



# AUDITOR GENERAL

William O. Monroe, CPA



## REVIEW OF FLORIDA COMMUNITY COLLEGE SYSTEM IMPLEMENTATION OF LAWS AND POLICIES REGARDING FACULTY HOURS FOR THE SPRING 2001 TERM

### SUMMARY

***Finding No. 1:*** One college's collective bargaining agreement with its faculty union includes a "load offset" provision which does not comply with the 15 classroom contact hours per week requirement of Section 240.341, Florida Statutes. Also, 17 colleges had policies which provided for an administrator rather than the president to approve alternate duties for full-time faculty members, as a reduction in classroom contact hours, contrary to law.

***Finding No. 2:*** Ten colleges had instances of noncompliance with the Division of Community College's policy requiring that full-time faculty members schedule a minimum of 25 classroom contact hours and posted office hours per week.

***Finding No. 3:*** Visitations to full-time faculty member offices indicated that, for five colleges, a significant number of full-time faculty members were not in their offices during established office hours. Generally, no information was posted on or near the faculty members' office doors to inform students of their absence and/or planned return.

***Finding No. 4:*** Only ten colleges have written policies which appear to meet the intent of the Division of Community College's policy regarding the time and place that part-time faculty members are required to make themselves available to students.

***Finding No. 5:*** Colleges often use nontraditional methods of instruction, such as distance learning. Division of Community College policies regarding minimum classroom contact hours and faculty availability to students are silent regarding these nontraditional methods of instruction.

### BACKGROUND

Since 1987, the Florida Legislature has included proviso language in each year's general appropriations act that "the Division of Community Colleges shall maintain a policy regarding office hours during which instructional personnel will be available to students. The Auditor General shall review the implementation of the policy by the local boards of trustees in each community college's regularly assigned audit and make appropriate comments." In prior years, the Auditor General considered this proviso language during the planning of the individual operational audits for each community college. To provide a more efficient approach for the current year, we are consolidating our findings on the individual college's implementation of the Division's policies into one report.

### SCOPE, OBJECTIVES, AND METHODOLOGY

This audit focused on each community college's policies implementing the requirement that full-time instructional faculty shall schedule, at a minimum, a total of 25 classroom contact hours and posted office

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hours each week to be available to students. Additionally, this audit focused on the availability of part-time faculty to students outside of scheduled instruction. Our objectives were as follows:

- ◆ To determine the extent each community college complied with the provisions of Section 240.341, Florida Statutes;
- ◆ To determine the extent to which each community college adopted policies and procedures to implement the Division of Community College's policy Nos. 8 and 21 related to faculty hours;
- ◆ To determine the extent to which each community college complied with the Division of Community College's policies and with each college's policies and procedures regarding student contact hours and office hours; and
- ◆ To identify statutory and policy issues, as they relate to faculty hours, that may be the basis for recommendations to change such statutes or policies.

We reviewed the Division of Community College's policies; laws; and college records, reports, policies, and procedures for the Spring 2001 Term. We also visited faculty offices during scheduled office hours.

**FINDINGS AND RECOMMENDATIONS**

**Finding No. 1: Minimum Classroom Contact Hours and Approval of Other Specific Duties for Full-Time Faculty**

Section 240.341, Florida Statutes, requires each full-time member of the teaching faculty to teach a minimum of 15 classroom contact hours per week. It further provides that a college president may approve reductions in the required number of classroom contact hours in direct proportion to the assignment of certain other specific duties to the faculty member by his or her department chair or appropriate administrator.

At Miami-Dade Community College, we noted that 1 of 16 full-time instructors tested had approximately 2 contact hours less than the required 15 classroom contact hours per week and was not assigned other specific duties. The College indicated that the instructor had earned a "load offset" of approximately 2 contact hours from a prior term in accordance with the collective bargaining agreement between the College and the faculty union. A "load offset" is the practice of allowing an instructor to exceed the 15 classroom contact hours per week for one semester with a corresponding reduction in the classroom contact hours for a subsequent semester.

The College represents that its authority for this practice is contained in its collective bargaining agreement and Board policy. However, we are unaware of any provision of law that permits this practice. Consequently, we question whether the practice of "load offset" included in the bargaining agreement complies with the requirements of Section 240.341, Florida Statutes. In the absence of statutory authority to utilize "load offset", we recommend that the College discontinue this practice. We recognize that immediate cessation of this practice may not be possible due to its inclusion in the collective bargaining agreement.

Division's Response

The use of "load offsets" is a practice adopted locally at Miami-Dade Community College. Miami Dade's response to the Division inquiry stated that the review of one term does not demonstrate how teaching loads vary by semester and balance out over the academic year. The college uses the practice of allowing faculty to put classes in a time bank to be used in subsequent terms. Although the practice has worked well at Miami-Dade Community College for a number of years, they were unable to provide legal support for such an arrangement. Although Division counsel also finds no legal basis for the practice, we do see the benefit of the practice in managing faculty

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loads. We will continue to work with Miami-Dade to either effect statutory changes that will clarify the legality of such arrangements or encourage them to discontinue the practice at the earliest possible date.

Our review also disclosed that the responsibility for approving reductions in classroom contact hours and alternate duties is assigned by the president to an administrator at the following Colleges:

<b>Alternate Duties Approved by Someone Other Than The College President</b>	
Broward Community College	Palm Beach Community College
Chipola Junior College	Pasco-Hernando Community College
Edison Community College	Polk Community College
Florida Community College at Jacksonville	St. Johns River Community College
Gulf Coast Community College	St. Petersburg Junior College
Manatee Community College	Santa Fe Community College
Miami-Dade Community College	Seminole Community College
North Florida Community College	Tallahassee Community College
	Valencia Community College

At Pensacola Junior College and South Florida Community College, we noted that the College presidents approved the reduction in classroom contact hours and alternate duty assignments, but these approvals occurred after the beginning of the term.

Administrators at these Colleges generally indicated that, as a practical matter, the approval of reductions in classroom contact hours and alternate duty assignments is delegated by the president to other administrators, such as a vice-president for academic affairs, a campus provost, or a faculty dean, because these administrators are directly involved with instructional issues on a daily basis. While the delegation of approval may be effective for these Colleges, Section 240.341, Florida Statutes, states that the president is to approve the reduction and alternate duties and does not provide for this action to be delegated.

The Division of Community Colleges may consider recommending to the Legislature changes to the law which would provide for the delegation of the approval of reductions in classroom contact hours

and alternate duty assignments to a college administrator as designated by the president. Until such time that the law is amended, we recommend that these Colleges implement procedures to require advance approval of reduction in classroom contact hours and related alternate duty assignments by the College presidents.

Division's Response

Division staff have been in contact with the colleges noted in your report as having delegated the responsibility for approving reductions in classroom contact hours and alternate duties to an administrator other than the president. They do not disagree with your finding; however, they maintain that such delegation is necessary for the efficient operation of the institution. We have also been in contact with officials at Pensacola Junior College and South Florida Community College where you found that the reduction in classroom contact hours and alternate duty assignments were approved by the presidents after the beginning of the term. They also did not question your finding. They agreed that presidential approval was after the beginning of the term, but they also stated that such timing was necessary for the efficient operation of the colleges. Officials at South Florida Community College further challenged your conclusion that they are out of compliance with Section 240.341, Florida Statutes, as it does not specifically require "advance approval."

The Division of Community Colleges' position is that the colleges may already have authority to delegate approval of the reduction in classroom contact hours and alternate duty assignments. State Board of Education Rule 6A-14.0261(6), Florida Administrative Code, states that the president shall "... delegate authority necessary to insure that laws and rules are executed efficiently." We believe that this rule gives the president the authority to delegate the approval of reductions in classroom contact hours and alternate duty assignments necessary for the

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efficient operation of the institution. Notwithstanding the provision of SBE Rule 6A-14.0261(6), FAC, we have no objection to a change in statute to clarify the authority for such delegation and will give consideration to seeking such a change.

*The Division of Community Colleges stated in its response that the colleges may already have the authority to delegate approval of the reduction in classroom contact hours and alternate duty assignment in State Board of Education Rule 6A-14.0261(6), Florida Administrative Code. However, in AGO 88-61, the Attorney General opined that “a public officer cannot delegate his or her discretionary powers, except as prescribed by statute. Also, officials at South Florida Community College indicated that Section 240.341, Florida Statutes does not specifically require advance approval. However, approving the assignment of alternate duties after the fact, removes any discretionary authority of the President in determining alternate duties.*

**Finding No. 2: Minimum Classroom Contact Hours and Posted Office Hours for Full-Time Faculty**

In February 1988, the Division of Community Colleges issued policy No. 8 which directs each local board of trustees to establish a policy that requires all full-time instructional faculty to schedule a minimum of 25 classroom contact hours and posted office hours available to students each week. Our review disclosed that 10 colleges had instances of noncompliance with the Division’s policy as summarized in the following chart:

Exceptions to 25 Classroom Contact Hours and Posted Office Hours		
College	Number of Faculty Tested	Number of Exceptions
Broward Community College	15	12
Central Florida Community College	20	3
Florida Community College at Jacksonville	30	1
Florida Keys Community College	17	4
Hillsborough Community College	15	8
Manatee Community College	30	4
Miami-Dade Community College	16	5
Palm Beach Community College	25	3
Pensacola Junior College	20	1
St. Johns River Community College	32	1

From our review of College records and discussions with College personnel, we identified several underlying causes for these exceptions, such as:

- ◆ Several Colleges are counting assigned hours, other than classroom contact hours and posted office hours, that do not qualify for consideration in meeting the 25-hour policy. Examples include: nonposted office hours; other campus hours which are devoted to class planning, grading student exams, attending meetings, and other miscellaneous administrative duties; and alternate assignment hours that are in excess of those that are intended to replace a classroom underload. These assignments were generally made to complete the required number of hours the Colleges established as a work week, not to offset a reduction in the 25 classroom contact hours and posted office hours.
- ◆ At Broward Community College, we noted that the College entered into an agreement with its faculty bargaining unit that only required 20 hours of total classroom contact and office hours per week by full-time instructional personnel.

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We recommend that these Colleges review and revise their procedures, as appropriate, to ensure that full-time instructional personnel schedule a minimum of 25 classroom contact hours and posted office hours available to students each week as required by the Division's policy.

**Division's Response**

The ten colleges at which you found exceptions to the Division's policy on office hours have agreed that they should review and revise their procedures, as appropriate, to ensure that full-time instructional personnel schedule a minimum of 25 classroom contact hours and posted office hours available to students each week.

Broward Community College has agreed to modify its Collective Bargaining Agreement between the Board of Trustees at Broward Community College and The United Faculty of Florida, Article 7.20 A (2), to ensure that schedules for full-time instructional personnel reflect a minimum of 25 hours of combined classroom contact hours and posted office hours.

**Finding No. 3: Availability of Full-Time Faculty to Students During Posted Office Hours**

We conducted visits of full-time faculty during posted office hours as a prime indicator of whether instructional personnel were providing adequate opportunity for student consultation outside of the classroom. In some cases, we followed up with telephone calls to an instructor's office during posted office hours. According to the following chart, we noted a significant number of exceptions at five Colleges in which instructors were not in their offices during posted office hours and the reasons for their absences were not evident:

<b>Exceptions to Faculty Members Being Available During Posted Office Hours</b>		
<b>College</b>	<b>Number of Faculty Tested</b>	<b>Number of Exceptions</b>
Daytona Beach Community College	20	3
Florida Keys Community College	17	3
Miami-Dade Community College	16	6
Santa Fe Community College	20	4
Seminole Community College	21	10

Staff at these Colleges subsequently provided explanations for the instructors that were not in their offices during our visits. The reasons included: (1) the instructor was on approved leave; (2) the instructor was called away to a meeting on or off campus; or (3) the instructor was away from his office for a short time and missed the auditor's visit. However, in most instances we found no evidence that these instructors had posted information on or near their office doors to inform students of their absence and/or planned return.

We recommend that these Colleges review their procedures for monitoring office hours for full-time instructional personnel. Consideration should be given to posting notices and alternative times when the faculty member will not be available during established office hours.

**Division's Response**

These Colleges have reviewed their procedures for monitoring office hours for full-time instructional personnel to ensure that when the faculty member will not be available during established office hours in the future, notices will be posted indicating alternative times that faculty members will be available.

**Finding No. 4: Availability of Part-Time Faculty to Students**

The Division of Community Colleges' policy No. 8 directs colleges to establish a policy that part-time faculty be required to schedule time available to students. In 1994, the Division issued policy No. 21



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that provided colleges with guidelines for effective use of part-time faculty. These guidelines state that colleges should provide an appropriate workspace for part-time faculty to prepare for classes and meet with students before and after classes, and should require clearly identified times for part-time faculty to be available to students outside of scheduled instruction.

We noted a variety of approaches used by the 28 colleges to implement these two policies. The following chart summarizes the various methods, based on our review of college policies, faculty handbooks, and other records, for requiring part-time faculty to be available to students outside of the classroom:

<b>Methods for Part-Time Faculty to be Available to Students</b>	
<b>Written College Policy Requirements Regarding Part-Time Faculty Availability</b>	<b>Number of Colleges</b>
Part-Time Faculty to be Available to Students	27
No Written Policy	1
Specifically Established Office Hours	11
Availability on Campus	10
Consideration of E-mail, Telephone, or Internet for Contact with Students	9
Consideration of Contact by Appointment in Absence of Established Office Hours	7

This tabulation indicates that, of the 28 colleges, 11 had policies that effectively implemented the apparent intent of the policies noted above. The Division's policies appear to indicate that part-time faculty are required to meet with students at specific locations at specific times that are established in writing. However, some Colleges related that policy No. 21 was intended as guidance rather than as a requirement.

Many of the Colleges also related that they may not be able to compensate part-time faculty or to attract qualified part-time faculty if part-time faculty were required to provide on-campus office hours to students. Thus, the Colleges have given part-time faculty maximum flexibility as to how they provide adequate availability to students outside of the

classroom. The Colleges also indicated that they have received few complaints from students or other peer faculty members regarding availability of part-time faculty members.

Considering the variety of methods used by the Colleges in implementing the Division's policies, and the concerns of various Colleges, we recommend that the Division review these policies and consider amendments, as necessary, to clarify the acceptable methods of availability of part-time faculty to students outside of the classroom. We also recommend that the Division consider requiring colleges to establish written procedures for monitoring the effectiveness of how part-time faculty members are providing availability to students outside of the classroom.

[Division's Response](#)

The first part of this finding relates to the existence of written policies. Your review found only one college without written policies regarding office hours for part-time faculty. The college responded that they have had unwritten policies for several years and that they will incorporate these into their written policies. The second part relates to how well the policies address the intent of the Division's policy.

Consistent with the Division's respect for local control, the policies were originally crafted to provide maximum flexibility in implementation. However, in the interest of consistency, the Division will review our policy Nos. 8 and 21 and will consider making amendments, as necessary, to clarify the acceptable methods of availability of part-time faculty to students outside the classroom. In conjunction with our review of the above referenced policies, we will consider requiring written procedures for monitoring the effectiveness of how part-time faculty members are providing availability to students outside the classroom.

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**Finding No. 5: Other Matters**

Colleges often provide instruction in a nontraditional manner. For example, many colleges are providing distance learning classes to students who may be unable or choose not to attend on-campus classes. The nature of these courses and the types of students served suggest that full-time distance learning instructors would make themselves available to students by means of remote methods such as e-mail, internet chat room, and telephone, rather than by providing on-campus office hours.

Also, certain full-time faculty, such as vocational instructors, nursing instructors, and others, have unique classes that not only may require some off-campus instruction (for example, at a hospital) but also include in excess of 25 classroom hours per week. Thus, in practice, these instructors may be available to their students for one-on-one assistance during in-class times, rather than during separately established office hours.

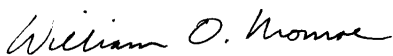
The Division's policies do not address these circumstances. We recommend that the Division consider these circumstances when formulating and amending policies relating to faculty office hours.

Division's Response

Your observation concerning nontraditional instruction is very relevant. We will reexamine our policies in light of the examples cited in your finding as well as any others that come to light during the process.

**AUTHORITY**

Pursuant to the provisions of Section 11.45, Florida Statutes, I have directed that this report be prepared to present the results of our operational audit.

  
William O. Monroe, CPA

**AUDITEE RESPONSE**

In a letter dated August 20, 2001, the Interim Chancellor for the Division of Community Colleges generally concurred with our audit findings. For a more comprehensive understanding of the Division's responses to the findings and recommendations contained in this report, please see the Auditor General's Web site, where each response may be viewed in its entirety.

To promote accountability in government and improvement in government operations, the Auditor General makes operational audits of selected programs, activities, and functions of community colleges. This operational audit was made in accordance with applicable **Government Auditing Standards** issued by the Comptroller General of the United States. This audit was coordinated by David Pournaras, CPA, and supervised by Reginald C. McNeill, CPA. Please address inquiries regarding this report to Jim Raulerson, CPA, Audit Manager, via E-mail at [jimraulerson@aud.state.fl.us](mailto:jimraulerson@aud.state.fl.us) or by telephone at **(850) 487-4468**.

This report, as well as other audit reports prepared by the Auditor General, can be obtained on our Web site (<http://www.state.fl.us/audgen>); by telephone at **(850) 487-9024**; or by mail at G74 Claude Pepper Building, 111 West Madison Street, Tallahassee, Florida 32399-1450.





**FLORIDA COMMUNITY COLLEGE SYSTEM**

**PUTTING MINDS TO WORK**

J. David Armstrong, Jr.  
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August 20, 2001

Mr. William O. Monroe  
Auditor General  
State of Florida  
G74 Claude Pepper Building  
111 West Gaines Street  
Tallahassee, Florida 32399-1450

Dear Mr. Monroe:

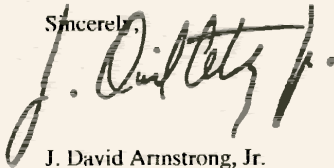
Enclosed is my response to your preliminary and tentative findings and recommendations which may be included in a report to be prepared on you:

Review of Florida Community College System  
Implementation of Laws and Policies Regarding Faculty Hours  
For the Spring 2001 Term.

An electronic version of my response has been transmitted to Mr. Jim Raulerson, Audit Manager.

If you have any questions or require additional information, please feel free to contact me or Gary Yancey at 488-7926, extension 129. Thank you.

Sincerely,



J. David Armstrong, Jr.

c: Mr. Edward L. Cisek  
Mr. Gary Yancey  
Mr. Syd McKenzie  
Ms. Carolyn A. McGriff

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**Finding No. 1: Minimum Classroom Contact Hours and Approval of Other Specific Duties for Full-Time Faculty**

The first part of this finding related to the use of “load offsets” at Miami-Dade Community College and the second part related to delegation of approvals at several colleges.

The use of “load offsets” is a practice adopted locally at Miami-Dade Community College. Miami Dade’s response to the Division inquiry stated that the review of one term does not demonstrate how teaching loads vary by semester and balance out over the academic year. The college uses the practice of allowing faculty to put classes in a time bank to be used in subsequent terms. Although the practice has worked well at Miami-Dade Community College for a number of years, they were unable to provide legal support for such an arrangement. Although Division counsel also finds no legal basis for the practice, we do see the benefit of the practice in managing faculty loads. We will continue to work with Miami-Dade to either effect statutory changes that will clarify the legality of such arrangements or encourage them to discontinue the practice at the earliest possible date.

Division staff have been in contact with the colleges noted in your report as having delegated the responsibility for approving reductions in classroom contact hours and alternate duties to an administrator other than the president. They do not disagree with your finding; however, they maintain that such delegation is necessary for the efficient operation of the institution. We have also been in contact with officials at Pensacola Junior College and South Florida Community College where you found that the reduction in classroom contact hours and alternate duty assignments were approved by the presidents after the beginning of the term. They also did not question your finding. They agreed that presidential approval was after the beginning of the term, but they also stated that such timing was necessary for the efficient operation of the colleges. Officials at South Florida Community College further challenged your conclusion that they are out of compliance with Section 240.341, Florida Statutes, as it does not specifically require “advance approval.”

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**Finding No. 2: Minimum Classroom Contact Hours and Posted Office Hours for Full-Time Faculty**

The ten colleges at which you found exceptions to the Division's policy on office hours have agreed that they should review and revise their procedures, as appropriate, to ensure that full-time instructional personnel schedule a minimum of 25 classroom contact hours and posted office hours available to students each week.

Broward Community College has agreed to modify its Collective Bargaining Agreement between the Board of Trustees at Broward Community College and The United Faculty of Florida, Article 7.20 A (2), to ensure that schedules for full-time instructional personnel reflect a minimum of 25 hours of combined classroom contact hours and posted office hours.

**Finding No. 3: Availability of Full-Time Faculty to Students During Posted Office Hours**

These Colleges have reviewed their procedures for monitoring office hours for full-time instructional personnel to ensure that when the faculty member will not be available during established office hours in the future, notices will be posted indicating alternative times that faculty members will be available.

**Finding No. 4: Availability of Part-Time Faculty to Students**

The first part of this finding relates to the existence of written policies. Your review found only one college without written policies regarding office hours for part-time faculty. The college responded that they have had unwritten policies for several years and that they will incorporate these into their written policies. The second part relates to how well the policies address the intent of the Division's policy.

Consistent with the Division's respect for local control, the policies were originally crafted to provide maximum flexibility in implementation. However, in the interest of consistency, the Division will review our policy Nos. 8 and 21 and will consider making amendments, as necessary, to clarify the acceptable methods of availability of part-time faculty to students outside the classroom. In conjunction with our review of the above referenced policies, we will consider requiring written procedures for monitoring the effectiveness of how part-time faculty members are providing availability to students outside the classroom.

**Finding No. 5: Other Matters**

Your observation concerning nontraditional instruction is very relevant. We will reexamine our policies in light of the examples cited in your finding as well as any others that come to light during the process.