Proposed Marin Community College District
Procedure

CCLC No. 7212

Human Resources
DRAFT as of 3.10.2010

AP 7212    TEMPORARY FACULTY

References:

Education Code Sections 87481, 87482, 87482.5, and 87482.8

The District may employ any qualified individual as a temporary faculty member for a complete academic year, but not less than one semester or quarter during an academic year unless the date of rendering first paid service begins during the second semester or third quarter and prior to March 15th. The employment of these persons shall be based upon the need for additional faculty during a particular semester, quarter, or year because a faculty member has been granted leave for a semester, quarter, or year, or is experiencing long-term illness, and shall be limited, in number of persons so employed, to that need.

The District may employ any qualified individual as a temporary faculty member for a complete academic year but not less than a complete semester or quarter during an academic year. The employment of those persons shall be based upon the need for additional faculty during a particular semester or quarter because of the higher enrollment of students during that semester or quarter as compared to the other semester or quarter in the academic year, or because a faculty member has been granted leave for a semester, quarter, or year, or is experiencing long-term illness, and shall be limited, in number of persons so employed, to that need. Such employment may be pursuant to contract fixing a salary for the entire semester or quarter. No person, other than a person serving as clinical nursing faculty, shall be so employed for more than two semesters or three quarters within any period of three consecutive years.

A person serving as clinical nursing faculty may be employed for up to four semesters or six quarters within any period of three consecutive years between July 1, 2007 and June 30, 2014, as long as the hiring of that person does not result in an increase in the ratio of part-time to full-time nursing faculty in the District.

Any person who is employed to teach classes for not more than 67 percent of the hours per week that are considered a full-time assignment for regular employees having comparable duties shall be classified as a temporary employee, and shall not become a contract employee. However, any agreement prior to January 1, 2009, to limit temporary employees to 60 percent of the hours per week that are considered a full-time assignment will govern until the expiration of the agreement. Service as a
substitute on a day-to-day basis shall not be used for purposes of calculating eligibility for contract or regular status.

Screening for temporary faculty shall be conducted in accordance with District practices and procedures for employment of regular faculty. In particular, there shall be consideration given to principles of selection that assure the greatest opportunity for participation by underrepresented groups as required by District policies and procedures.

From current College of Marin Procedure 5.0006.1 DP.1 titled Employment of Temporary Faculty (EC 87360, Title 5 CCR 53020-53024, 53203)

Employment of Temporary Non-Credit Faculty

A. Recruitment Cycle and Screening Process: The District will recruit for instructors by advertising in the class schedules for all classes. The appropriate Dean/Director and Community Education Supervisor—Non-Credit shall interview the applicants in the recruitment pool and make hiring recommendations based on expertise in the required course(s). Non-credit selection pools are separate from credit selection pools.

B. Automatic Eligibility

1. Definitions

   a. An Eligible Temporary Non-Credit Unit Member (hereafter referred to as an ETNUM) is any qualified unit member who has provided prior service (excluding substitutions and intersessions) in the District in a specific course(s) in the non-credit program and who was paid on the Non-Credit Instructor Hourly Schedule. Said paid service must have occurred during the two academic years (excluding substitution and intersessions) immediately preceding the assignment, beginning with the academic year 1991-92 and must include a satisfactory evaluation as provided in 7.3.7. of the Collective Bargaining Agreement. However, ETNUMs shall not be denied their employment right provided herein as a result of not being evaluated in the 1991-92 academic year. Any ETNUM not evaluated in the 1991-92 academic year shall be evaluated in the subsequent academic year in which they are employed. Any unsatisfactory evaluation shall result in ineligibility.

   b. Permanent certificated unit members who retired during the academic year 1991-92, and who have provided services in the Non-Credit Program shall immediately become Eligible Temporary
Non-Credit Unit Members (ETNUMS) and shall retain their step and column placement on the certificated salary schedule.

c. Temporary Non-Credit Hours are those non-credit hours which are scheduled but not assigned to permanent unit members.

d. Contracts for Temporary Non-Credit Unit Members are contracts issued to a temporary non-credit unit member for a quarter or contract period and which are contingent on the availability of temporary non-credit hours and a satisfactory evaluation as provided in 7.3.7. of the Collective Bargaining Agreement.

2. Eligibility

a. Ranking of ETNUMs (excluding ESL) shall be determined by step placement on the Non-Credit Instructor Hourly Schedule. Ranking of permanent certificated unit members, who retired during the academic year 1991-92 and who provide service in the Non-Credit Program, and ESL Non-Credit (working the semester program on campus) ETNUMs shall be determined by placement on the Certificated Salary Schedule. In the event that two or more ETNUMs occupy the equivalent step on a schedule, ranking shall be determined by lottery (No. 1 being the highest ranked). The lottery will be conducted by the Human Resources Personnel Department. A unit member will be invited to draw a number. In the event the unit member is unavailable, a UPM representative will draw a number for him/her.

3. Assignment

a. In ranked order an ETNUM who has been deemed eligible (as defined in B.1.a. and b. above and 6.9.1. and 6.10 of the Collective Bargaining Agreement) shall be given first preference in the assignment of all available temporary non-credit hours to 40% and shall not exceed 60% of a permanent full-time load for the specific course(s) for which they have had paid service (as defined in B.1.a. and b. above and 6.9.1 A. and 6.10 of the Collective Bargaining Agreement). After all eligible ETNUMs have been given first preference as afore stipulated, the recommended applicants, as defined in "A." above, shall be given assignments.

b. Individuals who qualify as ETNUMs herein are not precluded from seeking employment in other certificated areas for which they do not qualify as ETNUMs.
Employment of Temporary Credit Faculty

A. Automatic Eligibility

1. Definitions

a. An Eligible Temporary Credit Unit Member (hereafter referred to as an ETCUM) is any qualified certificated unit member who has provided prior service (excluding substitution and intersessions) in the District credit program in the discipline offering the assignment and who was paid on the Certificated Salary Schedule. Said paid service must have occurred during the two academic years (excluding substitution and intersessions) immediately preceding the assignment, beginning with the academic year 1991-92 and must include a satisfactory evaluation as provided in 7.2.1.3. of the Collective Bargaining Agreement. However, ETCUMs shall not be denied their employment right provided herein as a result of not being evaluated in the 1991-92 academic year. Any ETCUM not evaluated in the 1991-92 academic year shall be evaluated in the subsequent academic year in which they are employed. Any subsequent unsatisfactory evaluation shall result in ineligibility.

b. Permanent certificated unit members who retired during the academic year 1991-92, shall immediately become Eligible Credit Unit Members (ETCUMS) and shall retain their step and column placement on the certificated salary schedule.

c. Temporary Credit Units are those credit units which are scheduled in the District credit program but not assigned to permanent unit members.

d. Contracts for Temporary Credit Unit-Members are contracts issued to a temporary credit unit member on a semester-by-semester basis contingent on the availability of temporary units.

e. For the purposes of ranking ETCUMs, "equivalent step" on the salary schedule means placement on the same numerical step of any of the columns of the salary schedule, for example column 1, step 7 is equivalent to column 5, step 7.

2. Eligibility
a. Ranking of ETCUMs and permanent certificated unit members who retired during the academic year 1991-92 for purposes of unit assignments shall be determined by step placement on the Certificated Salary Schedule (as defined in A.1.e. above and 6.8.1 D. of the Collective Bargaining Agreement). In the event that two or more ETCUMs occupy the equivalent step on a schedule, ranking shall be determined by lottery (No. 1 being the highest ranked). The lottery will be conducted by the Human Resources Personnel Department. A unit member will be invited to draw a number. In the event the unit member is unavailable, a UPM representative will draw a number for him/her.

3. Assignment

a. In any discipline for which an ETNUM has been deemed eligible (as defined in A.1.a. and b. above and 6.8.1 A and 6.10 of the Collective Bargaining Agreement) the ETCUMs shall in ranked order (as defined in A.1.e. and 2.a. above and in 6.8.1 D., 6.8.2. and 6.10. of the Collective Bargaining Agreement) be assigned all the temporary credit units available in a discipline to 40%. No ETCUM shall be assigned more than 60% of a full-time equivalent workload for the academic year. In the case of units identified by departments and approved by UDWC (as provided for in 8.19 of the Collective Bargaining Agreement) as follows: "units requiring limited special skills unlikely to be possessed by persons of more general qualifications, or 'event-related' teaching units and specialty units," the District will not be required to offer said units to ETCUMs who have not provided prior paid service in the specialty units as designated by PAC. After all eligible ETCUMs have been given first preference as afore stipulated, the recommended applicants, as defined above, shall be given assignments.

b. Individuals who qualify as ETCUMs herein are not precluded from seeking employment in other certificated areas for which they do not qualify as ETCUMs.

c. ETCUMs who accept an assignment with the District shall be offered one-semester contracts (as defined in A.1.d. above and 6.8.1.C. of the Collective Bargaining Agreement).

B. Recruitment Cycle and Process:

1. Recruitment: Recruitment will be conducted for all disciplines in Spring, 1992. Thereafter, recruitment will be conducted every two (2) years, unless it is necessary to conduct a recruitment on a more frequent basis,
as determined by the Personnel Department in conjunction with the appropriate Dean, Director, and Coordinator or Department Chair, whomever is applicable. In an effort to develop a well-qualified and diverse pool of potential part-time faculty, a year-round process for advertising and screening will be conducted, allowing for the continuous recruitment of part-time faculty. Applications for all disciplines or programs will be accepted throughout the year. Once screened, applications will be held for one year. After the one year period, applicants who have not been hired will be notified by the Human Resources Departments that they may update their application and have it kept on file.

2. **Exceptions:** If a discipline has no applicants in the selection pool, and there must be an unanticipated (emergency) hire is needed, an expedited interview process will be conducted. However, made, the appropriate Dean, Director, and Coordinator or Department Chair will submit the request to the Appropriate Vice President for approval by the Affirmative Action Officer and the President. All individuals must have a completed application packet on file with the Human Resources Office and must meet minimum qualifications prior to the beginning of the assignment.

3. **Job Announcement:** Individual announcements for each discipline will be developed by the Human Resources Personnel Office and shall include the following:

   a. a statement that there is an anticipated need for temporary faculty for specific disciplines;

   b. minimum qualifications, equivalency, desirable knowledges, abilities, and skills;

   c. screening methods to be used in assessment;

   d. other terms and conditions of employment as required by contract, District policy, or State law;

   e. an address and/or telephone number for obtaining further information;

   f. the following statement: "Sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds and learning styles of community college students and staff."

The appropriate Deans, Directors, and Coordinators or Department Chairs will be asked to assist with developing "Desirable Knowledge, Abilities, and Skills," which will be the basis for the screening criteria, in addition to
the minimum qualifications or equivalency. The announcements shall may be reviewed and approved by Academic Affairs—the Office of Student Learning, or Student Services, and the Affirmative Action Officer, the Staff Diversity/Affirmative Action Advisory Committee, where possible, the Academic Senate, and the Department Chairs or Coordinators and sent to each applicant who requests an application for employment in that discipline. Department Chairs and Coordinators who wish to participate in this process may volunteer.

4. **Advertising:** An advertisement will be developed that lists all disciplines for which applications are being invited, and shall include the following:

   a. a statement that there is an anticipated need for temporary faculty for specific disciplines;

   b. the minimum qualifications and equivalency;

   c. screening methods to be used in assessment;

   d. an address and/or telephone number for obtaining further information;

   e. the following statement: "Sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds and learning styles of community college students and staff."

   The text of the advertisement will be reviewed and approved by Academic Affairs or Student Services, the Affirmative Action Officer, the Staff Diversity/Affirmative Action Advisory Committee, where possible, the Academic Senate, and the Department Chairs or Coordinators, if they wish.

5. **Recruitment Area:** Ads will be placed in appropriate publications, including the internet and other electronic outlets, the San Francisco Chronicle, Oakland Tribune, Independent Journal, Press Democrat, Bay Area publications with circulation to underrepresented groups, and if applicable, journals specific to a discipline. Recruitment may be conducted at specialty conferences, job fairs, or with professional and community organizations representing underrepresented groups, if deemed applicable by the Personnel Department. The State Chancellor’s Office Faculty and Staff Diversity Registry will also be accessed.

   C. **Application Screening Process for Minimum Qualifications:** The Affirmative Action Officer will review the composition of the applicant pool for each discipline recruited to assure reasonable representation of protected groups, and approve,
or, if necessary, direct additional recruiting. Applications will be reviewed by the Human Resources Office Personnel Department for minimum qualifications. If minimum qualifications are not apparent, the applications will be sent to the Equivalency Committee. If the applicant has applied for a minimum qualification equivalency the application materials will be sent to the Academic Senate’s designee.

D. Screening Committees: A screening committee for each discipline recruited will be formed.

1. **Composition:** The screening committee shall be composed of at least one or two faculty members from the relevant discipline or a closely related one field. Faculty who wish to participate in the process may submit his/her name to the President of the Academic Senate. The selection of the faculty to serve on any given committee shall be made by the President of the Academic Senate in consultation with the College President and the Affirmative Action Officer or designee. In the case where there are speciality courses in a discipline as designated by UDWC, up to five faculty members from the relevant discipline or a related one, may volunteer and be selected by the President of the Academic Senate in consultation with the College President and the Affirmative Action Officer or designee. The appropriate Dean or Director, chosen by the College Superintendent/President, may also participate. The chairperson shall be a faculty member. To the maximum extent feasible, members of underrepresented groups shall be included on the screening committee. If a committee member has to withdraw and cannot be replaced prior to the beginning of interviews, or a committee member chooses not to participate in the screening process, the committee will continue with the remaining members.

2. **Training:** All members of the screening committee shall be trained in the relevant State and Federal provisions for equal employment opportunity/affirmative action, the search/screening process and applicable methods of meeting affirmative action targets.

3. **Scope of Responsibility:** All committee members, with the exception of the Equal Employment Opportunity Affirmative Action Officer or designee, will participate equally in the decision-making process.

4. **Role of the Affirmative-Action Equal Employment Opportunity Officer Designee:** The Equal Employment Opportunity Affirmative Action Officer or designee will serve as a resource to the committee and will provide the following services: a) provide training in the relevant State and Federal provisions for equal opportunity/affirmative action, the faculty search/screening process and applicable methods of meeting affirmative action targets; b) assist in developing job related screening criteria,
weighting systems, questions, guideline answers, and the teaching demonstration and/or other type of performance indicator exercise(s), if applicable; c) record the responses of the candidates during the interview process; d) facilitate the committee discussion of the evaluation scores for each candidate; and e) in concert with the committee chairperson compile the total points for each candidate and rankings.

The Equal Employment Opportunity Affirmative Action Officer or designee serves as the monitor in the screening/selection process and may report and intervene in the event of irregularities. If monitoring reveals that any selection technique or procedure has adversely impacted any historically underrepresented group, the Affirmative Action Officer or designee shall suspend the screening/selection process and timely and effective steps shall be taken to remedy the problem before the screening/selection process resumes. The Affirmative Action Officer or designee may assist the screening committee by discussing overall composition of the applicant pool and the screening criteria or procedures which have produced an adverse impact, provided that confidential information about individual candidates is not disclosed. Where necessary, the position may be re-opened at any time and a new selection process initiated in a way designed to avoid adverse impact.

5. Confidentiality: The search/screening/recommendation process is confidential. All members of the committee are expected to respect this confidentiality, and all information reviewed and discussed will not be shared with anyone, with the exception of the respective Vice President and the College Superintendent/President as stipulated below, who are not members of the committee.

E. Development of Screening Materials: The committee will develop the detailed job-related screening criteria, weighting systems, questions, guideline answers, and teaching demonstration and/or other type of performance indicator exercise(s), if applicable to be used in the interview. The standardized 0–16 rating scale (0–4 = Unsatisfactory; 5–8 = Weak; 9–12 = Satisfactory; 13–16 = Strong) will be used. The job-related criteria, weighting system, questions, guideline answers, and teaching demonstration and/or other type of performance indicator exercise(s) will be reviewed and approved by the Affirmative Action Officer. All screening materials will be reviewed by Human Resources.

F. Evaluation and Recommendation Process:

1. Applicant Screening: Members of the committee shall individually review each qualified applicant's application, transcript(s), resume or curricula vitae, and other materials which the applicant submitted, and using the standardized rating scale and previously agreed upon criteria, shall evaluate, score, and rank each applicant. Each committee member shall keep a standardized record of his/her evaluation. The point totals shall be summed
for each applicant and an aggregate candidate list compiled. The committee shall agree upon size of the pool and the number of applicants to be invited to interview. The Affirmative Action Officer shall review and approve the list of eligibles to assure reasonable representation of protected groups. The Department shall determine the date(s) of the interviews and screening committee chairperson in concert with the Personnel Department Human Resources Office will schedule interviews and make all necessary arrangements.

2. Interviews and Recommendations: Interviews will be conducted and members of the committee shall individually evaluate and score each candidate, using the standardized rating scale, and teaching demonstration and/or other type of performance indicator exercise(s), if applicable. Each committee member shall keep a standardized record of his/her evaluations. At the conclusion of the interview process, committee members shall discuss their evaluation scores for each candidate. The chairperson, in concert with the Affirmative Action Officer or designee, shall compile the total points for each candidate, including points on submitted materials and interview performance, and prepare the final ranking. The committee members shall then agree, based on the rankings, on those candidates whose names shall be submitted to the appropriate Human Resources or Administrative designee for reference checks. Results of reference checks shall be submitted to Human Resources. Vice President and the College President for initial approval of the pool. A statement shall be prepared by the committee outlining the factors deemed most important by the committee in making its final recommendations. The Affirmative Action Officer shall review and approve the final recommendations of the committee to assure reasonable representation of protected groups, and shall submit this document, the prepared statement, and all supporting materials to the appropriate Vice President and the College President for initial approval. When a particular candidate who meets the minimum qualifications for the job is also a member of an historically underrepresented group, this membership may be taken into account as one factor in the final selection process where this would further achieve the goals set forth in the District’s faculty and staff diversity plan. All applications, supporting documents, and screening committee documents will be returned to the Personnel Human Resources Office, including the applications and documents of those applicants designated to be in the selection pools. If the committee cannot find a sufficient number of candidates for the pool, the position shall be re-advertised and the screening process re-started.

G. Selection: Human Resources may disqualify candidates as a result of reference/background checks. The names and contact information for the final list of candidates will be forwarded to the appropriate department chair. After initial approval is received from the appropriate Vice President and the College President, the Personnel Department will forward to the Department Chair all...
application materials on those candidates in the selection pool. The Department Chair, as directed by a majority of the permanent faculty, will make recommendations for selection based on ranking and expertise in the required course(s), and forward these to the appropriate Vice President for his/her approval and that of the Affirmative Action Officer, the College President, and the Board of Trustees. All applications, supporting documents, and screening committee documents shall be returned to the Personnel Office.

H. **Appointment/Duration of Eligibility:** Candidates in the pool may be offered temporary employment by the College Superintendent/President or designee for approval by the Board of Trustees. The Board of Trustees or its designee shall have the authority to make all final hiring decisions, based upon careful review of the candidate or candidates recommended by a screening committee. This includes the right to reject all candidates and order further review by the screening committee or reopening of the position where necessary to further achieve the goals established in the faculty and staff diversity plan. However, consistent failure to select qualified candidates from historically underrepresented groups who are recommended by screening committees shall constitute a violation of Section 51010 of the Title V Regulations. If the Board of Trustees or its designee rejects all candidates and orders further review by the screening committee or reopening of the position, the decision with reasons and the order shall be made in writing to the screening committee.

If a candidate is offered a temporary assignment, excluding substitution and intersession, the candidate becomes an ETCUM and is subject to the applicable ETCUM provisions of the MCCD-UPM/AFT Collective Bargaining Agreement. He/she must maintain a satisfactory performance evaluation. An unsatisfactory performance evaluation constitutes automatic disqualification from the ETCUM list. If a candidate is not offered employment within two consecutive years of establishment of the pool, the candidate is removed from the pool. To be considered for future employment, the candidate must reapply to the pool.

I. **Notification of Candidates:** The Personnel Human Resources Office will notify all applicants of their selection or non-selection for the pool. Applicants for the pool will be notified of their ranking.

J. **Unsolicited Applications:** Human Resources does not accept unsolicited applications outside of active recruitments. Applications received by Departments or the Personnel Department between recruitment periods will be acknowledged by the Personnel Department and the applicant information will be retained in a database in the Personnel Department until the next recruitment, at which time they will be invited to participate. Application materials will not be kept on file.

**NOTE:** The red type signifies legally advised language recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in black ink is current College of Marin Procedure 5.0006.1 DP.1 titled Employment of Temporary Faculty approved on 6/25/91 and
revised on 12/8/92. The information in **green type** was added by the Human Resources Office. The information in **purple type** was added by Pearl and Yolanda.

**Date Approved:**
(Replaces current College of Marin Procedure 5.0006.1 DP.1)
87481. Notwithstanding the provisions of Sections 87478 and 87480, the governing board of a community college district may employ any qualified individual as a temporary faculty member for a complete school year, but not less than one semester or quarter during a school year unless the date of rendering first paid service begins during the second semester or third quarter and prior to March 15th. The employment of these persons shall be based upon the need for additional faculty during a particular semester, quarter, or year because a faculty member has been granted leave for a semester, quarter, or year, or is experiencing long-term illness, and shall be limited, in number of persons so employed, to that need, as determined by the governing board.

Any person employed for one complete school year as a temporary employee shall, if reemployed for the following school year in a vacant faculty position, be classified by the governing board as a contract employee and the previous year's employment as a temporary employee shall be deemed a year of employment as a contract employee for purposes of acquiring permanent status.

For purposes of this section "vacant position" means a position in which the employee is qualified to serve and which is not filled by a regular or contract employee. It shall not include a position which would be filled by a regular or contract employee except for the fact that such employee is on leave.

87482. (a) Notwithstanding the provisions of Section 87480, the governing board of a community college district may employ any qualified individual as a temporary faculty member for a complete school year but not less than a complete semester or quarter during a school year. The employment of those persons shall be based upon the need for additional faculty during a particular semester or quarter because of the higher enrollment of students during that semester or quarter as compared to the other semester or quarter in the academic year, or because a faculty member has been granted leave for a semester, quarter, or year, or is experiencing long-term illness, and shall be limited, in number of persons so employed, to that need, as determined by the governing board.

Such employment may be pursuant to contract fixing a salary for the entire semester or quarter.

(b) No person shall be so employed by any one district under this section for more than two semesters or three quarters within any period of three consecutive years.

87482.5. (a) Notwithstanding any other provision of law, any person who is employed to teach adult or community college classes for not more than 60 percent of the hours per week considered a full-time assignment for regular employees having comparable duties shall be classified as a temporary employee, and shall not become a contract employee under Section 87604.

(b) Service as a substitute on a day-to-day basis by persons employed under this section shall not be used for purposes of calculating eligibility for contract or regular status.

(c) (1) Service in professional ancillary activities by persons
employed under this section, including, but not necessarily limited
to, governance, staff development, grant writing, and advising
student organizations, shall not be used for purposes of calculating
eligibility for contract or regular status unless otherwise provided
for in a collective bargaining agreement applicable to a person
employed under this section.

(2) This subdivision may not be construed to affect the
requirements of subdivision (d) of Section 84362.

87482.8. Whenever possible:

(a) Part-time faculty should be informed of assignments at least
six weeks in advance.

(b) Part-time faculty should be paid for the first week of an assignment
when class is cancelled less than two weeks before the beginning of a
semester. If a class meets more than once per week, part-time faculty should
be paid for all classes that were scheduled for that week.

(c) The names of part-time faculty should be listed in the
schedule of classes rather than just described as "staff."

(d) Part-time faculty should be considered to be an integral part of their
departments and given all the rights normally afforded to full-time faculty
in the areas of book selection, participation in department activities, and
the use of college resources, including, but not necessarily limited to,
telephones, copy machines, supplies, office space, mail boxes, clerical
staff, library, and professional development.