
SUBSTITUTE SENATE BILL 5456

State of Washington 52nd Legislature 1991 Regular Session

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

Read first time February 15, 1991.

1 AN ACT Relating to tenure modification; amending RCW 28B.50.851,
2 28B.50.852, and 28B.50.857; adding a new section to chapter 28B.50 RCW;
3 creating new sections; providing an effective date; and declaring an
4 emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** Improving the quality of instruction at
7 our state institutions of higher education is a priority of the
8 legislature. Recently, many efforts have been made by the legislature,
9 the colleges, and the higher education coordinating board to assess and
10 improve the quality of instruction received by students at our state
11 institutions. It is the intent of the legislature that, in conjunction
12 with these various efforts, the process for the award of faculty tenure
13 at community colleges should allow for a thorough review of the
14 performance of faculty appointees prior to the granting of tenure.

1 **Sec. 2.** RCW 28B.50.851 and 1988 c 32 s 2 are each amended to read
2 as follows:

3 As used in RCW 28B.50.850 through 28B.50.869:

4 (1) "Tenure" shall mean a faculty appointment for an indefinite
5 period of time which may be revoked only for adequate cause and by due
6 process;

7 (2) (a) "Faculty appointment", except as otherwise provided in
8 subsection (2)(b) below, shall mean full time employment as a teacher,
9 counselor, librarian or other position for which the training,
10 experience and responsibilities are comparable as determined by the
11 appointing authority, except administrative appointments; "faculty
12 appointment" shall also mean department heads, division heads and
13 administrators to the extent that such department heads, division heads
14 or administrators have had or do have status as a teacher, counselor,
15 or librarian; faculty appointment shall also mean employment on a
16 reduced work load basis when a faculty member has retained tenure under
17 RCW 28B.50.859;

18 (b) "Faculty appointment" shall not mean special faculty
19 appointment as a teacher, counselor, librarian, or other position as
20 enumerated in subsection (2)(a) of this section, when such employment
21 results from special funds provided to a community college district
22 from federal moneys or other special funds which other funds are
23 designated as "special funds" by the state board for community college
24 education: PROVIDED, That such "special funds" so designated by the
25 state board for purposes of this section shall apply only to teachers,
26 counselors and librarians hired from grants and service agreements and
27 teachers, counselors and librarians hired in nonformula positions. A
28 special faculty appointment resulting from such special financing may
29 be terminated upon a reduction or elimination of funding or a reduction
30 or elimination of program: PROVIDED FURTHER, That "faculty appointees"

1 holding faculty appointments pursuant to subsections (1) or (2) (a) who
2 have been subsequently transferred to positions financed from "special
3 funds" pursuant to subsection (2) (b) and who thereafter lose their
4 positions upon reduction or elimination of such "special funding" shall
5 be entitled to be returned to previous status as faculty appointees
6 pursuant to subsection (1) or (2) (a) depending upon their status prior
7 to the "special funding" transfer. Notwithstanding the fact that
8 tenure shall not be granted to anyone holding a special faculty
9 appointment, the termination of any such faculty appointment prior to
10 the expiration of the term of such faculty member's individual contract
11 for any cause which is not related to elimination or reduction of
12 financing or the elimination or reduction of program shall be
13 considered a termination for cause subject to the provisions of this
14 chapter;

15 (3) "Probationary faculty appointment" shall mean a faculty
16 appointment for a designated period of time which may be terminated
17 without cause upon expiration of the probationer's terms of employment;

18 (4) "Probationer" shall mean an individual holding a probationary
19 faculty appointment;

20 (5) "Administrative appointment" shall mean employment in a
21 specific administrative position as determined by the appointing
22 authority;

23 (6) "Appointing authority" shall mean the board of trustees of a
24 community college district;

25 (7) "Review committee" shall mean a committee composed of the
26 probationer's faculty peers or tenured faculty member's peers, a
27 student representative, and the administrative staff of the community
28 college: PROVIDED, That the majority of the committee shall consist of
29 the probationer's faculty peers or tenured faculty member's peers.

1 **Sec. 3.** RCW 28B.50.852 and 1969 ex.s. c 283 s 34 are each amended
2 to read as follows:

3 The appointing authority shall promulgate rules and regulations
4 implementing RCW 28B.50.850 through 28B.50.869 and shall provide for
5 the award of faculty tenure following a probationary period not to
6 exceed ~~((three consecutive regular college years))~~ nine college
7 quarters in a three-year period, excluding summer quarter(~~(: PROVIDED,~~
8 ~~That tenure may be awarded at any time as may be determined by the~~
9 ~~appointing authority after it has given reasonable consideration to the~~
10 ~~recommendations of the review committee))~~ and approved leaves of
11 absence. Upon formal recommendation of the review committee and with
12 the written consent of the probationary faculty member, the appointing
13 authority may extend its probationary period for one, two, or three
14 quarters, excluding summer quarter, beyond the maximum probationary
15 period established herein. No such extension shall be made, however,
16 unless the review committee's recommendation is based on its belief
17 that the probationary faculty member needs additional time to complete
18 satisfactorily a professional improvement plan already in progress and
19 in the committee's further belief that the probationary faculty member
20 will complete the plan satisfactorily. At the conclusion of any such
21 extension, the appointing authority shall award tenure unless the
22 probationary faculty member has, in the judgment of the committee,
23 failed to complete the professional improvement plan satisfactorily.

24 **Sec. 4.** RCW 28B.50.857 and 1969 ex.s. c 283 s 37 are each amended
25 to read as follows:

26 Upon the decision not to renew a probationary faculty appointment,
27 the appointing authority shall notify the probationer of such decision
28 as soon as possible during the regular college year: PROVIDED, That
29 such notice may not be given (~~(subsequent to the last day of the winter~~

1 ~~quarter))~~ later than one complete quarter before the expiration of the
2 probationary faculty appointment.

3 NEW SECTION. Sec. 5. A new section is added to chapter 28B.50 RCW
4 to read as follows:

5 (1) The effectiveness and performance of each tenured faculty
6 member of a community college shall be reviewed and formally evaluated
7 by a review committee at least once every fifteen regular college
8 quarters in which the tenured faculty member is employed by the
9 community college.

10 (2) If, after the review conducted pursuant to subsection (1) of
11 this section, the performance of the tenured faculty member is judged
12 to be unsatisfactory by the appointing authority, after giving
13 reasonable consideration to the recommendations of the review
14 committee, the tenured faculty member may be placed on probation for a
15 period of three regular college quarters.

16 (3) If, after the three quarter review period in subsection (2) of
17 this section, the tenured faculty member's performance is deemed to be
18 unsatisfactory by the appointing authority, after giving reasonable
19 consideration to the recommendations of the review committee, the
20 tenured faculty member may be placed on pretenure status. The
21 appointing authority shall ensure due process for tenured faculty
22 members in the decision to return any such members to pretenure status.

23 NEW SECTION. Sec. 6. Nothing contained in this act shall be
24 construed to alter any existing collective bargaining unit or the
25 provisions of any existing collective bargaining agreement.

26 NEW SECTION. Sec. 7. This act is necessary for the immediate
27 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and shall take
2 effect July 1, 1991, and shall apply to all faculty appointments made
3 by community colleges after June 30, 1991, but shall not apply to
4 employees of community colleges who hold faculty appointments prior to
5 July 1, 1991.

6 NEW SECTION. **Sec. 8.** If any provision of this act or its
7 application to any person or circumstance is held invalid, the
8 remainder of the act or the application of the provision to other
9 persons or circumstances is not affected.