

TRANSMITTAL OF RULES ADOPTED

FROM: Columbia Basin College
(Name of Agency)

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

The enclosed Permanent rules , being order No. 70-1
Emergency rules

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

Tenure regulations implementing provisions of Sections 32 - 45,
Chp. 283, Laws of 1969, 1st Extraordinary Session.

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

pursuant to Notice No. 2550 ① filed with the code reviser
on 2/10/70 ② were regularly adopted as permanent rules of this
(date)
agency at Columbia Basin College on 3/2/70 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 3/4/70 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 4th day of March 1970.

STATE OF WASHINGTON
FILED
MAR - 5 1970
CODE REVISER'S OFFICE
KET # 222 FILE # 1

Columbia Basin College
(AGENCY)
F. L. Esvelt
By F. L. ESVELT
Secretary, Board of Trustees
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.

BOARD OF TRUSTEES

COMMUNITY COLLEGE DISTRICT NO. 19

RESOLUTION NO. 70-1

BE IT RESOLVED by the Board of Trustees of Community College District No. 19, State of Washington:

1. The annexed Regulations, to-wit: the adoption of Tenure Regulations implementing the provisions of Sections 32 to 45, Chapter 283, Laws of 1969, First Extraordinary Session, are approved and adopted as permanent rules for Community College District No. 19, State of Washington.
2. This Resolution and annexed Regulations, to-wit: Chapter 132S-08 WAC, after first being recorded at Columbia Basin Community College, Pasco, Washington, shall be forwarded to the Code Reviser for filing pursuant to Chapter 34.04 RCW and WAC 1-12-050. The annexed Regulations were adopted at a meeting of the Board of Trustees of Community College District No. 19, State of Washington, held at Pasco, Washington, on March 2, 1970 with a quorum of such trustees duly present after notice of such meeting at which meeting the annexed Regulations were to be adopted was duly and regularly given as required by law.

BOARD OF TRUSTEES,
COMMUNITY COLLEGE DISTRICT NO. 19

By: Terrill Davis
TERRILL DAVIS
Chairman, Board of Trustees

ATTEST:

[Signature]
Secretary, Board of Trustees

Chapter 132S-08
TENURE REGULATIONS

WASHINGTON STATE COMMUNITY COLLEGE DISTRICT NO. 19
COLUMBIA BASIN COMMUNITY COLLEGE

NEW

WAC 132S-08-010 PURPOSE. The Board of Trustees of Community College District No. 19 hereby establishes a rule on faculty tenure. The purpose of this tenure policy shall be to protect faculty employment rights and faculty involvement in the protection of those rights at Columbia Basin Community College and subsequent community colleges hereafter established within Community College District No. 19. In order to insure the professional objectives of a community college staff, the board hereby adopts the following procedures for administering faculty tenure.

NEW

WAC 132S-08-020 DEFINITIONS. As used in this chapter of WAC 132S-08, the following terms and definitions shall mean:

(1) "Appointing Authority" shall mean the Board of Trustees of Community College District No. 19.

(2) "Review Committee" shall mean a committee of faculty peers and administrative staff appointed pursuant to WAC 132S-08-030

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

(4) "President" shall mean the President of Columbia Basin Community College, or in such President's absence, the acting president.

(5) "Part-time" shall mean an appointment for which the appointee's presence at the college for the entire professional day during the entire regular college year is not required.

(6) "College" shall mean Columbia Basin Community College and any subsequent community college hereafter established within Community College District No. 19.

(7) "Full-time" shall mean an appointment which requires the appointee's presence at the college for a professional day during the regular college year, as designated in the appointee's employment contract.

(8) The definition of "Tenure", "Faculty Appointment", "Probationary Faculty Appointment", "Probationer", and "Administrative Appointment" shall be the same as are contained within Section 33, Chapter 283, Laws of 1969, Extraordinary Session as now law or hereafter amended.

NEW

WAC 132S-08-030 COMPOSITION OF REVIEW COMMITTEE.

(1) A review committee shall be established, such a committee to include representation from the transfer division and the occupational division.

(2) The review committee shall be composed of five persons, three of which shall consist of tenured or faculty probationary appointees representing both divisions chosen by the faculty and the faculty department heads acting in a body prior to October 15th of each regular college year and additionally, the review committee shall consist of two administrative appointees chosen by the president prior to October 15 of each regular college year. The review committee shall choose its own chairman and shall meet at the call of the chairman when the need for such meeting arises.

(3) The duration of each appointment to the review committee shall be for a period of two calendar years beginning on the 15th day of October of the year of appointment; PROVIDED, that of the initial appointees to the review committee, one faculty appointee shall be chosen for a one year term.

If a vacancy exists upon the review committee prior to the expiration of any such appointment, an administrative or faculty member as appropriate, shall be chosen pursuant to section 2 of this rule to fill the unexpired term of the absent member of

such review committee.

NEW

WAC 132S-08-040 DUTIES OF REVIEW COMMITTEES.

(1) The president shall on the 15th day of October of each regular college year assign each full-time probationary faculty appointee to the review committee for such committee's evaluation and required recommendations.

(2) The review committee shall establish its method of evaluating performance of each full-time probationary faculty appointee in considering whether the probationary appointee possesses personal characteristics and the necessary professional competence to be granted tenure, placing primary importance upon the probationer's effectiveness in his appointment.

NEW

WAC 132S-08-050 REQUIRED REVIEW COMMITTEE ACTION.

(1) The review committee shall be required to conduct an evaluation of each full-time probationary faculty appointee assigned to the review committee by the president and render the following reports to the probationary faculty appointee and through the president to the appointing authority at the following times during the regular college year:

(a) A written evaluation of each full-time probationary faculty appointee's performance and the subsequent submission of such written evaluation of the performance directed to the said probationer and president on December 20th and March 15th of each regular college year that said probationer is not a tenured faculty appointee. The review committee which renders such written evaluation of the appointee's performance shall obtain such appointee's written acknowledgement of receipt of the written performance evaluation each time such evaluation is rendered.

(b) A written recommendation concerning the employment or non-employment of each full-time probationary faculty appointee for the ensuing regular college year directed to the appointing authority through the president prior to February 15th of each regular college year.

(c) A written recommendation directed through the president, to the appointing authority recommending the approving authority award or not award tenure, such written recommendations to be submitted at times deemed appropriate by the review committee; PROVIDED, that during such full-time probationary faculty appointee's third regular college year of appointment, the review committee shall prior to March 15th of such regular college year make such a recommendation as to the award or nonaward of tenure. The failure of the review committee to make the written recommendation as to the award or nonaward of tenure by March 15th of the regular college year for each full-time probationary faculty appointee who is then serving his third consecutive year of full-time appointment shall be deemed a recommendation that tenure not be awarded to such appointee.

(2) The appointing authority shall only be required to give reasonable consideration to an award of tenure recommendation of the review committee but shall not be required to give any consideration to the review committee recommendation required by Paragraph (1)(b) of this rule.

NEW

WAC 132S-08-060 DISMISSAL FOR CAUSE. Dismissal for sufficient cause during the regular college year shall, in addition to the enumerated ground contained in Section 40, Chapter 283, Laws of 1969, Extraordinary Session, include but not be limited

to:

- (a) Any unlawful act of violence;
- (b) Any unlawful act resulting in destruction of community college property;
- (c) Interruption of the orderly conduct of the educational process;
- (d) Incompetency;
- (e) Failure to perform a professional assignment;
- (f) Any other act specified by the president which the review committee determines constitutes unprofessional conduct of a faculty member.

NEW

WAC 132S-08-070 DISMISSAL FOR SUFFICIENT CAUSE. In all instances which involve dismissal for sufficient cause as distinguished from non-renewal for sufficient cause as specified in WAC 132S-08-080.

(1) The dean of instruction shall investigate all matters regarding dismissal for cause as enumerated in WAC 132S-08-060 of a tenured faculty member or probationary faculty member prior to the expiration of such probationary faculty appointee's employment term. If the dean of instruction has cause to believe that a faculty member should be dismissed for cause, he shall so advise the president and if the president deems a sufficient cause exists, shall discuss the matter with the individual faculty member involved. If a resignation is not forthcoming, and the president deems that circumstances and facts warrant dismissal, the president may begin dismissal proceedings.

(2) The president shall begin dismissal proceedings by specifying the conduct which constitutes dismissal for sufficient cause and refer the charge to the review committee.

(3) The Review Committee shall after receiving the written charge from the president establish a date for a review hearing committee giving the faculty member so charged reasonable notice of such hearing, and inform in writing the faculty member so charged of the time, date and place of such hearing.

(4) The review committee hearing shall:

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

(b) The faculty member whose case is being reviewed shall be afforded the right of cross examination and the opportunity to present evidence on his behalf; and

(c) Include a record of all proceedings before such committee.

(5) The review committee following the expiration of such dismissal proceeding shall prepare recommendation as to the appropriate action to be taken by the appointing authority.

NEW

WAC 132-08-080 NON-RENEWAL OF TENURED FACULTY CONTRACTS.

(1) The appointing authority shall be deemed to have authority not to renew the contract of any tenured faculty appointee for sufficient cause which for purpose of WAC 132S-08-080 shall include budget reasons, change of instructional program, or lack of students participating in a particular instructional program; if

(a) Notice of such non-renewal is tendered to the individual faculty appointee prior to the last day of winter quarter of any regular college year. Three weeks prior to tendering such notice the president shall refer the matter of non-renewal to the review committee with appropriate documentation specifying

the grounds for the intended non-renewal of a tenured faculty appointee's contract.

(b) The review committee to which the matter is referred shall then conduct proceedings pursuant to 132S-08-070 (3) and (4) and at the conclusion of such proceedings make an appropriate recommendation to the appointing authority PROVIDED, if the review committee to which a proceeding is referred pursuant to this subsection fails to make a recommendation through the president to the appointing authority prior to the last day of winter quarter, such a failure shall be deemed a recommendation that sufficient cause as defined in paragraph 1 of this rule exists for the non-renewal of the specific tenured faculty appointee's contract for the ensuing regular college year.

(2) After the college president has determined that the contract of a tenured faculty appointee shall not be renewed for the ensuing regular college year, but prior to referring the matter to the review committee for proceedings and the recommendations of such review committee, the college president shall:

(a) Determine whether fiscal problems can be eliminated by the non-renewal of a probationary faculty appointee's contract for the ensuing regular college year, and if such procedure would not provide a feasible solution;

(b) Determine whether the individual tenured faculty appointee is qualified for another faculty position within Community College District 19; or

(c) If such tenured faculty member is not qualified for another position, the college president shall use his best efforts in attempting to procure similar employment for such faculty member in another community college district within the State of Washington.

(3) If an individual tenured faculty appointee's contract is not renewed for the reasons previously stated in this rule, and a change of circumstances has caused the re-establishment of such former teaching position the president shall then offer such appointment to the tenured faculty member whose contract was not previously renewed.

NEW WAC 132S-08-090 REVIEW COMMITTEE RECOMMENDATIONS.

(1) A tenured or probationary faculty appointee who is dismissed for sufficient cause during the regular college year after a proceeding before the review committee shall be entitled to receive a hearing if a request for a hearing is directed by the faculty appointee to the appointing authority within 10 days following the receipt of a notice of dismissal.

(2) A tenured faculty member whose contract is not renewed for the ensuing regular college year after a proceeding before the review committee shall be entitled to receive a hearing if a request for a hearing is directed to the appointing authority by the tenured faculty appointee within 10 days following receipt of a notice of non-renewal.

(3) The appointing authority shall give reasonable consideration to any review committee recommendations formulated pursuant to WAC 132S-08-070 and 132S-08-080 but such recommendations shall not be binding upon the appointing authority.

NEW WAC 132S-08-100 TENURE CONSIDERATION.

(1) A probationary faculty appointee shall acquire tenure by operation of law if service with the college exceeds three consecutive regular college years of full-time academic employment.

(2) The following positions are deemed by the appointing authority to constitute administrative appointments, which positions are deemed nontenurable.

- (a) president
- (b) dean of instruction
- (c) dean of students
- (d) business manager
- (e) director of admissions
- (f) director of guidance
- (g) director of student affairs
- (h) director of athletics
- (i) director of financial aid
- (j) associate dean of instruction
- (k) associate dean of occupational instruction
- (l) associate dean of adult education

(3) An individual who shall serve in any position enumerated in paragraph (2) of this rule and who shall additionally serve as a teacher, counsellor, librarian or other comparable position shall be eligible for an award of tenure to the extent such an individual has had or does have status as a teacher, counsellor or librarian.

(4) Tenure may be awarded to an individual probationary faculty appointee at any time by the appointing authority after giving reasonable consideration to a specific recommendation from the review committee which recommendation can be made at any time during a probationary faculty appointee's service.

NEW WAC 132S-08-110 EFFECTIVE DATE. The rules contained within chapter 132S-08 WAC shall become effective upon the date the same are filed with the code reviser.