

POLICY: 6Hx28: 3F-03



Responsible Executive: Vice President,
Organizational Development and Human
Resources

Policy Contacts: Assistant Vice President,
Human Resources

Specific Authority: 1001.64, F.S.

Law Implemented: 120, F.S.; 1001.64,
F.S.; 1012.83.F.S.; Rule 6A- 14.0411, F.A.C.

Effective Date: 02-01-2024

Date of Last Policy Review: 02-01-2024

Suspension, Dismissal, Return to Annual Contract, or Non-Renewal of Contracts

Policy:

I. Suspension.

A College employee may be suspended by the College at any time in accordance with College policies and procedures. Suspensions without pay are subject to review in accordance with College Policy 6Hx28:3E-08 Disciplinary Action.

II. Dismissal.

A College employee may be dismissed by the College at any time in accordance with College policies and procedures. Any employee on an employment contract (other than a continuing contract) may be dismissed at any time in accordance with procedures adopted by the College in order to implement this Policy and the procedures outlined in College Policy 6Hx28: 3E-08 Disciplinary Action. Any instructional employee on a continuing contract may be dismissed at any time in accordance with and pursuant to applicable rules of the State Board of Education and procedures adopted by the College in order to implement this Policy.

III. Return to Annual Contract Status.

A. An instructional employee who is under continuing contract may be returned to annual contract status at the conclusion of any annual period of service pursuant to and in accordance with applicable rules of the State Board of Education and procedures adopted

by the College in order to implement this Policy.

- B. An employee serving on an annual or other employment contract (other than a continuing contract) shall not be entitled to the expectancy of employment beyond the term of the contract. Non-renewal of an employment contract shall not entitle an employee to the reasons for non-renewal or to a hearing.

Policy

History:

Adopted: 1-19-83; Amended 11-18-92; Amended 2-26-14; Amended 11-2-16; Amended 2-01-2024; Formerly 6Hx28:8-11 and 6Hx28:8-11.1; Formerly 6Hx28:08-11

Related

Documents/Policies:

College Policy 6Hx28: 3D-02 Leaves of Absence

College Policy 6Hx28: 3E-08 Disciplinary Action

College Policy 6Hx28: 3E-09 Employee Dispute Resolution

College Policy 6Hx28: 3F-01 Employment Separations and Exit Process

College Policy 6Hx28: 3F-04 Reductions in Force or Consolidation or Reduction in Program – Continuing Contract Instructional Personnel

Procedures:

- I. The following procedures govern “for-cause” dismissals of continuing, annual, or other full-time employment contracts prior to the expiration date of the employment contract and return to annual contracts (only applicable for those on a continuing contract). (Note: These procedures do not apply to employees classified as part-time or temporary, or to those who do not serve under a contract of employment. Dismissal from employment and appeal eligibility, as applicable, for full-time employees who do not serve under a contract of employment shall be in accordance with College Policy 6Hx28: 3E-08 Disciplinary Action. Part-time faculty whose employment contract is terminated prior to the contract expiration date are eligible to file a grievance through the process outlined in College Policy 6Hx28: 3E-09 Employee Dispute Resolution.)
 - A. Designations: Whenever the campus provost, vice president, dean, or director is mentioned in these procedures, such reference includes their designees or other appropriate persons with authority. In the event that the faculty member is a counselor or librarian, the director or other responsible officer of the department may serve in the capacity of the dean for purposes of this Policy.
 - B. “For-Cause” Dismissal Reasons: College employment contracts are terminable for

reasons set forth in the respective contracts, including without limitation for adequate cause. Adequate cause includes:

1. failure to meet established performance criteria;
2. a serious breach of professional ethics or College policy;
3. incompetence, including without limitation significant, sustained unsatisfactory performance after the employee has been given an opportunity to remedy such performance and fails to do so within a reasonable timeframe;
4. unwillingness, inability, or incapability of performing the essential functions of the position, and in the case of a documented disability, if all reasonable alternative accommodation options are exhausted or deemed unacceptable by the employee;
5. neglect of duty, including without limitation sustained failure to meet job duties or to perform other significant professional obligations; or
6. misconduct of such a nature as to indicate that the individual is unfit to continue as an employee of the College, including without limitation violations of professional ethics, mistreatment of students or other employees as described in relevant College policy(ies), academic misconduct, financial fraud, criminal, or other illegal, inappropriate, or improper conduct in violation of College policy(ies).

C. Dismissal Justification: To justify dismissal from employment, such behavior and/or performance should be either (i) sufficiently related to an employee's professional responsibilities as to disqualify the individual from effective performance of College duties, or (ii) sufficiently serious as to adversely reflect on the employee's honesty, trustworthiness or fitness to be a College employee. These procedures provide that employees who face possible contract termination, or return to annual contract (only applicable for those on a continuing contract) shall receive:

1. written notice of the alleged policy(ies) and/or procedure(s) violation(s) and summary of the information supporting them;
2. an opportunity to meet with the supervisor (or other appropriate administrator or executive) to discuss the written notice of the alleged violation(s); and
3. an opportunity to initiate the Internal review process to seek formal review of the charges and the imposition of possible dismissal in accordance with procedures set forth in Policy 6Hx28: 3E-09, Employee Dispute Resolution.

Reference Chart for Disciplinary Action Steps
(Refer to Procedures Sections II and III for specific process information for continuing and non-continuing contracts)

Employees on Continuing Contracts (Tenured Faculty)	Employees on Non-Continuing Contracts (Annual/Other Contract Employees, as appropriate)
Disciplinary action may be issued by the dean or campus provost/vice president for circumstances other than the dismissal of employment/contract termination or return to annual contract of an employee on a continuing contract. The employee may appeal this decision through the appeal process as outlined in College Policy 6Hx28: 3E-08 Disciplinary Action.	Disciplinary action (up to and including dismissal) may be issued by the employee's supervisor or next level supervisor and is effective immediately.
Disciplinary Action to terminate a continuing contract or return the continuing contract employee to an annual contract may be initiated by a dean, approved by a campus provost/vice president, and sent to the College President for recommendation to the District Board of Trustees. The employee may choose to challenge the recommendation through either an Internal or External process. The choice of Internal or External hearing process, once made by the employee, is not revocable, and the employee on a continuing contract cannot choose both hearing processes.	<p>If the disciplinary action is other than the termination of an employment contract prior to the contract expiration date, the employee may appeal this decision through the appeal process as outlined in College Policy 6Hx28: 3E-08 Disciplinary Action.</p> <p>If the discipline includes a termination of the employee's employment contract prior to the contract expiration date, the employee may formally grieve this decision through the grievance process as outlined in College Policy 6Hx28: 3E-09 Employee Dispute Resolution.</p>
A Waiver by the employee of further proceedings shall occur if the employee does not notify the College of their challenge through either process within the prescribed timeframe. After the prescribed timeframe has exhausted, the recommendation will become final upon the next meeting of the District Board of Trustees.	A Waiver by the employee of further proceedings shall occur if the employee does not notify the College at all within the prescribed timeframe or fails to timely notify the College of their intent to appeal or grieve (as appropriate) the disciplinary action issued. After the prescribed timeframe has exhausted, the disciplinary action will remain as issued and the decision final.

II. Employees on Continuing Contracts (Tenured Faculty)

- A. Initial Notice of Alleged Violation(s): Following consultation with a representative from Organizational Development and Human Resources/Employee Relations, a dean may initiate a contract termination or return to annual contract by providing an initial written notice of the alleged violation(s), a summary of the information supporting the violation(s), and a preliminary recommendation for action to the employee.

1. If the campus provost/vice president, in consultation with the dean, determines that an immediate or interim administrative leave of absence is justified to safeguard the College community or its operations from harm or disruption, an employee may be placed on an administrative leave of absence with pay before receiving a written notice. As soon as is practicable, and no more than five (5) College business days later, the dean shall provide the employee with written notice of the administrative leave of absence, including a description of the alleged violation(s) and summary of the information justifying the administrative leave of absence. For more information on an administrative leave of absence, see College Policy 6Hx28: Leaves of Absence.
- B. Meeting with the Dean: The dean shall schedule a meeting with the employee to discuss the charges as soon as practicable, but normally within five (5) College business days after the date of issuance of the written notice of alleged violation(s). As applicable, such meeting shall include a review with the affected employee of the justification in the case of an administrative leave of absence as provided for above in Procedures Section II.A.1.
- C. Dean Finalizing of Recommendation: After meeting with the employee, or after having provided the employee with an opportunity for such meeting, the dean shall finalize a recommendation to the respective campus provost/vice president. The dean may recommend:
1. dismissal from employment;
 2. return to annual contract;
 3. a lesser disciplinary action in accordance with College Policy 6Hx28: 3E-08 Disciplinary Action; or
 4. no action at all.

Except for dismissal from employment, additional training, supervision, or other appropriate development opportunity(ies) may also be part of a decision where no action is taken or disciplinary action is issued.

- D. Written Notice of Recommendation: As soon as practicable, the dean shall provide the employee with written notice of the recommendation or action, as appropriate. The campus provost/vice president may, however, initiate such action on their own authority, providing written notice to the employee.
1. At the time that the employee is provided with the written notice of recommendation, the campus provost/vice president may take interim action to place the employee on an administrative leave of absence with or without pay pending the employment decision of the College, as applicable.
 2. Should the employee be placed on an administrative leave of absence without pay, the employee can formally grieve the leave of absence without pay in accordance with College Policy 6Hx28: 3E-09 Employee Dispute Resolution.

- E. Review of Recommendation: The campus provost/vice president shall review and determine whether to approve the dean's recommendation. The campus provost/vice president shall initiate, as applicable, one of the following:
1. If the recommendation is approved for the return to annual contract or dismissal from employment, the recommendation shall be forwarded to the College President, who shall review and determine whether to approve the recommendation. If the College President approves the recommendation, the College President shall notify the employee and submit the recommendation to the District Board of Trustees for action. See Procedures Section II.F. for next steps.
 2. If the recommendation is approved for no action or lesser disciplinary action, the action shall be finalized and implemented. The employee may appeal the decision through the appeal process as outlined in College Policy 6Hx28: 3E-08 Disciplinary Action.
 3. If either the provost/vice president or the College President fail to approve the recommendation, the matter is remanded back to the dean for further discussion and action/recommendation, as appropriate.
- F. College President Recommendation to District Board of Trustees for Action: Upon notice of the President's recommendation of either the employee's return to annual contract or dismissal from employment, the employee may choose to formally challenge the decision through either the Internal process as outlined in College Policy 6Hx28: 3E-09 Employee Dispute Resolution or, in accordance with the State Board of Education rules, an alternative process in the form of an administrative hearing in accordance with Chapter 120, F.S. The choice of Internal or External hearing process, once made by the employee, is not revocable, and the employee on a continuing contract cannot choose both hearing processes.
1. Internal Process: If the employee chooses the Internal process, the employee shall, within ten (10) College business days of receipt of the written recommendation, submit in writing the grievance to Organizational Development and Human Resources and the College's Internal process will proceed as set forth in College Policy 6Hx28:3E-08 Disciplinary Action. For purposes of this process, the College President's recommendation shall be treated as an employment action.
 2. External Process: If the employee chooses the alternative External process, then the employee shall file a petition with the District Board of Trustees within twenty-one (21) calendar days of receipt of the College President's recommendation of the campus provost/vice president, and the process for the administrative hearing in accordance with Chapter 120, F.S. shall commence.
- G. No Formal Challenge is Made: A Waiver by the employee of further proceedings shall occur if the employee does not notify the College of their challenge through either process within the prescribed timeframe. After the prescribed timeframe has exhausted, the recommendation will become final upon the next meeting of the District Board of

Trustees.

III. Employees on Non-Continuing Contracts

- A. Initial Notice of Alleged Violation(s): Following consultation with a representative from Organizational Development and Human Resources/Employee Relations, a supervisor may initiate a contract termination by providing an initial written notice of the alleged violation(s), a summary of the information supporting the violation(s), and a preliminary recommendation for action to the employee.
 - 1. If the campus provost/vice president, in consultation with the supervisor, determines that an immediate or interim administrative leave of absence is justified to safeguard the College community or its operations from harm or disruption, an employee may be placed on an administrative leave of absence with pay before receiving a written notice. As soon as is practicable, and no more than five (5) College business days later, the campus provost/vice president shall provide the employee with written notice of the administrative leave of absence, including a description of the alleged violation(s) and summary of the information justifying the administrative leave of absence. For more information on an administrative leave of absence, see College Policy 6Hx28: 3D-02 Leaves of Absence.
- B. Meeting with the Supervisor: The supervisor shall schedule a meeting with the employee to discuss the charges as soon as practicable, but normally within five College business days after the date of issuance of the written notice of alleged violation(s). As applicable, such meeting shall also include review with the affected employee of the justification in the case of an administrative leave of absence as provided for above in Procedures Section III. A.1.
- C. Supervisor Finalizing of Recommendation: After meeting with the employee, or after having provided the employee with an opportunity for such meeting, the supervisor shall finalize a recommendation to the respective campus provost/vice president. The campus provost/vice president may recommend:
 - 1. dismissal from employment;
 - 2. a lesser disciplinary action in accordance with College Policy 6Hx28: 3E-08 Disciplinary Action; or
 - 3. no action at all.
- D. Written Notice of Recommendation: As soon as practicable, the supervisor shall provide the employee with written notice of the recommendation or action, as appropriate. The campus provost/vice president, if not the supervisor, may initiate such action on their own authority, providing written notice to the employee.
 - 1. At the time that the employee is provided with the written notice of recommendation, the campus provost/vice president may take interim action to place the employee on an administrative leave of absence with or without pay pending the employment

decision of the College, as applicable.

2. Should the employee be placed on an administrative leave of absence without pay, the employee can formally grieve the leave of absence without pay in accordance with College Policy 6Hx28: 3E-09 Employee Dispute Resolution.
- E. Review of Recommendation: The campus provost/vice president shall review and determine whether to approve the supervisor's recommendation. If the decision is no action at all, the employee shall resume their duties. For all others, the respective supervisor shall initiate, as applicable, the:
1. appropriate disciplinary action; or
 2. separation process in accordance with College Policy 6Hx28: 3F-01 Employment Separation and Exit Process.

Except for dismissal from employment, additional training, supervision, or other appropriate development opportunity(ies) may also be part of a decision where no action is taken or disciplinary action is issued.

Note: In circumstances when the campus provost/vice president is the subject of the possible action, the next level supervisor will determine the appropriate action(s).

F. Appeal and Grievance Options for Disciplinary Action Imposed:

1. If the disciplinary action is one other than termination of a contract prior to its expiration, the employee may appeal the decision through the appeal process as outlined in College Policy 6Hx28:3E-08, Disciplinary Action.
2. If the disciplinary action is termination of the employee's contract prior to its expiration, the employee may formally grieve the decision as outlined in College Policy 6Hx28:3E-09, Employee Dispute Resolution.

Neither of these processes, if elected, shall prevent the disciplinary action from becoming final.

IV.Reductions in the Workforce and Other Financial Exigencies: Dismissal of an employee serving on an annual contract, a continuing contract, and/or a part-time contract; or an employee return to an annual contract (only applicable for those on a continuing contract) due to insufficient legislative funding, necessary reductions of the workforce, elimination of a program(s) or service(s), or other financial exigencies shall be in accordance with College Policy 6Hx28: 3F-04 Reductions in Force or Consolidation or Reduction in Program – Continuing Contract Instructional Personnel.

**Procedure
History:**

Adopted 11-18-92; Amended 1-27-15; Amended 11-2-16; Amended 2-01-24

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