

TRANSMITTAL OF RULES ADOPTED BY INSTITUTION OF HIGHER EDUCATION

FROM: Clark College, Community College District No. 14  
(Name of Institution)

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

The enclosed rules  Permanent rules  Emergency rules, being Order No. 76-1  
relating to (Name of rules or description of subject matter)

Rules of Practice and Procedure for Clark College, Community College District No. 14: (1) for the conduct of procedures involving a dismissal for cause (WAC 132N-128-070(3)(4)(5) and (6)); and (2) to amend the definition of "Temporary Faculty Appointment", (WAC 132N-128-020(12)); and (3) to amend the composition of Dismissal for Cause (WAC 132N-128-060(2) and (3)) and Reduction-in-Force review committees (WAC 132N-128-110(1)); and (4) to amend the Tenure Review procedures (WAC 132N-128-030(2) and (3) and WAC 132N-128-040(2),(3),(4),(5), and (6) and adding a new subsection (7)).  
(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 institution at \_\_\_\_\_ on \_\_\_\_\_ and are herewith filed in the office of the code reviser pursuant to chapter 28B.19 RCW. The effective date of such rules shall be \_\_\_\_\_ (3)

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding in the attached administrative order, 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, Room AD 011 on 11/16/76 and are herewith filed in the office of the code reviser pursuant to chapter 28B.19 RCW.

The undersigned hereby certifies that the requirements of chapter 28B.19 RCW and of the Open Public Meetings Act of 1971, chapter 42.30 RCW have been fulfilled.

Dated this 18 day of November 1976.  
Clark Community College Dist. 14  
(INSTITUTION)  
By Richard A. Finnigan  
Assistant Attorney General  
Title \_\_\_\_\_

STATE OF WASHINGTON  
**FILED**  
NOV 18 1976  
CODE REVISER'S OFFICE  
DOCKET # 785 FILE # 1

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). Leave this space blank except in such special cases.

STATE OF WASHINGTON

Community College District No. 14  
Board of Trustees

Administrative Order No. 76-1

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE COMMUNITY  
COLLEGE DISTRICT NO. 14, STATE OF WASHINGTON:

Rules of Practice and Procedure for Clark College, Community College District No. 14: (1) for the conduct of procedures involving a dismissal for cause (WAC 132N-128-070(3)(4)(5) and (6)); and (2) to amend the definition of "Temporary Faculty Appointment", (WAC 132N-128-020(12)); and (3) to amend the composition of Dismissal for Cause (WAC 132N-128-060(2) and (3)) and Reduction-in-Force review committees (WAC 132N-128-110(1)); and (4) to amend the Tenure Review procedures (WAC 132N-128-030(2) and (3) and WAC 132N-128-040(2), (3), (4), (5), and (6) and adding a new subsection (7)).

We, the Board of Trustees, find further 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:

The changes in the definition of temporary faculty appointment and the composition of the tenure review and dismissal for cause committees were necessary to comply with statutory changes.

The changes in the tenure review procedures needed immediate implementation to insure all faculty members affected were afforded their statutory rights of review and evaluation.

The changes in the dismissal for cause procedures required immediate implementation to insure full and complete due process is afforded any person against whom the college initiates the dismissal for cause procedures.

This order after being first recorded in the order register of this institution shall be forwarded to the Code Reviser for filing pursuant to chapter 28B.19 RCW and chapter 1-13 WAC.

APPROVED AND ADOPTED this 16th day of November, 1976.

By: *[Signature]*  
President, Clark Community College  
Secretary, Board of Trustees  
Community College District No. 14

4231 Tenure Policy and Procedures

Section 2. DEFINITIONS (Change in WAC 132N-128-020 Section 12)

OLD

12. "Temporary Faculty Appointment" shall mean an appointment to the faculty in a position which is non-tenurable either because it has less than a full regular year or because the position is not a permanent one.

PROPOSED REVISION

12. "Temporary Faculty Appointment" shall mean an appointment to the faculty in a position which is non-tenurable either because it has less than a full regular year or because the position is not a permanent one or because the position is funded through special funds (see Chapter 112, Laws of 1975, 1st Ex. Session)

4232 Dismissal for Cause Policy and Procedures

Section 3. DISMISSAL FOR SUFFICIENT CAUSE

PROPOSED REVISION (Change in WAC 132N-128-070, Sections 3, 4, 5, and 6)

Delete the following:

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.

4232 Dismissal for Cause Policy and Procedures

Section 3. DISMISSAL FOR SUFFICIENT CAUSE

PROPOSED REVISION (ADDITION)

3. The Board of Trustees shall appoint a hearing examiner whose responsibilities shall be to establish a date for a hearing, giving the employee no less than ten (10) days' notice of such hearing and informing, in writing, the employee, the President and the Dismissal Review Committee of time, date and place of such hearing.

4. In the presence of the Dismissal Review Committee, the hearing examiner shall:

- a) Preside over the hearing.
- b) Conduct the hearing with all due speed until the hearing is terminated.
- c) Hear testimony from all individuals called by the President, the academic employee, the Dismissal Review Committee or the hearing examiner and receive any evidence offered by same.
- d) Afford the academic employee whose case is being heard the right of cross-examination, the opportunity to defend himself and to be accompanied by legal counsel.
- e) Allow the College administration to be represented by an Assistant Attorney General.
- f) Make all rulings regarding the evidentiary and procedural issues presented during the course of the Dismissal Review Committee hearings.
- g) Meet and confer with the members of the Dismissal Review Committee and advise them in regard to procedural and evidentiary issues considered during the course of the committee's deliberations.
- h) Appoint a reporter who shall operate at the direction of the hearing examiner and shall record all testimony, receive all documents and other evidence introduced during the course of hearing and record any other matters related to the hearing as directed by the hearing examiner.
- i) Prepare proposed findings of fact and conclusions for review by the appointing authority and a record which shall include:
  1. All pleadings, motions and rulings;
  2. All evidence received or considered;
  3. A statement of any matters officially noticed;
  4. All questions and offers of proof, objections and rulings thereon;
  5. Proposed findings and exceptions;
  6. A copy of the recommendations of the Dismissal Review Committee.
- j) In the event of a reduction in faculty, the hearing examiner shall consolidate all matters into a single hearing.

5. A copy of the above shall be transcribed and furnished upon request to the academic employee whose case is being heard.

6. The hearing shall be closed. However, interested parties, including but not limited to academic employees and students, will be given an opportunity to present evidence.

4232 Dismissal for Cause Policy and Procedures

Section 3. DISMISSAL FOR SUFFICIENT CAUSE

PROPOSED REVISION (ADDITION) continued

7. Within ten (10) college calendar days of the conclusion of the hearing, the dismissal review committee will arrive at its recommendations in conference on the basis of the hearing. Before doing so, it should give the academic employee or his counsel(s) and the representative designated by the President of the College, the opportunity to argue orally before it. If written briefs would be helpful, the dismissal review committee may request them. The dismissal review committee may proceed to a recommendation promptly or await the availability of a transcript if making a fair recommendation would be aided thereby. Within fifteen (15) college calendar days of the conclusion of the hearing the President of the College, the academic employee and the Board of Trustees will be presented with recommendations in writing and given a copy of the record of the hearing.

8. The Board of Trustees shall meet within a reasonable time subsequent to its receipt of the dismissal review committee recommendations to consider those recommendations. The Board of Trustees shall afford the parties the right to oral and written argument with respect to whether they will dismiss the academic employee involved. The Board of Trustees may hold such other proceedings as they deem advisable before reaching their decision. A record of the proceedings at the Board level shall be made and the final decision shall be based only upon the record made before the Board and the dismissal review committee, including the briefs and oral arguments. The decision to dismiss or not to dismiss shall rest, with respect to both the facts and the decision, with the Board of Trustees after giving reasonable consideration to the recommendations of the dismissal review committee. The dismissal review committee's recommendations shall be advisory only and in no respect binding in fact or law upon the decision maker, the Board of Trustees. The Board of Trustees shall within fifteen (15) days following the conclusion of their review notify the charged academic employee in writing of its final decision.

9. Suspension of the academic employee by the President during the administrative proceedings involving him (prior to the final decision of the Board of Trustees) is justified if immediate harm to himself or others is threatened by his continuance. Any such suspension shall be with pay.

10. Except for such simple announcements as may be required covering the time of the hearing and similar matters, no public statements about the case shall be made by the academic employee, the dismissal review committee or administrative officers of the Board of Trustees until all administrative proceedings and appeals have been completed.

11. Any dismissed academic employee shall have the right to appeal the final decision of the Board of Trustees within thirty (30) days of the receipt of the notice of dismissal. The filing of an appeal shall not stay enforcement of the decision of the Board of Trustees.

4231 Tenure Policy and Procedure

Section 3. SELECTION OF THE TENURE REVIEW COMMITTEE.

(Change in WAC 132N-128-030,  
Sections 2 and 3)

OLD

2. The president of the negotiating body shall be responsible for the establishment of each Tenure Review Committee which shall begin evaluating no later than four weeks after the day that the probationer has begun his faculty duties exclusive of summer quarter.

PROPOSED REVISION

2. The president of the college shall appoint an administrator to assume the ongoing overall responsibility for coordinating the activities of the tenure review process and assuring that tenure review committees are formed and that they fulfill their duties. Each Tenure Review Committee shall begin evaluating its assigned probationer no later than six weeks after the day that the probationer has begun his faculty duties, providing, however, that if he begins his duties in the summer quarter, this process is to begin no later than six weeks after the beginning of fall quarter.

OLD

3. Each Tenure Review Committee shall be composed of five members. There shall be automatic nomination of the coordinator or, in the absence of a division, of the department chairman. This position shall be designated position number 1. In the case when a division coordinator or department chairman is being reviewed, position number 1 shall be filled by an election of the faculty. Two tenured faculty members shall be nominated by the president of the faculty negotiating body for positions number 2 and 3. Two tenured faculty members shall be nominated by the probationer to position number 4, one of whom shall be elected by a faculty vote. The president of the college shall appoint an administrator to position number 5. After these nominations are made, the president of the faculty negotiating body shall call an all-faculty meeting at which tenured faculty members may be nominated for positions no's 1 through 3. A vote shall be taken and the nominee receiving a majority vote for each position (1 through 4) shall be elected. If no candidate for a particular position received a majority vote, a runoff election shall be held within five days between the two candidates receiving the largest number of votes. Position number 6 shall be filled by a full-time student selected by the student body. Each review committee will choose its own chairman and shall meet at least once each quarter at the call of the chairman.

PROPOSED REVISION

3. Each Tenure Review Committee shall be composed of five members. There shall be automatic appointment by the college president of the probationer's Division Chairman or, in the absence of a division, of the department chairman. This position shall be designated Position #1, and will constitute the administrative staff's representation on the committee. Positions #2, #3, and #4 shall consist of tenured faculty members. The faculty members selected for Positions #2 and #3 will be the same for all Tenure Review Committees initiated that year, and they will serve on those committees for the full period, up to three

years, necessary for each committee to discharge its duties. One shall be an "academic" instructor; the other shall be from the vocational area. Each year the president of the faculty negotiating body shall nominate a candidate for each position, then call an all-faculty meeting at which additional candidates may be nominated. A vote shall be taken and the nominee receiving a majority vote for each position shall be elected. If no candidate for a particular position receives a majority vote, a run-off election shall be held within ten calendar days between the two candidates receiving the largest number of votes. Position #4 will be filled by a tenured faculty member nominated by the probationer and approved by a majority vote at an all-faculty meeting called by the president of the faculty negotiating body. Should such a majority vote not be forthcoming, the probationer shall nominate another candidate and a second meeting will be called. Position #5 shall be filled by a full-time student selected by the Council of Representatives of the Associated Students of Clark College. Each review committee will choose its own chairman and shall meet at least once each quarter at the call of the chairman.

Section 4. DUTIES OF TENURE REVIEW COMMITTEE. (Change in WAC 132N-128-040 Sections 2, 3, 4, 5, and 6 and adding a new Section 7.)

OLD

2. For probationers appointed prior to fall term the evaluation shall include at least one formal meeting before the start of classes in the probationer's first regular college year. This meeting shall clarify the criteria and procedures to be used in the evaluation. The probationer shall submit to the chairman of the committee a written statement that he understands these criteria and procedures.

When the probationer's first term of employment is other than fall term, this meeting shall be held no later than the first day of classes of the quarter following his initial appointment.

PROPOSED REVISION

2. The Tenure Review Committee for the probationer shall begin its evaluation no later than six weeks after the beginning of the probationer's contracted faculty duties, exclusive of summer quarter, and shall reach agreement regarding the criteria and procedures to be used in the evaluation to enable them to notify the probationer in writing and discuss their recommendations with him/her by the end of the eighth week of the quarter. The probationer shall acknowledge in writing to the committee chairman, within a week of its receipt, his/her understanding of these criteria and procedures.

OLD

3. The committee's recommendation to award or not award tenure shall be based solely on the following criteria.

Each Tenure Review Committee will solicit opinions from members of the probationer's division or administrative unit, including his Dean, regarding the probationer's effectiveness in his appointment. The committee shall also consider:

- a. self-evaluation by the probationer
- b. evaluation based on first-hand observations of the probationer carrying out his duties.
- c. evaluations by the probationer's students in the case of the instructors.

PROPOSED REVISION

3. The committee's recommendation to award or not to award tenure shall be based solely on the following criteria:

- a. self-evaluation by the probationer
- b. evaluation based on (first hand) observations of the probationer carrying out his duties  
Note: words in parentheses deleted in this version)
- c. evaluations by the probationer's students in the case of instructors.

Each Tenure Review Committee shall solicit opinions from members of the probationer's division or administrative unit, including his dean, regarding the probationer's effectiveness in his appointment.

OLD

4. The Tenure Review Committee shall meet with the probationer at least once each quarter to evaluate his progress and performance.

PROPOSED REVISION

4. The committee shall meet at least once each quarter with the probationer starting with the second quarter of the evaluation process and continuing until the committee is discharged. This meeting shall be for the purpose of evaluating the probationer's progress and performance, and shall be held no later than the seventh week of the quarter. The committee shall provide a written summary of this evaluation, noting the probationer's strengths and deficiencies, plus written recommendations as to suggested procedures to be used by the probationer to correct such deficiencies. A copy of each summary shall be provided to the probationer, to his/her committee, and to the appropriate dean.

OLD

5. In a meeting with the probationer present, a summary, which shall include deficiencies and suggestions to correct them, will be written each quarter. Any disagreements by probationer shall be included in written summaries. All summaries will be initialed by probationer, chairman of tenure review committee, and copies given to all the above plus appropriate Dean.

a. A written evaluation will be made of each full-time probationary faculty appointee's performance and subsequently submitted to the said probationer and appropriate Dean on or before December 20th and March 1st 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 shall be directed to the appointing authority through the president prior to March 1 of each regular college year. Copies of the recommendations will be sent to the probationer and coordinator or department chairman.

c. A written recommendation shall be directed through the president, to the appointing authority with copies to the probationer and the Department Chairman or coordinator, recommending the appointing authority award or non-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 February 15th of such regular college year make such a recommendation as to the award or non-award of tenure. The failure of the review committee to make the written recommendation as to the award or non-award of tenure by February 15th of the regular college year for each full-time probationary faculty appointee who is then serving his or her third consecutive year of full-time appointment shall be deemed a recommendation that tenure not be awarded such appointee.

d. The probationer may resign at any time. The evaluation procedure will terminate upon receipt of the probationer's written resignation.

PROPOSED REVISION

5. At least once each year the tenure review committee has the responsibility of making a written recommendation to the appointing authority, through the college president, regarding the employability of the probationer for the following year.

a. Prior to March 1 of the probationer's first and second years of tenure review, the committee has the responsibility of providing a written recommendation concerning the employment or non-employment of their probationer for the ensuing college year. Copies of the recommendation will be sent to the probationer.

b. No later than the probationer's third year of tenure review, the tenure review committee must make a written recommendation for the granting or denying of tenure. This recommendation must be made prior to February 15 and shall be directed to the appointing authority, through the college president, with a copy to the probationer.

c. The probationer may resign at any time. The evaluation procedure will terminate upon receipt of the probationer's written resignation.

OLD

6. The appointing authority shall give reasonable consideration to an award of tenure recommendation of the review committee and the appointing authority shall prepare and present to the committee justification for not accepting their recommendation.

PROPOSED REVISION

6. The appointing authority will give reasonable consideration to an award of tenure recommendation of the review committee, and the appointing authority will prepare and present justification to the committee for not accepting their recommendation

NEW

7. Nothing in Section 4231 of the Faculty Policy and Procedures Manual is to supersede any existing policies or regulations which may take precedence; i.e., necessity for the application of Reducation-in-Force procedures or Dismissal-for-Cause procedures.

4000 PERSONNEL

4232 Dismissal for Cause Policy and Procedures

Section 2. SELECTION OF REVIEW COMMITTEE - DISMISSAL - NONRENEWAL (Change in WAC 132N-128-060 Sections 2 and 3)

2. Each review committee shall be composed of five members. The President shall appoint an administrator to position number one. The faculty shall nominate two administrators, one of which shall be chosen by the President for position number two. Position 3 shall be elected by the faculty in a body from two nominees named by the reviewee; positions 4 and 5 shall be chosen by the faculty acting in a body.

Proposed Revision

Section 2. SELECTION OF REVIEW COMMITTEE - DISMISSAL - NONRENEWAL

2. Each review committee shall be composed of five members. The President shall appoint an administrator to position number one. The Council of Representatives of the Associated Students of Clark College shall select a student for position number 2. Position number three shall be elected by the faculty in a body from two nominees named by the faculty member being reviewed; positions four and five shall be chosen by the faculty acting in a body.

Section 3. SELECTION OF REVIEW COMMITTEE - DISMISSAL - NONRENEWAL

3. 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, item 2, "Selection of Review Committee - Dismissal - Nonrenewal" of this rule to fill the unexpired term of the absent member of such review committee.

Proposed Revision

3. If a vacancy exists upon the review committee prior to the expiration of any such appointment, an administrative member, a faculty member, or student member, as appropriate, shall be chosen pursuant to section 2, item 2, "Selection of Review Committee - Dismissal - Nonrenewal" of this rule to fill the unexpired term of the absent member of such review committee.

4233 Reduction-in-Force Policy and Procedures (Change in WAC 132N-128-110, Section 1)

Section 4. REVIEW COMMITTEE:

1. Before final action by the appointing authority in not reviewing 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.

Proposed Revision

1. Before final action by the appointing authority in not reviewing a faculty contract, each case must be reviewed by a review committee consisting of one administrator appointed by the President, one student selected by the Council of Representatives of the Associated Students of Clark College, 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.