



MEMORANDUM OF AGREEMENT

BETWEEN

HIGHLINE COLLEGE ADMINISTRATION (HC)

AND

HIGHLINE COLLEGE EDUCATION ASSOCIATION (HCEA)

This Memorandum of Agreement (MOA) is made on this (date) ____September 16, 2024____.

Whereas

- I. RCW 28B.50.850 through 28B.50.869 establish the State of Washington rules regarding tenure for community and technical colleges; and
- II. The language in the 400s chapter on tenure of the 2022-25 HCEA-HC Negotiated Agreement had been carried forward from previous negotiated agreements; and
- III. HCEA and HC mutually agreed on the need to clarify and edit some of the sections in the 400s;

HC and HCEA agree to the following **revised 400s chapter effective Fall 2024**. (Revised language in blue.)

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 12 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 TENURE REVIEW COMMITTEE TERMS

The conduct of the Tenure Review Committee elections shall be the responsibility of the President or their 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 TENURE REVIEW COMMITTEE ELECTIONS

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 TENURE REVIEW COMMITTEE COMPOSITION

The Tenure Review Committee shall consist of:

1. The CAO (non-voting).
2. Five tenured faculty members (voting), each from a different division, elected to three-year terms.
3. One administrator (voting) from outside the division of Academic Affairs appointed by the President.

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 COMMITTEE DUTIES

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. Annually review and update the TRC website by the start of Opening Week in Fall Quarter.
5. Provide to each probationer and their working committee by the end of the first week of their tenure track appointment, a link to the HCEA-HC contract, a link to the TRC website, and access to the current tenure criteria.
6. Assist probationary faculty appointees in improving their effectiveness in meeting the tenure criteria by:
 - a. meeting regularly with the probationer and TWC chair
 - b. reviewing documents carefully in preparation for those meetings
 - c. providing actionable, constructive feedback to the probationary faculty member and the TWC chair

TRC notes will reflect these suggestions along with commendations and appreciations. Areas of concern will also be noted with suggestions for improvement. All members of the TRC will contribute to these discussions.
7. Provide guidance for the Tenure working committee chairs in supporting probationary faculty appointees through the tenure process.
8. Develop the form(s) for receiving reports from the working committees in collaboration with the Director for the Office of Instruction.
9. Make periodic checks to ascertain whether the working committees are using the prescribed criteria in evaluating their probationers.
10. Forward to the appropriate working committee any written materials received by the Tenure Review Committee that are relevant to a probationer's tenure process.
11. 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.
12. Meet prior to the last week of spring quarter to elect a chair or co-chairs for the following year. The chair or co-chairs will be elected from the faculty members of the committee.
13. Attend annual TRC member training which occurs by the end of the 3rd week of Fall quarter which covers:
 - a. RCW 28B.50.850 through 28B.50.869

- b. HCEA-HC contract 400 section (including voting procedures)
- c. Ethics and bias training
- d. Confidentiality
- e. Tenure lines and tenure criteria
- f. Tenure track job postings for all current probationary faculty

HCEA shall have a representative at this training.

14. Conduct an annual formative assessment of the TRC committee process after the winter quarter meetings conclude with the goal of ensuring that the TRC processes are being followed. Results of this assessment will be anonymous and will go to the TRC chair or their designee who will facilitate a discussion of potential improvements prior to the beginning of the spring meetings. The results of the formative assessment will be shared with the HCEA board. Members of TRC should be available for follow-up.

404.2 COMMITTEE CHAIR DUTIES

The Tenure Review Committee chair or designee will:

1. Be available for consultation with the working committees.
2. Design and facilitate an orientation/training session for new probationary faculty and TWC chairs by the end of the 2nd week of the quarter in collaboration with CAO and the Office of Instruction. This training will include specific references to the rights of probationers outlined in the HCEA-HC contract.
3. 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.
4. Plan and lead TRC meetings, including voting processes.
5. In collaboration with the CAO and the Office of Instruction, plan and ensure implementation of annual TRC member training as described above
6. At the first meeting with the TRC, remind probationers of their rights as outlined in the HCEA-HC contract. This could take the form of re-introducing the material from the initial training.

405 TENURE REVIEW COMMITTEE RECOMMENDATION

405.1 RECOMMENDATION PROCESS

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 meeting [with the probationary faculty and the TWC chair](#) to the working committee [chair](#) and the probationer. This report will include the names of committee members present. [The TRC report](#) will include the decision of any vote on the probationer [as described below](#). The committee may make suggestions to the working committee on how to improve the probationer's effectiveness.

4. In the quarters when votes are taken to recommend continuation, non-continuation, or the awarding or denial of tenure to the Board of Trustees through the President, the TRC chair or chairs will facilitate anonymous voting. Results of the vote will be recorded in the TRC notes.
5. A quorum of 5 voting members is necessary for voting to take place. Exceptions may be made by mutual agreement of HCEA and HC administration. A majority of votes must be from faculty for action to be taken.
6. 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 *except in cases where the vote has been to recommend non-renewal or denial of tenure. The recommendations from the TRC in those cases shall be set aside to ensure that the process described in 405.3 is followed, allowing the probationary faculty the right to appeal.*
7. Obtain from the probationer written acknowledgement of the receipt of any written reports concerning the probationer.
8. 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.
9. Dispose of all records at the time a final decision has been made by the Board of Trustees to grant tenure.
10. 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 CHIEF ACADEMIC OFFICER RECOMMENDATION

As the highest level administrator in Instruction, the CAO has direct line responsibility over the faculty (Section 104). As part of their responsibilities, the CAO will recommend tenure, continuation of probation, or non-renewal of the probationer's contract or denial of tenure to the President.

To promote transparency and dialogue between the CAO and the faculty, the CAO participates in the TRC meetings as described in Sections 403.1 and 404.1 above.

In cases where the CAO's recommendation aligns with the TRC's recommendation, the CAO's memo to the President will communicate their concurrence with the TRC vote. In cases where the CAO's recommendation differs from the recommendation of the TRC, the CAO will share a copy of the memo sent to the President with the TRC, the probationer, and the TWC.

405.3 APPEAL OF TRC DECISION

If a majority of voting members vote to recommend non-renewal or denial of tenure to the President and the Board of Trustees, the probationary faculty member has the right to appeal to the TRC for reconsideration. In the case of an appeal, the recommendation from the TRC to the President will be delayed, which could result in the requirement for a special executive session of

the Board of Trustees. Under no circumstances will the appeal process result in delaying notification to the probationer until the next quarter.

The deadlines below should be reviewed in the event of an appeal to ensure the process can be completed within the same quarter. If necessary, HC and HCEA will agree on an amended timeline.

1. Within 2 calendar days of its decision, the TRC will submit minutes from the meeting where the vote resulted in a recommendation of non-renewal or denial of tenure to the probationer and TWC chair.
2. The probationer has 3 calendar days from the receipt of the TRC minutes to notify the TRC Chair and VPAA, in writing, of their intent to appeal the TRC's decision. During this time, the TRC may not submit their recommendation to the President or Board of Trustees. The CAO will notify the President that a special Executive session of the Board may be necessary in order to comply with timelines outlined in 404.3.
3. Within no less than 1 day and no more than 7 calendar days from the date of the written notification of intent to appeal, the TRC must meet with the probationer and TWC chair to receive any relevant information and discuss the appeal. From the date of this appeals meeting, the TRC has 3 days to review the appeal, and revote according to procedures detailed above. Any additional materials provided by the probationer for this meeting, as well as notes from this meeting, will be added to the probationary faculty member's portfolio.
4. No recommendations shall be submitted to the HC President until the appropriate voting procedures and associated appeal process (when necessary) have been completed in accordance with the procedures outlined above.

405.4 USE OF RECORDS

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 A MEMBER OF THE TENURE REVIEW COMMITTEE

406.1 COMMITTEE FOR INVESTIGATING A COMPLAINT

If there is a complaint against a member of 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 COMPLAINT TIMELINES

A written complaint must be submitted to the HCEA President and the College President within **10 working** 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 COMPLAINT RESOLUTION

A written decision will be provided to the complainant within **10 working** 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 WORKING COMMITTEE FORMATION

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 **week** 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 WORKING COMMITTEE REPLACEMENTS

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-RELATED REPLACEMENT

Absence or anticipated absence due to:

- 1) Professional leave
- 2) 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
- 8) Probationer-initiated replacement
- 9) Tenure Working Committee-initiated replacement

- 10) Tenure Review Committee-initiated replacement
- 11) CAO-initiated replacement

407.3 WORKING COMMITTEE COMPOSITION

Each committee shall consist of:

1. Three tenured faculty of whom one will be from the division, elected by the division, one faculty from the department, if possible (or related discipline, otherwise) elected by the faculty in the division, and one outside of the division appointed by the CAO in consultation with the probationer's Division Chair. In cases where not enough tenured faculty are available to serve as a division representative, tenured faculty from another division will be allowed to serve in this role with the permission of the Division Chairs and the CAO.
2. One administrator appointed by the CAO.

407.4 WORKING COMMITTEE RESPONSIBILITIES

The Working Committee will:

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; [at the first meeting, the working committee will:](#)
 - A. Elect a chair from those faculty members on the working committee; the chair must be a current faculty member.
 - B. [Review the job description that outlines the responsibility of the probationer's specific tenure track position.](#)
 - C. [Identify the classes that will be included for evaluation for that quarter \(per #3 below\).](#)
2. Meet with the probationer at least once each quarter for three quarters per year;
3. Establish the process of evaluation that is to be followed by the working committee. As a minimum the evaluation process will include:
 - A. Student evaluations, on an approved form (as described in section 308) for all classes taught each quarter, or the equivalent compiled student feedback for library and counseling faculty. This includes only classes taught as part of the regular load. [Classes that are taught outside the tenure track position, summer and moonlight classes are not included.](#)
 - B. Observations of the faculty member by the other team members. Observations will include 2-3 observations per quarter, including at least one observation per year by each team member. To facilitate proper evaluation, an attempt should be made to ensure that all classes are observed by team members.
 - C. [When the tenure track position includes supervising students in/at external sites \(e.g. clinicals, residencies\), identify a TWC member to be responsible for gathering evaluative information from the faculty or administrative director of the program to share with TWC.](#)
 - D. 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.

- When the tenure track position is in a workforce program, the probationer will discuss their participation in external advisory committee meetings and maintaining current vocational skills certification as part of professional responsibilities.
6. Gather information regarding the probationer's performance;
 7. Assist in improving the probationer's effectiveness;
 8. Prepare written reports as required;
 9. Request and review a written evaluation from the Division Chair (for library and counseling faculty, from the Associate Dean for Library and Student Learning Resources or CSSO, (respectively) that addresses the criteria used by the Working Committee, prior to the working committee's annual vote;
 - With respect to probationary (tenure track) faculty members within their divisions, Division Chairs prepare a written evaluation 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.
 - In cases where the division chair has found a student complaint against a probationary faculty member to be substantiated, and where the division chair finds this formal complaint to be severe and/or recurrent (a similar complaint has recurred in more than one quarter), the division chair shall meet with the probationary faculty's TWC chair and the probationer to communicate the substance of this complaint. At their discretion, the Division Chair may elect to meet with the TWC chair and the probationer in quarters where a letter is not required.
 10. Provide the Tenure Review Committee with recommendations on continuing probation and the granting of tenure;
 11. Prepare other reports as requested by the Tenure Review Committee; and,
 12. Meet with the Tenure Review Committee as requested.

407.5 WORKING COMMITTEE CHAIR RESPONSIBILITIES

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 RECEIPT OF RECOMMENDATIONS

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

409.2 ADDITIONAL WRITTEN STATEMENT

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 CONFLICTING RECOMMENDATIONS

1. 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:
2. The President will convene a meeting with the Tenure Review Committee to discuss any concerns and the decision.
3. The President will require the Tenure Review Committee to review its recommendations.
4. After the Tenure Review Committee completes this review, the committee shall take one of the following actions:
 1. Reaffirm their recommendation

2. Send a change in their recommendation to the Board of Trustees through the President not later than 10 days after President's request for review.

409.4 FINAL DECISION

The Board of Trustees will then make the final decision.

Appendix E - Division Chair Position Description—HC and HCEA agree to the proposed changes in this section to be included in full scope bargaining.

Related Revision to Section 4. Personnel

4. Personnel

- a. To participate in full-time faculty selection with final approval by the appointing authority, as per the negotiated process.
- b. To approve part-time faculty recommended by the program/department coordinator. These appointments are subject to review by the appointing authority. A recommended procedure will be developed by Personnel and the Cabinet to be followed in assuring equal employment rights.
- c. To onboard/orient department coordinators to course scheduling policies and procedures and ensure policies and procedures are submitted and updated as necessary with the office of the CAO
- d. ensure department coordinators have the tools necessary to request and/or renew one-year faculty as well as observe and evaluate part-time faculty
- e. To ensure that faculty in the division post office hours, submit book orders and syllabi in a timely manner
- f. To direct that coordinators and provide new hires with course outlines, texts, college policies and other necessary information.
- g. To encourage and facilitate faculty and staff professional development within the division.
- h. To establish a personal working relationship with each member of the division, faculty and staff. To this end the Chair will serve as a link between the divisional personnel and the administration of the College. The Division Chair will serve as faculty advocate in obtaining necessary administrative services.
- i. To evaluate and mentor probationary faculty consistent with the negotiated process
 - 1) With respect to probationary (tenure track) faculty members within their divisions, prepare a written evaluation 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.
 - 2) In cases where the division chair has found a student complaint against a probationary faculty member to be substantiated, and where the division chair finds this formal complaint to be severe and/or recurrent (a similar complaint has recurred in more than one quarter), the division chair shall meet with the probationary faculty's TWC chair and the probationer to communicate the substance of this complaint. At their discretion, the Division Chair may elect to meet with the TWC chair and the probationer in quarters where a letter is not required.
- j. To provide tenure-track faculty with written performance evaluations, as per the HCEA agreement.
- k. To provide letters of evaluation to tenured faculty during post-tenure review, as per the HCEA agreement.
- l. Manage and evaluate division staff, collaborate with Admin Services Manager to evaluate and train division admin classified staff

m. Manage building and office spaces.

This Agreement shall not affect the bargaining rights of either HC or HCEA as provided by the current HCEA-HC (Collective Bargaining) Agreement 2022-2025. Unless specifically noted, all other negotiated provisions shall remain in effect.

For Highline College Administration

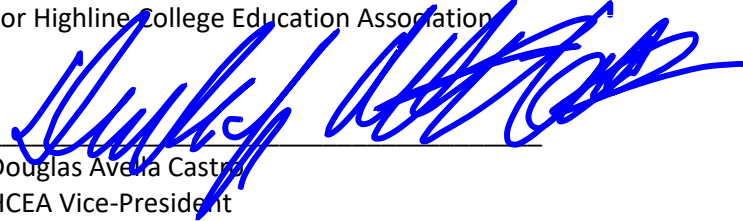


Emily Lardner
Vice President for Academic Affairs

9-16-24

Date

For Highline College Education Association



Douglas Avela Castro
HCEA Vice-President

9-18-24

Date