128-070 DESIGNATION OF ADMINISTRATIVE APPOINTMENTS. A tenured faculty member, upon appointment to an administrative appointment, except that of president, shall be allowed to retain his tenure as a faculty member. However, persons assigned administrative responsibility and authority will occupy positions for which the privileges of tenure cannot be extended. The recognized administrative positions which are specifically exempt from provisions of tenure as described herein include the following full-time and part-time positions: The president, assistant to the president, dean of instruction, dean of students, dean of administration, director of continuing and occupational education, head librarian, director of student activities, director of financial aids, division chairmen, registrar, and other directors, coaches, or supervisors for which extra pay and/or released time is given for activities other than the regular duties for which the employee's certification and basic contract indicate, and other administrators specified in Board Resolution No. 73-58 dated October 11, 1973.

NEW

WAC 132L-128-080 CONFIDENTIALITY OF REPORTS. All reports prepared and/or provided pursuant to this chapter by a review committee shall be held in confidence by the committee, the president, and appointing authority except where otherwise required by law.

NEW

WAC 132L-128-090 POLICY RELATING TO THE TERMS OF EMPLOYMENT AND TENURED FACULTY MEMBERS. The appointing authority shall provide each tenured and probationary faculty member, immediately upon employment, with a written agreement which delineates the terms of employment including all conditions and responsibilities attached thereto.

REP

WAC 132X-12-010 - 132X-12-090 and WAC 132L-12-010 - 132L-12-090 are each hereby repealed.