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**SUBSTITUTE SENATE BILL 5878**

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**State of Washington**

**53rd Legislature**

**1993 Regular Session**

**By** Senate Committee on Higher Education (originally sponsored by Senator Bauer)

Read first time 03/03/93.

1 AN ACT Relating to tenure; amending RCW 28B.50.869; reenacting and  
2 amending RCW 28B.50.851; adding a new section to chapter 28B.50 RCW;  
3 creating a new section; repealing RCW 28B.50.858; providing an  
4 effective date; and declaring an emergency.

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

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

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

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

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

1 or librarian; faculty appointment shall also mean employment on a  
2 reduced work load basis when a faculty member has retained tenure under  
3 RCW 28B.50.859;

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

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

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

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

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

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

9 **Sec. 2.** RCW 28B.50.869 and 1991 c 238 s 70 are each amended to  
10 read as follows:

11 The review committees required by RCW 28B.50.850 through 28B.50.869  
12 shall be composed of members of the administrative staff, a student  
13 representative, and the (~~((teaching))~~) faculty. The representatives of  
14 the (~~((teaching))~~) faculty shall represent a majority of the members on  
15 each review committee. The members representing the (~~((teaching))~~)  
16 faculty on each review committee shall be selected by a majority of the  
17 (~~((teaching))~~) faculty and faculty department heads acting in a body.  
18 The student representative, who shall be a full time student, shall be  
19 chosen by the student association of the particular community or  
20 technical college in such manner as the members thereof shall  
21 determine.

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

24 By June 30, 1994, each community and technical college shall  
25 establish, through the local collective bargaining process, periodic  
26 posttenure evaluation of all full-time faculty consistent with the  
27 standards of the Northwest association of schools and colleges.

28 NEW SECTION. **Sec. 4.** RCW 28B.50.858 and 1991 c 294 s 5 are each  
29 repealed.

30 NEW SECTION. **Sec. 5.** Nothing contained in this act shall be  
31 construed to alter any existing collective bargaining unit or the  
32 provisions of any existing collective bargaining agreement.

33 NEW SECTION. **Sec. 6.** This act is necessary for the immediate  
34 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, 1993.

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

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