

CERTIFICATION OF ENROLLMENT
SUBSTITUTE SENATE BILL 5456

52nd Legislature
1991 Regular Session

Passed by the Senate April 22, 1991
Yeas 34 Nays 12

President of the Senate

Passed by the House April 17, 1991
Yeas 93 Nays 3

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Gordon Golob, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5456** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5456

AS AMENDED BY THE HOUSE

Passed Legislature - 1991 Regular Session

State of Washington 52nd Legislature 1991 Regular Session

By Senate Committee on Higher Education (originally sponsored by Senators Saling, Cantu and Bluechel).

Read first time February 15, 1991.

1 AN ACT Relating to tenure modification; amending RCW 28B.50.851,
2 28B.50.852, and 28B.50.857; adding a new section to chapter 28B.50 RCW;
3 creating new sections; providing an effective date; and declaring an
4 emergency.

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

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

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

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

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

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

18 (b) "Faculty appointment" shall not mean special faculty
19 appointment as a teacher, counselor, librarian, or other position as
20 enumerated in subsection (2)(a) of this section, when such employment
21 results from special funds provided to a community college district
22 from federal moneys or other special funds which other funds are
23 designated as "special funds" by the state board for community college
24 education: PROVIDED, That such "special funds" so designated by the
25 state board for purposes of this section shall apply only to teachers,
26 counselors and librarians hired from grants and service agreements and
27 teachers, counselors and librarians hired in nonformula positions. A
28 special faculty appointment resulting from such special financing may
29 be terminated upon a reduction or elimination of funding or a reduction
30 or elimination of program: PROVIDED FURTHER, That "faculty appointees"

1 holding faculty appointments pursuant to subsections (1) or (2) (a) who
2 have been subsequently transferred to positions financed from "special
3 funds" pursuant to subsection (2) (b) 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) depending upon their status prior
7 to the "special funding" transfer. Notwithstanding the fact that
8 tenure shall not be granted to anyone holding a special faculty
9 appointment, the termination of any such faculty appointment prior to
10 the expiration of the term of such faculty member's individual contract
11 for any cause which is not related to elimination or reduction of
12 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 community 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 college: PROVIDED, That the majority of the committee shall consist of
29 the probationer's faculty peers or tenured faculty member's peers.

1 **Sec. 3.** RCW 28B.50.852 and 1969 ex.s. c 283 s 34 are each amended
2 to read as follows:

3 The appointing authority shall promulgate rules and regulations
4 implementing RCW 28B.50.850 through 28B.50.869 and shall provide for
5 the award of faculty tenure following a probationary period not to
6 exceed (~~((three consecutive regular college years))~~) nine consecutive
7 college quarters, excluding summer quarter and approved leaves of
8 absence: PROVIDED, That tenure may be awarded at any time as may be
9 determined by the appointing authority after it has given reasonable
10 consideration to the recommendations of the review committee. Upon
11 formal recommendation of the review committee and with the written
12 consent of the probationary faculty member, the appointing authority
13 may extend its probationary period for one, two, or three quarters,
14 excluding summer quarter, beyond the maximum probationary period
15 established herein. No such extension shall be made, however, unless
16 the review committee's recommendation is based on its belief that the
17 probationary faculty member needs additional time to complete
18 satisfactorily a professional improvement plan already in progress and
19 in the committee's further belief that the probationary faculty member
20 will complete the plan satisfactorily. At the conclusion of any such
21 extension, the appointing authority may award tenure unless the
22 probationary faculty member has, in the judgment of the committee,
23 failed to complete the professional improvement plan satisfactorily.

24 **Sec. 4.** RCW 28B.50.857 and 1969 ex.s. c 283 s 37 are each amended
25 to read as follows:

26 Upon the decision not to renew a probationary faculty appointment,
27 the appointing authority shall notify the probationer of such decision
28 as soon as possible during the regular college year: PROVIDED, That
29 such notice may not be given (~~((subsequent to the last day of the winter~~

1 ~~quarter))~~ later than one complete quarter, except summer quarter,
2 before the expiration of the probationary faculty appointment.

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

5 (1) The effectiveness and performance of each tenured faculty
6 member of a community college shall be reviewed and formally evaluated
7 by a review committee at least once every fifteen regular college
8 quarters in which the tenured faculty member is employed by the
9 community college. The size, composition, and duties of the review
10 committee defined in RCW 28B.50.851(7) may be altered for the purposes
11 of this section with the mutual consent of the exclusive bargaining
12 agent and the appointing authority.

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

19 (3) If, after the three quarter period in subsection (2) of this
20 section, the tenured faculty member's performance is deemed to be
21 unsatisfactory by the review committee, the appointing authority may
22 revoke tenure and return the faculty member to a probationary faculty
23 appointment. The appointing authority shall ensure due process for
24 tenured faculty members in the decision to return any member to a
25 probationary faculty appointment.

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

1 (5) The procedures, criteria, and conditions implementing this
2 section are subject to negotiations between the appointing authority
3 and the faculty's exclusive bargaining representative.

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

7 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
8 preservation of the public peace, health, or safety, or support of the
9 state government and its existing public institutions, and shall take
10 effect July 1, 1991, and shall apply to all faculty appointments made
11 by community colleges after June 30, 1991, but shall not apply to
12 employees of community colleges who hold faculty appointments prior to
13 July 1, 1991.

14 NEW SECTION. **Sec. 8.** If any provision of this act or its
15 application to any person or circumstance is held invalid, the
16 remainder of the act or the application of the provision to other
17 persons or circumstances is not affected.