

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

FROM: Clark College
(Name of Institution)

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

The enclosed Permanent rules
Emergency rules , being order No. 74-5

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

Reduction-in-Force Policy and Procedures.

(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
Clark College on 3/5/74 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 8th day of March 1974.

STATE OF WASHINGTON
FILED
MAR 15 1974
CODE REVISER'S OFFICE
DOCKET # 375 FILE # 1

Clark College
(INSTITUTION)
W. H. Johnson
By _____
President
Title _____

Effective 9/7/71

[Form CR-5]

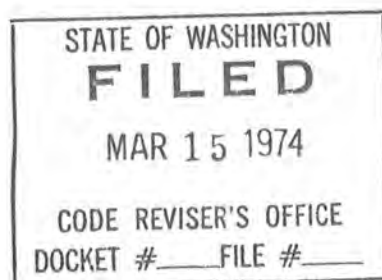
- ① Notice number as appears on the copy of notice returned to you by reviser's office (if proceedings were continued, use no. of last notice)
- ② Stamped date as appears on the copy of notice returned to you by reviser's office (if proceedings were continued, use date of last notice)
- ③ Unless a later 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.

BE IT RESOLVED BY THE BOARD OF TRUSTEES THAT:

- 1) THIS ACTION IS TAKEN AS A PRECAUTIONARY MEASURE IN ORDER TO ASSURE THE VALIDITY OF THE ATTACHED REDUCTION IN FORCE POLICIES (NUMBER 4233, SECTIONS 1. THROUGH 5., OF THE COLLEGE POLICY MANUAL) AND OF THE PROCEEDINGS WHICH HAVE BEEN AND/OR ARE ABOUT TO BE CONDUCTED PURSUANT TO SUCH POLICIES;
- 2) IT FINDS THAT THE IMMEDIATE READOPTION OF THE ATTACHED REDUCTION IN FORCE POLICIES IS NECESSARY FOR THE PRESERVATION OF THE PUBLIC HEALTH, SAFETY, OR GENERAL WELFARE, AND THE OBSERVANCE OF THE REQUIREMENTS OF NOTICE AND OPPORTUNITY TO PRESENT VIEWS ON THE PROPOSED ACTION WOULD BE CONTRARY TO THE PUBLIC INTEREST IN THAT A REDUCTION IN FORCE HEARING IS SCHEDULED TO COMMENCE THIS WEEK; AND
- 3) THE ABOVE NOTED POLICIES ARE HEREBY ADOPTED AS EMERGENCY RULES TO BECOME EFFECTIVE IMMEDIATELY.

I CERTIFY THAT THE FOREGOING WAS
ADOPTED BY THE BOARD AT A REGULAR
AND OPEN PUBLIC MEETING HELD ON
MARCH 5, 1974:


PRESIDENT AND SECRETARY TO THE
BOARD



4000 PERSONNEL

4232 Dismissal for Cause Policy and Procedures (Continued)Section 3. DISMISSAL FOR SUFFICIENT CAUSE.

In all instances which involve dismissal for sufficient cause (as distinguished from non-renewal for sufficient cause as specified in Section 1 "Procedures" of the Reduction-in-Force Policy and Procedures):

1. The Dean of Instruction or the Dean of Students, as appropriate shall investigate all matters regarding dismissal for cause as set forth in Section 1 of the Dismissal for Cause Policy and Procedures. If the Dean of Instruction or the Dean of Students 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, within ten working days they shall discuss the matter with the individual faculty member involved and present in writing the charges. If a Dean and/or the President deems that circumstances and facts warrant dismissal, the President shall begin dismissal proceedings.

2. The President shall begin dismissal proceedings by specifying the conduct or condition which constitutes sufficient cause for dismissal and refer the charge to the review committee.

3. The review committee shall, after receiving the written charge from the President, establish a date, within ten working days, for a hearing 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 proceedings shall, within ten working days, prepare recommendations as to the appropriate action to be taken by the appointing authority.

6. Review committee after the hearing may recommend suspension with pay as a preliminary to dismissal by the appointing authority.

4233 Reduction-in-Force Policy and Procedures.Section 1. PROCEDURES.

Reduction-in-force means nonrenewal of contract of probationary or tenured faculty by reason of sufficient cause for the reduction of one or more employment positions and is to be distinguished from nonrenewal solely by reason of personal shortcomings of an individual, such as insubordination or incompetency. For purposes of a reduction-in-force, sufficient cause shall include, but not be limited to, a lack of sufficient funding and/or a lack of sufficient enrollment and/or a revision of program offerings.

4000 PERSONNEL

4233 Reduction-in-Force Policy and Procedures (Continued)Section 2. THE NEED FOR REDUCTION-IN-FORCE.

1. If the President anticipates the need for a reduction-in-force, he shall begin a thorough process of discussions and consultations with the Deans of Instruction, Student Services, and Administrative Services, and with three faculty members designated by the Executive Council of the Association as early as possible but no later than seven weeks before the end of winter quarter. The Association will then have the right to meet as often as is necessary to offer full consultation to the President. At least one of these discussions and consultations shall include all these persons together in a joint session. The Dean of Instruction shall keep the Instructional Advisory Council informed and solicit views from its members. Other relevant campus committees shall be available for consultation by the President.

2. The president shall provide for use in these discussions and consultations the following information:

Enrollment and budget data for the preceding three years, shown by divisions and departments,

The number and duties of each faculty member by division and department, enrollment projections, if possible,

Lists of forthcoming faculty vacancies due to retirement, resignation, or leave,

Other data requested by those he is consulting,

And, a brief written statement of his reasons in support of his tentative assumption of a need for reduction-in-force.

3. The President after such discussion and consultation will, no later than four weeks before the end of winter quarter, issue a written report giving his conclusions as to whether or not there is a need for reduction-in-force, and including a summary of his supporting evidence. If the President decides that a reduction in spending is necessary, he will, if possible, propose that the dollar cutback be achieved by granting up to three years leave (without pay) in lieu of non-renewal.

Section 3. SPECIFIC IMPLEMENTATION.

1. If the President then decides to initiate reduction-in-force, he will, after discussion with the Deans and the Instructional Advisory Council, decide which faculty member's contract will not be renewed for the following year. Layoff shall be accomplished on the basis of seniority as set forth herein: PROVIDED, that affirmative action employment related practices required by law or federal contract shall prevail and be complied with concurrently.

2. The following order of layoff will be used provided there are qualified faculty members to replace and perform all the needed duties of the faculty members to be laid off: first, part-time faculty members; second, probationary appointees with the least seniority; third, full-time tenured faculty members with the least seniority.

4000 PERSONNEL

4233 Reduction-in-Force Policy and Procedures (Continued)

3. Seniority shall be determined by establishing the date of the signing of the first full-time contract for the most recent period of continuous professional service for Clark College, which shall include leaves of absence, sabbatical leaves and periods of layoffs. (This shall include professional services for the Vancouver School District No. 37 prior to 1967). In instances where faculty members have the same beginning date for full-time professional employment, seniority shall be determined in the following order:

- a. First date of the signature evidencing acceptance of employment;
- b. First date of application for employment.

4. Clark College shall be one employment unit and an employee must meet minimum qualifications, as determined by the Dean of Instruction, appropriate Division Coordinators and Department Chairmen to instruct in other departments. This determination, as to whether faculty members to be laid off meet the minimum qualifications to instruct in another department, shall be made by the Dean of Instruction with the counsel of the respective Division or Department where the individual wishes to be considered for professional employment.

Section 4. REVIEW COMMITTEE.

1. Before final action by the appointing authority in not renewing a faculty contract, each case must be reviewed by a review committee consisting of one administrator appointed by the President, one administrator appointed by the President from two nominees of the Association, three faculty members elected by the faculty acting in a body. One Board member may serve as ex-officio if desired as required and described by state law. (RCW 28B.50.863 and .869, see Appendix P.) Such reduction-in-force cases may be consolidated for hearing purposes before the same review committee.

2. The Reduction-in-Force Review Committee, to which the matter is referred, shall then conduct proceedings to determine if cause exists and at the conclusion of such proceedings shall develop and make detailed recommended findings of fact and make an appropriate recommendation through the President to the appointing authority regarding the nonrenewal of contract.

3. If the Review Committee, to which a proceeding is referred, fails to make a recommendation through the President to the appointing authority prior to the last day of winter quarter the matter shall be submitted to the appointing authority and it is assumed the Reduction-in-Force Committee supports the President's recommendation.

4. The only exception to the last day of winter quarter deadline permitted would be legislative exigency in which case the appointing authority would have the authority to suspend the deadline date.

Section 5. RE-EMPLOYMENT AND OTHER CONSIDERATIONS.

1. The College President shall use his best efforts in attempting to procure similar employment for any faculty member reduced under the provisions of this

4000 PERSONNEL

4233 Reduction-in-Force Policy and Procedures (Continued)

article in another community college district within the States of Washington and Oregon. Recall shall be accomplished on the basis of reverse seniority as set forth herein: PROVIDED, that affirmative action employment related practices required by law or federal contract shall prevail and be complied with concurrently.

2. Faculty members nonrenewed under this section shall be considered as being "on-layoff."

a. A full-time tenured faculty member whose contract was not renewed as a result of this faculty staff reduction procedure has a right to recall to any teaching position, either a newly created one or a vacancy, providing he is qualified as determined by the Dean of Instruction following the procedure above in Section 3, Item 4. The recall shall be in reversed seniority, the most senior first. The right of recall shall extend three years from the date of layoff.

b. While a layoff continues no new faculty will be hired except in the unique circumstances where:

(1) There are no employees on layoff qualified by retraining to fill a vacant position, or

(2) All qualified faculty members on layoff decline the offer to fill the vacancy.

c. Faculty members on layoff shall receive written notice at least twenty (20) days in advance of the deadline for determining whether to exercise their recall rights. The notices sent to the employees must also be submitted to the Association.

d. Once an individual on layoff status declines an offer to fill a vacancy for which he is qualified, he will be removed from layoff status and will no longer have any priority.

e. Any individual on layoff will be given first consideration for any part-time position he/she is qualified for.

3. Full-time tenured faculty members who have been laid off will retain all accrued benefits, including but not limited to sick leave and seniority. Upon recall they shall be placed at least at the next higher increment on the salary schedule than at the time of layoff and will retain their tenured status.