

## ARTICLE 44 – CERTIFICATIONS AND MINIMUM QUALIFICATIONS

### 44.1 Minimum Qualifications

44.1.1 **Determination of Minimum Qualifications.** Contracted faculty in the discipline shall determine the initial minimum qualifications for the courses in the discipline with concurrence of the manager, and changes in minimum qualifications with the concurrence of the manager.

### 44.1.2 Notice and Timelines.

44.1.2.1 **Changes to Minimum Qualifications Required by External Standards.** When external requirements (i.e. law, external accreditation agency, or licensing agency) require changes to minimum qualifications (e.g. external accreditation requirements for Nursing faculty require changes to Nursing faculty minimum qualifications), all faculty members who are certified in the courses affected by the change, along with LCCEA, shall receive notice of the change. Notice shall be provided within ten (10) calendar days of knowledge of the required change in external standard.

44.1.2.1.1 **Timeline for Updated Credentials When Minimum Qualifications Change as Required by External Standards.** Faculty shall be provided sufficient time to meet new minimum qualification requirements, which shall be no less than the deadlines set forth by external accrediting body or licensing agency. If consistent with required external standards, faculty shall retain their certification until such deadline passes.

44.1.2.1.2 **Transfer and Recall.** Contracted faculty who do not receive the newly required credential by the deadline set by the external accrediting body or licensing agency shall be subject to provisions of Article 10.11 and shall have recall rights to their original discipline assignment for no less than twenty-seven (27) months.

44.1.2.2 **Other Changes to Minimum Qualifications.** Except as provided in 44.2.1, when changes to minimum qualifications which are not required by external agencies or accreditation bodies are made, all faculty members who are certified in the courses affected by the change, along with LCCEA, shall receive notice of the change. Notice shall be provided within ten (10) calendar days of knowledge of the proposed change.

44.1.2.2.1 **Timeline for Updated Credentials for Other Changes to Minimum Qualifications.** Faculty shall be provided sufficient time to meet new minimum qualification requirements, which shall be no less

than one year or three times the customary time required to obtain the credential, whichever is longer.

44.1.2.2.2 **Examples.** Example A: if the change requires a certificate that, on average, requires a six-month course, no less than eighteen months shall be provided before the minimum qualification change takes effect. Example B: if the change requires a Master's degree which typically takes two years to obtain when no Master's degree had previously been required, no less than six years shall be provided before the minimum qualification change takes effect.

44.1.2.3 **Recall Rights.** Recall rights outlined in Article 10.20 shall be extended to no less than the applicable timeline outlined in 44.1.2.1.1 or 44.1.2.2.1.

44.1.4 **Performance Deficiencies.** Changes to minimum qualifications shall not serve as a mechanism to address performance deficiencies, which are governed by Article 13.3.6 and Article 37.

#### 44.2 **Maintenance of Certification.**

44.2.1 When changes to minimum qualifications not required by external agencies or accrediting bodies occur, which supplant existing minimum qualification standards of the same or reasonably similar type, faculty shall retain their existing certifications and assignment rights. Faculty shall be certified for all courses previously taught and all courses that are substantially similar to courses for which the faculty member is certified in terms of content or learning outcomes.

44.2.2 **Examples.** Example A: If the minimum qualifications for teaching writing courses change from a Master's degree in English to a Master's degree in Composition / Rhetoric, existing faculty certified to teach writing shall retain their certifications to teach writing. Example B: If the minimum qualifications for teaching Automotive repair change from automotive repair certification from the American Auto Repair Society to a certification from the North American Automotive Repair and Maintenance Association, existing faculty certified to teach automotive courses shall retain their certifications to teach automotive courses.

44.2.3 **Maintenance of Current Teaching Experience.** Whenever minimum qualifications require current teaching experience in the discipline, defined as current teaching experience within the past x number of years, contracted faculty members certified for courses outside their discipline or

departmental assignment shall be provided the opportunity to teach in the discipline no less than once every x number of years.

- 44.2.4 **Ongoing Professional Development.** Whenever minimum qualifications require ongoing professional development in order to maintain certification, faculty members shall retain certification for courses to which they are not currently assigned and shall not be required to engage in ongoing professional development for courses to which they are not currently assigned. Ongoing professional development may be required for current assignments, and professional development opportunities as outlined in 44.3 shall be provided. For instance, if a Writing instructor is also certified in the ABSE department but does not teach in ABSE, the faculty member shall not be required to participate in ongoing professional development to maintain certification in ABSE. If assigned to ABSE (e.g. through transfer in the event of retrenchment), the faculty member shall be provided reasonable time and opportunity to participate in ongoing professional development as outlined in 44.3.
- 44.2.5 **Revised courses.** When courses are revised but not substantively changed in content or scope, faculty shall maintain certification in the revised course.
- 44.2.6 **Prefix or Course number changes.** When course prefixes and/or course numbers change, but the course is not substantially changed, faculty certified for the preexisting course shall automatically be certified for the new course number.
- 44.2.7 **Example for Heuristic Purposes.** If course X covers concepts equivalent to Writing 101, 102, 103, and 104 and course Y covers concepts equivalent to Writing 101 and 102, and course Z covers concepts equivalent to Writing 103 and 104, a faculty member certified in course X shall be certified in courses Y and Z.

#### 44.3 Professional Development

- 44.3.1 **Funding.** When faculty members have exhausted individual limits on Professional Activities (i.e., short-term leave) funding, the College shall provide funding for faculty to obtain updated credentials necessitated by changes to minimum qualifications.
- 44.2.2 **Time.** Whenever changes to minimum qualifications necessitate that faculty members obtain updated credentials, the College shall provide reasonable time for faculty professional development. Reasonable time may include paid sabbatical leave, reassignment time, or equivalent.

#### 44.4 **Certification Review and Appeal**

44.4.1 **Certification based on Minimum Qualifications.** Faculty members may request certification for courses and faculty work for which they meet the minimum qualifications. A response to faculty requests for certification shall be provided within thirty (30) working days.

44.4.2 **Certification based on Alternative Certification Process.** Faculty members have a right to request certification for courses and faculty work for which they are qualified but do not meet the minimum qualifications through the alternative certification process. A response to faculty requests for alternative certification shall be provided within thirty (30) working days. Alternative certification shall be granted in a manner that is fair and uniformly applied. If the College declines to grant alternative certification, the College shall provide an explanation of why the certification was not granted.

44.4.3 **Appeals.** Faculty may appeal any denial of a request for certification or the removal of a certification through the following procedure:

44.4.3.1. **Certification Decision Review Panel.** A panel comprised of one faculty member appointed by the Association, one faculty member appointed by the College, and one faculty member within the discipline chosen by the two panelists shall review the certification request and make a determination as to its disposition. Such determination shall be subject to appeal through the grievance procedure.

44.4.4 **Review.** Certifications may be reviewed once every five years. Any certification reviews must take place outside the developmental evaluation process.

44.4.4.1. **Certification Removal.** Certification may only be removed in circumstances where (a) a faculty member does not meet minimum qualifications; (b) the College has provided notice in accordance with 44.1.3 and associated sub-articles; (c) the College has provided reasonable and sufficient professional development resources and time in accordance with 44.3; (d) timelines outlined in 44.1.3 and associated sub-articles have expired; and (e) alternative certification has been denied.

44.4.4.2 **Discontinued courses.** When a course has not been offered for three years or more and is no longer published in the catalog, it shall be removed from certification lists upon notice to affected faculty. If a discontinued course is reinstated, it shall be automatically added to the certification list(s) of all faculty previously certified for the course.

- 44.5     **Status of this Article.** All provisions of this article shall apply to all faculty bargaining unit members retroactive to June 2021.