
SENATE BILL 5456

State of Washington

52nd Legislature

1991 Regular Session

By Senators Saling, Cantu and Bluechel.

Read first time January 31, 1991. Referred to Committee on Higher Education.

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, a student representative, and the
27 administrative staff of the community college: PROVIDED, That the
28 majority of the committee shall consist of the probationer's faculty
29 peers. A review committee may also be a committee composed of a
30 tenured faculty member's peers, student representatives, and the

1 administrative staff of the community college formed for the purpose of
2 providing the periodic review of the tenured faculty member pursuant to
3 section 5 of this act.

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

6 The appointing authority shall promulgate rules and regulations
7 implementing RCW 28B.50.850 through 28B.50.869 and shall provide for
8 the award of faculty tenure following a probationary period not to
9 exceed ~~((three consecutive regular college years))~~ nine college
10 quarters in a three-year period, excluding summer quarter(~~(: PROVIDED,~~
11 ~~That tenure may be awarded at any time as may be determined by the~~
12 ~~appointing authority after it has given reasonable consideration to the~~
13 ~~recommendations of the review committee))~~ and approved leaves of
14 absence. At the recommendation of the review committee and with the
15 consent of the probationary faculty member and the appointing
16 authority, the probationary period may be extended up to three
17 additional college quarters.

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

20 Upon the decision not to renew a probationary faculty appointment,
21 the appointing authority shall notify the probationer of such decision
22 as soon as possible during the regular college year: PROVIDED, That
23 such notice may not be given ~~((subsequent to the last day of the winter~~
24 ~~quarter))~~ later than one complete quarter before the expiration of the
25 probationary faculty appointment.

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

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

6 (2) If deemed necessary by the appointing authority, following the
7 regular review established in subsection (1) of this section, a tenured
8 faculty member may be placed on probation for a period of three regular
9 college quarters following which period tenure may be renewed or
10 revoked by the appointing authority, after giving reasonable
11 consideration to the recommendations of the review committee.

12 NEW SECTION. **Sec. 6.** Nothing contained in this act shall be
13 construed to alter any existing collective bargaining unit or the
14 provisions of any existing collective bargaining agreement.

15 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
16 preservation of the public peace, health, or safety, or support of the
17 state government and its existing public institutions, and shall take
18 effect July 1, 1991, and shall apply to all faculty appointments made
19 by community colleges after June 30, 1991, but shall not apply to
20 employees of community colleges who hold faculty appointments prior to
21 July 1, 1991.

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