

---

HOUSE BILL 1898

---

State of Washington                      53rd Legislature                      1993 Regular Session

By Representatives King, Wood, Jones, Shin, Jacobsen and G. Cole

Read first time 02/15/93. Referred to Committee on Higher Education.

1            AN ACT Relating to tenure; reenacting and amending RCW 28B.50.851;  
2 creating a new section; repealing RCW 28B.50.858; providing an  
3 effective date; and declaring an emergency.

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

5            **Sec. 1.** RCW 28B.50.851 and 1991 c 294 s 2 and 1991 c 238 s 68 are  
6 each reenacted and amended to read as follows:

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

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

11            (2)(a) "Faculty appointment", except as otherwise provided in (b)  
12 of this subsection, shall mean full time employment as a teacher,  
13 counselor, librarian or other position for which the training,  
14 experience and responsibilities are comparable as determined by the  
15 appointing authority, except administrative appointments; "faculty  
16 appointment" shall also mean department heads, division heads and  
17 administrators to the extent that such department heads, division heads  
18 or administrators have had or do have status as a teacher, counselor,  
19 or librarian; faculty appointment shall also mean employment on a

1 reduced work load basis when a faculty member has retained tenure under  
2 RCW 28B.50.859;

3 (b) "Faculty appointment" shall not mean special faculty  
4 appointment as a teacher, counselor, librarian, or other position as  
5 enumerated in (a) of this subsection, when such employment results from  
6 special funds provided to a community college district from federal  
7 moneys or other special funds which other funds are designated as  
8 "special funds" by the college board: PROVIDED, That such "special  
9 funds" so designated by the college board for purposes of this section  
10 shall apply only to teachers, counselors and librarians hired from  
11 grants and service agreements and teachers, counselors and librarians  
12 hired in nonformula positions. A special faculty appointment resulting  
13 from such special financing may be terminated upon a reduction or  
14 elimination of funding or a reduction or elimination of program:  
15 PROVIDED FURTHER, That "faculty appointees" holding faculty  
16 appointments pursuant to subsections (1) or (2)(a) of this section who  
17 have been subsequently transferred to positions financed from "special  
18 funds" pursuant to (b) of this subsection and who thereafter lose their  
19 positions upon reduction or elimination of such "special funding" shall  
20 be entitled to be returned to previous status as faculty appointees  
21 pursuant to subsection (1) or (2)(a) of this section depending upon  
22 their status prior to the "special funding" transfer. Notwithstanding  
23 the fact that tenure shall not be granted to anyone holding a special  
24 faculty appointment, the termination of any such faculty appointment  
25 prior to the expiration of the term of such faculty member's individual  
26 contract for any cause which is not related to elimination or reduction  
27 of financing or the elimination or reduction of program shall be  
28 considered a termination for cause subject to the provisions of this  
29 chapter;

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

33 (4) "Probationer" shall mean an individual holding a probationary  
34 faculty appointment;

35 (5) "Administrative appointment" shall mean employment in a  
36 specific administrative position as determined by the appointing  
37 authority;

38 (6) "Appointing authority" shall mean the board of trustees of a  
39 college district;

1 (7) "Review committee" shall mean a committee composed of the  
2 probationer's faculty peers (~~(or tenured faculty member's peers)~~), a  
3 student representative, and the administrative staff of the community  
4 or technical college: PROVIDED, That the majority of the committee  
5 shall consist of the probationer's faculty peers (~~(or tenured faculty~~  
6 ~~member's peers)~~)).

7 NEW SECTION. **Sec. 2.** RCW 28B.50.858 and 1991 c 294 s 5 are each  
8 repealed.

9 NEW SECTION. **Sec. 3.** Nothing contained in this act shall be  
10 construed to alter any existing collective bargaining unit or the  
11 provisions of any existing collective bargaining agreement.

12 NEW SECTION. **Sec. 4.** This act is necessary for the immediate  
13 preservation of the public peace, health, or safety, or support of the  
14 state government and its existing public institutions, and shall take  
15 effect July 1, 1993.

16 NEW SECTION. **Sec. 5.** If any provision of this act or its  
17 application to any person or circumstance is held invalid, the  
18 remainder of the act or the application of the provision to other  
19 persons or circumstances is not affected.

--- END ---