



**Highline College
Education Association Agreement
2009-2012**

*Ratified by Faculty – October 12, 2009
Approved by Board of Trustees – November 5, 2009*

HCEA-HCC AGREEMENT 2009-2012

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100 INTRODUCTION

This agreement was produced through negotiations between the Board of Trustees represented by the College's administration, referred to as the "College," and the Highline College Education Association, referred to as "HCEA". HCEA is recognized by the College as the exclusive bargaining agent per RCW 28B.52.020, as now adopted or hereafter amended, for all faculty members employed or to be employed by the College.

101 OBJECTIVES

In developing and negotiating the provisions set forth in this contract, the College and the Highline College Education Association were guided by the following objectives:

- 1) To attract and retain the highly qualified educator.
- 2) To provide comparable pay for comparable preparation, experience and performance as professional educators.
- 3) To encourage all faculty members to improve their professional preparation, skills, and performance for the benefit of the students, the College, the profession, and the community.
- 4) To encourage all faculty members in their efforts to maintain their enthusiasm for teaching and professional improvement.

102 WORKING CONDITIONS

The College recognizes that productivity and morale are strongly influenced by working conditions. Therefore, the College will maintain and improve, whenever appropriate, the general working conditions.

103 DEFINITIONS

Association: the Highline College Education Association (HCEA and its affiliates); the faculty organization recognized as the majority organization representing faculty pursuant to Chapter RCW 28B.52.020.

Chief Academic Officer (CAO): Vice President for Academic Affairs or highest level administrator in Instruction. The CAO has direct line responsibility over the faculty.

Chief Student Services Officer (CSSO): Vice President for Student Services or highest level administrator in Student Services.

Days: workdays Monday through Friday, excluding holidays, as published in the official Highline Community College calendar.

Division or Equivalent: academic divisions, the library, and student services. For the purposes of representation, library faculty are part of the Arts and Humanities Division and faculty counselors are assigned to the Health, Physical Education (P.E.), and Education Division.

Full-time Faculty Appointment: full-time contract in a tenure track or tenured position as a classroom teacher, counselor, librarian or other position for which training, experience, and responsibilities are comparable as determined by the President. Faculty appointment shall also mean department heads, division heads, and administrators to the extent that such department heads, division heads, or administrators have status as a classroom teacher, librarian or student services faculty.

Full-time Faculty: Tenure-track or tenured faculty member who has a faculty appointment.

Faculty employee (for purposes of Section 8.5): any teacher, counselor, librarian or division chair, who is employed by Community College District No. 9, or the HCEA President in the event of an association grievance, with the exception of those holding administrative appointments as defined by the Board of Trustees.

HCEA: Highline College Education Association, the faculty organization recognized as the majority organization representing faculty pursuant to Chapter RCW 28B.52.020.

Institution of Higher Education: A regionally accredited institution.

NLRB: National Labor Relations Board.

OFM: Office of Financial Management.

Part-time faculty appointment: a quarterly faculty appointment, usually for less than full-time, that has no expectation of continuance.

PERC: Public Employment Relations Commission.

RCW: Revised Code of Washington.

SBCTC: State Board for Community and Technical Colleges.

HCA: Health Care Authority.

WAC: Washington Administrative Code.

Administrative Appointment: employment in a specific administrative position as determined by the President or individual with similar qualifications designated by the President.

Board of Trustees: the Board of Trustees of Community College District 9.

200 FULL-TIME SALARY PROGRAM

201 FULL-TIME SALARY SCHEDULE 2009-2012

Step	A	B	C	D	E
1	49,220				
2	50,279				
3	51,333				
4	52,389				
5	53,446				
6	54,502				
7	55,559				
8	56,615				
9	57,672				
10	58,728				
11	59,785				
12	60,841	61,898			
13		62,954			
14		64,011	65,067		
15			66,124		
16			67,180	68,237	
17				69,294	
18				70,350	
19				71,407	72,463
20					73,520
21					74,576
22					75,633

- Faculty are eligible to move from A once reached Step 11.
- Faculty must be in Col B or Col C for two years before they are eligible to move.
- Faculty must be in Col D for three years before they are eligible to move.
- Movement is over a Column and down a step.

201.1 Raises

Should the Legislature grant a salary increase for faculty the Association and the College agree to develop the full-time faculty salary schedules as provided in the enabling legislation. The actual schedules will be prepared once all data are available including the promotions. The amount of the

raise shall include the full percentage authorized by the Legislature and any additional raises(s), including optional or merit raises as approved by the Legislature or the State Board for Community and Technical Colleges (SBCTC). The raise(s) shall be applied consistent with all laws, guidelines, rules, or regulations established by the Legislature, OFM, or SBCTC. The HCEA may appoint a committee of one to three persons to monitor the calculations used to construct these schedules.

201.2 Disposition of Turnover Funds

It shall be the policy of the College that faculty turnover funds (as defined by the SBCTC) shall be used to pay for faculty increments, to the extent that funds are available and needed, and authorized by SBCTC rules, regulations, and policy and state statute. When all current increments are fully funded, the disposition of any excess turnover funding will be subject to bargaining between the College and the HCEA. This bargaining obligation shall expire August 31, 2012.

201.3 One-Year Temporary Appointments

At the initiative of the coordinator or Division Chair, the CAO may approve a one-year temporary faculty position for a partial contract. Typically, the teaching load would be less than full-time at 40-42 credits or the equivalent.

201.3.1 Faculty in one-year temporary positions are placed outside the full-time faculty salary scale. Their salary is set at \$39,500 for the academic year 2009-2010, and thereafter will reflect any cost-of living raises granted by the Legislature. Salaries above this rate may be offered at the recommendation of the Division Chair with the agreement of the CAO.

201.3.2 Faculty responsibilities include office hours, student advising, committee assignments as appropriate, participation in department, division, and faculty meetings and activities. Faculty who are in their first one-year temporary appointment are expected to participate in the new faculty orientation process.

201.3.3 Faculty on one-year temporary assignments do not have voting rights for Division Chair, Department Coordinator, or on college-wide concerns. Divisions and departments may determine voting rights on other issues.

201.3.4 Faculty on a temporary one-year appointment are expected to have student evaluations completed for all classes each quarter. At a minimum, the coordinator, or designee, will conduct a class visit and written peer evaluation annually. The summary of evaluations will be shared with the instructor, housed with the Division Chair, and made available to the CAO for up to one year, as long as the person is employed as a faculty member at Highline Community College.

201.3.5 Re-appointment of the temporary one-year positions require recommendation of the Coordinator or Division Chair, when appropriate and the approval of the CAO. Re-appointment to a temporary faculty position is not restricted to a limited period. However, these positions are not on a tenure track and not tenurable. Decisions to renew a temporary appointment are made annually.

201.4 Faculty Interns

Faculty interns are appointed into non-tenure track positions using the same process as other temporary one-year positions. Teaching load is 40-42 credits or the equivalent.

201.4.1 Salary for the faculty intern is \$38,500 for the academic year 2009-2010, and thereafter will reflect any cost-of living raises granted by the Legislature. Salaries above this rate may be offered at the recommendation of the Division Chair with the agreement of the CAO.

201.4.2 In addition to the faculty responsibilities of the one-year temporary faculty, interns are expected to visit colleagues' classes and provide an observation report to the coordinator or designee. Interns will be mentored by the Coordinator or designee.

202 INITIAL PLACEMENT

202.1 Introduction to Initial Placement

202.1.1 Faculty, as defined by RCW 28B.50.851 (2)(a), at Highline Community College, other than administrative and temporary personnel, are paid according to the salary schedule contained in this document.

202.1.2 When initially hired, a candidate's initial placement is determined using both the candidate's years of relevant experience and the candidate's qualifications in the form of degrees and credits, as outlined below. Other qualifying criteria may also be considered in initial placement.

202.2 Determining Relevant Experience, Degrees and Credits

202.2.1 Relevant Experience

In determining relevant experience, the College will consider the following categories:

- 1) The number of years experience in an institution of higher education directly related to the teaching assignment for traditional academic fields, or directly related professional experience for librarians or counselors. Each such year of experience will be credited as one year of relevant experience (1:1).
- 2) Teaching assistant experience in an instructional capacity and part-time teaching in higher education will be fully prorated to a full-time teaching assignment of 15 credits. After prorating, each such year of experience will be credited as one year of relevant experience (1:1). Four years maximum relevant experience will be granted in this category.

3) The number of years of full-time experience in elementary and secondary education. Each such year of experience will be credited as one year of relevant experience (1:1), but only if the experience is directly relevant to the teaching assignment.

4) The number of years of employment in a full-time faculty assignment at non-accredited, post-secondary institution. Each such year of experience may, at the discretion of the CAO, be credited as up to one year of relevant experience (1:1). The maximum number of years granted in this category will be no more than the number needed for initial placement at step A 1, or step A 5, if such placement is possible.

5) The number of years in employment directly related to the teaching assignment, but outside of higher education. Each such year of experience will be credited as one year of relevant experience (1:1), up to the number needed for initial placement at step A 1, or step A 5 if such placement is possible. Any additional years beyond this number will be credited on a two-for-one (2:1) basis for relevant experience (two such years equal one year relevant experience).

202.2.2 Relevant Degrees and Credits

202.2.3 For initial placement, degrees must be earned from fully accredited institutions, or, in the case of non-accredited institutions, be approved by the CAO.

202.2.4 For initial placement, credits are defined as college quarter hours of credits or the semester hour equivalent. All credits beyond the Bachelor's degree must be directly relevant to the faculty assignment, completed at a fully accredited institution.

202.3 Determining Initial Placement

Once relevant years of experience and relevant degrees and credits have been determined as in section 202.2, initial placement on the salary schedule is determined using the following criteria.

202.3.1 General Placement Determination

202.3.1.1 Initial Step Assignment: The candidate is first placed either at step A1, or with sufficient experience/degrees/credits, at step A 5. The criteria for this placement are in 202.3.2.

202.3.1.2 Additional Steps Earned in Initial Placement: any additional years of relevant experience (as defined in section 202.2.1) beyond those applied toward placement in the Initial Step Assignment, are used to move the candidate additional steps on the salary schedule at the rate of one step per year of relevant experience, within the limits listed below in item

202.3.1.3 Other Conditions on Initial Placement.

202.3.1.3.1 If initial step placement is step A1, any additional steps earned in initial placement will not result in placement beyond step A4.

202.3.1.3.2 If initial step placement is step A5, any additional steps earned in initial placement will not result in placement beyond step A10.

202.3.2 Criteria for Initial Step Assignment

202.3.2.1 Teaching Assignments in a Traditional Academic Field; Librarians; Counselors.

202.3.2.1.1 Placement at step A1 requires an M.A. or J.D. and up to three years relevant experience. Any relevant experience beyond 3 years is used in earning additional steps.

202.3.2.1.2 For faculty with a Ph.D. or equivalent, with qualifications less than the criteria for Column A, Step 5, placement will be at step A 4.

202.3.2.1.3 Placement at step A 5 requires both one of the following degrees, and the application of all years of relevant experience, up to the specified number, toward the initial step placement. In addition, at least one year of teaching experience is required for placement in A 5.

- Ph.D. or equivalent and 3 years relevant experience. Any relevant experience beyond 3 years is used in earning additional steps.
- A.B.D. (advanced to candidacy with no course work remaining) and 6 years relevant experience. Any relevant experience beyond 6 years is used in earning additional steps.
- J.D. plus 30 graduate credits and 6 years relevant experience. Any relevant experience beyond 6 years is used in earning additional steps.
- M.A. with at least 90 graduate credits and 6 years relevant experience. Any relevant experience beyond 6 years is used in earning additional steps.
- M.A. or J.D. with at least 300 total credits and 10 years relevant experience. Any relevant experience beyond 10 years is used in earning additional steps.

202.3.2.2 Other Placement

Placement on the salary schedule of people who do not meet the above requirements in section 202.3.2.1 will be made by the CAO, in collaboration with the Division Chair.

202.3.3 Exceptional Placement

Exceptional placement on the salary schedule may be considered for candidates by the CAO with the support of the Division Chair.

202.3.4 Evidence for Original Placement

It is the responsibility of the applicant to provide official transcripts of all relevant college work and other evidence required for initial placement on the salary schedule to the College's Human Resources Department prior to the initial placement on the schedule. Provisional placement based on work in progress (e.g., summer completion of a thesis) will be granted upon request, but will not be implemented until the pay period subsequent to the submission of documentation.

202.3.5 Appeals

202.3.5.1 All appeals to initial placement (Section 202), including questions of relevancy of credits and degrees, may be taken to an Ad Hoc Placement Appeals Committee. Appeals of initial placement must be made before the end of the first quarter of the probationer's appointment. The Ad Hoc Placement Appeals Committee shall make its recommendation to the President by the sixth week of the following quarter. The President shall accept or reject the recommendations of the Committee by the end of the first week of the third quarter of the probationer's appointment.

202.3.5.2 The Ad Hoc Placement Appeals Committee shall have a membership of three consisting of an HCEA representative appointed by the HCEA Board, the Division Chair of the affected division, and one representative appointed by the College President.

203 PROMOTION

203.1 Summary of Step and Promotion

203.1.1 Following initial placement, vertical movement within a column is one step downward for each year of satisfactory service in the position to which the faculty member has been assigned.

203.1.2 To apply for promotion, a faculty member must have tenure. In addition, the faculty member must meet the following criteria, to apply for advancement beginning Fall, 2005. Faculty who have completed a year in step A11 or A12 may apply for promotion. Faculty who have completed a minimum of two years in columns B or C, or a minimum of three years in column D, may apply for promotion.

203.2 Procedure for Application for Promotion

203.2.1 Promotions shall be suspended or halted only upon direct prohibition by the Legislature, the Governor, or other competent authority.

203.2.2 The Office of the CAO will notify faculty members of their eligibility for promotion consideration.

203.2.3 Requests for promotion must be made by application to the CAO. For promotion for the next academic year, applications with supporting documentation are due by the first Monday in October.

203.2.4 Applications for Promotion

203.2.4.1 Applications for promotion will be evaluated by the CAO.

203.2.4.2 For those applications for which the CAO anticipates denial, the following steps will apply:

- 1) Reasons for denial will be put into writing and forwarded to the Promotion Review Committee.
- 2) The Promotion Review Committee will consist of three faculty members selected in a process to be determined by the faculty association. Faculty members on the committee must have completed a successful promotion, and may not be an applicant for promotion while serving on the committee. With the exception of institutional or program accreditation, applications and their supporting documentation shall not be used for any other purpose other than promotion consideration, unless it is at the written request of the faculty member and with the written permission of the author/maker. Names of the faculty members will be removed from data unless required for institutional or program accreditation.
- 3) The Promotion Review Committee will review the portfolios where denial is anticipated, and the reasons for the proposed denial, and other portfolios as appropriate. The Promotion Review Committee will then meet and confer with the CAO prior to any final decision on the part of the CAO, to ensure that all aspects of the application have been fully considered and that the stated reasons for denial are clear and substantiated.
- 4) The CAO will inform all applicants of his or her final decision, with reasons for any denials in writing. The CAO will encourage those who are denied to meet and discuss both the reasons for denial and suggestions for increasing the likelihood of success in future applications

203.3 Criteria for Promotion

203.3.1 In applying for promotion, the faculty member may choose to use the post-tenure evaluation portfolio format, or an alternate design. Since the previous promotion, the faculty member must demonstrate:

203.3.2 Teaching excellence or professional excellence (for non-teaching faculty):

203.3.2.1 Teaching or professional excellence consistent with the description of excellence in the tenure review guidelines.

203.3.3 Leadership:

203.3.3.1 A history of significant participation in the shared governance of the College.

203.3.3.2 Contributions to the prestige of the College through community service, advanced degrees, publications, unusual internships, gaining recognition for excellence in teaching or through contributions to pedagogy or the discipline.

203.3.4 Service:

203.3.4.1 Service to the College consistent with assigned responsibilities.

203.3.4.2 Service to the profession consistent with assigned responsibilities.

203.3.5 Professional Development:

203.3.5.1 Significant and consistent professional development.

203.4 Suggestions for Promotion Applications

203.4.1 In addition to the criteria for promotion in section 203.3, inclusion of the following may increase the chance of a successful application for promotion:

203.4.1.1 Recent student evaluations and other feedback that references teaching ability. Student evaluations from several quarters may establish a pattern of successful teaching skills.

203.4.1.2 Documentation of activities including copies of awards and other relevant supportive material.

203.4.1.3 Identification of the impact of their activities on the department, the division and the college.

203.4.1.4 Listing activities without detailing their significance to the faculty member and the College is not very useful. It is important to discuss the effect his or her activities have had on their teaching assignment, the College and its students.

204 STIPENDS

204.1 Division Chair

The academic year (fall, winter, and spring quarters) stipend for Division Chairs is ten percent of the Column B Step 14.

204.2 Coordinator

204.2.1 Coordinator stipends will be distributed using the Coordinator stipend matrix as approved by the Instructional Cabinet, including any subsequent modifications by the cabinet.

204.2.2 Objective criteria used to calculate the stipends may include, but will not necessarily be limited to:

- 1) The number of full-time faculty assigned to the department;
- 2) The number of part-time faculty;
- 3) Laboratory supervision;
- 4) Size of departmental supplies/materials budget;
- 5) Supervision of classified staff
- 6) Summer school planning; and
- 7) Departmental complexity factor.

204.2.3 The funds available will be increased by a percentage equal to any general faculty salary increases, at the time such increases are granted.

204.3 Doctorate Stipend

In recognition of the increased value, prestige, and knowledge he/she contributes to the College, a full-time faculty member who earns a doctoral degree from an accredited institution in a relevant discipline while employed at Highline Community College shall receive each year a Doctoral Stipend equal to the current value of one step increment from the full-time faculty salary schedule. The Doctoral Stipend will be in addition to any other step increase or promotion earned by the faculty member, and will be effective at the beginning of the next academic year following the granting of the degree. This section is applicable to doctoral degrees earned after September 1, 2009.

204.4 Additional Assignments in Summer

204.4.1 Additional duty stipends may be awarded to some summer faculty to assume additional responsibilities for those divisions with heavy summer workloads (new program implementation, programs with special admissions challenges, large and/or complex class schedules, etc.). Division Chairs or individual faculty members may initiate requests for these additional duty stipends. Requests for these stipends will follow the normal approval channels and dates used in

the class schedule building process. The decision to fund or not fund these requests will be made prior to the first day of student registration for summer quarter. The need for and authorization of these services will be determined by the appropriate Vice President.

204.4.2 These stipends will be identified on the Summer School Agreement. Additional duty stipends paid according to the instructor's placement on the part-time salary schedule will be awarded during the summer to faculty who assume additional duties regardless of credits taught in summer school. A faculty member may decline any or all additional summer assignments except those associated with normal division chair duties.

205 SUMMER SCHOOL SALARIES

205.1 Introduction

Summer school assignments are considered separate from the basic contracted obligations of the individual full-time faculty member and the College.

The base salary for each full time faculty member for the summer session will be 17 percent of normal base salary for the year proceeding the summer session.

205.2 Salary Calculations

205.2.1 Teaching

A full load for calculating summer classroom teaching salaries is defined as teaching from 10 to 12 credit hours or the equivalent excluding special courses with low enrollments. Variable credit classes, mathematics laboratory, learning skills laboratory, reading laboratory, combined class sections, and team teaching assignments may be included in full load calculations as determined by the CAO in consultation with the appropriate Division Chair.

205.2.1.1 Full-time faculty teaching less than ten credit hours or equivalent are eligible only for payment according to the following:

9 credits	90% of 17% (15.3%)
8 credits	80% of 17% (13.6%)
7 credits	70% of 17% (11.9%)
6 credits	60% of 17% (10.2%)
5 credits	50% of 17% (8.5%)
4 credits or less	use part-time schedule with two exceptions:

205.2.1.2. When an individual faculty teaching load is reduced to less than five credits by class cancellations after signing a summer contract; or,

205.2.1.3 When a course is an "essential" summer offering, as determined by the CAOCAO in consultation with the appropriate Division Chair, and no other summer faculty is available to teach the course.

205.2.2 Scheduling Non-classroom Assignments

205.2.2.1 Counselors and librarians holding regular full-time appointments at the College and assigned responsibilities will be eligible to be paid a base salary calculated on the percentages and contact hours shown below

<u>Percentage</u>	<u>Contact Hours</u>	
	<u>Librarians</u>	<u>Student Services</u>
17.0%	228	214
15.3%	206	193
13.6%	182	171
11.9%	160	150
10.2%	137	128
8.5%	114	107

205.2.2.2 Ten credit hours will be used to determine a full time teaching load for summer salaries. For loads less than ten credits these equivalencies shall be calculated by using contact hours and instructional mode as shown below:

	Contact periods as equivalent to 10 credits
Laboratory or studio work only	20
Mathematics laboratory*	15
General lecture, including composition courses, reading courses, foreign language courses and mathematics courses	10
Health and Physical Education:	
activities only	13
lectures only	10

*Provided that the student credit equivalents generated by the instructor in the laboratory is consistent with the student credit hours generated by instructors having a comparable summer assignment in the mathematics department.

205.2.2.3 Part-time faculty shall be paid on the Part-time Salary Schedule.

205.3 Basic Assignments

205.3.1 The base salary includes the responsibilities normally associated with teaching of assigned classes, including the professional duties of student evaluation, class preparation, etc. Specifications of these responsibilities are detailed under the "Responsibilities to Classes" in Section 303 and 304 of this Agreement.

205.3.2 The base salary also includes regularly scheduled office hours during which time the faculty member shall be available to meet with students or community members without appointments. The number of weekly office hours shall be determined by the following schedule and shall be held on those days on which the faculty member is assigned classes

Credits Taught	Weekly Office Hours
8 or more	4
6 or 7	3
4 or 5	2
1-3	1

205.3.3 Office hours shall be established and submitted to the CAO for approval prior to the first week of classes.

205.3.4 The base salary also includes student advising, minor incidental institutional responsibilities such as conferences with administrators, meetings with other faculty members, etc. These responsibilities would normally account for less than eight hours for the summer.

205.4 Faculty Selection

The schedule of classes offered for summer quarter will be determined by the needs of the College. Consistent with the summer schedule, the HCEA and the College agree that each full-time faculty member within a department will have an equal opportunity to teach classes for which they are qualified. Each department will create written procedures for summer quarter faculty selection that are subject to the CAO's approval. Full-time faculty will be given preference over part-time faculty for all classes for which the full-time faculty are qualified. The determination of the faculty members' qualifications shall reside solely with the CAO.

300 RIGHTS AND RESPONSIBILITIES OF FULL-TIME FACULTY

301 Academic Freedom

301.1 Academic freedom allows all faculty to seek and present knowledge in their respective disciplines. Faculty should be free to explore problems and issues without fear of interference from administrators, the Board, governmental agencies, the public, students, or parents of students. Faculty have a basic responsibility to promote freedom of thought, expression, and the pursuit of knowledge.

Faculty have an obligation to protect students' right to freedom of inquiry. In using potentially controversial materials, the faculty member has the obligation to ensure the material meets the valid educational objectives of the class. Faculty have the responsibility to exercise reasonableness and good judgment in their presentations and to function within the ethics and standards of their respective disciplines and the teaching profession.

301.2 In protecting academic freedom and promoting learning, it shall be the policy of the College that administrators, faculty, students, or others shall not install in any classroom or bring into the classroom on a temporary basis, a mechanical or electronic device for listening to or recording any class session without consent of the faculty member involved. Faculty members are encouraged to promote student learning by permitting recording for personal study use.

301.3 As a vital component of academic freedom, faculty members shall be responsible for decisions regarding methods and materials used for instruction of students provided College purchasing policies are followed.

302 INTRODUCTION

The College and the Association recognize that classroom teaching requires considerable professional time to plan and prepare for classes and to provide appropriate student evaluations; therefore, responsibilities for classroom and non-classroom faculty are described separately in Sections 304 and 305. Where faculty are assigned classroom responsibilities in combination with counseling and library services or where classroom assignments are divided among different divisions, a proportional individual standard shall be developed to be used as needed.

303 RESPONSIBILITIES OF ALL FACULTY

303.1 Professional Responsibilities

- 1) To provide instruction to students and help promote effective learning.
- 2) To review and update content of assigned courses or workshops regularly.
- 3) To participate in College governance and assist in promoting departmental, divisional, and College goals.
- 4) To be available for College responsibilities, meetings, and activities scheduled during normal and reasonable times without interference from other employment or non-college activities and responsibilities.
- 5) To advise students in planning their educational programs and in selecting courses. Faculty may be assigned to advising days consistent with the faculty work calendar and their individual College assignments.
- 6) To pursue appropriate professional development activities in order to stay current in assigned teaching fields, program, and discipline.

- 7) To comply with applicable state and federal laws and regulations.
- 8) To maintain a standard of honest and ethical behavior in their professional duties.

303.2 Operational Responsibilities

- 1) To work with the Coordinator, the Division Chair, and the appropriate administrator periodically to ensure the consistency of instructional and student services programs with the goals and objectives of the College.
- 2) To maintain and submit required student grades and other institutional and state records and reports on a timely basis.
- 3) To participate in a reasonable amount of institutional activities such as committee, division, and other faculty meetings.
- 4) To assume reasonable responsibility for care and safekeeping of College supplies and equipment.
- 5) To meet and maintain, as a condition of employment, the requirements for certification appropriate to the faculty member's particular field. This may include vocational certification and professional licensing.
- 6) To provide information related to institutional or program accreditation.
- 7) Professional-Technical faculty will attend advisory committee meetings, promote effective advisory committee participation, and nominate and orient new department members to these committees.

303.3 Reduced Load

Tenured instructors may request reduced loads (per RCW 28B.50.859) at percent of base pay. Department and division support and rationale will be submitted to the CAO. Full advising, department and division responsibilities, and office hour contact will be maintained if the instructor is instructing classes during the quarter(s) of the reduced load. If department and divisional support exists for the reduced load and an adequate replacement is available and no negative financial impact will result, then the reduced load should be approved.

304 GUIDELINES FOR FULL-TIME FACULTY TEACHING LOADS

304.1 Normally, full-time faculty are expected to teach an annual course load equal to forty-five credit hours. In determining the credit hour full load assignments, class credit hours or equivalent shall be counted, excluding special low enrollment classes. Variable credit classes, night classes, mathematics laboratory, learning skills laboratory, reading laboratory, writing laboratory, combined class sections, and team teaching assignments may be included in the full-time load with the

recommendation of the Division Chair and the approval of the CAO. Consistent with the state guidelines in calculating credit equivalents, lecture hours are based on a one-to-one ratio with credit hours, while lab hours count on a two-to-one basis and clinical hours on a three-to-one basis.

304.2 In some programs or disciplines, there may be extraordinary teaching demands associated with the large number of laboratory or clinical hours as part of the normal teaching load. In these situations a faculty member may adjust his/her annual teaching load with the recommendation of the Division Chair and the approval of the CAO. This full-time annual teaching load normally falls within both of the following ranges: 40-48 credit equivalents and 495-790 contact hours.

304.3 In calculating the contact hour full load assignments, class contact hours for lecture and laboratory as defined by the appropriate entry in the Course Adoption Form shall be used. Clinical and other hours that may be listed in the Course Adoption Form entry may be included as determined by the CAO in consultation with the appropriate division chair.

304.4 The CAO may approve reduced teaching loads to encourage innovation, experimental courses, new program development or enhancement, and broader College initiatives. Division Chairs may recommend a reduced load to support extraordinary projects that meet the criteria above. Division Chairs may also recommend a reduced load to support an important project and offset it with an increased load for other faculty within the division. Reduced loads may be encouraged for probationary faculty with limited teaching experience during their first quarter so that they may have the opportunity to observe more experienced faculty in a classroom setting.

304.5 Obligations to Classes and Students

- 1) To meet and teach classes at the times and dates as published in the official schedule. (Proposed changes from the schedule, other than alternate on-campus locations, must be approved in advance by the division chair.)
- 2) To meet classes during the scheduled final examination periods for final examinations or other legitimate instructional purposes.
- 3) To be available for meeting with students or staff without appointments for a minimum of one posted office hour each class day with some variance of hours during the week for the convenience of students, and at other times by appointment to accommodate community members and faculty and staff whose schedules preclude meeting during scheduled office hours. An additional five hours each week will be used at the discretion of the individual faculty for professional activities.
- 4) To provide students with clearly stated course expectations and grading practices.
- 5) To assign, evaluate, and, within a reasonable length of time, return to students appropriate assignments.

6) To advise students in planning their educational programs and in selecting courses. Faculty may be assigned to advising days consistent with the faculty work calendar and their individual College assignments.

7) To turn grades in to the College Registration Office by the stated deadline.

304.6 Curriculum Development Obligation

- 1) To select course materials and to teach the classes in accordance with the Course Adoption Forms.
- 2) To attempt to improve classroom instruction and upgrade course syllabi through review of instructional materials, techniques and methods of evaluation.
- 3) To review and update regularly Course Adoption Forms (minimum of three-year review cycle).
- 4) To meet periodically with faculty teaching in the discipline to ensure common agreement of what should be included in all sections of the same course.

304.7 Grading

Faculty have the responsibility for assigning grades. Should an instructor-assigned grade be changed by an administrator, the College shall maintain a record of that change along with the records now maintained for all instructor initiated grade changes.

304.8 Provisions for Online Courses

For the development of on-line courses, excluding hybrid courses, the following provisions will apply:

- 1) For the development of on-line courses that are deemed a priority by the department, Division Chair, and CAO, the College will, to the extent that resources allow, provide one-third release time for one quarter to facilitate the development of that class.
- 2) During the first quarter an on-line class is offered, the class size will be limited to the maximum of twenty students.
- 3) The College will provide reasonable technical assistance during both the development phase and the quarters the class is available for students.
- 4) No faculty member shall be required to develop an on-line course.
- 5) For on-line courses developed by a faculty member using College resources, the faculty member will retain usage rights upon separation from College employment (termination or retirement).

6) For on-line courses developed by a faculty member using College resources, the College will retain usage rights after the faculty member leaves the College.

7) For on-line courses developed and maintained by faculty using their own resources, the College and faculty member will develop an agreement governing use of the course in the College's curriculum.

304.9 Class Capacities

304.9.1 Class capacities are a significant factor in faculty workload.

304.9.2 Class capacities (formal limits on class enrollments) are indicated on Course Adoption forms that are approved by the CAO. The existing class capacities for all categories of courses as of the end of Spring Quarter 2010 may not be increased except as the result of bargaining between the HCEA and the College.

304.9.3 The class capacities for all new courses approved by the CAO shall not exceed the existing class capacities for that category of course except as the result of bargaining between the HCEA and the College.

305 RESPONSIBILITIES OF NON-CLASSROOM FACULTY

305.1 Counselors

Faculty in Counseling shall be scheduled for an average 30 hours of their work week. This professional contact time shall be consistent with the normal duties of counselors. The schedule and nature of the assignment shall be developed by Student Services administrators in consultation with the involved faculty members. Counseling faculty will be permitted to adjust their daily schedules when necessary, consistent with the operational requirements of the College and provided such adjustments are approved in advance by the faculty member's supervisor. Faculty functions beyond normal counseling duties shall be performed outside of the assigned 30 hours.

305.2 Library Faculty

Faculty in the Library shall be assigned an average 32 hour work week. The schedule for coverage of the Reference Desk and other stations staffed by professional librarians will be given first priority in scheduling as determined by the Dean of Instructional Resources in consultation with the Library faculty.

306 RESPONSIBILITIES OF DIVISION CHAIRS

Division Chairs coordinate the instructional and curricula activities, schedules, and budgets of the departments within their division. They serve on the Instruction Cabinet to help coordinate interdivisional instructional activities and allocation of resources.

306.1 Members of a division will review and revise, if necessary, the job description for the Division Chair prior to the selection of a new Chair. The job description will be approved by the members of the division, the Instruction Cabinet and CAO.

307 RESPONSIBILITIES OF COORDINATORS

Coordinators shall carry out their responsibilities in a timely manner. If these tasks occur outside of the faculty academic calendar, the Division Chair or appropriate administrator must try to reach the Coordinator. If the Coordinator cannot be reached or cannot respond to the task in a timely manner, the Division Chair or appropriate administrator may complete the task unless prior arrangements have been made by the Coordinator and approved by the Division Chair.

308 TENURED FACULTY EVALUATION

308.1 Goals

The purpose of this section is to provide a faculty evaluation system that promotes high educational quality and encourages the collegial openness and sharing that characterizes the relationships among the College's faculty. The College supports the professional development of its faculty and the faculty's concern with improving the quality of their professional work. The goals of the faculty evaluation are to:

- 1) Promote ongoing professional growth and skill enhancement;
- 2) Maintain the quality of education; and
- 3) Meet the requirements of the Northwest Association of Schools and Colleges and the state law.

(The purpose of this section is not in any way to affect the processes related to the granting, the maintenance, or removal of tenure. Sections 400 and 500 of this agreement cover the processes related to tenure.)

308.2 Organizing and Scheduling Teams

308.2.1 Schedule of Faculty Evaluatees

A faculty member will be evaluated three years after receiving tenure. Thereafter, every full-time tenured faculty member will be evaluated once every five years. Of those being evaluated, one-half will be evaluated fall and winter quarters; and the remainder during winter and spring quarters. At least three academic quarters (not including summer quarters) prior to their evaluation, the CAO will notify all faculty who are to be evaluated and will indicate which quarters they will be evaluated.

308.2.2 Should a leave, illness or alternate appointment preclude a faculty member from completing the evaluation process during the year, the faculty member will complete the

evaluation process in the subsequent year. The CAO will meet with the evaluatee and will schedule a reasonable completion time.

308.2.3 Appointing of Evaluation Team

By the end of the third week of the quarter following notification of evaluation, the CAO will send a reminder to faculty to be evaluated and ask for recommendations of team members from each evaluatee. By the end of the fifth week, each evaluatee will send to the CAO a list of suggested team members. The evaluatee should get the consent of the suggested team member before sending the list to the CAO. By the end of the seventh week, the CAO will appoint all administrators to the tenured faculty evaluation teams, and the CAO will confirm membership of each team.

308.2.3.1 The evaluation team will assist each faculty member in completing the evaluation process. The team will consist of the following:

- 1) The faculty member being evaluated;
- 2) At least one Highline peer from the same or a related discipline. The faculty evaluatee may recommend an additional peer(s) from another accredited institution of higher education or a vocational practitioner(s).
- 3) One Highline administrator appointed by the CAO.

308.3 Evaluation Process

308.3.1 Initial Meeting

The administrative member of each team will schedule the first meeting to be held before the end of the second week of the first assigned evaluation quarter. By the conclusion of this meeting each team will select its chair and prepare a brief outline of the team's tentative plan for evaluation and timelines. The chair will submit a copy of this tentative plan to the CAO and to all team members by Monday of the third week. The CAO will approve each plan's schedule to ensure that the process, including completed portfolio and summary report, will be completed by the end of the following quarter.

308.3.2 Evaluation

Since teaching and learning are complex, subtle processes, the results of which are not entirely observable, known or measurable, a variety of aspects and materials should be reviewed by the instructor and members of his or her team. Depending upon the nature of the discipline and the courses, programs or services the evaluatee is responsible for, the faculty evaluatee and his or her team will determine precisely what materials will be reviewed and what kinds of activities will most appropriately be undertaken during the process of evaluation.

308.3.3 The evaluation process will include a review by the team of the following materials and information:

- 1) Student evaluations for all classes taught (or their equivalent for library and counseling faculty under section 308.5.1) during the evaluation quarter and two quarters prior to the evaluation quarter.
- 2) Evaluations of the faculty member by the other team members, including at least one direct observation by each team member;
- 3) A self-evaluation of performance since the last review, including service to the College and professional growth activities;
- 4) A letter of evaluation regarding the faculty member's professional responsibilities outside the classroom from the faculty member's Division Chair and, for library and counseling faculty, from the Dean of Instructional Resources or CSSO, respectively; and
- 5) A thorough professional growth/development plan for the next five years.

308.3.4 The evaluation process MAY include a review of the following materials and information, as the evaluation team deems appropriate:

- 1) Syllabi for courses normally taught by the instructor;
- 2) Teaching, advising, or counseling materials;
- 3) Discussion of teaching, advising, or counseling methods and strategies;
- 4) Professional standards;
- 5) Divisional or departmental tenure standards;
- 6) Service to the profession, College, and community; and,
- 7) Lists of scholarly readings, writings, and other research.

308.3.5 Completed Evaluation Portfolio

The completed evaluation portfolio must include the following:

- 1). The names of the team members;
- 2) A copy of the approved evaluation plan;
- 3) The materials and information which constitute the evaluation;

- 4) The team summary report of the materials and information, and recommendations, if appropriate.

308.3.6 The portfolio shall be submitted to the CAO by the fourth week of the second assigned evaluation quarter. The team may request an extension of the deadline.

308.3.7 Evaluation Instruments

308.3.7.1 Student Evaluations

The Instruction Cabinet will appoint a three member Student Evaluation Instrument Review Committee. The committee will be comprised of two faculty members and one administrator each selected for their expertise on evaluation. The committee will recommend approval of instruments to the appropriate Dean or designee, who may approve or reject the instrument. Instruments not recommended for approval by the committee will be returned to the faculty member with comments. The committee will report results of all instrument reviews to the respective faculty, Deans, departments, Division Chairs and CAO.

308.3.7.2 In the event a proposed student evaluation form is not approved, the faculty evaluatee may petition the CAO to approve or reject the form.

308.3.7.3 It is the responsibility of the tenure evaluation team to see that the student evaluations are distributed collected and compiled in such a way that student anonymity and absence of effect on student grades will be preserved. The faculty evaluatee and team members will have access to the raw data.

308.3.7.4 Other Evaluation Forms

If a team wants to use standardized forms for evaluations by peers, self, Division Chairs, or administrators, such forms are available in the office of the CAO.

308.3.7.5 Common Questions on Approved Student Evaluation Instruments

The CAO and the Tenure Review Committee may jointly develop up to five common questions. These five questions will be on all forms recommended by the Student Evaluation Instrument Review Committee. The CAO may grant exceptions and allow modifications to these common questions.

308.3.8 Team's Review

To prepare for completion of the evaluation process, the evaluatee and his or her team should meet to review the process and be sure all the relevant materials are included in the portfolio. If the evaluation team identifies areas for improvement, the faculty evaluatee will develop an individual improvement plan with the consultation and approval of his or her team. This

improvement plan will be included in the portfolio. The College will make reasonable efforts to provide resources that support faculty improvement and growth such as release time, material, tuition reimbursement, substitutes, consultants/trainers, faculty exchange programs, and professional leave programs. (See Section 600 of this agreement.)

308.3.9 CAO's Review

The CAO shall review each evaluatee's portfolio and summary report. The CAO will, upon review of the portfolio, provide written notification to each evaluatee by the end of the appropriate quarter, or within four weeks after submission of the portfolio, whichever is later, indicating the evaluatee's performance as satisfactory or unsatisfactory. The CAO or faculty evaluatee may initiate a meeting to review the evaluation portfolio together.

308.3.9.1 Unsatisfactory Performance

If the CAO, upon reviewing the portfolio, determines that the evaluatee's performance is unsatisfactory, the CAO must demonstrate that the faculty member's continued unsatisfactory performance will have a substantial detrimental effect on learning. Presence of a plan as described in section 308.3.6 will not, in and of itself, be sufficient cause for an unsatisfactory decision. The CAO will discuss unsatisfactory performance with the evaluatee. The evaluatee has the right to representation at these meetings. The CAO and the evaluatee will prepare a mutually-agreed upon remediation plan, including timelines for review. If a remediation plan cannot be agreed upon, the Vice CAO will develop a plan, in consultation with the Tenure Review Committee. The CAO will meet with the evaluatee to present the plan. The evaluatee has the right to representation at this meeting. The CAO and the evaluatee, by mutual agreement, may modify the remediation plan. Any remediation plan will be included in the portfolio. The College will make reasonable efforts to provide resources that support faculty improvement and growth.

308.3.9.2 If the faculty evaluatee does not complete the remedial activities as planned or if performance remains unsatisfactory as determined by the CAO, the CAO may initiate disciplinary proceedings.

308.3.9.3 The CAO cannot initiate any disciplinary process merely upon review of an evaluation portfolio. Only if remediation has been identified and required and the faculty evaluatee has not met the remediation requirements, can the CAO initiate disciplinary action. Disciplinary action and faculty grievance processes are covered in Section 806 and 807 of this agreement.

308.4 Disposition of Records

308.4.1 Evaluation information is confidential. Two copies of the portfolio will be maintained, one by the faculty evaluatee, and one by the CAO. Completion of the portfolio is the responsibility of the faculty evaluatee. Contents of the portfolio will be available to the team members during the evaluation process. The portfolio may be reviewed at the next evaluation. Once a subsequent evaluation portfolio is submitted, reviewed by the

CAO, and deemed satisfactory, the old portfolio will be destroyed. If a review is deemed unsatisfactory by the CAO, the portfolio will be retained for ten years.

308.4.2 In no case shall evaluation materials compiled by the evaluation team's review be used for any purpose other than evaluation of the faculty member, unless it is at the written request of the faculty member and with the written permission of the author/maker. Student evaluations of the faculty member may, however, be used in institutional accreditation documentation, and bona fide program assessment processes such as specialized initial and continuing program accreditation and internal program reviews. Names of faculty members will be removed from data unless required for institutional or program accreditation.

400 RULES AND REGULATIONS FOR THE IMPLEMENTATION OF TENURE

401 PREAMBLE

A half century of practice has established the concept of awarding tenure in higher education to balance rights of teachers and institutions with common good by protecting free inquiry and its exposition from intolerant bias and dogmatic resistance to change. Academic freedom is essential and its teaching aspect is fundamental for the protection of the rights of the instructor to freedom in teaching and of the student to freedom in learning (see Section 301). The Washington State Legislature has recognized the importance of this concept when it established a system of tenure in the community college system. This act described its purpose:

"It shall be the purpose of RCW 28B.50.850 through 28B.50.869 to establish a system of faculty tenure which protects the concepts of faculty employment rights and faculty involvement in the protection of those rights in the state system of community colleges. RCW 28B.50.850 through 28B.50.869 shall define a reasonable and orderly process for appointment of faculty members to tenure status and the dismissal of the tenured faculty member."

402 DEFINITIONS

Appeals Review Committee: a committee of representatives of the faculty, administration and students which hears appeals of dismissed tenured faculty members and recommends action to the President.

Full-time student: a student enrolled at the College for ten or more credits.

President: chief executive officer of the College.

Probationary faculty appointment: a full-time tenure-track faculty appointment for a designated period of time which may be terminated without cause upon expiration of the probationer's term of employment. A probationary faculty appointment shall not be terminated prior to the expiration of the written terms of the appointment except by due process for adequate cause.

Probationer: an individual holding a probationary faculty appointment.

Tenure: a faculty appointment for an indefinite period of time which may be revoked only for adequate cause and by due process. Tenure shall be retained upon transfer within Community College District 9, but tenure granted in another community college district shall not be retained upon transfer into Community College District 9. If a tenured faculty member terminates employment with Community College District 9, he/she concurrently loses his/her tenure.

Tenure Review Committee: a committee of representatives of the administration, the faculty, and the student body created pursuant to RCW 28B.50.869 for the purpose of assisting probationary faculty appointees in improving their appointment effectiveness and evaluating probationers for the purpose of recommending to the Board of Trustees through the President whether or not tenure should be granted.

Working Committee: a committee of representatives of the faculty and the administration established for each probationary faculty member for the purpose of assisting probationary faculty appointees in improving their appointment effectiveness and evaluating probationers.

403 COMPOSITION AND ELECTION OF THE TENURE REVIEW COMMITTEE

403.1 The conduct of the Tenure Review Committee elections shall be the responsibility of the President or his/her designee. Newly elected Tenure Review Committee members shall assume office at the beginning of fall quarter. These steps are designed to provide faculty continuity on the Tenure Review Committees.

403.2 The CAO, or designee, holds all faculty elections for Tenure Review Committee positions. Division Chairs are not eligible to serve on the Tenure Review Committee. Elections are by the faculty as a whole, and shall be held at the end of spring quarter for those positions which terms have expired. If a faculty member becomes unable to serve, the replacement shall be elected to complete the term by the faculty as a whole.

403.3 The Tenure Review Committee shall consist of:

- 1) the CAO (non-voting);
- 2) five tenured faculty members, each from a different division, elected to three-year terms;
- 3) one administrator appointed by the President; and,
- 4) one student member, who is a full-time student, has a minimum of a 2.5 cumulative grade point average and has earned 20 college credits. The student shall be chosen for a one-year term by the student association in such manner as the members thereof shall determine.

404 TENURE REVIEW COMMITTEE RESPONSIBILITIES

404.1 The Tenure Review Committee will:

- 1) Establish general College criteria that will be used to formulate the instructional units' criteria for granting tenure;
- 2) Approve all instructional unit criteria;
- 3) Review all tenure criteria as necessary;
- 4) Develop the form(s) for receiving reports from the working committees;
- 5) Make periodic checks to ascertain whether the working committees are using the prescribed criteria in evaluating their probationers;
- 6) Provide to each probationer and their working committee by the end of the fourth week of their tenure track appointment, the contract document and the current tenure criteria;
- 7) Forward to the appropriate working committee any written materials received by the Tenure Review Committee that are relevant to a probationer's tenure process;
- 8) Hear and investigate complaints about the working committee. Members of the working committee may be replaced by mutual agreement of the CAO and the Tenure Review Committee;
- 9) Meet prior to the last week of spring quarter to elect a chair for the following year. The chair will be elected from the faculty members of the committee.

404.2 The Tenure Review Committee chair or designee will:

- 1) Be available for consultation with the working committees.
- 2) Contact all probationers in their first four weeks of their probationary track appointment to determine if the probationer has received a copy of this document, has met with the appropriate working committee, and to clarify any questions or concerns the probationer may have about the Rules and Regulations for the Implementation of Tenure.

405 TENURE REVIEW COMMITTEE RECOMMENDATION

405.1 The Tenure Review Committee will:

- 1) Meet and consider reports and recommendations from the Working Committees;
- 2) Seek additional information as the committee deems appropriate;
- 3) Provide a written report of the meetings to the working committee and the probationer. This report will include the names of committee members present and

the decision of any vote on the probationer. The committee may make suggestions to the working committee on how to improve the probationer's effectiveness.

- 4) Recommend tenure, continuation of probation, or non-renewal of the probationer's contract or denial of tenure to the President and the Board of Trustees. The committee may request, as part of their recommendation, an executive session with the Board of Trustees. Copies of these recommendations shall be transmitted to the probationer, the working committee, to the Division Chair, and to the Board of Trustees through the President;
- 5) Obtain from the probationer written acknowledgement of the receipt of any written reports concerning the probationer;
- 6) Maintain confidentiality of the deliberations of the Tenure Review Committee and meetings between the Tenure Review Committee and President pertaining to a probationer's status;
- 7) Dispose of all records at the time a final decision has been made by the Board of Trustees to grant tenure;
- 8) Maintain all records in accordance with the statutory limitations at the time a final decision has been made by the Board of Trustees not to renew a probationer's appointment.

405.2 The CAO will recommend tenure, continuation of probation, or non renewal of the probationer's contract or denial of tenure to the President.

405.3 In no case during the period of probation will the records of the Tenure Review Committee or of any Working Committee be used for any purpose other than evaluation of the probationer for tenure qualification, unless it is at the written request of the probationer and with the written permission of the author/maker. Student evaluations of probationers or tenured faculty may, however, be used in institutional accreditation documentation, and bona fide program assessment processes such as specialized initial and continuing program accreditation and internal program reviews. Names of faculty members will be removed from data unless required for institutional or program accreditation.

406 COMPLAINTS CONCERNING THE TENURE REVIEW COMMITTEE

406.1 If there is a complaint against the Tenure Review Committee, the HCEA President and the College President, or designees as appropriate, will constitute the committee for investigating the complaint. If the HCEA President is a member of the Tenure Review Committee or on the complainant's working committee, the HCEA President will be replaced on this committee by another tenured faculty member appointed by the HCEA Executive Board.

406.2 A written complaint must be submitted to the HCEA President and the College President within 15 days of the incident or knowledge of the incident. If a decision has been made by the HCEA President and the College President to investigate the complaint, those affected will be given a copy of the complaint by the College President within three days after receipt of the complaint. If the Presidents decide the complaint has no standing the complaint is considered invalid.

406.3 A written decision will be provided to the complainant within 15 days of the receipt of the complaint or before the vote of the Tenure Review Committee, whichever is sooner. The HCEA President and the College President as part of the mutual resolution to the complaint, have the authority to remove any member from the Tenure Review Committee, if appropriate

407 COMPOSITION OF THE WORKING COMMITTEE

407.1 A Working Committee shall be formed for each probationer. Members of the Tenure Review Committee may not serve on a working committee. Division chairs may not serve on a working committee within their division. The CAO, or designee, holds all faculty elections for Working Committee appointments. Elections for Tenure Working Committee members for new probationers shall be held during fall quarter faculty orientation or as necessary, for those positions which are contested. When it is necessary to replace a working committee member, an appointment will be made by the CAO, after consulting with the appropriate division chair.

407.2 When it is necessary to replace a working committee member, either temporarily or permanently, an appointment will be made by the CAO after consulting with the appropriate division chair. Circumstances that would require appointment of a replacement committee member include but are not limited to:

407.2.1 Absence or anticipated absence due to:

- 1) Professional leave
- 3) Growth and enrichment leave
- 3) Medical leave
- 4) Workers compensation leave
- 5) Family leave (Family Care Act, Family Medical Leave Act, etc.)
- 6) Sabbatical
- 7) Other authorized leave of absence

407.2.2 Probationer-initiated replacement

407.2.3 Tenure Working Committee-initiated replacement

407.2.4 Tenure Review Committee-initiated replacement

407.2.5 CAO-initiated replacement

407.3 Each committee shall consist of:

- 1) Two tenured faculty of which one will be from the division, elected by the division, and one outside of the division elected by the faculty as a whole; one tenured faculty from the department, if possible, elected by the faculty in the division;
- 2) One administrator appointed by the CAO.

407.4 Working Committee Responsibilities

The Working Committee will:

- 407.4.1 Meet with the probationer no later than the fourth week of the first quarter of the tenure track appointment. The administrator will call the first meeting of the working committee;
- 407.4.2 Elect a chair at the first meeting from those faculty members on the working committee;
- 407.4.3 Meet with the probationer at least once each quarter for three quarters per year;
- 407.4.4 Establish the process of evaluation that is to be followed by the working committee. As a minimum the evaluation process will include:
 - 407.4.4.1 Student evaluations, on a form approved by the appropriate Dean, for all classes taught each quarter or their equivalent library and counseling faculty. This includes only classes taught as part of the regular load. This does not include summer or moonlight courses.
 - 407.4.4.2 Evaluations of the faculty member by the other team members each quarter, including at least one direct observation by each team member or the equivalent observations for faculty teaching online. To facilitate proper evaluation, an attempt should be made to ensure that all classes are visited by team members.
 - 407.4.4.3 A self-evaluation/reflection of performance since the last review. An explanation of the self-evaluation will be available on the Tenure Review Committee's website. Self-evaluations/reflections will be submitted at a minimum during the 1st, 3rd, 4th, 6th and 7th quarters.
- 407.4.5 Gather information regarding the probationer's performance;
- 407.4.6 Assist in improving the probationer's effectiveness;
- 407.4.7 Prepare written reports as required;
- 407.4.8 request and review a written evaluation from the division chair (for library and counseling faculty, from the Dean of Instructional Resources or CSSO, respectively) that addresses the criteria used by the Working Committee, prior to the working committee's annual vote. For purposes of formulating this report, the division chair may review the probationer's student evaluations. If student evaluations are referenced in the report the Chair must also make at least one classroom visitation and include a written report of that visitation.

407.4.9 Provide the Tenure Review Committee with recommendations on continuing probation and the granting of tenure;

407.4.10 Prepare other reports as requested by the Tenure Review Committee; and,

407.4.11 Meet with the Tenure Review Committee as requested.

407.5 The chair of the working committee will:

- 1) Coordinate the evaluation process and maintain records pertaining to the probationer;
- 2) Provide written reports of the working committee meetings to the probationer and the working committee;
- 3) Obtain from the probationer written acknowledgement of the receipt of any written reports from the working committee; and,
- 4) Forward all records of the working committee, to the office of the CAO for disposition at the time a final decision has been made by the Board of Trustees.

407.6 Working Committee Executive Session

As may be requested by the members of the Working Committee, an executive session may be held without the probationer in attendance. If an executive session is conducted, all members of the Working Committee must be in attendance. Any new information or materials discussed by the Working Committee must be discussed with the probationer in a meeting of the Working Committee, prior to meeting with the Tenure Review Committee. Written documentation of the executive session will be limited to the date, time, place, reason for the meeting, and those in attendance.

408 COMPLAINTS CONCERNING THE WORKING COMMITTEE

If there is a complaint by the petitioner against the working committee, the Tenure Review Committee will be responsible for establishing the process investigating the complaint. Prior to this process, the probationer will be given the opportunity to add one tenured faculty member who will be included in the process. The Tenure Review Committee must respond to the probationer within 15 days of the receipt of the complaint or before the vote of the Tenure Review Committee, whichever is sooner.

409 REVIEW BY BOARD OF TRUSTEES OF TENURE RECOMMENDATIONS

409.1 The Board of Trustees through the President will receive all recommendations from the Tenure Review Committee, will give reasonable consideration to these recommendations, and will accept or reject such recommendations at their earliest possible convenience.

409.2 If the recommendation of the Tenure Review Committee is to deny tenure, the probationer will be so informed. The probationer will have the right to submit a written statement to the Board of Trustees through the President concerning the recommendation.

409.3 In a case where the President disagrees with the recommendations of the Tenure Review Committee and the Board will be considering either nonrenewal or granting tenure, the following procedure shall be used:

- 1) The President will convene a meeting with the Tenure Review Committee to discuss any concerns and the decision.
- 2) The President will require the tenure Review Committee to review its recommendations.
- 3) After the tenure Review Committee completes this review, the committee shall take one of the following actions:
 - a. reaffirm their recommendation;
 - b. send a change in their recommendation to the Board of Trustees through the President not later than 10 days after the President's request for review.

409.4 The Board of Trustees will then make the final decision.

500 ADJUSTMENTS OR REDUCTIONS

501 REDUCTION IN FORCE

501.1 Introduction

This section provides a means of reducing tenured faculty, should that become necessary, through procedures that will make the reduction equitable, expeditious, and economical. Additionally, the section's procedures ensure that a full review of factors contributing to a possible reduction in force, including other alternative courses of action that may relieve the condition, will be made prior to laying off tenured faculty

These procedures address reduction in tenured faculty only, based on the understanding that affected part-time and probationary faculty would be laid off before or concurrently with lay-off of tenured faculty as these procedures are implemented, unless each part-time or probationary faculty member provides a service or a class offering that is identified as most necessary and for which no tenured faculty are qualified (see Section 501.3.1.11).

501.2 Conditions of Implementation

These procedures provide a means for laying off full-time tenured faculty in response to two potential situations: (1) a major financial reduction and (2) changing patterns of student enrollment and class utilization.

501.3 Major Financial Reduction

To implement these procedures in response to a major financial reduction, the following criterion must be met:

- The College must be facing a 10 percent or greater reduction in comparable base state allocation as measured against the previous year's appropriation.

The determination of a 10 percent or greater reduction shall be made by the Board upon recommendation by the President.

501.3.1 Procedures

If the President believes that the 10 percent or greater reduction may have been met and that reductions in the tenured faculty may be needed, the following criteria and procedures will be used:

501.3.1.1 Presidential Review and Notification of the HCEA of the 10 percent or greater Reduction

The President will review the nature of the problem facing the College and determine if the 10 percent reduction has been met. If the President determines this reduction has been reached, the President will then determine what non-instructional support services are most necessary and the level to which they are to be supported. If as a result of this analysis it appears that reductions in the tenured faculty are or may be necessary in the near future, the President will give notice of the 10 percent or greater reduction and of the potential reductions in tenured faculty to the Highline College Education Association. This notice shall include the data to support the 10 percent reduction as well as the reasons and data supporting the potential need to reduce tenured faculty.

501.3.1.2 Discussion of Financial Data with HCEA

The HCEA President, and his/her designees, upon written request, may meet with the President and his/her staff to review and discuss the reasons and data that may result in the need to lay off tenured faculty. All data to be used in the decision-making process will be made available to the Association. The President, or designee, shall present and explain the criteria used to determine the 10 percent or greater reduction and the dollar amount of potential reduction for each of the college's major organizational units.

501.3.1.3. Reconsideration of the Determination of 10 percent of greater Reduction

Should the HCEA President, upon receiving the notice specified in 501.3.1.1 and having had the opportunity to meet with the President under 501.3.1.2, not be satisfied that the 10 percent or greater criterion has been met, the following procedure shall be used until an agreement is reached:

- a. Within five days after the meeting specified in 501.3.1.2 the HCEA President, and his/her designee, may request a second meeting with the President and his/her staff to review and discuss the data used to determine if the criterion had been met.
- b. The second meeting shall be held within five days after receipt of the above request.

- c. The second meeting will provide the HCEA president the opportunity to present additional data and information that bears on the determination of a 10 percent or greater reduction.
- d. The President shall make the final determination as to the 10 percent or greater reduction within five days after the second meeting with the HCEA and will notify the HCEA of the determination. If the President determines that there is not a 10 percent or greater reduction, the RIF proceeding in 501.3 will cease.

501.3.1.4 Presidential Notification of the Board and Board Action on the 10 percent or greater Reduction

If the President's final determination is that the 10 percent or greater reduction has been met; the President will notify the Board of Trustees. If the Board of Trustees confirms the President's determination that the 10 percent or greater reduction has occurred, the procedures below will be followed.

501.3.1.5 Arbitration on the Determination of a 10 percent or greater Reduction

If the HCEA disagrees with the Board's determination that a 10 percent or greater reduction has occurred, the HCEA President may request the question: "Is or is not the College facing a 10 percent or greater reduction in comparable basic state allocation as measured against the previous year's appropriation?" be submitted to an arbitrator as specified in the Faculty Grievance Procedures (see Section 805). The procedures set forth in these sections shall be followed, except the arbitrator shall be restricted to answering the above question "yes" or "no."

If the arbiter finds that the 10 percent or greater reduction has not been met, the 501.3 procedures will terminate.

Nothing in the procedures in 501.3.1.1-501.3.1.5 above, unless and until the arbitrator determines that the 10 percent reduction has not occurred, shall delay implementation of Sections 501.3.1.5 through 501.3.1.10. Timelines noted above may be revised by mutual agreement between the College and HCEA Presidents.

501.3.1.6 Formation and Convening of Reduction in Force Committee

If it appears a reduction in tenured faculty may occur, the President shall direct the Reduction in Force Review Committee (RIFRC) to be formed and shall direct the CAO to convene a meeting of the RIFRC and the Vice President for Students (if appropriate) to discuss the target reduction figure for the Instruction Budget and the potential approaches to resolving the problem.

501.3.1.7 Membership and Functions of Reduction in Force Committee

Upon receipt of a written notice from the President that reductions in tenured faculty are, or may be, necessary in the near future, the President of Highline College Education Association will submit to the President, within 15 calendar days the names of the four tenured faculty members

who will serve on RIFRC plus two alternates to serve in cases where one or two of the regular members cannot serve.

The committee will be comprised of:

- a. four tenured faculty members appointed by the HCEA executive board, including at least one division chair and another faculty member who is either a division chair or department coordinator
- b. two designees of the President;
- c. the CAO; and
- d. the HCEA President serving as an ex officio, nonvoting member

The functions of the RIFRC will be to:

- a. elect a chair;
- b. review the data used in the decision-making process leading to a reduction in force of tenured faculty ;
- c. meet and discuss with the CAO and Vice President for Students (if appropriate) the data and the other possible alternatives to resolving the problem; and
- d. forward a recommendation to the President on how the proposed reduction in Instruction budget allocations should be met solved

501.3.1.8 RIFRC Report to President and HCEA Consultation

After the members of the RIFRC have been identified, the CAO shall convene the Committee, along with the Vice President for Students (if appropriate), to present and explain the problems, the appropriate data, including current Instruction budget information. Additional meetings may be scheduled upon request of the RIFRC chair and agreement of the appropriate Vice Presidents.

Following the last meeting, the RIFRC will proceed to study the information and the potential responses and within 15 calendar days of the last meeting or 30 days of the initial meeting, whichever occurs first, the RIFRC will submit to the President of the College and to the HCEA President its recommended solutions. HCEA will consider the RIFRC recommendation and meet with the President and his/her staff to discuss the proposed solutions to determine whether these solutions will require bargaining.

If the President decides to implement RIFRC solutions, and if they require no layoff of tenured faculty, these procedures will terminate.

501.3.1.9 Identification of "Most Necessary" Courses and Instructional Services

The President, in consultation with the Vice Presidents, deans, division chairs, and potentially affected departments, shall decide in the case of each potentially affected division what course offerings and/or other services are most necessary to maintain a balanced instructional program at Highline Community College.

The President shall consider, but not be limited to, the following factors:

- a. reviews of all offerings in each affected division and the need for the offerings to meet degree and transfer requirements;
- b. the goals and objectives of Highline Community College and the SBCTC;
- c. information concerning faculty and administrative vacancies occurring through retirement, resignation, professional leaves, and leaves of absence; and
- d. the enrollment and the trends in enrollment for not less than four consecutive quarters, if applicable, and their effect upon each division.

501.3.1.10 Presidential Determination of Tenured Faculty Reassignments or Lay-offs

Based on input from the entities and processes described above and the provisions outlined below, the President will determine which tenured faculty members will be reassigned or laid off.

501.3.1.11 Layoff of Tenured Faculty by Seniority

If a reduction in tenured faculty is necessary to meet a major financial emergency, the order of layoff will begin with those having the least seniority. The faculty member with the least seniority will be the first to be laid off unless a majority of that faculty member's assignment is composed of classes or services identified as the most necessary and no one with more seniority can provide the services. In this case the least senior member will be passed over and the second lowest in seniority will be laid off. This process will continue until the necessary number of reductions is reached. Seniority shall be determined as described in Section 501.3.2.4.

501.3.1.12 Qualification for Reassignment

The President, with advice from the appropriate Vice President and appropriate division chairs, will determine if a faculty member is qualified for an assignment when considering possible reassignment due to reduction in tenured faculty.

501.3.1.13 Review with the HCEA of the Process of Determining Tenured Faculty Reassignments or Lay-offs

The President of the College shall, within 15 calendar days following receipt of the RIFRC recommendations, notify the HCEA President of his/her proposed tenured faculty reassignments or lay-offs and meet with HCEA leadership to review the process and next steps in the reductions.

501.3.1.13 Notification of Reassignment or Layoff and Appeals

The President shall, within 15 calendar days following the meeting with the HCEA leadership in 501.3.1.15, provide written notification to the individual faculty member to be reassigned or laid off.

Notification shall be sent by registered letter, return receipt requested, to the affected faculty member and shall specify the date a written request is due for an appeal of the decision, as specified under WAC, as now adopted or subsequently revised, with this exception: the appeal process could result in the faculty member being put on potential layoff status only and could not reduce other provisions set forth in this Section. Under no circumstances shall this notice be given less than 90 days before the expiration date of the current annual individual employment contract.

501.3.2 Other Provisions

501.3.2.1 Right to Consideration for Part-Time Employment

A tenured faculty member whose contract was not renewed as a result of this faculty reduction procedure has, for a period of three years, a right to request and teach on a part-time contract class sections other than those taught by tenured or tenure-track faculty. The faculty member must meet the qualifications normally used by the department for all classes identified above. The faculty member must also be recommended by the department coordinator and approved by the CAO to teach the identified courses. The right to teach on a part-time contract will be by seniority, most senior first.

501.3.2.2 Right of Recall

A tenured faculty member whose contract was not renewed as a result of this faculty reduction procedure has a right to fill any open tenured position in his/her discipline as a fully-tenured faculty member, provided he/she is determined qualified by the CAO. The recall shall be by seniority, the most senior first. The right of recall shall extend three years from the date of layoff provided that the laid off faculty member advised the Director of Human Resources, in writing, of his/her current address. Notification of recall shall be sent by registered letter, return receipt requested, and a copy of such notification shall be sent to the Highline College Education Association.

If a laid off faculty member rejects an offer of recall, or fails to respond within ten calendar days from the date of acknowledgment of receipt of the registered letter or within 20 calendar days of the actual posting date of the registered letter, whichever date is sooner, his or her right to recall will be terminated.

501.3.2.3 Position Application Assistance

The Director of Human Resources shall notify all other institutions of higher education in the state in a reasonable effort to obtain similar employment for faculty laid off as a result of reduction in force procedures.

501.3.2..4 Seniority Determination

For purposes of RIF resulting from a financial emergency, seniority shall be determined by establishing the date of continuous annually contracted professional service for Highline Community College which shall include leaves of absence, sabbatical leaves, and periods of layoff.

The longest term of employment as thus established shall be considered the highest level of seniority. In instances where faculty have the same starting date of the first annual probationary or permanent contract, seniority shall be determined by number of quarters of part-time service prior to the above contract. If the above two criteria are the same, seniority shall be determined by the signature date on the first annual contract for the most recent period of continuous annually contracted professional service for Highline Community College. In cases where seniority is still equal, seniority shall be determined by lot.

502 DISMISSAL PROCEEDINGS

502.1 Appeals Review Committee Purpose

The Appeals Review Committee is a standing committee to hear the appeal of a tenured faculty member who has received notice of dismissal. Selection of the committee members and dismissal process follows.

502.1.1 Composition

The Appeals Review Committee shall consist of five members and four alternates:

- 1) one member and one alternate shall be administrators;
- 2) three members and two alternates shall be tenured teaching faculty; and
- 3) one student and one student alternate shall be full-time students.

502.1.2 Formation

502.1.2.1 The Appeals Review Committee shall be formed as follows:

- 1) the President shall appoint one administrator as member and one as alternate, both to serve three-year terms;
- 2) the faculty and instructional unit chairs or heads acting as a unit shall elect three tenured faculty members and two alternates from a list of nominees, one from each instructional unit. Alternates shall be selected in order of plurality and shall become members of the Committee in that order in case a member becomes unable to serve. The terms of elected faculty members shall be three years;

- 3) the student representative and a student alternate shall be full-time students and shall be chosen by the student association in such manner as the members thereof shall determine.

502.1.2.2 If the Committee is actively reviewing a case under the procedure of this policy at the time the terms would expire, members shall continue in office until that case is concluded.

502.1.2.3 The Appeals Review Committee shall be convened by the administrator appointed by the President each fall quarter to elect the chair for the coming college year.

502.2 General Provisions - Dismissals

502.2.1 A tenured faculty member shall not be dismissed from his/her appointment except for sufficient cause, nor shall a faculty member who holds a probationary faculty appointment be dismissed prior to the expiration of his/her current annual contract except for sufficient cause.

502.2.2 Any concurrent suspension of a tenured faculty member as a part of dismissal proceedings shall not be considered contractual termination which is a matter accomplished only through due process.

502.2.3 Dismissal of tenured faculty for sufficient cause, with due process, is authorized under state law. While each possible case must be judged on its own merits, courts have ruled that in some cases tenured faculty may be dismissed for sufficient cause related to their professional duties, such as demonstrated incompetence in teaching; substantial and manifest neglect of duty; or personal conduct which substantially impairs the individual's fulfillment of his or her institutional responsibilities. Any dismissal procedure will follow generally recognized just-cause procedures.

502.2.4 The burden of proving sufficient cause for dismissal of a tenured faculty member or a probationary faculty member during the term of his/her appointment, rests with the President and must be established by a preponderance of the evidence at hearing.

502.3 Notice of Proposed Action and Request for Hearing

502.3.1 If the President concludes that there are grounds for terminating a tenured faculty member's employment, or for terminating a probationer's contract before its expiration, the President shall notify the affected faculty member in writing of the proposed action. This notice shall be sent by certified mail, return receipt requested, and by regular first class mail, to the last known home address of the affected faculty member and shall contain the following information which includes procedural rights of the affected faculty member:

- 1) a written summary of the charges against the faculty member which led to the notice;

- 2) a written explanation of the evidence which forms the basis for the charges. This shall not limit the College from presenting a more detailed and complete case at an appeal hearing if the proposed action is taken and the faculty member appeals;
- 3) a written statement of the action being contemplated by the employing official;
- 4) a reasonable opportunity for the faculty member to present reasons, either orally or in writing, why the proposed action should not be taken;
- 5) notice of the right to a hearing before the Appeals Review Committee to determine whether sufficient cause for dismissal exists;
- 6) a list of the members and alternates of the Appeals Review Committee and notice of the right by one peremptory challenge to remove up to two members of the Appeals Review Committee;
- 7) notice that failure to submit a written request for a hearing to the President within twenty days shall result in a waiver of the right to a hearing; and
- 8) notice that failure to exercise the right to remove up to two members of the Appeals Review Committee by peremptory challenge in the written request for hearing shall result in a waiver of this right.

502.4 Selection of a Hearing Officer

502.4.1 If the President receives a timely request as outlined in 503.3(g) for a hearing from the affected faculty member, the President shall immediately notify the Appeals Review Committee. At this time, the President shall also inform the Appeals Review Committee of any changes in its composition resulting from the peremptory challenge by the affected faculty member.

502.4.2 Within 15 working days after receiving the request for hearing from the affected faculty member, the President shall select a legally trained hearing officer and shall inform the Appeals Review Committee of his/her selection. If the Appeals Review Committee objects, in writing, to the hearing officer, the chair of the Appeals Review Committee shall so inform the President within five days and shall suggest a different legally trained hearing officer. If the President objects to the hearing officer suggested by the Appeals Review Committee, he/she shall so inform the chair of the Appeals Review Committee within five days and shall suggest a second legally trained hearing officer. This process shall continue until a mutually acceptable hearing officer is selected or until each has named three hearing officers after which the President shall select the hearing officer who shall not be one of the individuals previously rejected by the Appeals Review Committee. The hearing officer shall be compensated by the College.

502.5 Hearing Process

502.5.1 Scheduling and Notice of Hearing

502.5.1.1 The hearing officer shall begin contacting the parties to schedule the hearing no later than three days following his/her appointment. When a mutually acceptable hearing date and location has been established, the hearing officer shall so inform the parties, by telephone or in writing. If, after reasonable efforts, the parties have been unable to agree upon a hearing date and location, the hearing officer shall designate the hearing date and location.

502.5.1.2 Upon notification from the hearing officer of the date and location of the hearing, the President shall issue a short and plain written statement in reasonable particularity of the grounds for the proposed action which shall be sent by certified mail, return receipt requested, and regular first class mail, to the last known home address of the affected faculty member; and a copy shall be sent to the hearing officer, the Appeals Review Committee and any known representative of the affected faculty member. This notice shall contain:

- 1) a statement of the time and place of the hearing which shall be after not less than seven days notice unless waived by the parties;
- 2) a statement of the legal authority and jurisdiction under which the hearing is to be held;
- 3) reference to the particular sections of the statutes or rules involved;
- 4) a statement that if a limited English speaking or hearing impaired party or witness needs an interpreter, a qualified interpreter will be appointed and that there will be no cost to the party or witness;
- 5) an attached form for a party to indicate whether the party needs an interpreter and to identify the primary language or hearing impaired status of the party; and
- 6) a statement that a party who fails to attend or participate in a hearing may be held in default.

502.5.2 Procedural Rights of Affected Faculty Member

The affected faculty member has the following procedural rights:

- 1) the right by one peremptory challenge to remove up to two members of the Appeals Review Committee as outlined in 503.3;

- 2) the right to confront and cross-examine adverse witnesses, provided that, when a witness, for compelling reasons, cannot appear to testify in person, the identity of the witness and a copy of the written statement of the witness shall be disclosed to the affected faculty member at least ten days prior to hearing;
- 3) the right to be free from compulsion to divulge information which he/she could not be compelled to divulge in a court of law;
- 4) the right to be heard in his/her own defense and to present witnesses, testimony, and evidence on all issues involved;
- 5) the right to the assistance of the Appeals Review Committee and/or hearing officer in securing relevant witnesses and evidence;
- 6) the right to counsel of his/her choosing who may appear and act on his/her behalf at the hearing.

502.5.3 Duties of the Hearing Officer Prior to and at Hearing

The hearing officer shall preside over the hearing on behalf of the Appeals Review Committee. The hearing officer shall conduct and rule on any pre-hearing motions, determine the ordering of proof, admissibility of evidence and make any other rulings necessary in the course of the hearing. The hearing officer is authorized to conduct settlement conferences, including mediation sessions, with the consent of the parties.

502.5.3.1 In addition, the hearing officer shall:

- 1) schedule the hearing as provided in Section 503.5.1; and
- 2) retain the services of a court certified court reporter to report the hearing. The court reporter shall be compensated for his/her appearance by the College. Cost of transcripts will be borne by the individual party requesting the transcripts.

502.5.4 Presentation of Case

The President may present the case against the faculty member or may designate a representative of his/her choosing.

502.5.5 Closed Hearing

The hearing shall remain a closed hearing unless specifically requested otherwise at the beginning of the process by mutual agreement with concurrence of the Hearing Officer.

502.5.6 Publicity

Except for such simple announcements as may be required, covering the time of the hearing and similar matters, no public statements about the case by either the affected faculty member, Appeals Review Committee or administrative officers shall be made until all College proceedings have been completed. Any announcement of the final decision of the Board of Trustees shall include a statement of the Appeals Review Committee's recommended decision.

502.6 Post Hearing Proceedings

502.6.1 Appeals Review Committee

Following the hearing, the Appeals Review Committee shall meet privately to deliberate. The Appeals Review Committee may proceed to decision without having some or all of the record of the hearing transcribed if a just decision may be reached by this means; or the Appeals Review Committee may await the availability of a transcript of some or all of the hearing if needed.

502.6.2 The Appeals Review Committee shall base its decision solely on evidence received at the hearing. In its written recommended decision, the Appeals Review Committee shall make specific Findings of Fact, through a majority vote when necessary, with respect to each of the grounds for dismissal. The Appeals Review Committee shall recommend either:

- 1) sufficient cause for dismissal exists;
- 2) sufficient cause for dismissal does not exist.

502.6.3 The Appeals Review Committee shall issue its Findings of Fact, Conclusions of Law and Recommended Decision within thirty days of the close of hearing unless, for good cause, this period must be extended.

502.6.4 Hearing Officer

At the request of the Appeals Review Committee, the hearing officer shall provide the Appeals Review Committee copies of any admitted exhibits, motions and ruling thereon, or briefs for use during deliberations.

502.6.5 At the request of the Appeals Review Committee, the hearing officer shall meet with the Appeals Review Committee after it has reached its decision to assist in drafting and finalizing written Findings of Fact, Conclusions of Law and Recommended Decision.

502.6.6 At the request of the Appeals Review committee, the hearing officer shall cause copies of the Findings of Fact, Conclusion of Law and Recommended Decision to be delivered to the parties and the Board of Trustees.

502.6.7 Once the Findings of Fact, Conclusions of Law and Recommended Decision has been issued, the hearing officer shall compile and deliver to the Board of Trustees the complete record of the proceedings including, but not limited to, the transcript of the proceedings if it has been ordered transcribed by the parties or the Appeals Review Committee, exhibits, motions and ruling thereon, pleadings, briefs.

502.7 Consideration by Board of Trustees

Review of the Recommended Decision by the Board of Trustees shall be based solely on the record of the hearing before the Appeals Review Committee. Prior to rendering its final decision, the Board of Trustees shall afford the parties or their representatives an opportunity to present written argument and, if desired by the Board of Trustees, it may afford the parties or their representatives an opportunity to present oral argument. Such written or oral argument must be based solely on evidence/testimony presented before the Appeals Review Committee.

502.7.1 Any decision to dismiss the affected faculty member shall be based solely upon the original charges alleged and considered at hearing and established by preponderance of the evidence at hearing to be sufficient cause for dismissal.

502.7.2 The Board of Trustees shall, within ninety (90) days following the receipt of the record of the proceedings from the hearing officer, or the receipt of any written argument, or the date of any oral argument, whichever is later, send written notice of its final decision by certified mail, return receipt requested, and by regular first class mail, to the last know home address of the affected faculty member, and a copy shall be sent to the President, the Appeals Review Committee and the representatives of the affected faculty member and the President, if any.

502.7.3 This notice of final decision by the Board of Trustees shall specify the Findings of Fact and Conclusion of Law supporting its decision and shall also specify the available post hearing remedies. Any faculty member dismissed shall have the right to appeal the final decision of the Board of Trustees in accordance with the Administrative Procedure Act, as now or hereafter amended.

600 BENEFITS

601 INSURANCE

The College will provide the maximum contribution for each faculty member in premiums for approved plans in which the faculty member chooses to participate. This contribution will be applied in accordance with the rules and regulations as established by the Health Care Authority (HCA). Eligibility for this contribution shall be determined by the rules and regulations as now established, or hereafter amended, by the HCA.

601.1 The College agrees to follow the rules and regulations adopted by the SBCTC in regards to the TIAA/CREF retirement program in order to allow members to maximize benefits.

601.2 The College agrees to offer faculty all options available under HCA approved 125 tax code plans such as dependent health care plans.

601.3 The Human Resources Office has information about rates, benefits, payroll deduction procedures, and other information about the insurance programs.

602 TAX DEFERRED PLANS

602.1 Information about these plans may be obtained from the Human Resources Department.

602.2. Voluntary Employee Benefits Association (VEBA)

602.2.1 All faculty shall deposit sick leave cash-out funds at retirement into the Medical Expense Plan as authorized by RCW 41.04.340 and in compliance with the Internal Revenue Code, unless a majority of eligible faculty vote not to participate during the calendar year in which the faculty retire.

602.2.2 If, by the end of the first week of Winter Quarter, a majority of eligible faculty members submit a written request to the Executive Director of Human Resources and the HCEA president for a vote on VEBA participation, the Human Resources Department and HCEA will conduct the vote by the end of the fifth week of Winter Quarter. Voting will be restricted to eligible faculty members. The subject of the vote is whether all faculty who retire in that calendar year participate in the Medical Expense Plan and will be decided by a simple majority of those voting. Such decision will be binding on all faculty who retire during that calendar year. In the case of a tie, all faculty shall participate in the Medical Expense Plan.

602.2.3 For purposes of this section only, “eligible faculty” means faculty who:

- 1) Have been employed at the College for at least 10 years, and
- 2) Are at least 50 years old, and
- 3) Have at least accrued 60 days of sick leave.

603 ABSENCES, SICK LEAVE

603.1 Reporting

In case of absence during contracted days, the faculty member should call the division chair (or equivalent) or appropriate administrator as early as possible so that suitable arrangements may be made for instruction and other responsibilities. Upon return and within two working days, the faculty member will report to the Department Coordinator, Division Chair, or administrator to complete the Report of Absence form. The Report of Absence will be forwarded to the appropriate Vice President; then to the Human Resources Office.

603.2 Absence Report

603.2.1 Report of Absence forms will be distributed to division chairs and appropriate administrators prior to fall quarter by the office of the CAO.

603.2.2 Absences will be reported as one of the following:

- 1) Illness (charged against sick leave).
- 2) Bereavement (up to 5 days charged against sick leave, see Section 603.6).
- 3) Personal (contract adjustments may occur for absences).
- 4) Emergency (approved by appropriate administrators, charge to be made against sick leave).
- 5) Vacation (applicable only to those not on faculty salary schedule or faculty contract).
- 6) Personal Leave (Based on Section 608, no contract adjustments will be made).
- 7) Other (required description).

603.2.3 When deductions for substitutes are to be made, the name of the substitute is to be included on the report.

603.2.4 Any official travel or absence authorized and approved prior to the absence is not reported on these forms, but on appropriate Prior Approval and Class Coverage forms.

603.3 Deductions

For calculating salary deductions in cases of unauthorized leaves, termination of contracts, and similar situations, a day's pay shall be considered as a pro-rata share of the individual's annual contract salary, usually 1/170th or one part of the total contracted days.

603.3.1 In cases where the cost of the substitute's salary is deducted from the faculty member's salary, the amount of the deduction shall be determined by actual cost of salary and benefits paid by the College for the replacement.

603.4 Related to Health

Each regularly employed full-time faculty member shall accumulate sick leave credit at the rate of one day for each month in which services are performed. Unused sick leave allowance is cumulative. There is no maximum accrual limit. Each faculty member will be sent a statement showing the accumulated sick days divided into compensatory and non-compensatory categories at least annually.

603.4.1 Faculty who are absent for illness in excess of five days in any one year may be requested to provide a doctor's certificate.

603.4.2 For absences due to pregnancy (see Section 603.5) or illness beyond accumulated sick leave, a faculty member will be paid the difference between the contracted salary and the salary and benefits of a substitute, provided that his/her illness confines or disables him/her. Such differential pay may be continued to the extent of one month per year of service within the Highline School District prior to July, 1967, and in Community College District 9 subsequent to that time but not to exceed the current contractual period.

603.4.3 Serious illness of immediate family or household member during which the faculty member's assistance is required may be reported as sick leave. The immediate family is defined as mother, father, sister, brother, mother-in-law, father-in-law, husband, wife, children, grandparents, and grandchildren. Household members are defined as persons who reside in the same home who have reciprocal duties to and do provide financial support for one another. This term shall include, but is not limited to, foster children and legal wards. The term does not include persons sharing the same general house when the living style is primarily that of a dormitory or commune.

603.4.4 Appointments, examinations, and routine health check-ups, etc., are not considered personal illness.

603.4.5 Sick leave may be used if a faculty member's physician requires a comprehensive physical examination or other medical procedure that cannot be scheduled outside of the faculty member's contractual obligation.

603.5 Related to Pregnancy

Pregnancy disability will be considered the same as an illness or other disability. The employee may use sick leave for this purpose up to the limit of her accumulated sick leave. Length of maternity leave will be arranged by the faculty member and her division chair with advice from the physician.

603.6 Related to Death in Family

Sick leave may be used for absences not exceeding five days (bereavement leave) caused by death in the immediate family or household members. Sick leave, not exceeding three days, may be used for absences caused by death of other relatives. With the approval of the appropriate appointing authority sick leave may be extended beyond the five or three days.

603.6.1 In the event of absences caused by death of other close relatives, a deduction in the amount of substitute's pay shall be made from the faculty member's salary. Such absences shall not exceed 3 days. Other close relatives are defined as including aunts, uncles, grandparents, grandchildren, and persons who are permanent members of the household at the time of their death.

603.7 Related to Emergency

Sick leave may be used for emergency situations as authorized by RCW 28B.50.551. The use of leave under this provision shall be subject to the following:

- 1) Leave may be permitted for matters which, if not cared for at the appropriate time, would result in injurious hardship for the individual;
- 2) The burden of proof that an emergency exists which requires the individual's attention rests with the person taking leave. Appeals may be taken to the President for determination and recommendation;
- 3) Whenever possible, prior approval should be obtained from the appropriate Division Chair or administrative head and the CAO.

603.7.1 Approval for emergency leave is given by the appropriate division chair and the appropriate Vice President.

603.8 Attendance Incentive Program

All regularly employed full-time faculty members are eligible to participate in an attendance incentive program, in accordance with the provisions of RCW 41.04.340, which provides monetary compensation for accrued sick leave as follows:

- 1) In January of each year, and at no other time, an employee whose year-end sick leave balance exceeds 60 days may choose to convert sick leave days earned in the previous calendar year minus those used during the year to monetary compensation at the rate of 25%, based upon the employee's current salary. To the extent allowable by state statute, employees may convert any or all of their eligible days. All converted days will be deducted from the employee's sick leave balance.
- 2) Employees who separate from the College due to retirement or death shall be compensated for their unused sick leave accumulation at the rate of 25%, based upon their salary at the time of separation. Retirement shall not include vested employees who leave funds on deposit with the retirement system.

603.8.1 For the purpose of this section, a faculty member is considered retired if he/she separates from the College for any reason and meets TRS 1 retirement requirements regardless of the faculty member's retirement system.

603.9 Family Medical Leave

The Federal Family Medical Leave Act provides for an unpaid leave of up to 12 workweeks for faculty who need leave to care for a family member, a parent, the birth or adoption or care of a child. Faculty are eligible for this leave if they have worked more than 156 days during the calendar year prior to requesting leave. Family medical leave can be used over a running twelve month period starting with the first date leave is taken. Family medical leave can also be taken intermittently, and although it is unpaid it can be integrated with paid leave when there is a temporary disability verified

by a physician. The College maintains health benefits during the entire period of Family Medical Leave.

604 SABATICAL LEAVE

604.1 Introduction

As an institution of higher education, Highline Community College is committed to lifelong learning and has strongly supported professional development for its faculty, administration, and staff since its inception. Faculty may be granted a sabbatical as a means to enhance their professional development and to improve the College's services to its students and community.

604.1.1 A sabbatical leave creates a significant block of time for tenured faculty to engage in activities that sustain professional growth and revitalization. The enabling legislation for sabbaticals asserts that these leaves are "for the purpose of providing opportunities for study, research, and creative activities for the enhancement of the institution's instructional and research programs." (RCW 28B.10.650) The success of this sabbatical leave policy depends upon the good will and cooperation of those who administer it, those who participate in it, and the availability of resources to implement it.

604.1.2 Two types of sabbatical leave are available for full time faculty: Professional Leave, and Growth and Enrichment Leave (G&E Leave). The criteria for Professional leave are in section 604.4, and include the requirement that the faculty member be tenured. The criteria for G&E Leave are in 604.5, do not include a tenure requirement, and focus on revitalizing faculty and improving their performance at the college.

604.1.3 Faculty members on professional leave shall be entitled to the same rights and benefits as all other faculty members.

604.2 Professional Leave Procedures

For leaves being contemplated for implementation in the subsequent fiscal year, the procedure for processing professional leave applications shall be:

- 1) A tenured faculty member wishing to be considered for professional leave must submit a written application following the outline suggested by the CAO. Applications are to be submitted to the appropriate Division Chair, reviewed by members of the division, and submitted to the appropriate Dean by January 15, accompanied by recommendations from the Department Coordinator and Division Chair. These letters should include the materials and information specified on the cover sheet for Divisional Submission of Professional Leave Requests (Appendix C of this Agreement). In addition, after consultation with the Department Coordinator, the Division Chair will provide an analysis of each leave's impact on the program and indicate appropriate replacement strategies. For counselors and librarians, the CSSO and the Dean of Instructional Resources, respectively, will also provide analysis of the leave's impact on the program and indicate appropriate replacement strategies. The applicant will receive a copy of all materials submitted by the division chair, and will have three working days

following receipt of the materials to submit a response (if any) in writing to the appropriate Dean.

- 2) All applications shall be processed to reach the CAO by January 31.
- 3) Applicants must have five years of full time service as a faculty member at the College to be eligible for professional leave. Applicants who receive additional leave within three years of their last leave are only eligible for leave paid at the 75% of salary rate.
- 4) The CAO will make certain that the estimated cost for replacements is within the statutory requirement. The CAO will notify the Professional Leave Committee if statutory requirements cannot be met and possible solutions necessary to stay in compliance.
- 5) The committee's recommendations for leave, including the estimated costs for replacements, shall be forwarded by the Chair of the committee to the CAO for final decision. In addition to recommending approval of selected proposals, the Committee may identify one or more alternates.
- 6) Notification to all applicants of the decisions concerning the granting of the leave shall be made on a timely basis, normally before the end of winter quarter of the academic year in which application is made.
- 7) All leave applicants denied leave shall be issued written statements by the CAO setting forth reasons for denial of leave requests.
- 8) If an applicant who had been granted leave is forced to cancel his/her leave plans, the leave may be granted to the first alternate.

604.3 Professional Leave Committee Composition

The application procedures for granting professional leave shall be monitored by the Professional Leave Committee. At the end of each Winter Quarter's review of applications, the committee will elect a Chair from its voting members. The composition of the Professional Leave Committee shall be:

- 1). Five tenured faculty representatives (one from each division) elected by the Division's faculty for staggered three year terms
- 2) One student member who shall be a full-time student, chosen by the student association in such a manner as the members thereof shall determine for a one year term.
- 3) The CAO (non-voting) and

4) If a faculty member that is applying for leave is a member of the Committee, that faculty member must resign from the committee. Faculty elected to replace these faculty representatives shall serve the remainder of their terms.

604.4 Professional Leave Criteria

Criteria to review the proposals and rank the recommendations will include:

- 1) advantage that the leave's results will have for the individual's assigned responsibilities and the College;
- 2) professional Development opportunities for the applicant;
- 3) opportunity to seek an advanced degree;
- 4) quality of the proposal
- 5) years of service since previous leave at the College;
- 6) development of skills for an expanded or changed position;
- 7) ability and expertise of the applicant to achieve the outcomes anticipated by the proposal;

604.4.1 The Committee may request faculty to revise their leave proposals after their initial deliberations before making a recommendation.

604.5 Growth and Enrichment Leave

One quarter leaves may be granted for growth and enrichment (G&E) leave. G&E leaves will not be granted in conjunction with professional leave. However, in cases of emergency, an additional quarter of G&E leave may be granted. Tenure is not required to obtain G&E leave.

604.5.1 Threshold Criteria: Projects or proposals which are to be considered for G&E leave should contribute significantly to revitalizing and improving the faculty member's performance at the College.

604.5.2 In choosing among those proposals meeting the threshold criteria above, the committee will consider the following factors:

- 1) length of time since any previous professional leave;
- 2) personal need of the applicant for leave, as it relates to the applicant's performance of professional duties at the College.

604.5.3 Other stipulations:

- 1) applications for G&E leave should be accompanied by a written recommendation from the division chair and if appropriate, the CSSO and the Dean of Instructional Resources.
- 2) applications should be submitted to the office of the CAO by January 31, prior to the academic year in which the leave is to be taken;
- 3) requests for G&E leave received after January 31 of any given year (especially emergency requests) may be considered by the committee once those professional and G&E leaves submitted by January 31 have been considered;
- 4) applications for G&E leave will be considered after applications for professional leave are considered;
- 5) the committee can, at its discretion, suggest changes in, and resubmission of, rejected applications;
- 6) the faculty member may not be employed at another educational institution during G&E leave.

604.6 Other Provisions

604.6.1 Salary During Leave

If a faculty member is approved for leave, then his/her total salary during the period of the leave is restricted to no more than the average salary of the top quartile of full-time faculty salaries. Within these bounds, faculty may earn up to 100% of their normal salary for the first quarter's leave, seventy-five percent for a second quarter's leave, and seventy-five percent for the third quarter's leave within an academic year.

604.6.1.1 The above percentage shall be applied to the faculty member's basic contract pay. Faculty on professional leave may accept other employment, provided such assignments do not interfere with the leave assignment as determined by the appropriate Vice President.

604.6.2 Agreement to Return

It shall be a condition of such leave agreements that the person must agree to return to the College upon completion of the leave period and shall serve for a period of one quarter for each quarter of leave, or shall pay to the College all prorated leave salary and fringe benefits unless the faculty member's employment was terminated by the College. The time allowed for repayment shall be the same as the number of quarters of leave or at a rate mutually agreed between the faculty member and the College. Payments delayed beyond the two years shall include a reasonable interest rate. A faculty member returning from leave shall be entitled to the position held prior to the leave.

604.6.2.1 Should a sabbatical leave be ended by the death of the employee, the estate will not be held liable for the salary paid. Should an individual become disabled (and thus, prevented from achieving the expectations of a productive sabbatical) for a substantial period of time during the leave due to illness or injury, the individual will be paid sick leave under the terms of the state regulations for sick leave.

604.6.3 Agreement for Satisfactory Completion

It shall be a condition of such leave that the faculty member shall satisfactorily complete the project and shall provide the President with a written report, including official transcripts of all College work, that summarizes the work completed and its benefits to the College. This report is due within two months after completion of the leave, summer quarter excluded. Should this report indicate the project was not completed or deemed unsatisfactorily completed; the President may refer the report, along with all documentation concerning the request, to the Professional Leave Committee for a recommendation. Failure to satisfactorily complete the project could result in faculty member having to refund the payments, or some portion thereof, to the College.

604.6.4 Total Leave to be Granted

Total professional leave and cost of replacement shall not exceed statutory requirements as set forth in law at the date of the adoption of this agreement, nor shall the total professional leaves granted for each year be less than three full time equivalent faculty per year, provided that there are sufficient applications that meet the minimum threshold requirements and are recommended by the Professional Leave Committee and approved by the CAO. Other than assuring that the total cost of leaves to be granted meets state statutory requirements, no leaves will be denied solely for financial convenience.

604.6.4.1 Faculty who have fifteen years of service since their last leave and have applied for growth and enrichment leave will be the first priority for leaves up to a total of three quarters of G&E leave. Seniority and length of time since one's last leave will be a consideration in prioritizing G&E leaves.

605 FACULTY EXCHANGE LEAVE

A faculty member may wish to arrange an exchange of work assignment with any qualified colleague at any appropriate institution in industry, education, government, or other place of employment. Such professional exchange requires that the faculty member's replacement at Highline Community College be qualified to perform the member's normally contracted duties or to perform another faculty assignment having a higher priority need as determined by the CAO.

605.1 While participating in such an exchange, the Highline Community College faculty member shall officially continue as a full-time contracted member of the faculty and shall be treated as such in all respects by the College; for instance, maintaining position on the salary schedule, insurance and retirement coverage.

606 LEAVE OF ABSENCE

A leave of absence without pay may be granted for a maximum of two consecutive years to a faculty member for personal and/or professional reasons. Leaves of over one quarter in length are granted by the President.

606.1 Requests for leave of absence should be submitted to the appropriate division chair or equivalent and referred to the appropriate Vice President. A person maintains, but does not advance, position on the salary schedule while on leave.

606.2 In considering requests for leave of absence, the following are among factors considered:

- 1) reasons for leave;
- 2) length of service to the College;
- 3) instructional area or assignment;
- 4) availability of suitable replacement; and
- 5) total number of faculty on leave.

607 JURY DUTY LEAVE

A faculty member may be granted a leave for jury and witness duty when subpoenaed.

608 PERSONAL LEAVE

Personal leave can be used for reasons of a personal nature; however such leave shall not be used immediately before or after any legal holiday granted by the state. Reasonable attempts to arrange class coverage shall be expected. No more than one personal leave day will be granted for each full time, one-year, and affiliate faculty member and faculty intern in an academic year. Personal leave may be used during Summer Quarter if the faculty member was unable to use it during the previous academic year and s/he is carrying a full workload of 10 or more credits.

609 OTHER STATUTORY AUTHORIZED LEAVE

The state of Washington and the federal government enacted several statutes authorizing employee leave programs. A summary of these leaves is attached as Appendix E to this Agreement and may also be found on the Internet at <http://www.lni.wa.gov/WorkplaceRights/files/FamilyLeaveLawsTable.pdf>. Additional information about these leaves can be obtained at the Human Resources Department

610 PROFESSIONAL DEVELOPMENT FUND

The College encourages and expects professional development from the faculty. To facilitate professional development, the College will budget each year an amount sufficient to allow half of the full-time faculty \$1,500 per faculty member to be used in the pursuit of professional development. The intent is that each full-time faculty member have access to these funds in alternate years.

610.1 The funds for professional development will be distributed by division, with approximately half the members of each division, and half the members of each department, if possible, having access to funding in a given year. Faculty members may pool funds to facilitate large projects. Two Faculty members within a division having funding on alternate years may trade funding to allow each faculty member funding in each year.

610.2 In addition, there will be a separate fund of \$3000 set aside each year to fund professional development projects by part-time faculty. These requests must be approved by the Division Chair and the CAO.

610.3 To receive funding for professional development, an eligible faculty member must submit a proposal to the Division Chair. The Division Chair will either approve the proposal, or indicate to the applicant reasons for denial.

610.4 On March 1st of the academic year, the Division Chairs and the CAO will meet to discuss the distribution of the unused professional development funds. The CAO will have the final approval for distribution of these funds.

611 HCEA RELEASE TIME

One-third release will be granted per academic year to the HCEA for the purpose of representing Highline Community College faculty. No more than two-thirds of this time may be taken in any one quarter nor more than one-third during fall quarter. During those quarters when active negotiations are taking place, the College shall provide an additional one-third release time for one negotiator.

611.1 HCEA may request to purchase release time for faculty member(s), not to exceed one-third FTE-F per year, by paying part-time faculty replacement costs. The President is under no obligation to approve reduced loads as the President considers other important factors, including but not limited to, the availability of qualified replacements, the potential impact on the department and division, and the potential impact on the class offerings for students. Full advising, department and division responsibilities, and office hour contact will be maintained by the instructor.

611.2 Release time is provided especially for on-campus affairs and shall exclude participating in unauthorized lobbying activities as defined by the Public Disclosure Law or in organizational activities at campuses and locations other than Highline Community College.

611.3 The determination of who is to receive release time will be made by the Executive Board of the HCEA and approved by the College President.

612 INTER-ASSOCIATION ACTIVITIES

Faculty members may attend state and national meetings of the recognized bargaining unit organization or its affiliates, without loss of salary, if they serve as officers or members of commissions or if they are the elected representative of the HCEA. This attendance shall incur no costs to the College and classes are to be covered by substitutes. Normal procedures for travel and class coverage will be followed.

613 RETIREMENT INCENTIVES

The parties recognize that a retirement incentive program is a useful device to manage the composition of the faculty. Accordingly, the College may, at its option, offer retirement incentives to tenured faculty. Any such offer will be available to all faculty members who meet the eligibility criteria. The eligibility criteria and the economic components of the retirement incentives program are subject to bargaining. Personal eligibility criteria includes but is not limited to age, years of service at the College, and similar personal characteristics. The economic components include but are not limited to leave payouts, insurance benefits, and other items of economic value. The decisions related to the programs, courses, and classes for which the retirement incentives will be offered are reserved solely to the College President or his or her delegate.

In the event more faculty apply for the incentive offer than required, seniority as defined by total years of service as tenured faculty will determine the order by which faculty will be granted early retirement. Full-time faculty who taught at least 15 quarters at the College prior to taking a tenure track position will be allowed to count their prorated experience at the College when calculating years of full-time tenured service to the College.

613.1 All retirement arrangements must be established in writing and agreed to by the faculty member and the College. Conditions of the agreement require that the faculty member exercise an intentional, voluntary and intelligent waiver of rights as a tenured faculty member in exchange for participation in a retirement program and that the College President give written assurances for fulfillment of the retirement contract. The contract shall specify eligibility for benefits, as appropriate. Should unanticipated circumstances arise, the faculty member and the College President may mutually agree, in writing, to modify the terms of the retirement arrangement.

613.2 The option of phased retirement is also available. Phased retirement means a tenured faculty member may carry a reduced load at pro rata pay. Benefits will be maintained as provided by Health Care Authority (HCA) rules. Faculty seeking to exercise this option must be at least 58 years of age at the time of the request. The College will allow at least three (3) eligible faculty to participate.

613.3. Retired faculty will be given an opportunity to substitute for pay if temporary instructors are needed in the classes the retiree normally taught. Retired faculty will be given an opportunity to teach on the part-time schedule within the limits of the Washington State Retirement System guidelines. Retired faculty will be provided with a free parking pass.

614 CHILD CARE

Child care will be available on campus for faculty on a space-available basis.

615 FACULTY EXCELLENCE AWARDS

Pursuant to RCW 28b.50.843, the interest proceeds of the endowment fund created by the Highline Community College Foundation and matched by the Washington Community and Technical College Exceptional Faculty Awards shall be distributed by the HCC Foundation yearly at such time that the interest exceeds \$5000 per year. The maximum award will not exceed \$2000.

615.1. Awards Committee

A committee consisting of the CAO, the College's Director of Fund Development and three faculty members from different Divisions will constitute the awards committee. The faculty members will be elected in three year staggered terms during fall quarter by the faculty at large. For the purpose of the initial selection, faculty will be elected to a one, two and three year term.

615.2 Awards Criteria

Awards will be given to full or part time faculty members who submit proposals that will:

- 1) Promote excellence in teaching and learning
 - 2) Enhance the educational environment of the College
 - 3) Contribute to the advancement of the applicant's discipline
- Or
- 4) Lead to the development of innovative curriculum

615.3 Permitted Uses

As established in RCW 28B.50.841, the awards can be used for faculty development activities, in service training, temporary substitutes or replacement costs directly associated with the faculty development program, conferences, travel, publication and dissemination of exemplary projects, supplement the salary of the holder of a faculty award or pay expenses associated with the holders program area. Funds from this program shall not be used to supplant any existing faculty development funds.

615.4 Application Process

Applications detailing how the submitted proposal meets the above awards criteria will be submitted to the College's Director of Fund Development during the first week of Winter Quarter. The Director will forward the proposals to the committee members. By the third week of Winter Quarter, the Committee will meet to determine the awards. The Committee is under no obligation to disperse all the funds available if it is decided there are insufficient meritorious proposals.

616 Benefits Orientation for New Tenure Track Faculty

To allow participation in the activities of opening week for new tenure track faculty, the Human Resources Department will offer to meet with these faculty before opening week to facilitate the

paperwork and other processing decisions associated with the initial quarter of employment for new faculty at Highline Community College, particularly benefits and salary decisions. For those new faculty unable to meet with Human Resources staff before opening week, there will be an additional meeting held during opening week for the same purposes.

700 PART-TIME SALARY PROGRAM

701 PART-TIME FACULTY SALARY SCHEDULE (Excludes Continuing Education, Self Support, Contract or Community Service ABE Courses)

PART-TIME SALARY SCHEDULE 2009-2010

The type of class determines the scale:

Base Scale (5 credits lecture)*		
I	II	III
\$2,103.67	\$2,251.70	\$2,399.73

Base Scale (with 50% parity)		
I	II	III
\$3,155.54	\$3,377.55	\$3,599.56

Lab Pay Scale (2 credits lab)*		
I	II	III
\$1,767.11	\$1,891.45	\$2,015.80

ABE/ESL Pay Scale (5 cr. equivalent)*		
I	II	III
\$2,734.81	\$2,927.24	\$3,119.68

* Excludes Extended Learning, Self-Support, Contract of Community Service ABE courses.

Parity is paid as a percentage of the base scale for the purposes of class preparation, grading tests, and meeting with students outside of class.

701.1 Subsequent Part-Time Faculty Salary Schedules

The Highline College Education Association and the College will develop the part-time faculty salary schedules once all data are available.

701.2 The amount of the raise shall include the full percentage authorized by the Legislature and any additional raise(s) as approved and funded by the Legislature and/or the SBCTC. The raise(s) shall be applied to the subsequent salary schedules consistent with all laws, guidelines, rules, and/or regulations established by the Legislature, OFM, and/or SBCTC. The raise(s) will be used to grant an equal percentage increase for each step rounded to the nearest .05. The HCEA may appoint a committee of one to three persons to monitor the calculations used to construct these schedules.

702 PLACEMENT ON PART-TIME SCHEDULE

702.1 Initial and Subsequent Placement

In preparing an instructor’s initial part-time agreements, the College will normally use the first column unless the transcript furnished by the faculty member indicates eligibility for a higher column placement. Qualifications for higher initial column placement include the following:

<u>Column II</u>	<u>Master Degree or Bachelor Degree and 45 credits</u>
<u>Column III</u>	<u>PhD., Master Degree and 45 credits or Bachelor Degree and 90 credits</u>

Transcripts must be furnished to the Human Resources Department by the third week of the quarter. Once qualifications are verified, the instructor will be paid at that column rate. Subsequently, if the faculty member qualifies for a higher column rate and notifies the Human Resources Department of the higher qualifications they will be placed at the higher rate. Notification should be by the third week of the quarter, and should include a transcript and a request for higher placement.

702.2 Promotion by Experience

The Director of Human Resources will email all part-time faculty not on Column III informing them of the conditions that must be met for advancement to the next column. The notices will be sent each academic quarter.

702.3 Conditions for Advancement

Part-time faculty in columns I or II may also apply to advance to the next column after meeting the following conditions:

- 1) The faculty member must have taught at least 9 quarters at Highline Community College at a level of at least five credits per quarter. All such credits must be from classes taught

during or after Fall quarter, 2004. For a second promotion based on experience, the faculty member must meet this condition again after the previous promotion.

- 2) The faculty member must have taught at Highline for at least three of the last six quarters (summers may be excluded from the six quarters, if not taught; they may be included if taught).
- 3) The faculty member must notify the Human Resources Department of his or her eligibility to advance to the next column by the sixth week of the quarter. Once notified and verified, the instructor will be paid at that column rate unless subsequently he/she qualifies for a higher column rate. Notification must include a request for promotion and a list of relevant quarters taught at Highline.

703 PAYMENT FOR CANCELED CLASSES

Classes may be canceled at the discretion of the College because of insufficient enrollment or other extenuating circumstances. Payment for canceled classes may vary with the type of assignment but will generally follow this schedule: If canceled prior to one week before starting date of the class, no payment will be made; if canceled within one week of the starting date of the class, payment will be prorated on the basis of one class session; if canceled any time after the initial class session, payment will be based on a fractional part of the contract completed.

704 RESPONSIBILITIES OF PART-TIME FACULTY

- 1) To provide instruction to students and help promote effective learning.
- 2) To pursue appropriate professional development activities in order to stay current in assigned teaching fields, program, and discipline.
- 3) To ensure that course content is consistent with department guidelines.
- 4) To maintain communication with department coordinator, and with department faculty.
- 5) To comply with applicable state and federal laws and regulations.
- 6) To maintain a standard of honest and ethical behavior in their professional duties.
- 7) To maintain and submit required institutional and state records and reports on a timely basis.
- 8) To assume reasonable responsibility for care and safekeeping of College supplies and equipment.
- 9) To meet and maintain, as a condition of employment, the requirements for certification appropriate to the faculty member's particular field. This may include vocational certification and professional licensing.

- 10) To be able to assist students with educational planning or direct students to appropriate campus resources.

705 AFFILIATE FACULTY

Part-time faculty may receive affiliate status with the recommendation of the Coordinator or Division Chair, as appropriate, and with the approval of the CAO. Re-appointment of affiliate faculty must be recommended to the CAO and approval is required each year. Affiliate faculty receive an annual contract, usually issued by July 31st, specifying each quarter's load and a salary reflecting their placement on the part-time scale. While the employment specified in the contract of an affiliate faculty member is subject to availability of classes, the affiliate faculty member may be granted bumping rights over non-affiliate part-time faculty, at the discretion of the Department Coordinator. Affiliate faculty have priority access to professional development funds set aside for part-time faculty. Affiliate faculty responsibilities remain the same as other part-time faculty. Typically, initial appointment to affiliate status requires at least three years' continuous service at Highline.

706 PART-TIME FACULTY EVALUATION

It is the Department Coordinator's responsibility to ensure that part-time faculty are evaluated by students once a quarter for each class taught. The Coordinator may select any student evaluation form which has been approved for the Tenured Faculty Evaluation process. If a new form is to be used, the process for approval will be the same as for student evaluation forms used in the tenured faculty evaluation process. The results of the student evaluation will be made available to the faculty member, the Department Coordinator, and, upon request, to the Division Chair, and the CAO.

706.1 Further, the part-time faculty member will be evaluated by the Coordinator, by the end of the third quarter of employment, and thereafter, the first quarter teaching after each three-year interval. The Department Coordinator will be responsible for establishing the content and format of the evaluation. The results of the Department Coordinator's evaluation will be made available to the faculty member, and upon request to the Division Chair and the CAO.

706.2 At the Department Coordinator's request, the part-time instructor will provide the course syllabus, any examinations and any handouts that have been used during the quarter.

706.3 The Department Coordinator will retain the Coordinator evaluations for three years and the raw data from student evaluations for one year.

706.4 Each quarter the Office of Instruction will inform the Department Coordinator which part-time faculty are to be evaluated.

707 PROFESSIONAL RECOGNITION

Part-time faculty are recognized as having professional rights and responsibilities in relation to their specific assignments at Highline Community College.

708 SICK LEAVE

Part time faculty are responsible for covering course content. If a part time faculty member is requesting an extended leave, arrangements must be discussed and approved by the Department Coordinator and the appropriate Division Chair.

708.1 Effective September 15, 2002 part-time faculty teaching for-credit classes earn sick leave subject to the following provisions:

- 1) A part-time instructor earns sick leave on a monthly basis. The rate of accrual shall be (instructor's percent of full time load) x (8 hours), for each calendar month in which the instructor teaches.
- 2) If a part-time instructor teaches one quarter, and is not employed during the next regular quarter (excluding summer quarter), no accumulated sick leave is retained past the end of the first quarter. However, if a part-time instructor teaches at least two consecutive quarters, sick leave earned during all these quarters will continue to accumulate and be available for use by the instructor until such time as the instructor has not been employed as an instructor at HCC for at least 18 calendar months (excluding the two months for summer quarter).
- 3) Part-time faculty may use sick leave in the same respects as full-time faculty, (including illness both personal and within the immediate family), bereavement, emergencies and maternity leave. Sick leave for part-time instructors will be used at the rate of one hour of sick leave for each hour of lecture class missed; one hour of sick leave for every two hours of lab class missed; and one hour of sick leave for every three hours of clinical class missed.
- 4) Part time faculty can only transfer leave from another college or agency once the College becomes the sole employer. The leave cannot exceed 40 hours transferred.
- 5) Extended Learning, contract or community service ABE faculty who teach more than 22 contact hours in an academic quarter shall accrue sick leave. The sick leave earned will be prorated based on their percent of full time during the term they are employed, and in no case will the total accrual be more than eight hours/month. This leave does not cumulate beyond the term in which it is earned and it cannot be compensated. Sick leave for these faculty can be used in the same manner as the other part time faculty.
- 6) Attendance Incentive Program – Part time faculty are eligible for the attendance incentive program described under RCW 28B.50.553. For purposes of the application of this provision, part time faculty must accumulate the equivalent of 60 days of full time sick leave, or 480 hours to cash out sick leave prior to retirement. Once the minimum of 480 hours is accrued the eligible part time faculty member can be reimbursed on a 1:4 ratio. At the time the part time faculty member ceases to be employed by the College for 18 months or otherwise announces his/her intent to retire, accumulated sick leave can be cashed out on a 1:4 ratio.

709 HEALTH AND RETIREMENT BENEFITS

Eligibility of part-time faculty for health and retirement benefits, including coverage during the summer months is covered by Washington State statute Health Care Authority rule. Part-time faculty have the responsibility to notify the Human Resources Department of any employment outside of Highline Community College which could affect eligibility for health or retirement benefits.

710 PART-TIME FACULTY MEETING PAY

The Department Coordinator may request a stipend for part-time faculty to attend department-specific professional development, program planning, assessment sessions, or other similar activities. Stipend requests must be supported by the Division Chair before consideration by the CAO.

800 PERSONNEL POLICIES

801 Selection of Full-Time Faculty

The College seeks to hire the most qualified educators available to fill approved vacancies for tenure-track faculty, consistent with the institution's commitment to affirmative action, equal opportunity, and campus diversity. Once the President has authorized the hiring of a tenure track faculty member, the appropriate appointing authority will ask the Division Chair (or equivalent) to consult with the faculty of the Instructional Department or student Services unit to prepare a written job description for the position. In addition, once the President has authorized the hiring of a tenure track faculty member, the appropriate appointing authority will ask the Division Chair (or equivalent) to inform part-time faculty currently employed in the department or Student Services unit of the anticipated hiring of a tenure track faculty member in that department or Student Services unit.

801.1 Once the job description has been approved by the appropriate appointing authority, the College will advertise the position through appropriate national, regional, and local sources.

801.2 After consultation with members of the department or division, the appropriate division chair (or equivalent) will inform the appointing authority of the members of the search committee. While seeking to include racial and gender diversity, the initial committee will include, as a minimum:

- 1) the Division Chair (or equivalent);
- 2) the Department Coordinator (or nearest equivalent);
- 3) one division faculty member appointed by the division;
- 4) one faculty member appointed by the CAO; and
- 5) an administrative representative appointed by the CAO.

801.3 After consultation with the members of the department, the search committee or the administration may expand the committee to include additional faculty or staff. The final composition of the committee will include both needed expertise in the discipline, and gender and racial diversity.

801.4 The Division Chair will call the first meeting of the committee. The administrative representative and, if necessary, the Executive Director of Human Resources or designee will inform the committee of any legal requirements affecting the hiring process. The search committee will elect its own chair.

801.5 The chair of the search committee will forward the committee's recommendation to the appointing authority. The committee will forward a list of all individuals it would be willing to hire, with preferences clearly indicated. If the list contains fewer than three individuals, the chair of the committee will discuss the committee's recommendations with the appointing authority.

801.6 If the appointing authority is opposed to any or all of the recommendations of the committee, he/she will inform the committee and the President, giving reasons for the opposition. If there are no acceptable recommendations, the appointing authority may request the search be reopened.

802 SELECTION OF DIVISION CHAIRS

802.1 Appointment of Division Chairs

An appointment of a division chair shall be made by the President. The President shall seek advice, consultation, and recommendation by the CAO and by faculty of the division for which the appointment is to be made.

802.1.1 The Division Chair will be selected from those who are full-time tenured faculty members in the division at the time of the announcement of the vacancy. A candidate must be acceptable to the President, CAO, and the majority vote of the full-time faculty in the division. The term of the Division Chair shall be three years. Division chairs may not serve more than three consecutive terms unless no one else is willing to serve. If no one applies, or there is no acceptable candidate from the division, the President and the CAO will confer with the division to discuss possible solutions.

802.1.2 The faculty of the division shall have the right to be involved in the periodic evaluation of a chair, and it shall have the right to petition the President for evaluation at other times. The appointment of a Division Chair may be revoked by the College President for just cause.

802.2 Procedures Leading to the Appointment of Division Chairs

802.2.1 The following steps are to be taken in sequence:

Vacancy in a Division Chair position will be declared by the President in written communication to the CAO, to the members of the division and to the Executive Director of Human Resources, and will include a timetable for the steps which follow.

802.2.2 Job descriptions will be compiled and updated by the CAO, who will, in the process, consult with the President, the members of the division, and, when appropriate, with the retiring Division Chair, reviewing and discussing draft proposals with them.

802.2.3 Announcements and job descriptions of the position will be posted and distributed to the faculty of the division and to other College faculty who may request them, to the CAO, to the President, and to the Human Resources Executive Director. Applications will be filed with the Human Resources Executive Director. Full time members of the Division shall be notified by the applicant of the intent to run. If this notification occurs on the closing date and there is a single applicant, the closing date will be extended one day.

802.2.4 Within one week following the announced date of the closing of applications, the CAO will call the members of the division faculty together including, if possible, representation from the part-time staff. After convening the meeting, the Vice President, and identified applicants will depart. The division faculty will:

- a. elect a presiding officer, if one of the applicants is the current chair; and
- b. discuss and decide upon the manner by which its members will:
 - 1) study the applications;
 - 2) invite and conduct interviews;
 - 3) decide upon its recommendations regarding the chair to be chosen.

802.2.5 The Executive Director of Human Resources will make available to the President, to the CAO, and to those division members authorized by the division, all confidential records and other materials received by him or her, from or at the request of applicants.

802.2.6 Following receipt of applications from within the College, the CAO will evaluate the applicants, will consult with the entire division faculty, will ascertain from them the results of their deliberations under No. 4 above, and then with the President, before the division, the President, or the CAO have made their final selections. When tentative indications are that a single person is acceptable to each of the three parties, the CAO will so inform the division faculty and the President. Following an exchange of memoranda of intent, the President will appoint that person. If a person is not identified in this manner, the procedures below will be followed.

802.2.7 If agreement is not reached as in No. 6, division faculty will recommend two or more persons for the position and transmit their recommendations in writing to the CAO. These recommendations may be in order of preference and accompanied by comment. If the division is not able to recommend two persons, the President will consult with the appropriate Vice President and will appoint an acting Division Chair for one year only. An acting Division Chair may not be reappointed to the same position, except as provided in item 11 below.

802.2.8 The CAO will consult with the President regarding the division's recommendations. If one or more of the persons recommended by the division are acceptable to both the Vice President and the President, then the one most acceptable to the President and the appropriate Vice President will be appointed.

802.2.9 If none is acceptable, the CAO will consult with the division to reconsider and make further recommendations.

802.2.10 When so requested, the division faculty will reconsider. If it does not see fit to make additional recommendations, the President will appoint an acting Division Chair as in No. 7 above, for one year only.

802.2.11 If the division makes additional recommendations, the President and CAO will consult, as in step No. 8 above, and the President will appoint a chair from those recommended or the President will appoint an acting chair for one year only, as in No. 7 above.

802.2.12 If the President appoints an acting chair for one year only, the process above will be repeated not more than one calendar year later.

802.2.13 If possible, the choice of chair should be completed well before the end of the spring quarter.

803 PROCEDURES FOR THE SELECTION OF VICE PRESIDENTS, DEANS OF INSTRUCTION, AND THE DEAN OF INSTITUTIONAL RESOURCES

803.1 Procedure for the selection of the CAO and CSSO.

803.1.1 When the position of CAO or CSSO becomes vacant, and the administration determines that it is to be filled, each division (faculty) will elect two members to a pool of potential members of a screening committee (hereafter called the committee). Should a division fail to name two members within five days of the second request, the President, or designee, may complete the ten member pool with other full-time College faculty members. For the purpose of these procedures, Division Chairs are eligible for election to this pool. The divisions are Arts and Humanities; Business; Health, Education and Physical Education; Pure and Applied Science; and Social Sciences.

803.1.2 From this pool of ten faculty members, the President will appoint five, of whom no more than two can be Division Chairs, to serve on the committee when filling the CAO position. When filling the CSSO position, the President will appoint one faculty member from Student Services and four from the pool of ten. Should circumstances prohibit the presidential appointments as described above, the President will make faculty appointments from the pool of ten as needed. The President will also appoint two administrators, or administrative representatives, to serve on the committee. The Executive Director of Human Resources will serve as a nonvoting ex-officio member of each committee.

803.1.3 The President, or designee, will develop a timetable for the process in consultation with the committee including the date of employment. If the timetable indicates that the process will (or does) extend beyond the end of spring quarter, any faculty committee member who cannot make a commitment to complete the total process will be replaced. That faculty member's division will elect a new member to the pool. The President will then select the committee replacement from the balance of the pool.

803.1.4 The committee will meet with the President, or designee, to discuss minimum and desirable qualifications for the position, selection and interview procedures. The committee, after considering

the President's comments, will prepare written criteria and procedures which will be submitted to the President, or designee, for comment.

803.1.5 The College will be responsible for preparing the job description including job qualifications which will be used in the recruitment and selection process. The Executive Director of Human Resources shall be responsible for all correspondence to the applicants.

803.1.6 The committee will forward to the President a list of applicants to be considered for interview. After considering the number of applicants to be interviewed, the budget impact, and any other factors considered important, the President will return the list, along with comments, to the committee. Should the President find anyone on the list not acceptable, the name will be removed from further consideration. Should the number of candidates to be interviewed drop below what the committee believes to be a reasonable number, the committee and President will meet to discuss and resolve the apparent problem. If the problem is not resolved, the application process will be reopened.

803.1.7 From the interviewed applicants, the committee will submit three or more names to the President of preferred applicants. As the committee deems appropriate, the applicants may be in rank order. The committee will also name two alternate applicants to be considered if any of the preferred applicants withdraw. Ranking of the two alternates is at the discretion of the committee.

803.1.8 The President will appoint one of the preferred applicants to fill the vacant position.

803.1.9 At the conclusion of the selection process, the committee and the faculty divisional pool will be dissolved.

803.2 Procedure for the Selection of the Deans of Instruction and Instructional Resources

802.2.1 When it becomes necessary to hire a new staff Dean the CAO will consult with the Division Chairs and the Executive Board of HCEA as one of the first steps in determining a procedure for selection. It is the intent of this section to ensure that any selection process includes significant faculty participation.

804 SELECTION OF A COLLEGE PRESIDENT

When it becomes necessary to hire a new College President, the Board of Trustees will consult with the Executive Board of the HCEA as one of its first steps in determining a procedure for the selection of the College President. It is the intent of this section to ensure that any selection process include participation by the campus community, including faculty. Faculty participants in the selection process should be freely elected by the faculty in an election conducted by HCEA.

805 FACULTY GRIEVANCE

805.1 Purpose

Faculty employees should have clear and open channels wherein they can take action to bring their grievances to the attention of the College's administration. The President of the HCEA has the right

to file a grievance on behalf of the HCEA if there has been an alleged violation of a specific section of this agreement. The purpose of the following procedures is to provide an orderly system for such actions.

805.2 Definitions and Eligibility for Filing Grievance

Grievance: an alleged violation of a specific section of a policy or policies negotiated between the Board of Trustees and the HCEA or procedures which have not been negotiated but directly affect the working conditions of faculty employees, such as rules of faculty assignment.

805.2.1 Any faculty member, including Division Chairs, or the HCEA President in the event of an Association grievance with the exception of those holding administrative appointments as defined by the Board of Trustees, can file a grievance. The grievance must address an alleged violation of a specific section of a policy or policies negotiated between the Board of Trustees and the HCEA or procedures that have not been negotiated but directly affect the working conditions of faculty employees.

805.3 Procedures

Prior to filing a written grievance, a faculty employee who has a grievance regarding the implementation of a negotiated policy is encouraged to orally present such grievance to his/her Division Chair or appropriate supervisor in hopes that an acceptable solution may be found. Any decision to continue with the grievance procedure beyond this stage shall rest with the individual lodging the grievance or by an individual grievant who is part of a consolidated grievance.

805.3.1 Step one:

1) Within fifteen days after an alleged grievance or within fifteen days after the faculty employee, through the use of reasonable diligence, should have known of the alleged grievance, a faculty employee who wishes to commence the grievance procedure shall present his/her written statement to the appropriate administrator. The statement shall be specific as to the alleged violation, shall identify all provisions of negotiated policies alleged to be violated, shall list the facts of the particular case, and shall be signed by the aggrieved employee. Copies shall be mailed simultaneously to the Vice President for Students, or the CAO, as appropriate, to the College President, and to the president of the HCEA.

2) Within 10 days after receiving the grievance, the appropriate administrator shall communicate his/her response or remedy and its rationale in writing to the grievant and the president of the HCEA.

805.3.2 Step two:

1) If the grievance is not satisfactorily resolved at Step one, the grievant, or the HCEA if requested by the employee, may appeal, within 10 days after receiving the response

from Step one, to the CSSO or CAO as appropriate. Such appeal shall be in writing and shall state why the response or remedy at Step one is unsatisfactory.

2) Within 10 days after receiving the grievance, the CSSO or CAO shall communicate his/her response or remedy and its rationale in writing to the grievant and to the president of the HCEA.

805.3.3 Step three:

1) If the grievance is not satisfactorily resolved at Step two, the grievant or the HCEA on behalf of the grievant may, within 15 days after receiving this response, appeal to the President. Such appeal shall be in writing and shall state why the response or remedy at Step two is unsatisfactory.

2) Within 15 days after receiving this appeal, the President shall hold hearing on the grievance to include the grievant, the HCEA president or representative, and those as appropriate.

3) Within 10 days after this hearing, the President shall send his/her written response to the grievant and to the President of HCEA. This response shall be considered the final position of the College.

805.3.4 Step four:

If no satisfactory settlement is reached at Step three, the HCEA, within 10 days of the receipt of the Step three decision, may appeal the final decision of the employer to the Federal Mediation and Conciliation Service for arbitration under the voluntary rules. The arbitrator shall hold a hearing within 20 days of his/her appointment. Seven days notice shall be given to both parties of the time and place of the hearing. The arbitrator will issue his/her decision within 20 days from the date final written briefs have been submitted or if waived by both parties, 20 days after the completion of the hearing. The arbitrator's decision will be in writing and will set forth his/her findings of fact, reasoning and conclusions on the issues submitted to him/her. The decision of the arbitrator shall be final and binding upon the employer, the HCEA and the affected employee(s). The fees and expenses of the arbitrator shall be equally shared by the HCEA and the College.

805.4 Additional Provisions

805.4.1 Claims for Back Pay

1) All grievances must be filed in writing within 10 days from the time the alleged violation was to have occurred, or within 10 days after the faculty employee through the use of reasonable diligence should have known of the alleged violation. The College shall not be required to pay back wages more than 10 days prior to the date a written grievance is filed.

2) All claims for back wages shall be limited to the amount of wages that the employee would otherwise have earned, less any unemployment or other compensation that he/she may have received from any source during the period of back pay except compensation he received that could have been earned while fulfilling his/her normal contractual obligations with the College.

3) No decision in any one case shall require a retroactive wage adjustment in any other case.

805.4.2 Time Limits

Failure at any step of this procedure to communicate the decision on a grievance within the specified time limits shall permit the grievant to proceed to the next step. Any grievance not advanced to the next step by the grievant within the time limit in that step, or if no time limit is specified within 10 days, shall be deemed resolved. All time limits within this grievance procedure may be extended in writing by mutual agreement between the parties.

805.4.3 Mailing

Wherever grievances, answers or appeals are required to be served upon the appropriate Vice President, the College President or the grievant, certified mail to the Vice President at his/her campus address, or to the President at his/her campus address, or to the grievant at his/her campus address shall meet all service requirements hereof, except that personal service, duly receipted, shall also be adequate service.

805.4.4 Conferences

Hearings and conferences held under these procedures shall be conducted at a time and place which will afford a fair and reasonable opportunity for all persons entitled to be present to attend. Such hearings shall be scheduled so as not to interfere with the programs and services of the College and no faculty employee shall suffer loss of salary when attending as requested. Unless otherwise requested by the faculty employee whose grievance is being reviewed and agreed by the College President, all hearings and conferences, including the arbitration hearings, if any, shall be closed.

805.4.5 Retroactive Settlement

Adjustment, judgment or settlement awarded as a result of the application of the grievance procedure may be retroactive to the time of the filing of the grievance. Wage and salary settlements shall be retroactive subject to the limits set forth in 805.4.1.b.

805.4.6 Record Availability

All data, records, and information necessary to the processing of a grievance shall be made available to the grievant and the grievant's counsel in a timely and expeditious manner. All

documents, communications and records of the grievance shall be filed separately from the personnel file of the grievant. Subsequent to completion of the grievance, records will be available only to the chair of the HCEA grievance committee, the grievant and the President of the College. All other copies of records will be forwarded to the President within 30 days. These records shall be kept secure and confidential.

805.4.7 Reprisals

No reprisals of any kind shall be taken against any faculty member or counsel for participating in any grievance.

805.4.8 Withdrawal

A grievant may withdraw a grievance at any level by making a written statement to the College President. A copy shall be sent to the president of the HCEA.

805.4.9 Appeals by the HCEA

The HCEA may appeal a grievance on behalf of an employee(s) provided that the employee(s) has (have) requested, in writing, the HCEA to represent the employee(s) and provided the employee(s) has (have) not withdrawn the grievance.

805.4.10 Tenure

Decisions regarding tenure, dismissal, or nonrenewal shall not be grievable but shall be considered under procedures set forth in Rules and Regulations for the Implementation of Tenure as adopted by Community College District 9 and statutes RCW 28B.50.850 - 28B.50.869 of the State of Washington as now adopted or hereafter amended.

Process issues regarding tenure may be grievable. Any grievances regarding the process of tenure are excluded from the grievance process identified in Section 805 Faculty Grievance. These grievances will be submitted in writing to the College President, or designee, for consideration. The President will rule on the grievance before the decision of the Board of Trustees. These grievances cannot delay the Board of Trustees from making their decision in a timely manner.

805.4.11 Multiple Grievance

If two or more faculty employees file the same or closely related grievances, the College may consolidate them into a single grievance to ensure equal treatment and efficient processing. The HCEA shall represent employees in a consolidated grievance and shall be considered the grievant, subject to the restrictions in 805.4.9 for the purposes of communications.

805.4.12 Association Grievance

Failure of HCEA to file an association grievance over an administrative policy or practice which affects faculty wages, hours, or working conditions is not to be construed as acceptance by HCEA of that policy or practice. In filing an association grievance, normal time limitations will apply.

805.5 Jurisdiction of the Arbitrator

805.5.1 The arbitrator shall have no authority to render a decision or award which modifies, adds to, or subtracts from the provisions or conditions of any policy or policies negotiated between the Board of Trustees and the HCEA.

805.5.2 Upon request of either party, the merits of a grievance and the substantive and procedural arbitrability issues arising in connection with that grievance shall be consolidated for hearing before an arbitrator.

805.5.3 The arbitrator shall have authority to base the decision or award only on the evidence and matters presented by both parties in the presence of each other and the matters presented in the written briefs of the parties. The Arbitrator's powers shall be limited to deciding whether the College has violated the express articles or sections of a negotiated agreement.

805.6 Appeal of Arbitration

Petition by either party to a court of competent jurisdiction on any arbitration decision or award shall be based on the following:

- 1) The arbitrator exceeded his/her jurisdiction or authority under this grievance policy.
- 2) The arbitrator's decision or award is based on error of law.

806 FACULTY DISCIPLINARY ACTION

806.1 Definition

Disciplinary action is any action by the College intended to impose on a faculty member, against his/her will, any condition, restriction or penalty which is not imposed on the faculty as a whole. Disciplinary action includes formal reprimands or denial of rights available under this agreement.

806.2 Just Cause

No faculty member shall be disciplined without just cause.

806.3 Notification

Prior to formal reprimand or other disciplinary action and prior to any meeting where the faculty member is to be notified of such reprimand or disciplinary action, the cause shall be reduced to

writing and made available to the faculty member. The written notification shall include a clear description of the complaint.

806.4 Right to a Representative

A faculty member shall have the right to a representative of his/her choice at any meeting where the faculty member has any reason to believe that disciplinary action will be taken as a result of information gathered at that meeting. The right to representation includes the right of the representative to participate in the meeting by advising the faculty member and seeking clarifications by responding to or asking questions. When in a meeting with any administrator, a faculty member believes it is necessary to have a representative present, the faculty member may recess the meeting in order to obtain a representative. The faculty member will inform the administrator if he/she intends to have a representative present and if that representative is an attorney.

806.4.1 Both the College and the Association agree to conduct these investigative and disciplinary meetings in a manner consistent with the five principles enunciated in N.L.R.B. vs. J. Weingarten, Inc. and in a professional decorum consistent with the College's and HCEA's traditional high regard for personal rights and integrity. The representatives are present to advise their respective employees and may clarify issues as well as suggest other employees who may have information that could contribute to resolution of the problem, as set forth in Weingarten. This limitation on representation would not apply in a formal disciplinary or administrative hearing or administrative hearing under the RCW.

806.5 Nullification

If an administrator uses information expressly forbidden by this contract to establish the cause of a disciplinary action, the entire action will be null and void.

807 ADDRESSING COMPLAINTS AGAINST FACULTY MEMBERS

An attempt should be made to resolve all complaints in an informal manner. The interests of all are best served when complaints are resolved at the lowest possible level of the administrative structure. Any employee of the College receiving a complaint concerning a faculty member shall encourage the complainant to discuss the situation with the faculty member involved before meeting with anyone else. Excluded from this process are those complaints for which other specific remedies are provided such as Title IX, faculty against faculty, and administration against faculty. If the person has already discussed the matter with the faculty member or refuses to do so, and desires to pursue the complaint, the person will be directed to meet with the Division Chair, if the complaint is against a full-time faculty member, and with the Department Coordinator, if the complaint is against a part-time faculty member.

807.1 Upon hearing the complaint, the Chair or Department Coordinator should attempt to facilitate resolution by encouraging further discussions between complainant and the faculty member, using a third party intermediary if necessary. If after all attempts at an informal resolution have failed, the following steps must occur.

807.2 The complainant must submit in writing to the Chair and the faculty member involved the complaint and a chronology of the attempts at resolution. The faculty member may choose to send the chair a written response to the complaint. After reviewing the complaint with the parties involved, the Chair will provide, in a timely manner, a written response to the complainant and faculty member which includes the Chair's resolution to the complaint. Failure of the faculty member to comply with the resolution will be considered the same complaint and will be appealed to the Chair.

807.3 If the complainant wishes to pursue the matter, the complainant will be directed to provide all written materials initially provided to the Chair and the response from the Chair to the CAO (or designee).

807.4 Upon reviewing the complaint with the appropriate parties, the CAO (or designee) will provide an opportunity for the faculty member and the complainant to submit additional materials related to the written complaint. The CAO (or designee) may consider other related complaints in reaching a resolution. Prior to issuing a written response, the faculty member will have the opportunity to review all written materials the CAO (or designee) has considered in resolving the complaint(s). Copies of the CAO' (or designee) resolution will be sent to the complainant and the faculty member.

807.5 The faculty member can ask for further consultation with the CAO (or designee) regarding the decision. The faculty member and the CAO (or designee) have the right of representation in any meeting.

807.6 If, after these events have transpired, the faculty member disagrees with the recommended solution, the faculty member may seek appropriate resolution through the formal grievance procedure.

807.7 No disciplinary action may be taken against any faculty member as a result of any complaint unless there has been compliance with the above procedures.

808 FACULTY PROTECTION

The College agrees to protect faculty members against actions, claims and proceedings, arising out of their employment as provided in RCW 28B.10.842 as now adopted or hereafter amended.

808.1 The College shall provide on-campus defense of faculty from acts of students and others intended to harm or harass the faculty member. Such defenses may include escort services, removal of the student from class pending disciplinary action, and obtaining an anti-harassment protection order pursuant RCW 10.14.

809 MAINTENANCE OF CLASSROOM LEARNING ENVIRONMENT

Faculty have the right to maintain a classroom environment conducive to learning. Students who are disruptive to the point where they interfere with the learning of the other students will first be asked to be considerate, and if they fail to do that, will be asked to leave (see Student Rights and Responsibilities Code, WAC 1321-120-400). When, in the opinion of the faculty member, Division Chair and CAO, such behavior poses a serious threat, the student may be removed from class pending

the outcome of disciplinary action. Faculty will be supported by campus security personnel if dealing with potentially dangerous students.

810 PERSONNEL FILES

The official personnel file for each faculty member shall be maintained in the Human Resources Department. It is understood that such files will be confidential. Other than for normal administrative use or accreditation/regulatory requirements or to satisfy legal requirements, only the affected faculty member or a person designated in writing by the faculty member shall have access to a faculty personnel file.

810.1 Faculty members shall receive a copy of any derogatory materials placed in their personnel files. Should the Human Resources Office receive any derogatory materials that do not indicate to the faculty member that a copy was being sent to the Human Resources Department or the Executive Director of Human Resources, the Human Resources Department will notify the faculty member and the originator of the material in writing and provide the faculty member with a copy of the derogatory materials. Should such notification not be provided within ten days after receipt, materials shall not be placed in the personnel files nor allowed as evidence in any action taken against the faculty member.

810.2 Information to be placed in the personnel file and forming the basis for any warning, reprimand, discipline, or adverse effect shall be forwarded to the Human Resources Department within six calendar months from the occurrence of events or matters noted, except for matters which have come before the PR&R Committee. PR&R Committee records which are to be included in the personnel file shall be forwarded to the Human Resources Department within six calendar months from the time PR&R recommendations are made to the CAO or other administrators of the College.

810.3 Records of processed grievances and tenure review records shall not be included in the official personnel file, but shall be maintained separately. Except for the contents of those two separate files, documents other than those which have been placed in the official personnel file as prescribed herein shall not be used as evidence in any disciplinary action against a faculty member.

810.4 Upon request, the Human Resources Executive Director will provide faculty members a copy of the documents contained within their official personnel file.

810.5 Should faculty members consider any documents within their official personnel file to be derogatory, they shall have the right to attach their comments to the document in question.

810.6 Derogatory material more than two years old cannot be used to initiate disciplinary action but it can support subsequent information. If disciplinary action is initiated, all derogatory materials shall remain in the personnel file up to two years following the completion of the disciplinary action. Derogatory materials shown not to be valid or based on fact will be removed immediately. Other derogatory material may be removed from the file at the end of two years upon request of the faculty member. The presence of supposed derogatory material in a faculty member's file does not necessarily establish its validity.

811 SALARY PAYMENT

811.1 Mode of Payment

Faculty members have the option of receiving their basic contracted annual salary spread over 12 months, with a balloon payment in June, or receiving payment spread over ten months without a balloon payment. Should an option not be indicated on the form provided, and returned to the Human Resources Department before September 15 of each year, the 12-month option with balloon payment will be applied. Faculty members who wish to have their pay checks deposited in their banks by direct electronic transfer may secure forms from the Human Resources Department for that purpose. The College administration will continue to work closely with Washington Computing Technology Consortium to develop a pay system that provides maximum flexibility to meet the College's faculty and staff needs. Additional options that may become available through the Payroll-Personnel System will be offered to faculty members.

811.2 Payment When Terminating

Should an individual's agreement be terminated by mutual consent during the school term, the faculty member shall receive a total salary which shall be in proportion to the number of days worked as compared with the total number of faculty work days in the academic year.

811.3 Deadline for Adjustments

No adjustments will be made in salary schedule placement after the second payroll accumulation (October 15) of each academic year, except to correct errors made by the College or to complete appeals of initial placement.

812 PAYROLL DEDUCTIONS

812.1 Deductions from Salary Payments

Deductions from paychecks, such as FICA and other payroll taxes, are made as required by statute. Other deductions may be made upon written request(s) of the Payroll Office by individual faculty members. Normally these deductions are identified on the paycheck stub. Questions about these deductions should be directed to the Payroll Office and/or Human Resources Office.

812.2 Right to Payroll Deduction for HCEA Membership

Consistent with applicable laws, the HCEA shall have the right to payroll deduction of membership dues and representation fees, including contribution to political action committees, for faculty, and such dues and representation fee shall be remitted by the College.

812.3 Dues, Deductions and Representation Fees

At the beginning of each academic year, HCEA shall give written notice to the Human Resources Department of the dollar amount of the HCEA unified dues (including HCEA, Uniserv, WEA, and

NEA dues) and assessments that are to be deducted for the academic year. Individual dues shall not be subject to change during the academic year.

812.3.1 Based on the agency fee agreement in Section 313, beginning Fall quarter, 2005, the College shall deduct the full amount of HCEA unified dues from the academic year salary of every tenured or tenure-track faculty member, as authorized by **RCW 28B.52.045(2)**. Normally such deductions will be prorated over 18 bimonthly salary payments, from October 10 to June 25.

812.3.2 During the 2004-05 academic year, deduction of Association unified dues shall be made only upon the filing of the appropriate forms with the Human Resources Department.

812.3.3 The College shall remit monthly to the HCEA or their authorized representative all monies deducted from the faculty salaries as authorized.

812.3.4 Should a dispute arise between a faculty member and the HCEA or its affiliates with regard to the amount of dues or the uses of monies derived by dues deductions or other funds, the College shall be held harmless from any and all liabilities arising out of these disputes.

812.4 Overpayment of Dues

The HCEA agrees to reimburse any faculty member from whose pay sums of money were deducted in excess of the total amount due the HCEA at that time, provided the HCEA actually received the excessive amount.

812.5 Other Deductions

Consistent with applicable laws, the College shall, upon receipt of authorization from a faculty member, deduct from the member's salary and make appropriate remittance for insurance plans, tax-shelters as provided by the IRS code, credit union, and charitable donations, including the College endowment fund and/or foundation. Other programs may be added as jointly approved by the HCEA and the College.

813 AGENCY FEE

813.1 Effective Fall quarter, 2005, all tenured and tenure track members of the bargaining unit shall, as a condition of employment, be members of the Association (HCEA) or pay to the Association an Agency Fee amount equal to the unified dues of the Association. The collection of the agency fee for non-members will be governed by the payroll deduction provisions of section 812.

813.2 Effective Fall quarter, 2005, a tenured or tenure-track faculty member who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent to HCEA unified dues, as stated in **RCW 28B.52.045(3)**. The charity shall be agreed upon by the faculty member and HCEA. The faculty member shall furnish to HCEA written proof that such payments have been made by the end of the fourth week of Fall quarter. If the faculty

member and HCEA do not reach agreement on such matter, the Public Employment Relations Commission shall designate the charitable organization.

813.3 Effective Fall quarter, 2005, the College shall deduct the full amount of HCEA unified dues from the salaries of all tenured and tenure-track faculty as outlined in Section 812.

900 OTHER PROVISIONS

901 Areas of Shared Decision Making

901.1 Any change in grading policy or degree requirements will be considered only after a recommendation from the Faculty Senate and such change will follow the College policy on policies.

901.2 Curricula, grading policy, delivery method and degree requirement changes can be initiated by a faculty member, a department, or an administrator. Any change in curricula will be made only after affected instructional unit(s) has(have) an opportunity to review and modify the proposed change(s).

901.3 The opinion of the Faculty Senate should be paramount on grading policy and degree requirement changes. Any changes in grading policy and degree requirements will be recommended to the Board of Trustees only after following the policy on policies, and should the President choose to recommend grading policy or degree requirements inconsistent with those of the Faculty Senate, the President will meet and confer with the Senate prior to doing so. Final review and decision shall follow the normal decision-making process which may include the Board of Trustees.

901.4 For new policies or policy changes which significantly affect faculty and are subject to the conditions of the Policy on Policies, the administration will establish and maintain a web page which will indicate the status of any such proposed policy or proposed change, including those campus groups which have reviewed the policy or change and their response, and those relevant campus groups which have yet to respond.

902 Copy Right Policy

902.1 Background

The College encourages the publication of scholarly works as an inherent part of its educational mission. In this connection, the College acknowledges the right of faculty, staff and students to prepare and publish, through individual initiative, articles, pamphlets, and books, software, or devices that are copyrightable, trademarkable or patentable by their creator (or their publishers) and that may generate royalty income for the authors.

The variety and number of copyrightable or patentable materials that may be created in the college community have increased significantly in recent years as have the author-college-sponsor relationships under which such materials are produced. Therefore, the following

statement of College policy on ownership and use of copyrightable or patentable materials is provided to clarify the respective rights of individuals and the College in this increasingly important area.

902.2 General Statement of College Policy on Ownership and Use of Copyrightable Materials

The faculty member's right to copyrightable or patentable materials is subject to the following exceptions and conditions:

1) Grant and Contract Limitations

Conditions regarding rights in data or restrictions on copyright or patent privileges contained in sponsored grants, contracts, or other awards are binding on the College and on faculty, staff, or student authors.

2) Faculty Owned Materials

Faculty owned materials shall be considered to be owned and subject to copyright or patents by a faculty member when the materials have been solely produced on his/her time; College facilities and resources have not been used; and, the materials produced are not part of his/her College employment.

3) Written Agreements

If a faculty member uses College facilities to produce materials which are or may be copyrightable or patentable the College will be deemed to be the author unless a written agreement is reached before work begins which states the ownership rights of the College and of the participants. It is the responsibility of the faculty member to obtain any such agreement.

902.3 Types of Materials

The types of materials to which this policy is intended to apply include all works to which copyright or patent rights may attach including but not limited to:

- 1) video and audio recordings, tapes and cassettes;
- 2) film, film strips and other visual aids;
- 3) books, texts, study guides and similar published materials;
- 4) computer programs;
- 5) musical or dramatic compositions.

902.4 Obtaining Copyrights, Patents, or Trademarks

It shall be the obligation of the faculty member to act to protect his or her rights relative to this property under the law. Nothing set forth in this document shifts this obligation from the faculty member to either the College or the Association.

902.5 Selling Materials to Highline Community College Students

Under no condition will faculty members sell educational supplies or materials directly to their students.

903 Safety

The College agrees to make reasonable efforts to maintain safe working conditions and a clean and quiet environment. Faculty members are encouraged to report immediately any apparent unsafe working conditions to the appropriate administrator or to the Campus Safety Officer. The College Safety Committee shall contain at least two faculty members.

904 Required Health Tests

The College shall pay for all physical examinations, health tests and inoculations required by the College as a condition of employment.

905 Agreement Status

During negotiations for this Agreement, both the College and the Association had ample opportunities to offer proposals with respect to any matter thought to be a proper subject for bargaining. The agreements reached through these efforts are set forth in this document. The College and the Association each agree not to request negotiations of the other party with respect to any subject or matter agreed on during these negotiations unless mutually agreed to do so or it is covered by a re-opener clause elsewhere in this agreement. Matters not dealt with during negotiations that affect faculty wages, hours, or have significant impact on working conditions are to be negotiated prior to the College administration implementing changes. If the College administration is considering a change, the HCEA will be notified through the normal policy-making procedures. If requested by the HCEA President within 30 calendar days and the proposed change meets the definition above, the College agrees to meet and negotiate the policy change with the HCEA. Nothing in this provision prohibits the College and Association from mutually agreeing to open negotiations on any topic.

905.1 In all grievance resolutions, the College and the Association recognize that matters not set forth in this agreement remain within the College's rights to be administered in accordance with policies and procedures determined by the College unless they adversely affect faculty wages or hours, or have significant impact on working conditions, in which case they will be negotiated with HCEA.

905.2 Where there is a conflict between this agreement and any resolution, rule, policy, or regulation of the College, this agreement shall prevail.

906 Savings Clause

If any provision of this Agreement or any application of the Agreement to any faculty member, or group of faculty, shall be found contrary to law, then such provision or application shall not be deemed valid and subsisting except to the extent permitted by law, but all other provisions of this Agreement shall continue in full force and effect.

907 Calendar

The calendar shall serve the educational needs of the students and provide for effective use of College personnel. It shall provide for necessary orientation for new faculty, a preparation period for all faculty, and appropriate activities for faculty improvement and other official College activities requiring faculty participation.

907.1 The standard college calendar is described below. Alternative calendars may be arranged for individual faculty or groups of faculty, with the mutual agreement of the faculty involved and the appropriate administrators. The duration and terms of any such alternative calendar must be in writing and must be consistent with the number of contractual days listed below. A copy of the agreement is to be forwarded to the HCEA President.

907.2 It shall be the policy of Highline Community College to contract with faculty for a college year extending from a date not earlier than September 9 to a date not later than June 16. The College calendar shall include instructional and testing days numbering at least 162 but not more than 167. Other faculty days shall number seven or eight, three of which shall follow the testing periods. Further, the calendar shall provide for official state holidays. There will be a break of at least two weeks following fall quarter and one week following winter quarter.

907.3 By November 1, the CAO shall propose a calendar for the following year after consulting with the executive board of the HCEA. If requested, the College and the HCEA will meet and negotiate the calendar. It is the intent to reach agreement on the calendar by the end of fall quarter.

907.4 For calendars prepared during the term of this Agreement the following shall apply:

- 1) there will be a total of 170 faculty work days per year;
- 2) there will be four days for orientation, preparation, and professional development scheduled no earlier than five working days prior to the first day of fall quarter classes. The schedule of events for these four days will be developed by the CAO in consultation with the HCEA Executive Board, the Faculty Resource Center Advisory Committee and the President's staff.
- 3) there will be an additional professional day scheduled for faculty professional work, the date to be determined by the HCEA and the College administration, the activities of which will be planned by the Faculty Resource Center Advisory Committee in consultation with the HCEA Executive Board, with approval by the CAO. Divisions, departments and individual faculty may submit to the CAO for approval alternative plans for this day. Alternative plans must be submitted at least seven (7) calendar days before the scheduled professional day.

908 Nondiscrimination

Neither the College nor the Association shall discriminate against any employee on the basis of race, color, religion, national origin, age, sex, disability, sexual orientation, and/or veteran's status. Employees may use either the grievance procedure or appropriate regulatory procedures to resolve disputes concerning discrimination, but not both.

909 Distribution Agreement

Within 30 days following ratification and signing of this agreement the College shall print and distribute to each faculty member a copy of this agreement. The style and format shall be mutually determined by the College and the HCEA prior to printing. Additional copies shall be provided to the Association. All faculty members new to the College shall be provided a copy of this Agreement by the administration upon issuance of their initial full-time contract. This agreement shall be available to all applicants for faculty positions upon request.

910 Reopening Negotiations

It is agreed that if the Legislature and/or the State Board for Community and Technical Colleges appropriates additional salary funds that can be applied to the present contract, negotiations will be reopened, upon written request by the President of the HCEA, to determine how these funds will be applied.

910.1 It is further agreed to reopen negotiations and/or discussions as described in earlier sections of this document.

910.2 It is agreed this contract may be reopened, by mutual consent of the HCEA and the Administration, for further negotiations.

911 Agreement Duration

This agreement shall be in effect from September 1, 2009, through August 31, 2012. The parties agree to reopen this agreement to commence bargaining on a new agreement within a reasonable time prior to the expiration date.

911.1 Any provisions of these agreements pertaining to salary increases will not be binding upon future actions of the Legislature. If any provision of a salary increase is changed by subsequent modification of the appropriations act by the Legislature, both parties shall immediately enter into collective bargaining for the sole purpose of arriving at a mutually agreed upon replacement for the modified provision.

FOR HCEA:

Allan Walton

Chief Negotiator/ VP HCEA Date

Ruth Windhover

President, HCEA Date

FOR THE COLLEGE:

Larry Yok

Chief Negotiator Date

Jack Bermingham

College President Date

/s/

Chairman/ Board of Trustees Date

Appendix A:

Weighted Student Enrollment Formulas for Section 501.4 RIF Calculation.

I. For sections where the 70% enrollment level is the appropriate utilization threshold.

To determine the surplus or deficit for a discipline's classes in the 70% category, take the total (weighted) number of students enrolled in these classes, and subtract from this 70% times the (weighted) capacity of sections:

$$\sum_{\text{all sections}} \left(\begin{array}{l} \text{enrollement} \\ \text{in each section} \end{array} \right) \left(\begin{array}{l} \text{credits} \\ \text{per section} \end{array} \right) - (.70) \cdot \sum_{\text{all sections}} \left(\begin{array}{l} \text{cap. per} \\ \text{section} \end{array} \right) \left(\begin{array}{l} \text{credits} \\ \text{per section} \end{array} \right) = \text{net surplus (or deficit)}$$

(weighted) enrollment for these sections.

II. Sections for which the threshold is 22 instead of 70%.

This will apply for any class with capacity greater than 32 students, since “the lower of 22 or 70% of capacity” will be 22.

To determine the surplus or deficit for a discipline's classes in the 22-student category, take the total (weighted) number of students enrolled in these classes, and subtract from this 22 times the (weighted) number of sections:

$$\sum_{\text{all sections}} \left(\begin{array}{l} \text{enrollement} \\ \text{in each section} \end{array} \right) \left(\begin{array}{l} \text{credits} \\ \text{per section} \end{array} \right) - 22 \cdot \sum_{\text{all sections}} \left(\begin{array}{l} \text{credits} \\ \text{per section} \end{array} \right) = \text{net surplus (or deficit)}$$

(weighted) enrollment for these sections.

III. For disciplines with a mix of classes with a 70% threshold and classes with a 22 count threshold.

Calculate the net surplus or deficit of weighted enrollments for each type of threshold class as in I. and II. above, and add the results to get the net surplus or deficit (weighted) enrollment for the discipline.

Appendix B:



Protected Family Leave Laws August 14, 2008

State Laws – Labor and Industries

Family Care Act ([RCW 49.12.265](#); [WAC 296-130](#))

- Can use paid leave, such as sick Leave, vacation, holiday, PTO, and some short-term disability plans
- Use paid leave to care for sick family members: spouse, child, parent, parent-in-law, grandparent with a serious health condition
- Includes care of a child <18 with a routine childhood illness or needed preventative care; also for disability of an adult child
- Includes short-term care of pregnant spouse during or after childbirth, as needed
- All employers who provide a paid leave benefit

Family Leave Act (FLA) ([RCW 49.78](#))

- At this time, L&I enforces only the additional leave benefits for women who are pregnant
- Those elements identical to FMLA will be enforced by USDOL
- Covers employers with ≥ 50 employees within 75 mile radius, and employees with 1,250 hours in past year [same as FMLA]
- Is typically unpaid leave unless employer policy covers employee for paid leave
- FLA – Leave for disability due to pregnancy or childbirth is *in addition to* 12 weeks under either FMLA and/or state FLA for care of a newborn, sick spouse, parent, child, or other personal illness.
 - pregnancy disability leave is typically 6-8 weeks ->determined by healthcare provider based on individual's condition
 - could include period of time before childbirth
 - see Human Rights Commission information below

Leave for Victims of Domestic Violence, Sexual Assault, & Stalking ([RCW 49.76](#))

- Victims of domestic violence, sexual assault or stalking
 - to take reasonable leave from work for legal or law-enforcement assistance, medical treatment or counseling.
- Family members may also take reasonable leave to help a victim obtain needed treatment or services.
- Leave is with or without pay.
- Family member includes child, spouse, parent, parent-in-law, grandparent, or person the employee is dating.
- All employers, public and private, are covered regardless of size.
- An employee must give advance notice, when possible.
- Effective April 1, 2008.

Leave for Spouses of Deployed Military Personnel ([RCW 49.77](#))

- Spouses of military personnel deployed or on leave from deployment during times of military conflict to take 15 days unpaid leave from work per deployment.
 - Spouses of returning military personnel whose deployment orders have ended are not covered.

- Leave is without pay, but accrued leave may be substituted.
- All employers, public and private, are covered, regardless of size.
- An employee is one who works on average \geq 20 hours a week.
- Effective June 12, 2008.

See web page: www.Lni.wa.gov/WorkplaceRights/LeaveBenefits/FamilyCare

Family Leave Insurance – RCW 49.86

- Passed by the Washington State Legislature in 2007.
- Establishes a benefit of up to \$250 per week for up to five weeks starting in October 2009.
- Benefit system currently being developed by Employment Security Department.
- Provides temporary income support to working parents who are on leave to care for a new born baby or a child who is newly placed for adoption.
- Covers new parents who worked at least 680 hours in four of the last five calendar quarters.
- Provides job protection if the employer has more than 25 employees and the employee has worked for the employer for at least 1,250 hours in the last year to be enforced by L&I.
- Will likely be jointly administered and enforced by Employment Security Department and Labor & Industries

See web pages: www.esd.wa.gov and www.Lni.wa.gov

State Laws – Washington State Human Rights Commission

Protection from Discrimination (RCW 49.60; WAC 162-30)

- Covers employers with \geq 8 employees
- Pregnancy Disability Leave
 - Pregnant employee covered/period of time before and after childbirth
 - Healthcare provider determines when employee can no longer work
 - Typically 6-8 weeks of leave; determined by healthcare provider based on individual's condition
 - Entitled to same benefits that employer offers other employees on temporary disability leave
 - Entitles employee to return to same or similar job after leave

See web page: www.hum.wa.gov

Family Medical and Leave Act [FMLA] – U.S. Department of Labor

- Employers with \geq 50 employees within 75 mile radius; employees with 1,250 hours in past year.
- Unpaid leave – 12 weeks care of self or family member with serious health condition: includes spouse, child, or parent.

See web page: www.dol.gov/csa/whd/fmla

Appendix C

Cover Sheet for Division Chair's Submission of Division Materials for Professional Leave Requests

This cover sheet is designed to assist the Division Chair in compiling documentation for Professional Leave submissions to the dean. The intent is to ensure that, in considering the request, the division has had the opportunity to consider all the relevant documents before forwarding a recommendation to the Professional Leave Committee. The guidelines also are intended to help the Committee differentiate among personal, group, departmental, and outside recommendations.

Applicant's proposal

The applicant's proposal is submitted with the packet. The applicant should receive a copy of all materials submitted by the division chair to the Professional Leave committee, and may include a letter of response to the Professional Leave Committee. Any response by the applicant should be submitted to the appropriate Dean within three working days from the time the applicant receives copies of all materials.

Extra-departmental and divisional letters (optional)

If the project requires or anticipates collaboration with or benefit to other department(s)/division(s), a letter(s) documenting those commitments is/are expected. From time to time, it may be appropriate to document collaboration with entities outside the college, as well. However, such addenda should be kept to a minimum. Wherever possible, these documents should be considered in the division's review.

Department coordinator's letter (required)

The department coordinator's letter should document:

- The department's assessment of the proposal, if different from the division's
- The department coordinator's own assessment, if different from the department's
- The department's plan for replacement and/or coverage*

Division Chair's letter (required)

The division chair's letter should clearly delineate:

- The division's assessment of the proposal.
- The division chair's own assessment
- A brief explanation of the method used to solicit and synthesize division members' views, including the result of the divisional vote if one is part of the process.

*NOTE: Ease of coverage is not a factor in approval of leave requests. Applicants from small departments and/or in fields where replacement is difficult are strongly encouraged to begin the planning process early and to seek support from the division chair, applicable dean, and others in developing a workable coverage plan.

MEMORANDUM OF AGREEMENT

By and between

Highline Community College

And

Highline College Education Association

Highline Community College (HCC) and the Highline College Education Association (HCEA) mutually desire to provide promotional opportunities in the 2010 to 2012 biennium even though there are insufficient turnover savings to fully fund the increments specified in the salary schedule contained in Section 201 of the collective bargaining agreement (CBA). Accordingly, the HCC and the HCEA have entered into to this Memorandum of Agreement (MOA) containing the following modifications to the CBA:

1. Calculation of turnover savings: The method of calculating turnover savings is prescribed by the State Board of Community and Technical Colleges. Accordingly, turnover savings are created when tenure track faculty resign or retire and new faculty are hired. It is recognized that the parties will calculate turnover savings by comparing the salaries and benefit expenses of departing tenured faculty members with the salaries and benefits expenses of tenure track faculty members hired but excluding faculty tenure track positions that are vacant and positions that are deleted from the College's budget. This method of calculating turnover savings will be applied to this MOA only and does not create a precedent for future turnover calculations.
2. Use of 2009-2010 and 2010-2011 turnover savings: HCC remains committed to funding promotions independent of turnover savings during the term of this MOA and continues to recognize that promotion is the equivalent of advancing two salary increments. Using the calculation method described in section 1 above, the turnover savings available for use in 2010-2011 is \$9,614.
3. The salary schedule in Section 201 of the CBA will be changed by adding the following steps:
 - a. B11 \$60,841
 - b. C13 \$64,011

HCC/HCEA MOA
Use of Turnover Savings
September 15, 2010

- c. D15 \$67,180
- d. E18 \$71,407

These additional steps will continue to exist until there is no faculty assigned to them.

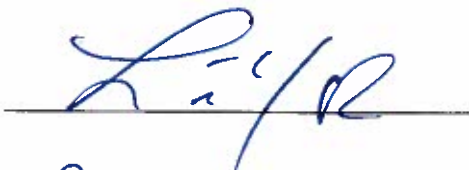
4. Eligibility to Apply for Promotion. The eligibility criteria to apply for promotion are the same as specified in section 203.1.2 of the Collective Bargaining Agreement (CBA), with the following exceptions:

- a) Faculty who have spent at least one year in A10 and who are tenured as of June 2010 are also now eligible to apply for column advancement (promotion).
- b) Faculty are only eligible to apply for column advancement if there is a step in the next column to which he/she can be promoted.
Movement as a result of promotion is over a column and down a step.

4. The term of this MOA is July 1, 2010 to August 31, 2012. However, either party may request bargaining in the event the projected turnover savings for the 2011-2012 fiscal year exceeds \$20,000.

FOR HCC

FOR THE HCEA



3/22/2011
Date

3/23/2011
Date

HCC/HCEA MOA
 Use of Turnover Savings
 September 15, 2010

Step	A	B	C	D	E
1	49.22				
2	50.279				
3	51.333				
4	52.389				
5	53.446				
6	54.502				
7	55.559				
8	56.615				
9	57.672				
10	58.728				
11	59.785	60.841 (2010)			
12	60.841	61.898			
13		62.954	64.011 (2010)		
14		64.011	65.067		
15			66.124	67.180(201	
16			67.180	68.237	
17				69.294	
18				70.350	71.407 (2010)
19				71.407	72.463
20					73.520
21					74.576
22					75.633

- Faculty are eligible to move from A once reached Step 10.
- Faculty must be in Col B or Col C for two years before they are eligible to move.
- Faculty must be in Col D for three years before they are eligible to move.
- Movement is over a Column and down a step.

