AP 7211  FACULTY SERVICE AREAS, MINIMUM QUALIFICATIONS, AND EQUIVALENCIES

References:

Education Code Sections 87001, 87003, 87359, and 87743.2;
Title 5 Sections 53400 et seq.

Faculty Service Areas
Faculty service areas shall be established after negotiation and consultation as required by law with the appropriate faculty representatives.

Minimum Qualifications
Faculty shall meet minimum qualifications established by the Board of Governors, or shall possess qualifications that are at least equivalent to the minimum qualifications set out in the regulations of the Board of Governors.

Equivalencies

Equivalency Committee – An Academic Senate Equivalency Committee shall be established to fulfill the requirement of Education Code Section 87359, which states that the equivalency process "shall include reasonable procedures to ensure that the Board of Trustees relies primarily upon the advice and judgment of the Academic Senate to determine that each individual employed under the authority granted by the regulations possesses qualifications that are at least equivalent to the applicable minimum qualifications..." In order to ensure that the Board of Trustees relies primarily on the advice and judgment of the Academic Senate, the Academic Senate Equivalency Committee shall:

- Be available as a resource regarding equivalency determinations.
- Recommend all equivalency determinations.
- Further clarify the criteria to be used for determining equivalency.
- Ensure that careful records are kept of all equivalency determinations.
- Periodically review this procedure and recommend necessary changes to the Academic Senate and Board of Trustees.
- In general, ensure that the equivalency process works well and meets the requirements of the law.

Determination of Equivalencies – The following procedure is to be used to determine when an applicant for a faculty position, although lacking the exact degree or experience specified in the Disciplines List of the Board of Governors that establishes
the minimum qualifications for hire, nonetheless does possess qualifications that are at least equivalent to those required by the Disciplines List. The procedure is intended to ensure a fair and objective process for determining when an applicant has the equivalent qualifications. It is not intended to grant waivers for lack of the required qualifications.

All faculty position announcements will state the required qualifications as specified by the Disciplines List, including the possibility of meeting the equivalent of the required degree or experience.

District applications for faculty positions will ask applicants to state whether they meet the minimum qualifications of the Disciplines List or whether they believe they meet the equivalent. Those claiming equivalency will then be asked to state their reasons and to present evidence. It will be the responsibility of the applicant to supply all evidence and documentation for the claim of equivalency at the time of application.

Human Resources will initially screen all applicants. Those applicants who require an equivalency determination will be forwarded to the Academic Senate's Equivalency Committee or designee. The Academic Senate Equivalency Committee or designees shall submit its recommendation and evaluation concerning equivalency and non-equivalency to Human Resources. Only applicants who are found to meet equivalency may be selected for an interview.

From current College of Marin Procedure 5.0006 titled Criteria and Standards for Qualifications Equivalent to Minimum Qualifications (EC 87359)

The College of Marin is committed to the selection of outstanding faculty members from a large and diverse applicant pool and recognizes that potential candidates for faculty positions may have attained expertise in a discipline through a variety of both traditional and nontraditional means. The minimum qualifications on the Board of Governors List of Disciplines as supplemented by these equivalences constitute the minimum level of requirements to identify which applicants may be worthy of consideration for a particular assignment. Departments and selection committees continue to have the responsibility for recommending the most capable from a group of candidates for each position.

When to Determine Equivalency

Equivalency is determined by the Equivalency Committee for all candidates who do not meet minimum qualifications. To assure equity, equivalency will be determined before a search committee considers candidates for employment.

Responsibilities of the Human Resources Personnel Office

The Personnel Office must include, on the job announcements, the minimum and desirable qualifications for the position and the criteria for determining equivalency. It must inform all candidates that they are responsible for including all relevant degree and experience documentation with their job application. For both permanent and
temporary positions, the Personnel Office will screen all applications to determine those which meet the minimum qualifications on the Board of Governors List of Disciplines. Those applications for permanent positions which require an equivalency determination will be forwarded to the Academic Senate’s Equivalency Committee. For temporary positions, the Department Chair will forward the applications of all candidates deemed equivalent to the Equivalency Committee for review.

Responsibilities of the Candidate

When a candidate for employment does not meet the established minimum qualifications, it shall be the candidate’s responsibility to supply all documentation needed to evaluate equivalency. The documentation submitted by candidates who claim equivalent qualifications will provide conclusive evidence in regard to each of the following:

A. For establishing the equivalent of a required degree, possession of at least the equivalent in level of achievement and breadth of understanding for each of the following:
   1. The General education required for that degree; and
   2. The major course work required for that degree.

B. For establishing the equivalent of required experience, possession of thorough and broad skill and knowledge meeting each of the following criteria:
   1. Mastery of skills of the vocation sufficient to serve as a basis for teaching the other courses within the discipline; and
   2. Extensive knowledge of the working environment of the vocation.

Responsibilities of the Academic Senate

The Academic Senate President, with the advice and consent of the Academic Senate and in consultation with the College President, will appoint members to the Equivalency Committee. The Academic Senate will insure that, as far as disciplines allow, the same standards are applied in every case. The actions of the Equivalency Committee and/or the Academic Senate relative to evaluating equivalency shall not be considered as part of the hiring process and shall have no bearing on any other deliberation.

Composition of the Equivalency Committee

All deliberations and records of the Equivalency Committee shall be confidential. The Equivalency Committee shall consist of:

A. The President of the Academic Senate or designee;

B. Two members from the faculty, including at least one from an ethnic, racial, or protected group underrepresented among the faculty as a whole, each appointed by the President of the Academic Senate in consultation with the College President for a term of one year;
C. Two members from the relevant discipline appointed by the President of the Academic Senate in consultation with the College President on a case by-case basis;

D. Affirmative Action Officer or designee as a non-voting member; and

E. Personnel Specialist as a non-voting member.

Minimum Standards for Consideration of Equivalency

A. In the case of disciplines normally requiring a Master's degree:

Master's degree and 24 semester units of course work in the discipline of the assignment. At least 12 of these units must be graduate or upper division. (The 24 units may have been either included in or taken in addition to the Master's degree.);

or,

Master's degree plus two years professional experience related to the discipline of the assignment or two years of teaching experience in the discipline of the assignment;

or,

Bachelor's degree, plus six years of professional experience related to the discipline of the assignment or six years teaching experience in the discipline of the assignment;

or,

Recognized accomplishments which demonstrate expertise and skill in the field of study beyond that normally achieved through formal education.

B. Provisional

For temporary positions or under exceptional circumstances and in order to support cultural diversity an applicant may be hired provisionally with a high school diploma and five years of occupational experience or who is enrolled in a graduate program in the discipline of the assignment, and has completed at least 12 semester units of graduate course work in the discipline of the assignment provided that during a one year period, he/she would receive teacher training as designed at the College of Marin (ex.: monitoring, staff development program), and embark on a defined plan of course work. Provisional certification may be withdrawn by the Equivalency Committee if satisfactory progress in the graduate program or planned course work is not maintained.

C. Limited Service
An applicant may be hired to teach a limited number of specific courses under the following conditions:

Bachelor's degree or completion of 120 semester units and two years of occupational experience related to the discipline of the assignment;

or,

Associate's degree or completion of 60 semester units and four years of occupational experience related to the discipline of the assignment;

or,

High School diploma and six years of occupational experience related to the discipline of the assignment.

D. Counselors

Bachelor's degree and completion of 24 semester units of post baccalaureate, upper division or graduate level course work with emphasis in counseling, guidance, student personnel, psychology, or social welfare. Six of the semester units of course work may be met by verification of two years of recent occupational experience in counseling or guidance.

E. In the case of disciplines not normally requiring a Master's degree:

Bachelor's degree plus four years of occupational or teaching experience in the discipline of the assignment, plus appropriate certification or licensure to practice;

or,

Associate's degree and course work equivalent to a major in the discipline of the assignment plus six years of occupational experience in the discipline of the assignment or six years of teaching experience in the discipline of the assignment plus appropriate certification or licensure to practice;

or,

High School diploma plus college course work equivalent to an Associate degree major in the discipline of the assignment, plus eight years of occupational experience or apprenticeship training in the discipline of the assignment or eight years of teaching experience in the discipline of the assignment, plus appropriate certification or licensure to practice;

or,

High School diploma plus ten years of occupational experience or apprenticeship training in the discipline of the assignment or ten years of teaching experience in the discipline of the assignment, plus appropriate certification or licensure to practice.
Recognized accomplishments which demonstrate expertise and skill in the field of study beyond that normally achieved through formal education.

*Teaching and occupational experience may be combined to total the required number of years.

**Responsibilities of the Equivalency Committee**

For permanent positions the Equivalency Committee will review the applications and supporting documentation of candidates on a case by case basis maintaining thorough and accurate records of their deliberations and decisions. For temporary positions, the Department Chair, in consultation with department members and the Affirmative Action Officer, will function as the Equivalency Committee and will follow the guidelines and process described in this document. They will insure uniformity within and between all cases. In evaluating equivalency, the Committee shall consider all documents including, but not limited to, the following:

- A transcript showing that appropriate courses were successfully completed at an accredited college or appropriate foreign institution;
- Publications that show a command of the major in question, the general education of the candidate, or writing skill;
- Other work products that show a command of the discipline or occupation in question;
- A resume, employer statement, chronological listing, or other evidence of work experience in the appropriate discipline; and
- Other evidence of demonstrated skill or accomplishment the candidate may wish to submit.

The Committee will recommend to the Board of Trustees that a candidate be granted a certificate of equivalency to be placed in the personnel file. Appeals of the Committee's decision may be made to the full Academic Senate in closed session.

In the event a certificated administrator hired before July 1, 1990 retreats to the faculty and does not meet the state minimum qualifications for any District faculty position, his/her competence to assume any District faculty position shall be determined through the equivalency process, i.e., by the appropriate Academic Senate Equivalency Committee.

If the retreatant does not meet the equivalencies for any District faculty position, the Academic Senate Equivalency Committee shall delineate the activities that will prepare the retreatant to assume a District faculty position. The retreatant must satisfactorily complete the delineated activities before he/she can assume the duties of a District faculty position. The Academic Senate Equivalency Committee shall determine what satisfactory completion means. As it relates to certificated administrator retreatants
hired before July 1, 1990, the Board of Trustees shall rely primarily upon the advice and judgment of the Academic Senate.

Review

This policy shall be reviewed as part of the College’s regular self-study process.

NOTE: The red type signifies legally required language recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in black ink is current College of Marin Policy 5.0006 titled Criteria and Standards for Qualifications Equivalent to Minimum Qualifications adopted on 6/25/91 and revised on 5/13/97. The information in green type was added by the Human Resources Office. The information in purple type was added by the Pearl and Yolanda.

Date Approved:
(Replaces current College of Marin Policy 5.0006)
Legal Citations - AP 7211 Faculty Service Areas

Education Code Sections 87001, 87003, and 87743.2

87001. (a) Academic employee" refers to a person employed by a community college district in an academic position.

(b) "Academic position" includes every type of service, excluding paraprofessional service, for which minimum qualifications have been established by the board of governors pursuant to Section 87356.

(c) Wherever in this code or any other code, the term "certificated employee" or any similar term is used in reference to community college employees, it shall be deemed a reference to academic employees of the community colleges.

(d) Wherever in this code or any other code, the phrase "position requiring certification qualifications," or any similar phrase is used in reference to positions in the community colleges, it shall be deemed a reference to academic positions in the community colleges. Nothing in this part shall be construed as repealing or negating any provisions in this code or any other code concerning employees of community college districts for purposes of retirement benefits under the State Teachers' Retirement System by referring to those employees as academic employees.

87003. (a) "Faculty" or "faculty member" means those employees of a community college district who are employed in academic positions that are not designated as supervisory or management for the purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code and for which minimum qualifications for service have been established by the board of governors adopted pursuant to subparagraph (B) of paragraph (1) of subdivision (b) of Section 70901 or subdivision (a) of Section 87356. Faculty include, but are not limited to, instructors, librarians, counselors, community college health services professionals, handicapped student programs and services professionals, extended opportunity programs and services professionals, and individuals employed to perform a service that, before July 1, 1990, required nonsupervisorial, nonmanagement community college certification qualifications.

(b) Any employees who are employed in faculty positions but who perform supervisory, management, or other duties related to college governance shall not, because of the performance of those incidental duties, be deemed supervisors or managers, as those terms are defined in Section 3540.1 of the Government Code. The incidental "supervisory" or "management" duties referred to in this subdivision include, but are not limited to, serving as a faculty member on hiring, selection, promotion, evaluation, budget development, or affirmative action committees, or making effective recommendations in connection with those activities.

87743.2. Not later than July 1, 1990, each community college district shall establish faculty service areas. The establishment of faculty service areas shall be within the scope of meeting and negotiating pursuant to Section 3543.2 of the Government Code. The exclusive representative shall consult with the academic senate in developing its proposals.
Title 5 Sections 53400 et seq.

Cal. Admin. Code tit. 5, s 53400

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
TITLE 5. EDUCATION
DIVISION 6. CALIFORNIA COMMUNITY COLLEGES
CHAPTER 4. EMPLOYEES
SUBCHAPTER 4. MINIMUM QUALIFICATIONS
ARTICLE 1. SCOPE AND DEFINITIONS

s 53400. Scope.

This Subchapter implements and should be read in conjunction with the requirements of Education Code Sections 87001, 87002, 87003, 87356 and 87359 concerning minimum qualifications for community college faculty and administrators. The provisions of this subchapter are effective July 1, 1990.


5 CCR § 53401
Cal. Admin. Code tit. 5, § 53401

§ 53401. Applicability to Community Services and Contract Classes.

Community service or contract classes which do not award college credit and are not supported by state apportionment are not subject to the provisions of this Subchapter. Contract classes which award college credit are subject to this Subchapter, even if they are not supported by state apportionment.

§ 53402. Definitions.

(a) "Administrator" means any person employed by the governing board of a district in a supervisory or management position as defined in Article 5 (commencing with Section 3540) of Chapter 10.7 of Division 4 of Title 1 of the Government Code.

(b) "Educational administrator" means an administrator who is employed in an academic position designated by the governing board of the district as having direct responsibility for supervising the operation of or formulating policy regarding the instructional or student services program of the college or district. Educational administrators include, but are not limited to, chancellors, presidents, and other supervisory or management employees designated by the governing board as educational administrators.

(c) "Faculty" or "faculty member" means those employees of a district who are employed in academic positions that are not designated as supervisory or management for the purposes of Article 5 (commencing with Section 3540) of Chapter 10.7 of Division 4 of Title 1 of the Government Code and for which minimum qualifications for service are specified in Section 53410-53414 or other provisions of this division. Faculty include, but are not limited to, instructors, librarians, counselors, community college health service professionals, disabled student programs and services professionals, extended opportunity programs and services professionals, and individuals employed to perform a service that, before July 1, 1990, required nonsupervisory, nonmanagement community college certification qualifications.

§ 53403. Applicability of Amendments.

Notwithstanding changes that may be made to the minimum qualifications established in this division, or to the implementing discipline lists adopted by the Board of Governors, the governing board of a community college district may continue to employ a person to teach in a discipline or render a service subject to minimum qualifications, if he or she, at the time of initial hire by the district, was qualified to teach in that discipline or render that service under the minimum qualifications or disciplines lists then in effect.

Note: Authority cited: Sections 70901(b)(1)(B) and 87356, Education Code. Reference: Sections 70901(b)(1)(B) and 87356, Education Code.

5 CCR § 53404
Cal. Admin. Code tit. 5, § 53404

TITLE 5. EDUCATION
DIVISION 6. CALIFORNIA COMMUNITY COLLEGES
CHAPTER 4. EMPLOYEES
SUBCHAPTER 4. MINIMUM QUALIFICATIONS
ARTICLE 1. SCOPE AND DEFINITIONS

§ 53404. Definition of Experience.

Where years of professional or occupational experience are referred to in this Subchapter, the requirement is for the stated number of years of full-time experience or the equivalent in part-time experience. Unpaid experience may be counted if it entailed responsibilities substantially similar to those of relevant paid positions in the field. Applicants bear the responsibility for verifying all experience by documentation satisfactory to the districts.
As used in this Subchapter, "professional experience" includes teaching experience.
"Occupational experience" does not include teaching experience.
As used in this Section, "year" means that period of time which in that occupation is accepted by contract or general agreement as a regular work year for that occupation on a full-time basis.


5 CCR § 53405
Cal. Admin. Code tit. 5, § 53405
§ 53405. Certificated Employees.

Whenever in this Division, reference is made to "certificated employees" or to employees in "positions with certification qualifications," where such references are to certificates or credentials issued by the Board of Governors, these references are deemed to also apply to persons employed by districts pursuant to minimum qualifications established pursuant to Subchapter 4 of this Division.


5 CCR § 53406
Cal. Admin. Code tit. 5, § 53406

§ 53406. Requirement for Accredited Degrees and Units; Definition of Accredited Institution.

All degrees and units used to satisfy minimum qualifications shall be from accredited institutions, unless otherwise specified in this Article. For purposes of this Subchapter, "accredited institution" shall mean a postsecondary institution accredited by an accreditation agency recognized by either the U.S. Department of Education or the Council on Postsecondary Accreditation. It shall not mean an institution "approved" by the California Department of Education or by the California Council for Private Postsecondary and Vocational Education. Determination of equivalency of foreign degrees shall be according to district rule.


5 CCR § 53407
Cal. Admin. Code tit. 5, § 53407
§ 53407. Disciplines Lists.

(a) The Board of Governors hereby adopts and incorporates by reference into this provision the two lists published by the Chancellor's Office, entitled "Disciplines Requiring the Master's Degree" and "Disciplines in which the Master's Degree is not Generally Expected or Available," as adopted by the Board at its September 2005 meeting, for the following purposes:

(1) to establish a working definition of the term "discipline" as used in section 53410;

(2) to define which disciplines are "reasonably related" to one another, for purposes of section 53410;

(3) to define disciplines in which the master's degree is not generally expected or available, as opposed to those for which the master's degree is required, for purposes of section 53410.

(b) Revisions after September 2005 to the two lists referenced in subdivision (a) shall be considered incorporated by reference into this provision when they have been adopted by the Board.


**ADDITIONAL LEGAL CITE FROM CURRENT COM POLICIES**

**Ed Code Section 87359.** The board of governors shall adopt regulations setting forth a process authorizing local governing boards to employ faculty members and educational administrators who do not meet the applicable minimum qualifications specified in the regulations adopted by the board of governors pursuant to Section 87356. Unless and until amended pursuant to the process described in Section 87357, the regulations shall require all of the following:

(a) No one may be hired to serve as a community college faculty member or educational administrator under the authority granted by the regulations unless the governing board determines that he or she possesses qualifications that are at least equivalent to the minimum qualifications specified in regulations of the board of governors adopted pursuant to Section 87356. The criteria used by the governing board in making the determination shall be reflected in the governing board's action employing the individual.

(b) The process, as well as criteria and standards by which the governing board reaches its determinations regarding faculty members,
shall be developed and agreed upon jointly by representatives of the
governing board and the academic senate, and approved by the
governing board. The agreed upon process shall include reasonable
procedures to ensure that the governing board relies primarily upon
the advice and judgment of the academic senate to determine that each
individual faculty member employed under the authority granted by
the regulations possesses qualifications that are at least equivalent
to the applicable minimum qualifications specified in regulations
adopted by the board of governors. The process shall further
require that the governing board provide the academic senate with an
opportunity to present its views to the governing board before the
board makes a determination, and that the written record of the
decision, including the views of the academic senate, shall be
available for review pursuant to Section 87358.

(c) Until a joint agreement is reached and approved pursuant to
subdivision (b), the district process in existence on January 1,
1989, shall remain in effect.