

STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION

PROCEDURE

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TITLE: ENGLISH FLUENCY REQUIREMENTS FOR FACULTY EMPLOYMENT

POLICY REFERENCE NUMBER: 8-2-109

DIVISION OF RESPONSIBILITY: Human Resource Services

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DATE OF LAST REVISION: July 9, 2020

**DISCLAIMER**

**PURSUANT TO SECTION 41-1-110 OF THE CODE OF LAWS OF SC, AS AMENDED, THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE SC STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION / THE SC TECHNICAL COLLEGE SYSTEM. THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION/THE SC TECHNICAL COLLEGE SYSTEM RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.**

I. **GENERAL INFORMATION**

A. Purpose

This procedure was developed to comply with policy 8-2-109 and the English Fluency in Higher Education Act (S.C. Code Ann. § 59-103-160). The purpose of this procedure is to define methods to ensure that all current faculty, as well as candidates considered for employment and assignment to full-time equivalent (FTE) positions and adjunct faculty positions, whose first language is other than English and who are assigned to teach one or more credit courses, possess adequate proficiency in both the written and spoken English language and that student complaints regarding an instructor's English fluency are appropriately addressed.

*Date of Last Review: July 9, 2020*

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B. Exclusions

This procedure does not apply to the following instructional settings: continuing education courses; student participatory and activity courses such as clinics, studios, and seminars; special arrangement courses, such as individualized instruction and independent study courses; courses designed to be taught predominantly in a foreign language; and, courses taught by visiting faculty.

## II. PROCEDURAL GUIDELINES FOR NEW FACULTY CANDIDATES

- A. Candidates for FTE and adjunct faculty vacancies will proceed through the college's normal screening process with assessment based on standard job-related criteria to include perceived written and oral communication abilities.
- B. If candidate becomes a finalist for a faculty position but his/her written or oral English proficiency is judged by the screening official(s) to require further evaluation, the candidate will be referred to an English Fluency Evaluation Committee, hereafter referred to as the committee. The committee will ensure that an English fluency evaluation is made on the basis of previously agreed upon criteria developed with faculty and student input. The candidate will be evaluated by the committee through the performance of at least the following minimum proficiency exercises:
1. Providing written response of at least one (1) page to an essay question concerning either teaching methods or the academic discipline.
  2. Conducting an oral instructional presentation related to the subject area, with at least half of the presentation using the lecture method.
- C. The function of the committee may be incorporated into an already established committee but may include representatives from the English or Developmental Studies departments, the administration, the college human resource office, as well as representatives of appropriate race and sex groups. The committee will ensure that appropriate procedures are used to provide a favorable environment for the exercises, as well as controls and security to ensure that the exercises completed by the applicant(s) are independent and original work. Candidates must be judged by committee consensus as proficient in both exercises prescribed in Section B above.

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- D. Standardized tests or other proficiency testing instruments with validity relative to the position may be used only to corroborate the results of the minimum exercises prescribed in Section B above.

### **III. PROCEDURAL GUIDELINES FOR STUDENT COMPLAINTS**

- A. Students with concern about a faculty member's ability to write and speak fluently in the English language should utilize the Student Grievance Procedure.
- B. For each complaint, a covered instructor assigned to a FTE position who has a student complaint issued against them under this procedure, may be required to complete the proficiency exercises as stated in Section II, B above. Should the instructor then be judged deficient by the committee, the issue will be addressed through SBTCE Procedure 8-4-101.1, Faculty Performance Management System. An instructor who is judged proficient by the committee will continue teaching assignments.
- C. Any probationary or adjunct instructor who has a student complaint issued against them under this procedure and thereby through proficiency exercises be judged deficient by the committee has a finding that he or she cannot perform an essential function of his/her position. Thus, appropriate action based on the type of position the instructor occupies may be taken.
- D. Each college shall develop institutional procedures in keeping with the policy and procedure herein and submit to the State Board for Technical and Comprehensive Education for concurrence.