

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

FROM: Big Bend Community College
(Name of Institution)

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

The enclosed Permanent rules
Emergency rules , being order No. 73-7

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

Regulations on Tenure, Nonrenewal of Faculty Probationers' Contracts,
and Faculty Dismissals for Big Bend Community College, WAC 132R-128,
in Community College District No. 18.

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

pursuant to Notice No. _____ ① filed with the code reviser
on _____ ② were regularly adopted as permanent rules of this
(date)
institution at _____ on _____ and are herewith
(place) (date)
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 _____. 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
Big Bend Community College ¹⁹⁷³ on May 1, and are herewith filed in the office
(place) (date)
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 3rd day of May 19 73

STATE OF WASHINGTON
FILED
MAY - 7 1973
CODE REVISER'S OFFICE
DOCKET # 4864 FILE # 1

Big Bend Community College
(INSTITUTION)
Robert Wallenstien
By
n Robert J. Wallenstien
President
Title

Effective 9/7/71

[Form CR-5]

- 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 28B.19.050(2) (1971 1st ex.s. c 57 §5 (2)). Leave this space blank except in such special cases.

BOARD OF TRUSTEES
COMMUNITY COLLEGE DISTRICT NO. 18
RESOLUTION NO. 73-7

WHEREAS, pursuant to the powers vested in us by RCW 28B.50.140, and because of the requirements of RCW 28B.19, we, the Board of Trustees for Washington State Community College District No. 18 do hereby find that the preservation of the general welfare of Big Bend Community College requires an immediate adoption of rules and regulations governing the conduct of the same Community College.

NOW, THEREFORE, BE IT RESOLVED that the following rules and regulations are hereby adopted on an emergency basis as rules and regulations of Big Bend Community College:

WAC 132R-128

Regulations on Tenure, Nonrenewal
of Faculty Probationers' Contracts,
and Faculty Dismissals

ADOPTED at a regular meeting of the Board of Trustees of Community College District No. 18, State of Washington, on May 1, 1973 with a quorum of such Board members duly present after notice of such meeting had been duly given.

BOARD OF TRUSTEES OF COMMUNITY
COLLEGE DISTRICT NO. 18

By: 

Chairman, Board of Trustees

ATTEST:


Secretary, Board of Trustees

CHAPTER 132R-128

REGULATIONS ON TENURE, NONRENEWAL OF FACULTY
PROBATIONERS' CONTRACTS, AND FACULTY DISMISSALS

WASHINGTON STATE COMMUNITY COLLEGE DISTRICT NO. 18

BIG BEND COMMUNITY COLLEGE

NEW

WAC 132R-128-010 PURPOSE. The Board of Trustees of Washington State Community College District No. 18 hereby promulgates rules on faculty tenure pursuant to sections 32 through 45 of Chapter 283, Laws of 1969, First Extraordinary Session. The purpose of this tenure policy shall be to improve the quality of instruction, protect the concepts of faculty employment rights in addition to the faculty employment rights already established and to assure faculty involvement in the protection of those rights at Big Bend Community College and subsequent community colleges which may hereafter be established within Washington State Community College District No. 18.

NEW

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

(1) "Administrative appointment" shall mean employment in a specific administrative position as determined by the appointing authority. Only those persons paid on the basis of the administrative pay schedule are deemed administrators.

(2) "Appointing authority" shall mean the board of trustees of Community College District No. 18, State of Washington.

(3) "The district president" shall be the chief administrative officer for the board of trustees of Washington State Community College District 18, if and when appointed.

(4) "The college president" shall mean the chief executive officer of a specific community college within Washington State Community College District No. 18.

(5) "College" shall mean any community college administered by the board of trustees for Washington State Community College District No. 18.

(6) "Faculty appointment" shall mean a full-time appointment as an instructor, counselor, librarian, or other position for which the training, experience and responsibilities are comparable as determined by the appointing authority, except administrative appointments.

(7) "The association" shall mean the Faculty Association of Big Bend Community College, currently representing the present holders of full time faculty appointments in Washington State Community College District No. 18 and any successor organization or organizations which may be certified as a bargaining agent for persons holding faculty appointments pursuant to the faculty tenure law, sections 32 through 45, Chapter 283, Laws of 1969, First Extraordinary Session, as now enacted or hereinafter amended.

(8) "Full time" shall mean faculty with the following assignment: Combination lab-lecture, 13 credit hours and 20 contacts, lecture only, 15 credits-15 contacts, composition classes 12 credits and shop classes, 25 contact hours.

(9) "Part time" shall mean an appointment less than full time.

(10) "Probationer" shall mean a person holding a probationary faculty appointment, pursuant to Chapter 283, Laws of 1969, First Extraordinary Session.

(11) "Regular college year" shall mean a faculty appointment inclusive of fall, winter and spring quarters.

(12) "Review committee" shall mean a committee of two faculty peers and one administrative staff appointed pursuant to WAC 132R-128-030.

(13) "Hearing Review Committee" shall mean a committee comprised for the express purpose of hearing dismissal cases and/or non-renewal cases as defined pursuant to WAC 132R-128-100.

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

NEW WAC 132R-128-030 COMPOSITION OF REVIEW COMMITTEES.

(1) Review committees shall be established for each of the instructional divisions, library, and student services.

(2) Each review committee shall be comprised of three persons, two of whom shall consist of tenured faculty representatives of the disciplines for whom review committees have been established pursuant to (1) of this section; provided, however, that each faculty member so appointed shall have at least three years community college teaching experience at the time of his appointment. Said faculty appointees shall be chosen by majority vote at a special meeting of the faculty and division heads acting in a body prior to October 15 of the regular college year. The meeting will be jointly called by the president of the college and the president of the association. Where a discipline does not have the personnel to meet this test, the faculty acting as a body will select by majority vote two tenured faculty members at large. Additionally, each review committee shall consist of one administrative appointee designated by the college president no later than October 15 of a regular college year. Each review committee shall choose its own chairman and meet at the call of the chairman when the need for such meeting arises.

(3) All three members of the review committee must be present at any review committee meeting.

(4) The duration of each appointment to the review committee shall be for a period of two calendar years except one of the initial faculty appointments shall be for a one-year appointment and thereafter his successor shall be for a two-year appointment. The period of appointment shall commence on the 15th day of October.

(5) If a vacancy arises upon any review committee prior to the expiration of the appointed term, the vacancy shall be filled pursuant to section (2) of this rule.

(6) Either faculty member or the administrative member of the committee can be replaced prior to the expiration of his term upon recommendation to the faculty or to the college president respectively by a majority of the committee. The procedure in No. (2) above shall be followed in filling the vacant position. No change can be made during a hearing.

NEW WAC 132R-128-040 REVIEW COMMITTEE EVALUATION PROCEDURES.

(1) Each review committee shall be required to conduct an evaluation of each full-time probationary faculty appointee assigned to such review committee by the president and render reports required by this rule to the president, the probationary faculty appointee and to the appointing authority during the regular college year.

(2) The review committee and the probationer shall understand that the purpose of the evaluation is twofold; namely to guide the probationer so that his effectiveness in his faculty appointment shall be upgraded, and to provide a simple record of his performance during each quarter of his probationary appointment.

NEW WAC 132R-128-050 REVIEW COMMITTEE EVALUATION STANDARDS.

Each review committee shall consider the following standards in the course of evaluating the effectiveness of each full-time probationer's effectiveness in his appointment:

- (1) Initial employment is a first favorable indication that the probationer should be permanently employed.
- (2) The probationer's instructional skills.
- (3) The probationer's relationship with students.
- (4) The probationer's relationship with the faculty.
- (5) The probationer's relationship with the administration.
- (6) The probationer's knowledge of the subject matter he is charged with teaching.
- (7) The probationer's action toward professional improvement; e.g., in-service training, additional course work, reading, travel.
- (8) The probationer's adherence to appropriate guides and general objectives.

NEW WAC 132R-128-060 COMMUNICATION OF EVALUATION TO PROBATIONERS. (1) During the course of each evaluation interview conducted by the appropriate review committee, the review committee shall, as part of its duty, note by written summary the probationer's progress in regard to the evaluation standards listed in WAC 132R-128-050.

(2) Upon completion of said evaluation report, it shall be signed by the probationer and distributed by the chairman of the review committee to the director of personnel (original), the appropriate dean, the division head, the probationer and chairman of the review committee.

(3) If the probationer has any disagreements in regard to matters noted by the review committee in its evaluation report, he may so note his disagreement in writing within fourteen (14) calendar days after receipt of his copy. Said writing to be attached to evaluation report copies by review committee chairman.

(4) If in the course of its evaluation report, the review committee states that the probationer is performing unsatisfactorily in whole or in part, it shall attempt to develop a program with the probationer that will be devised to improve such deficiencies.

NEW WAC 132R-128-070 RECOMMENDATIONS REGARDING TENURE.

(1) The review committee's recommendations shall be transmitted to the college president. Copies of the recommendations shall be sent to the probationer, his division chairman and the appropriate dean.

(2) Pursuant to RCW 28B.50.856, the probationary faculty appointment period shall be one of continuing evaluation of a probationer by the review committee. The evaluation process shall place primary importance upon the probationer's effectiveness in his appointment. The review committee shall periodically advise each probationer, in writing, of his progress during the probationary period and receive the probationer's written knowledge thereof. The review committee shall, as per subsection (3) below, make appropriate recommendations to the appointing authority through the president.

(3) If at any time prior to February 1 of the regular college year, the review committee recommends nonrenewal of the probationer's contract, or if before February 1 during the probationer's third year of his appointment, his review committee recommends that tenure not be awarded said probationer, written notice thereof shall be transmitted to the president of the college, who in turn shall forward the same to the appointing authority and to the probationer.

NEW

WAC 132R-128-080 BOARD DECISIONS REGARDING TENURE.

(1) Upon receiving the various recommendations regarding the award or nonaward of tenure or the nonrenewal of a contract of the evaluated probationers, the board of trustees shall, before its regular March meeting, examine the records of the probationer or probationers so referred to them and give reasonable consideration to the recommendation of the review committee as to the award or nonaward of tenure on the nonrenewal of a contract to said probationer or probationers.

(2) All board decisions regarding the award or nonaward of tenure to probationers considered pursuant to this section, shall be accomplished by no later than the last board meeting of the winter quarter. Written notice of such award or nonaward shall be transmitted by the board to the probationer by no later than the last day of the winter quarter.

NEW

WAC 132R-128-090 DISMISSALS. (1) Tenured faculty members shall not be dismissed except for sufficient cause nor shall a probationer be dismissed prior to the written terms of his appointment except for sufficient cause.

(2) Sufficient cause shall include but not be limited to the following enumerated grounds:

(a) Aiding and abetting or participating in:

(i) Any unlawful act of violence or incitement to violence.

(ii) Any unlawful act resulting in the destruction of community college property.

(iii) Any unlawful interference with the orderly conduct of the educational process.

(b) Incompetence in professional assignment.

(c) Insubordination.

(i) Imports a willful disregard of express or implied directions of employer and refusal to obey reasonable orders.

(ii) Disobedience to constituted authority.

(d) Unprofessional conduct as defined: "That which violates the rules or ethical codes of a profession or such conduct unbecoming a member in good standing."

(e) Violation of duly promulgated rules or regulations of the college.

WAC 132R-128-100 DISMISSAL FOR SUFFICIENT CAUSE. In all instances which involve dismissal for sufficient cause, as distinguished from nonrenewal of a probationary appointee's appointment, as specified in WAC 132R-128-070.

(1) The appropriate dean and the appropriate division chairman shall jointly investigate all matters regarding dismissal for cause, as enumerated in WAC 132R-128-090, of a tenured faculty member or probationary faculty member prior to the expiration of such probationary faculty appointee's employment term. If either the appropriate dean or the appropriate division chairman working jointly has cause to believe that a faculty member should be dismissed for cause, he shall advise the college president, and if the college president deems a sufficient cause exists, shall discuss the matter with the individual faculty member involved within ten (10) working days. The college president has ten (10) working days in which to initiate charges. If the president of the college deems sufficient cause exists, a formal charge will be brought against the faculty member in the following manner:

A letter over the signature of the college president will be sent to the faculty member when a charge of dismissal for sufficient cause is made. Copies of this letter will go to the appropriate dean, the appropriate division chairman, the chairman of the Professional Rights and Responsibilities Committee and the president of the Professional Association.

(2) A hearing review committee comprised for the express purpose of hearing dismissal cases and non renewal cases shall be formulated by no later than October 15, and shall be comprised of the following members:

(a) An administrator chosen by the college president.

(b) Two (2) faculty members chosen by the faculty and division heads acting in a body; provided that, the initial hearing review committee faculty member shall serve a one-year term and a two-year term respectively. All subsequent elections to this hearing review committee by the faculty and department heads shall be limited to an election of a member to a two-year term so that all future elections of a faculty member to this committee shall be accomplished on a staggered term basis.

(3) The committee shall, after receiving the written charge from the college president, establish a date for a committee hearing giving the faculty member so charged twenty (20) working days' notice of such hearing, and inform in writing the faculty member so charged of the time, date and place of such hearing.

(4) The committee shall:

(a) Hear testimony from all interested parties, including but not limited to other faculty members and students and receive any evidence offered by same.

(b) Afford the faculty member whose case is being heard the right of cross-examination and the opportunity to defend himself and be accompanied by both a personal advisor and legal counsel; provided, that if the faculty member is represented by legal counsel, the college may be represented by an assistant attorney general.

(c) Make a recommendation based exclusively on the evidence produced at the hearing to the appointing authority as to whether there is sufficient cause to believe that the faculty member did in fact perform the conduct which justifies dismissal for cause pursuant to WAC 132R-128-080.

(d) Promptly and forthrightly prepare recommendations as to the appropriate action to be taken.

(e) Prepare an informal record of the proceedings before the hearing review committee and make the same available to the accused faculty member, the appointing authority, and provide a record for the hearing review committee

For purposes of making a record of proceedings for this hearing review committee, an informal transcription of a tape recording of the hearing will be sufficient.

NEW

WAC 132R-128-110 NONRENEWAL OF TENURED FACULTY CONTRACTS

(1) The appointing authority shall be deemed to have authority not to renew the contract of any tenured faculty appointee because of budgetary reasons, change of instructional program, or a lack of students participating in a particular instructional program.

(a) Notice of such nonrenewal shall be tendered to the individual tenured faculty appointee by the district or college president prior to February 1 of any academic college year. The notice shall contain a statement as to whether the nonrenewal is required by budget reasons, a change of instructional program, lack of students participating in a particular instructional program or any combination thereof.

(b) After the district or college president has tendered notice of nonrenewal to the individual tenured faculty appointee pursuant to the requirements of the preceding paragraph, the college president shall then refer the matter to the hearing review committee constituted pursuant to the terms of WAC 132R-128-100, section (2) at least fourteen (14) days prior to the last day of winter quarter of the college academic year. At the same time the matter is referred to said hearing review committee, the district president shall:

(i) Determine whether the individual faculty appointee is qualified for another faculty position within Community College District No. 18; or

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

(2) Within three (3) college days after having the matter referred to them, the hearing review committee shall conduct a hearing subject to the procedural due process required by WAC 132R-128-100 and will consider only the issue of whether there is sufficient cause for the college to believe that the nonrenewal is justified for the reasons stated in the notice tendered to the tenured faculty appointee by the college president.

(3) By no later than seven (7) days prior to the last day of the winter quarter of the college academic year, the hearing review committee must make a recommendation to the appointing authority as to whether the hearing review committee has found sufficient cause to believe that the nonrenewal of the tenured faculty appointee is justified for the reasons stated in the notice tendered to that same appointee.

(4) The failure of the hearing review committee to make a recommendation pursuant to the requirements of the above paragraph, after having been tendered the matter by the college president by no later than seven (7) college days prior to the last day of winter quarter, shall be deemed a determination that the recommendation of the hearing review committee is that there is sufficient cause to believe that the tenured faculty appointee's contract should not be renewed for one of the reasons stated in the notice of nonrenewal tendered by the college president to the appointee.

(5) The hearing review committee's recommendations regarding the matter of nonrenewal of the tenured faculty appointee's contract shall then be referred to the appointing authority, which must meet and consider the

recommendation of the review committee by no later than five (5) college days prior to the last day of the college winter quarter.

The appointing authority shall then make the final decision as to whether there is sufficient cause to believe that the nonrenewal of the tenured faculty appointee's contract is justified because of the reasons stated in the notice of nonrenewal tendered to the appointee by the district or college president. If within ten (10) days from the date of his notice of the appointing authority's decision, the tenured faculty member submits a written request for a formal hearing to the college president, the final action of the appointing authority will be made in the course of a hearing held before a quorum of the Board of Trustees, who constitute the appointing authority, or an attorney designated by the appointing authority, and shall fully accord with the procedural requirements contained in WAC 132R-128-100, section (4) or other rules duly adopted by the college, and the appointing authority shall then make a final decision in accordance with the procedural requirements of the Higher Education Administrative Procedures Act.

(6) If the tenured faculty appointee's contract is not renewed because the appointing authority has found sufficient cause to believe that the tenured faculty appointee's contract should not be renewed because of budgetary reasons, change of instructional program or lack of students participating in a particular instructional program, a change of circumstances shall cause the re-establishment of such former teaching position, the district or college president shall then offer the appointment to the tenured faculty member whose contract was not renewed pursuant to the procedures outlined in this section.

NEW

WAC 132R-128-120 TENURE CONSIDERATIONS. (1) Administrative appointments as determined by the appointing authority shall not be eligible for tenure.

(2) An individual serving in an administrative position and who shall additionally serve as an instructor, counselor, librarian or other comparable position, shall not be eligible for an award of tenure or for consideration of such an award.

(3) No administrative appointee shall be denied the right of due process as guaranteed by the United States Constitution.

(4) Pursuant to RCW 28B.50.860, (Tenure retained upon administrative appointment - Exception) A tenured faculty member, upon appointment to an administrative appointment, except that of President, shall be allowed to retain his tenure.

NEW

WAC 132R-128-130 SEVERABILITY. If any section or part of a section of this chapter shall for any cause be unconstitutional or unlawful, such holding shall not affect the rest of this chapter or any other sections hereof.