

# ~~Section Five~~

## Chapter 8

# **Academic Senate and Faculty Employment**

**Section Five**  
**Chapter Eight**  
**Table of Contents**

\*\* ~~Section 5~~ Chapter 8 was reviewed and approved by the Board of Trustees in 2014 after contract negotiations and reviewed in October 2017.

**P O L I C Y**

		<u>PAGE</u>
<u>5A</u> <u>8100</u>	<b><u>Recognition of Academic Senates</u></b> .....	5
<u>5B</u> <u>8200</u>	<b><u>Responsibilities of the College Academic Senates</u></b> .....	7
<u>5C</u> <u>8300</u>	<b><u>Recommendation and Consultation</u></b> .....	7
<u>5D</u> <u>8400</u>	<b><u>Scope</u></b> .....	8
<u>5E</u> <u>8500</u>	<b><u>Implementation</u></b> .....	8
<u>5F</u> <u>8600</u>	<b><u>Review and Revision</u></b> .....	8
<u>5G</u> <u>8700</u>	<b><u>Faculty Hiring</u></b> .....	8
<u>8701</u> <u>5G1</u>	Philosophy .....	8
<u>8702</u> <u>5G2</u>	<u>Equal Employment Opportunity (EEO)</u> .....	9
<u>8703</u> <u>5G3</u>	<u>Position Identification/Approval</u> .....	10
<u>8704</u> <u>5G4</u>	<u>Job Description</u> .....	10
<u>8705</u> <u>5G5</u>	<u>Search Procedures</u> .....	12
<u>8706</u> <u>5G6</u>	<u>Selection Committees</u> .....	12
<u>8707</u> <u>5G7</u>	<u>Selection of the Final Candidate</u> .....	15
<u>8708</u> <u>5G8</u>	<u>Notification of Candidates</u> .....	15
<u>8709</u> <u>5G9</u>	<u>Implementation</u> .....	15
<u>8710</u> <u>5G10</u>	<u>Review and Revision</u> .....	15
<u>5H</u> <u>8800</u>	<b><u>Adjunct Employment</u></b> .....	15
<u>BP 8900</u>	<b><u>Temporary Full-time Faculty Employment</u></b>	

06/18

10/2020

**PROCEDURE**

	<u>PAGE</u>
<del>5G4C1</del> <u>8704</u> Equivalency Criteria .....	18
<del>5H</del> <u>8800</u> Adjunct Employment.....	20
<u>8900</u> <u>Temporary Full-time Faculty Employment</u>	

**APPENDIX**

<del>5G5E1</del> <u>8705</u> Certification of Equivalency form .....	21
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**Section Five Chapter 8—Certificated/Academic Senate  
Governance Processes Relative to the  
District Board Policy Manual  
and Collegial Consultation  
With Academic Senates**

**Employ the Process of Mutual Agreement**

**Policies:** None

**Procedures:** None

**Appendices:** None

**Rely Primarily Upon the Advice and Judgment**

**Policies:** All Policies

**Procedures:** All Procedures

**Appendices:** All Appendices

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**Kern Community College District  
Board Policy**

**Chapter 5 8 – Academic Senate and Faculty Employment**

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**8100 Recognition of Academic Senates**

- a. 5A1** The Board of Trustees affirms recognition of the Academic Senates of the Colleges of the Kern Community College District under Title 5 of the California Administrative Code and as provided for in law.
- b. 5A2** The Academic Senates shall be recognized to make recommendations to the District Chancellor, and to the Board of Trustees with respect to academic and professional matters.
- c. 5A3** The Academic Senate of each College shall be recognized to make recommendations with respect to academic and professional matters to the College President and Management Team of each College, and, if necessary, consult collegially with the Board of Trustees about individual College matters as outlined in **Policy 5A4 8100(d)**.
- d. 5A4** *Academic and professional matters* means the following policy development and implementation matters:
- curriculum, including establishing pre-requisites and placing courses within disciplines;
  - degree and certificate requirements;
  - grading policies;
  - educational program development;
  - standards or policies regarding student preparation and success;
  - District and College governance structures, as related to faculty roles;
  - faculty roles and involvement in accreditation processes, including self-study and annual reports;

- policies for faculty professional development activities; processes for program review;
- processes for institutional planning and budget development; and
- other academic and professional matters as mutually agreed upon between the Governing Board and the Academic Senates.

e. **5A5** The Board of Trustees or its designee shall consult collegially with the College Academic Senates when identifying or adopting policies on academic and professional matters. This requirement to consult collegially shall not limit other rights and of the Academic Senates which are specifically provided for in statute, regulations, or other sections of the District Board Policy Manual.

f. **5A6** *Consult collegially* means that the Board of Trustees shall develop policies on academic and professional matters through either or both of the following methods, according to its own discretion:

- relying primarily upon the advice and judgment of the Academic Senates; or
- that the Board of Trustees, or such representatives as it may designate, and the representatives of the Academic Senates shall have the obligation to reach mutual agreement by written resolution, regulation, or policy of the Board of Trustees effectuating such recommendations.

g. **5A7** With respect to academic and professional matters listed in **Policy 5A4 8100(d)** the Board of Trustees shall rely primarily upon the advice and judgement of the Academic Senates.

h. **5A8** While in the process of consulting collegially, the Academic Senates shall retain the right to meet with or appear before the Board of Trustees with respect to views, recommendations, or proposals of the Academic Senates. In addition, after consultation with the administration of the College and/or District, the Academic Senates may present their views and recommendations to the Board of Trustees according to **Policies 5C1 8100(a)** and **5C2 8100(b)**.

i. **5A9** The Board of Trustees shall rely primarily upon the advice and judgment of the Academic Senates in determining which policies, proposed and existing, relate to academic and professional matters. The Chancellor shall rely primarily upon the advice and judgment of the academic senates in determining which procedures relate to academic and professional

matters and shall consult collegially with the Academic Senate with respect to these procedures.

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**Kern Community College District  
Board Policy**  
Chapter 8 – Academic Senate and Faculty Employment

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**8200 Responsibilities of the College Academic Senates**

- a.     **5B1** The appointment of faculty members to serve on College or District committees, task forces or other groups dealing with academic and professional matters, shall be made, after consultation with the Chief Executive Officer or his/her designee, by the Academic Senates.
- b.     **5B2** The Academic Senates shall implement the sections of the District's and Colleges' faculty hiring and evaluation policies for which they are responsible.
- c.     **5B3** The College curriculum committee shall be established by mutual agreement between the College administration and Academic Senate.
- d.     **5B4** The Academic Senates may assume such responsibilities and perform such functions as may be delegated to them in writing by the Board of Trustees of the District pursuant to Section 53203(a) of Title 5.
- e.     **5B5** Each College Academic Senate and College administration shall agree upon written responsibilities delegated to the Academic Senate, including, but not limited to, academic and professional matters as defined in Section 53200 of Title 5, California Administration Code.



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**Kern Community College District  
Board Policy**  
Chapter 8 – Academic Senate and Faculty Employment

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**8300 Recommendation and Consultation**

- a.**     **5C1**   In making a recommendation to the Board of Trustees, the College Academic Senates shall, using their own procedures, jointly agree upon the recommendation before forwarding it to the Board of Trustees.
  
- b.**     **5C2**   When the Board of Trustees or its designee consults collegially with the College Academic Senates, the Academic Senates shall, using their own procedures, jointly agree upon a response before forwarding it to the Board of Trustees or its designee.
  
- c.**     **5C3**   In instances where the Board of Trustees elects to rely primarily upon the advice and judgment of the Academic Senates, the recommendations of the Academic Senates shall normally be accepted, and only in exceptional circumstances and for compelling reasons will the recommendations not be accepted. If a recommendation is not accepted, the Board of Trustees or its designee, upon request of the Academic Senates, shall promptly communicate its reasons for its action in writing to the Academic Senates.
  
- d.**     **5C4**   In instances where the Board of Trustees elects to provide for mutual agreement with the Academic Senates, the Academic Senates shall determine their representatives to meet with the Board of Trustees' representatives to reach a tentative mutual agreement, to be approved by each College Academic Senate. If final mutual agreement cannot be reached, existing policy shall remain in effect unless continuing with such policy exposes the District to legal liability or causes substantial fiscal hardship. In cases where there is not existing policy, or in cases where exposure to legal liability or substantial fiscal hardship requires existing policy to be changed, the Board of Trustees may act, after a good faith effort to reach agreement with the Academic Senates, only for compelling legal, fiscal, or organizational reasons.

**Kern Community College District  
Board Policy**  
Chapter 8 – Academic Senate and Faculty Employment

---

**8400** **Scope**--Nothing in **Policies 5A 8100** through **5F 8600** of this policy shall be construed to impinge upon the due process rights of faculty, nor to detract from any negotiated agreements between the collective bargaining representatives and the Board of Trustees.

**Kern Community College District  
Board Policy**  
Chapter 8 – Academic Senate and Faculty Employment

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**8500** **Implementation**--This policy shall be deemed as a formal statement of compliance with the law and Title 5 regulations. The Academic Senate and administration of each College shall consult collegially on any additional procedures to implement the policies in **Section Eight Five** of the District Board Policy Manual.

**Kern Community College District  
Board Policy**  
Chapter 8 – Academic Senate and Faculty Employment

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**8600** **Review and Revision**--Policies on academic and professional matters are subject to review and revision at the request of any one (1) of the Academic Senates or the Board of Trustees. The Academic Senates and the Board of Trustees shall consult collegially on such revised policies as outlined in **Policy 8300 5C**, before adoption of said revised policies.

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**Kern Community College District  
Board Policy**  
Chapter 8 – Academic Senate and Faculty Employment

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**8700 Faculty Hiring** (Applicable to all personnel with employment contracts based on the Basic Faculty Salary Schedule)

8701 **5G4** Philosophy

- a. **5G4A** It shall be the policy of the Kern Community College District that a faculty hiring process be established to provide for highly qualified College faculty who are expert in their subject areas, who are skilled in teaching and serving the needs of a varied student population, who can enhance overall College effectiveness, and who are sensitive to and representative of the racial and cultural diversity of the District adult community.
- b. **5G4B** The governing board of a community college district derives its authority from statute and from its status as the entity holding the institution in trust for the benefit of the public. The governing board and the administrators it appoints have the principal legal and public responsibility for ensuring an effective hiring process.
- c. **5G4C** Faculty members derive their authority from their expertise as teachers and subject matter specialists and from their status as professionals. The Faculty has an inherent professional responsibility in the development and implementation of policies and procedures governing the hiring process.
- d. **5G4D** The Academic Senates have the legal responsibility and authority to develop jointly with representatives of the governing board the hiring criteria, policies and procedures for new faculty.
- e. **5G4E** Hiring procedures are based on a recognition that responsibility for selecting faculty from a pool of qualified applicants is shared cooperatively by faculty and administration, participating effectively in all phases of the hiring process.

f. **5G1F** All policies and procedures relative to faculty hiring shall be characterized by strict confidentiality to the extent permitted by law.

**8702 5G2** Equal Employment Opportunity (EEO)

a. **5G2A** The Board of Trustees, Administration and Academic Senate have the joint responsibility to ensure that Equal Employment Opportunity goals and timetables are a part of the overall process of hiring faculty.

b. **5G2B** All participants in the hiring process shall receive training in equal employment opportunity procedures and shall become knowledgeable about the Equal Employment Opportunity goals and timetables of the District and its Colleges.

c. **5G2C** Each College's Equal Employment Opportunity Officer shall serve as a consultant on District and State guidelines and be responsible for monitoring the College and District's Equal Employment Opportunity policies and procedures, including but not limited to:

- Review of the job description/announcement;
- Review of the composition and procedures of selection committees; and
- Review of the adequacy of the applicant pool.

d. **5G2D** Each ~~College Personnel Officer~~ College Human Resources designee ~~in consultation with the College Equal Employment Opportunity Officer~~ and selection committee shall determine the adequacy of the employment pool based on all applications received that meet minimum qualifications.

**8703 5G3** Position Identification/Approval

a. **5G3A** The need for contract faculty positions shall be determined cooperatively through a well-defined, thoughtful planning process involving the College Academic Senate, faculty in the discipline, and College administrators. This process shall be agreed to by the College President and the Academic Senate.

b. **5G3B** A contract faculty position requires the approval of the College President and the District Chancellor prior to the commencement of the selection process.

**8704 5G4**    Job Description Posting

- a.** **5G4A**    The department/division chair, if any, and the faculty in the discipline in consultation with the appropriate administrator shall develop the faculty job description posting, which shall include position requirements and desired characteristics. Hiring criteria that are beyond minimum qualifications set by District policy may be established.
- b.** **5G4B**    In special cases, faculty and/or administrators from other campuses of the College, Colleges of the District, faculty/administrators from other colleges, or outside agencies may be part of the consultative process.
- c.** **5G4C**    In all cases, job descriptions postings shall meet the minimum qualifications for teaching at the community college level, as established by the state-wide Academic Senate and adopted by the Board of Governors of the California Community Colleges.
- **5G4C1**    It shall be the responsibility of the Academic Senate, in consultation with the faculty of the appropriate discipline, to decide how equivalency shall be determined. See Procedure 8700 5G4C1 of this Manual for the list of equivalency criteria.
  - **5G4C1A**    The purpose of equivalency statements shall be to ensure the maintenance of a professional and highly-qualified staff.
  - **5G4C1A1**    The equivalency process is flexible enough to allow applicants who provide evidence that they have education or experience comparable to that required by the minimum qualifications to be given careful consideration, even if their formal education is not identical to degree requirements or they have acquired their qualifications by a route other than the conventional one.
  - **5G4C1B**    Except in special cases, only formal education shall be considered the equivalent for degree requirements, including general education and the major required for the degree.

- **5G4C1C** In special cases, experience, work, independent education, or academic/artistic/vocational products that can be shown to have generated the equivalent knowledge, including general education and the major required for the degree, may be considered the equivalent of the degree.
  - **5G4C1D** For the equivalent of required experience, alternative ways of achieving mastery of the skills of the vocation and knowledge of the working environment of the vocation may be considered.
  - **5G4C1E** In no case shall an equivalency be interpreted to mean a *waiver* of state-mandated minimum qualifications.
  - **5G4C2** Requirements for any vacant faculty position may exceed the state-mandated minimum qualifications.
- d. **5G4D** Job descriptions shall accurately reflect the needs of the College and the goals of Equal Employment Opportunity.

**8705 5G5** Search Procedures

- a. **5G5A** Approval of open positions and initiation of the hiring process shall be early enough in the year to allow for all procedures to be undertaken in a thorough and thoughtful manner.
- b. **5G5B** The length of the advertising period should be long enough to ensure a pool of well-qualified applicants, and one which furthers the College's and District's Equal Employment Opportunity goals.
- c. **5G5C** Vacant faculty positions should be filled during the regular academic year.
- d. **5G5D** Positions shall be advertised widely to ensure a pool of highly qualified applicants and to further the College and District Equal Employment Opportunity goals.



- e. **5G5E** Position announcements shall be prepared ~~by the College Personnel Officer~~ in consultation with the appropriate human resources designee, area faculty and administrator and shall include job-related skills requirements, minimum qualifications and any special qualifications.
- f. **5G5F** The position announcement requires the review of the College President, the ~~College Equal Employment Opportunity Officer~~ and the approval of the ~~Assistant Chancellor, Personnel~~ Vice Chancellor, Human Resources or designee prior to dissemination.

**8706 5G6**     Selection Committees

**5G6A**     The selection committee shall consist of at least a majority of faculty. The selection committee shall be composed of at most:

- a. **5G6A1**     Three (3) faculty members appointed by the Academic Senate in consultation with the faculty of the discipline, one (1) of whom shall be the department/division chair, if any, and one (1) area administrator appointed by the College President; **or** Four (4) or more faculty members appointed by the Academic Senate in consultation with the faculty of the discipline, one (1) of which shall be the department/division chair, if any, and up to two (2) administrators appointed by the College President, one (1) of which shall be the area administrator;

~~**5G6A2**     One (1) College Equal Employment Opportunity Committee member who shall be a faculty member if at all possible appointed by the College Equal Employment Opportunity Committee chair.~~

~~• **5G6A2A**     The role of the Equal Employment Opportunity Committee member shall be to encourage staff diversity and monitor Equal Employment Opportunity compliance with respect to federal and State law, State regulations and District/College policies and procedures.~~

- b. **5G6A3**     Additional members as agreed upon by the College President and the Academic Senate President.

- c. **5G6B**     The area administrator will convene the initial meeting of the selection committee. The selection committee shall elect a chair from this committee, who shall be from the discipline, if at all possible.

- d. **5G6C** The ~~College Personnel Office~~ Human Resources Department shall receive applications and initially screen for minimum qualifications. Complete applications shall be categorized relative to compliance with minimum qualifications as:
- i. Clearly met, or
  - ii. Compliance not clear.
  - iii. All complete applications will be available to the Selection Committee after inappropriate material is removed.
- e. **5G6D** Selection committees shall determine whether applicants meet the desired qualifications, including minimum qualifications and, where appropriate, equivalents.
- f. **5G6E** In determining equivalents, selection committees shall follow the procedure adopted by the Senate.
- g. **5G6E1** Minimum qualifications by equivalency are to be in disciplines adopted by the Board of Governors and shall be applicable District-wide. (There will be no minimum qualifications by equivalency for courses or sub-disciplines.)
- h. **5G6E2** For those candidates deemed qualified by equivalents, a written record of evidence of equivalence shall be maintained. See Appendix 8705 5G6E1 of this Manual for the Certification of Equivalency form.
- i. **5G6E3** The College Senate, ~~or~~ area administrator ~~or Equal Employment Opportunity representative~~ may present its views to the Board regarding each specific case of equivalency before the Board makes its decision. A written record of the Board's decision shall be kept.
- j. **5G6F** The Selection Committee shall review all completed applications and shall select those applicants for an interview who best meet the desired qualifications listed on the job description.
- k. **5G6G** The candidates will be evaluated with respect to, but not limited, to the following criteria:
- l. Subject area knowledge and competency;
  - m. Teaching/service and communications skills;
  - n. Commitment to professional growth and service;

- o. Potential for overall professional effectiveness;
- p. Sensitivity to and understanding of the diverse academic, socio-economic, cultural, disability and ethnic backgrounds of the students;
- q. Teaching or skill demonstrations and/or writing samples.
- r. **5G6H** The Selection Committee shall formulate uniform interview questions. The Selection Committee shall conduct interviews and evaluate responses. During interviews, a standardized question and appropriate follow-up procedure shall be employed. Individual committee members must be present for each interview in order to participate in the evaluation of candidates.
- **5G6H1** Every effort shall be made to schedule interviews when all selection committee members can be present. If necessary, classroom substitutes shall be provided for faculty members on the selection committee.
- s. **5G6I** The Selection Committee, college administrator, or College Human Resources Office shall conduct reference checks.
- t. **5G6J** The Chair shall lead the committee discussion regarding strengths and weaknesses of the candidates. The committee may include written comments for each candidate as a further means of communicating its recommendations. The Selection Committee may wish to schedule second-stage interviews for those considered best qualified.
- u. **5G6K** Except as noted below in ~~Policies 5G6K1 and 5G6K2~~, the Selection Committee shall recommend two (2) or more finalists to the College President for final consideration. If the Selection Committee sends two (2) or more, the College President can select from those recommended after consultation with the Selection Committee Chair or with the Selection Committee if it so requests.
- **5G6K1** In the event the Selection Committee recommends one (1) finalist, the College President shall then meet with the Selection Committee to discuss its recommendation. The Selection Committee shall explain its reasons for submitting one (1) candidate. The College President may choose the candidate recommended or request additional recommended candidates or reopen the process.

- **5G6K2** If the Selection Committee cannot recommend any of the applicants, or if the College President cannot choose any of those recommended, the hiring process shall reopen.

#### **8707 5G7** Selection of the Final Candidate

**5G7A** The College President shall review the Selection Committee's recommendations and shall interview the finalists and conduct additional reference checks.

**5G7B** The College President, in consultation with the Selection Committee Chair, shall select the finalist to be recommended to the Chancellor and Board of Trustees for final approval.

#### **8708 5G8** Notification of Candidates

**5G8A** All candidates for positions in the Kern Community College District shall be notified in a timely manner regarding disposition of their applications. Interviewees shall receive personal calls from the College President or designee regarding the position.

**5G8B** The formal offer of employment shall be prepared and issued from the ~~District Personnel~~ College Human Resources Office.

#### **8709 5G9** Implementation

**5G9A** This policy shall be deemed a general statement of compliance with Assembly Bill 1725, and the Academic Senate of each College shall approve any additional procedures to implement this policy, according to its legal responsibility under Assembly Bill 1725.

#### **8710 5G10** Review and Revision

**5G10A** This policy is subject to review and revision at the request of any one (1) of the College Academic Senates or the Board of Trustees. Such revised policy shall be agreed upon by each Academic Senate and the Board of Trustees before it replaces the previously agreed upon policy.

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**Kern Community College District  
Board Policy**  
Chapter 8 – Academic Senate and Faculty Employment

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**8800 5H     Adjunct Employment (See Procedure 8800 5H)**

- 5H1** The Board of Trustees shall appoint all adjunct faculty to provide instruction or services for the District.
- 5H2** All adjunct appointments shall be recommended to the Board of Trustees by administration who will involve the active participation and recommendation of faculty.
- 5H3** The District shall adopt administrative procedures for hiring adjunct faculty who meet the following criteria:
  - a. meet state-mandated discipline minimum qualifications or meet criteria to receive an equivalency for the discipline as determined by the College Academic Senate Equivalency Committee.
  - b. demonstrate subject area knowledge and competency.
  - c. be skilled in teaching and serving the needs of a diverse student population.
  - d. show potential for overall professional effectiveness.
  - e. communicate effectively.
  - f. demonstrate a sensitivity to the ethnic and cultural diversity of our communities.
- 5H4** It is the responsibility of the College Human Resources Office to maintain approved applicant pools for adjunct hiring. To the extent possible, all disciplines shall have approved adjunct pools.
- 5H5** Unless an emergency situation exists, the department/division administrator shall offer adjunct employment only to candidates from these approved adjunct pools.
- 5H6** The College Human Resources Office is responsible for monitoring, training, and consulting College administration, faculty, and staff involved with the recruitment and screening process for adjunct faculty.
- 5H7** Nothing in this policy or District Administrative Procedure shall violate federal or state laws governing personnel employment.

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**Kern Community College District  
Board Policy**  
Chapter 8 – Academic Senate and Faculty Employment

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**BP 8900**     **Temporary Full-time Faculty Employment**

Reference: Education Code Sections 87422, 87480, 87482.5(b), 88003, 88106 or 88109

Except as otherwise provided in this section, community college districts shall actively recruit from both within and outside the district work force to attract qualified applicants for all vacancies. This shall include outreach designed to ensure that all persons are provided the opportunity to seek employment with the district. The requirement of open recruitment shall apply to all full-time and part-time vacancies in all job categories and classifications, including, but not limited to, faculty, classified employees, categorically funded positions, and all executive/administrative/managerial positions. Recruitment for full-time faculty and educational administrator positions shall be at least statewide and, at a minimum, shall include seeking qualified applicants listed in the California Community Colleges Equal Employment Opportunity Registry and posting job announcements with the Registry. Recruitment for part-time faculty positions may be conducted separately for each vacancy or by annually establishing a pool of eligible candidates, but in either case full and open recruitment is required consistent with this section.

# Procedure

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**Kern Community College District  
Administrative Procedure**  
Chapter 8 – Academic Senate and Faculty Employment

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**AP 8700 ~~5G4C1~~    Equivalency Criteria**

Equivalency criteria for use in determining minimum qualifications follow:

(A) Formal education equivalent to the Degree

(1) Formal education equivalent to the Master's Degree:

- A Master's Degree in teaching in the discipline
- A Master's Degree in Education, with substantial graduate units in the discipline
- Bachelor's Degree and a combination of thirty (30) semester graduate units in education and the discipline

(2) Formal education equivalent to the Bachelor's Degree:

- At least one hundred twenty (120) semester units, including general education and forty (40) units in a discipline, at least thirty (30) of which are upper division or graduate

(3) Formal education equivalent to the Associate Degree:

- At least sixty (50) approved units, including general education, as defined in the following guides published by the American Council on Education:

*The Guide to the Evaluation of Educational Experience in the Armed Services*

*The National Guide to Educational Credit for Training Programs*

(B) Non-Formal Education Equivalencies to the Degree

(1) Substantial work experience equivalent to the degree, e.g., in computers, engineering, or journalism

(2) Substantial academic experience and/or accomplishment equivalent to the degree, e.g., teaching at the upper division or graduate level, scholarly publications



(B) (continued)

- (3) Substantial artistic experience and/or accomplishments equivalent to the degree, e.g., performances, shows, exhibitions, compositions, or books
- (C) Equivalencies to required experience could include appropriate collegiate education or other training programs that indicate a mastery of the skills of the discipline and knowledge of the working environment of the discipline

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**Kern Community College District  
Administrative Procedure**  
Chapter 8 – Academic Senate and Faculty Employment

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**8800 5H Adjunct Employment Procedures**

**8801 5H1 Search Procedures**

- a. 5H1A Position Announcements:** District Human Resources will publish a list of potential part-time faculty positions as requested by the department/division. If an individual job description is needed, the Vice President or department/division Dean and discipline faculty shall develop the description.
- b. 5H1B Qualified Applicant Pools:** College Human Resources shall review the applications and determine those that meet minimum qualifications. These qualified applicant pools shall be sorted by discipline. Applicants shall meet discipline minimum qualifications adopted by the Board of Governors. Those not meeting minimum qualifications but wishing to receive an equivalency shall be referred to the College Academic Senate Equivalency Committee.
- c. 5H1C Qualified Applicant Pool Maintenance:** College Human Resources shall maintain active applications in the qualified applicant pool for a period of two years.
- d. 5H1D Approved for Assignment Pools:** A part-time faculty screening committee shall review applications from the qualified applicant pool and determine those candidates to be interviewed.
- e. 5H1E** College Human Resources shall review the candidates selected for interview to determine if legal requirements for non-discrimination and Equal Employment Opportunity have been met. If the Human Resources representative determines those legal requirements have not been met, he/she shall assist the screening committee in addressing the problem(s).
- f. 5H1F** The discipline screening committee shall conduct interviews and determine those candidates that are approved for assignment. The committee shall communicate the results to College Human Resources, which shall work with the successful candidates to complete the

employment process. A College Human Resources representative shall be available to consult with the committee on any non-compliance or procedural issues.

- g. ~~5H1G~~ Each discipline's screening committee shall review its discipline pool at least once a semester or immediately upon review date(s) established in position announcements.
- h. ~~5H1H~~ **Approved for Assignment Pool Maintenance:** College Human Resources shall maintain active applicants in the approved for assignment pool for a period of five years.

### 8802 ~~5H2~~ **Composition of Part-Time Faculty Screening Committee**

~~5H2A~~ The committee consists of the faculty chair and the appropriate educational administrator or designee. A second faculty member may be included if agreed upon by both the faculty chair and the educational administrator.

### 8803 ~~5H3~~ **Selection of Candidates**

~~5H3A~~ **Screening Criteria:** The candidates shall be evaluated with respect to, but not limited to, the following criteria:

- (a) ability to demonstrate skills in teaching or services that will effectively serve the needs of a diverse student population
- (b) ability to provide specific subject matter expertise that meets the District's core mission

### 8804 ~~5H4~~ **Emergency Circumstances**

- a. ~~5H4A~~ If an approved for assignment pool does not exist, and if there is insufficient time to convene a part-time faculty screening committee that includes the faculty chair, the Vice President or department/division dean shall include, whenever possible, at least one tenured faculty member from the relevant discipline in interviewing and selecting adjunct instructors.
- b. ~~5H4B~~ If circumstances do not permit the inclusion of any faculty in the contingency or emergency screening of qualified applicants, the Vice President or department/division dean must notify the College Human Resources Manager and the faculty chair. The notification shall state the reasons for not being able to include any faculty.
- c. ~~5H4C~~ An appointment under emergency circumstances is valid for one semester only. The emergency hire shall be placed back into the qualified applicant pool for future consideration.

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**Kern Community College District  
Administrative Procedure**  
Chapter 8 – Academic Senate and Faculty Employment

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**AP 8900**    **Temporary Full-time Faculty Employment**

Reference: Education Code Sections 87422, 87480, 87482.5(b), 88003, 88106 or 88109

(b)(1) “In-house or promotional only” recruitment shall not be used to fill any vacancy for any position described in subdivision (a) except when the position is being filled on an interim basis for the minimum time necessary to allow for full and open recruitment; provided however, that no interim appointment or series of interim appointments exceeds two years in duration.

(2) Where in-house or promotional only recruitment is utilized to fill a position on an interim basis pursuant to subdivision (b)(1), all district employees shall be afforded the opportunity to apply and demonstrate that they are qualified.

(3) The job announcement for the interim position shall comply with section 53022 and the selection process shall be consistent with the requirements of this subchapter.

(c) For purposes of this section, a vacancy is not created, and the requirements of subdivisions (a) and (b) do not apply, when:

- (1) there is a reorganization that does not result in a net increase in the number of employees;
- (2) one or more lateral transfers are made and there is no net increase in the number of employees;
- (3) a position which is currently occupied by an incumbent is upgraded, reclassified, or renamed without significantly altering the duties being performed by the individual;
- (4) the faculty in a division or department elect one faculty member to serve as a chairperson for a prescribed limited term;
- (5) the position is filled by a temporary, short-term, or substitute employee appointed pursuant to Education Code sections 87422, 87480, 87482.5(b), 88003, 88106 or 88109;

- (6) a part-time faculty member is assigned to teach the same or fewer hours he or she has previously taught in the same discipline without a substantial break in service. For purposes of this section, "a substantial break in service" means more than one calendar year or such different period as may be defined by a collective bargaining agreement; or
- (7) an individual not currently employed by the district, who is specially trained, experienced, and competent to serve as an administrator, and who satisfies the minimum qualifications applicable to the position, is engaged to serve as an administrator through a professional services contract. No appointment or series of appointments pursuant to this provision may exceed a period of two years.

**Appendix should be removed and form revised and made available as an internal form on the intranet.**

**~~Appendix~~**

