

FORM OF ORDER AND TRANSMITTAL BY BOARD, COMMISSION, OR COUNCIL

State of Washington

Board of Trustees

(name of governing body)

Community College District 12

(name of institution)

Resolution No. 81-8

Administrative Order No.

(1) Be it resolved by the board of trustees of the Community College District 12 acting at Garrett Heyns Education Center, Shelton, Washington that it does promulgate and adopt the annexed rules relating to:

TENURE REVIEW (WAC 132L-128)

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. 81-09-029 filed with the code reviser on 4/13/81. Such rules shall take effect:
X pursuant to RCW 28B.19.050(2).
at a later date, such date being

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

We, find that an emergency exists and that the foregoing order 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 public interest. A statement of the facts constituting such emergency is:

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of WAC 1-13-040 that each order shall set forth an appropriate statement of state statutory authority (fill in statement (a), (b), or (c) as appropriate):

(a) This rule is promulgated pursuant to RCW and is intended to administratively implement that statute.

(b) This rule is promulgated pursuant to RCW which directs that the

(institution)

has authority to implement the provisions of

(name of act or RCW citation)

X (c) This rule is promulgated under the general rule-making authority of the Community College District 12

(institution)

as authorized in RCW Chapter 28B.10 & 28B.50

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

(5) This order after being first recorded in the order register of this governing body is herewith transmitted to the Code Reviser for filing pursuant to chapter 28B.19 RCW and chapter 1-13 WAC.

APPROVED AND ADOPTED June 9 19 81

JUN 12 1981

By [Signature]

District President

Title

[Form CR-10: Effective 12/1/77]

CODE REVISER'S OFFICE WSR 81-13-019

AMENDATORY SECTION (Amending Order 76-65, filed 3/30/77)

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 non-award 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)) 70 years whereupon contract renewal is at the annual option of the appointing authority.

AMENDATORY SECTION (Amending Order 76-65, filed 3/30/77)

WA 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.

(12) 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.

AMENDATORY SECTION (Amending Order 76-65, filed 3/30/77)

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)) 76-62 dated ((October-11;-1973)) December 9, 1976 and Board Resolution No. 80-12A dated March 13, 1980.