

HOUSE BILL REPORT

SSB 5456

*As Reported By House Committee on:
Higher Education*

Title: An act relating to tenure modifications.

Brief Description: Modifying tenure at community colleges.

Sponsor(s): Senate Committee on Higher Education (originally sponsored by Senators Saling, Cantu and Bluechel).

Brief History:

Reported by House Committee on:
Higher Education, April 3, 1991, DPA.

**HOUSE COMMITTEE ON
HIGHER EDUCATION**

Majority Report: *Do pass as amended.* Signed by 11 members: Representatives Jacobsen, Chair; Ogden, Vice Chair; Wood, Ranking Minority Member; May, Assistant Ranking Minority Member; Basich; Dellwo; Fraser; Ludwig; Sheldon; Spanel; and Van Luven.

Staff: Susan Hosch (786-7120).

Background: A process for granting tenure to full-time community college faculty members is described in state law. Each community college governing board must award tenure following the successful completion of a probationary period. The probationary period lasts up to three consecutive regular college years, excluding summer quarter. The governing board may award tenure at any time, after giving reasonable consideration to the recommendations of a tenure review committee. Before tenure is awarded, a faculty member may be dismissed without cause. Once tenure is awarded, it may be revoked only for adequate cause and by due process.

During the 1990 session, the Legislature approved a measure to change the probationary period to nine consecutive college quarters, excluding approved leaves of absence and summer quarter. The legislation also permitted the probationary period to be extended for up to three additional college quarters. The extension required the approval of the tenure review committee and the probationary faculty member. The governor vetoed all sections of the

legislation that affected the tenure law. His veto message supported the changes proposed in the legislation, but cited a technical problem with the measure. The technical problem: the legislation did not change a requirement in current law regarding notice to a probationary faculty member whose contract will not be renewed.

Summary of Amended Bill: Beginning on July 1, 1991, each community college governing board will award tenure to eligible faculty members following a probationary period lasting up to nine consecutive college quarters, instead of three consecutive regular college years. Summer quarter and approved leaves of absence are excluded from the probationary period.

At the recommendation of the tenure review committee, and with the written consent of the faculty member, the probationary period may be extended up to three additional college quarters. The extension is intended to permit the faculty member to complete a professional improvement plan already underway. At the conclusion of the probationary period, the governing board may award tenure to the probationary faculty member.

If the community college decides not to renew a probationary faculty appointment, they must provide notice no later than one complete quarter, excluding summer quarter, before the appointment expires.

Tenured faculty members must be formally evaluated by a review committee at least once every five years. If, after the review, the committee finds that the tenured faculty member's performance is unsatisfactory, he or she may be required to implement a performance improvement plan over a period of up to three regular college quarters. Upon completion of that period, if the review committee still deems the faculty member's performance to be unsatisfactory, tenure may be revoked, and the person may be returned to a probationary faculty appointment. The decision to return tenured faculty members to a probationary faculty appointment must be reached through due process.

The procedures for implementing a performance improvement plan and revoking tenure are added to other tenure revocation procedures that a college may implement under collective bargaining laws. The procedures, criteria, and conditions for reviewing tenured faculty members, implementing a performance improvement plan, and revoking tenure are subject to negotiations between the community college and the faculty's exclusive bargaining agent.

The changes to community college tenure laws apply only to faculty appointments made after June 30, 1991, and do not alter existing collective bargaining agreements.

Amended Bill Compared to Substitute Bill: The probationary period for new faculty members will last up to nine consecutive college quarters instead of nine quarters in a three year period. That tenure may be granted before that time is clarified. If the probationary period is extended, the decision on whether to grant tenure at the end of the extension remains with the governing board.

If a probationary faculty members appointment will not be renewed, the requirement to provide notice one complete quarter before the appointment expires does not include summer quarter.

The procedures for reviewing a tenured faculty member and, possibly, revoking tenure, are subject to collective bargaining. The decision to require a tenured faculty member to implement a performance improvement plan and, possibly, to revoke that person's tenure is made by the college only if the review committee finds the person's performance to be unsatisfactory.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill contains an emergency clause and takes effect on July 1, 1991.

Testimony For: Current tenure laws leave some areas unclear. For example, when a probationary faculty member returns from family leave, a strict interpretation of current law would require them to begin the tenure process again. Current law does not permit a probationary faculty member to have a small amount of extra time to improve his or her performance. This legislation would permit the person to have that extra time if the tenure review committee recommends the extension, and the college and person agree. Faculty members need to be evaluated periodically. This legislation creates a process for periodic evaluation, and a process for revoking tenure if the person's performance continues to be unsatisfactory for a year or more.

Testimony Against: There is no need for many of the provisions in this bill. Most community colleges periodically evaluate members of their faculty. Processes to revoke tenure are bargained locally already. The time period for establishing tenure should only be extended if tenure is guaranteed to a person who satisfactorily completes a performance improvement plan.

Witnesses: Allan Walton, Washington Education Association (pro original bill); Evelyn Rieder, Washington Federation of Teachers (pro original bill with amendments); and Harold Heiner, Whatcom Community College (pro).