

**POLICY: 6Hx28: 3F-03**



Responsible Official: Vice President,  
Organizational Development and Human  
Resources

Specific Authority: 1001.64, F.S.  
Law Implemented: 1001.64, F.S.; Rule 6A-  
14.0411, F.A.C.

Effective Date: 02-26-2014

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

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### **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 Policy 6Hx28:3E-09, Employee Dispute Resolution.

#### **II. Dismissal.**

A College employee may be dismissed by the College at any time in accordance with College policies and procedures. Any administrative, professional or instructional 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. 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 or Non-Renewal.**

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 administrative, professional, or instructional employee serving on an annual or other employment 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 administrative, professional, or instructional employee to the reasons for non-renewal or to a hearing.

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**Procedure:**

- I. The following procedures govern "for-cause" terminations of continuing, annual, or other full-time employment contracts of administrative, professional, or instructional employees. These procedures do not apply to employees classified as part time or temporary, or who do not serve under a contract of employment.
  - A. Designations: Whenever the Campus President, Vice President for Student Affairs, 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.
  
- II. All College employment contracts are terminable for reasons set forth in the respective contracts, including for adequate cause. Adequate cause includes failure to meet established performance criteria; a serious breach of professional ethics or College policy; 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 time frame; neglect of duty, including without limitation sustained failure to meet job duties or to perform other significant professional obligations; or 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, academic misconduct, financial fraud, criminal, or other illegal, inappropriate or unethical conduct. To justify termination from employment, such misconduct 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 individual'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 (for tenured faculty only) shall receive:
  - A. written notice of the charge(s) and summary of the information supporting them;
  - B. an opportunity to meet with the supervisor (or other responsible administrator) to discuss the written notice of the charge(s); and
  - C. an opportunity to initiate the internal review process to seek formal review of the charges and the imposition of possible termination in accordance with procedures set forth in

Policy 6Hx28:3E-09.

- D. Note: Tenured faculty members, in accordance with State Board of Education rules, are provided the opportunity to choose either an alternative external review process as provided by Section 120, F.S., by filing a petition with the District Board of Trustees within twenty-one (21) days of receipt of the recommendation of the president, or to choose the internal review process to seek formal review of the charges and the imposition of termination, in accordance with procedures set forth in Policy 6Hx28:3E-09 (The choice of internal or external hearing process, once made by the faculty member, is not revocable, and the faculty member cannot choose both hearing processes.)
- III. Written Notice: Following consultation with the Office of Employee Relations/Human Resources, in initiating a contract termination or return to annual contract (for tenured faculty only), the supervisor shall provide the employee with written notice of the charges, summary of the information supporting them, and preliminary recommendation. An exception to this provision for written notice is when the Campus President/Vice President, in consultation with the supervisor, determines that an immediate or interim suspension is justified to safeguard the College community or its operations from harm or disruption. In this circumstance, an employee may be suspended with pay before receiving written notice. As soon as is practicable, and no more than five business days later, the supervisor shall provide the employee with written notice of the suspension, including a description of the charges and summary of the information justifying the interim suspension.
- IV. 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 calendar days after the date of the written notice of charges. Such meeting shall also be scheduled to review with the affected employee the justification in the case of interim suspension as provided for above.
- V. 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 Campus President/Vice President for Student Affairs. The supervisor may recommend termination, suspension (normally with pay pending the decision of the Campus President), a lesser disciplinary action, or no action at all. As soon as practicable, the supervisor shall provide the faculty member with written notice of the recommendation. The Campus President/Vice President for Student Affairs may, however, initiate such action on his or her own authority, providing written notice to the faculty member.
- VI. If the employee wishes to formally challenge the recommendation to terminate employment using the internal procedure set forth in Policy 6Hx28:3E-09, the employee shall, within ten (10) working days of receipt of the written recommendation to terminate employment, submit in writing the grievance to the Office of Employee Relations/Human Resources along with the employee's irrevocable election to choose either the internal process or the external process. If the employee is a tenured faculty member who is choosing the external process, then the employee shall file a petition with the District Board of Trustees within twenty-one (21) days of receipt of the recommendation of the president to terminate employment. The employee's failure to timely notify the College of intent to formally challenge the recommendation to terminate the contract of employment will constitute a waiver by the employee of further proceedings.

- I. If the continuing contract faculty member chooses the external process, then the process for the administrative hearing in accordance with Chapter 120, F.S. shall commence. Otherwise, the College's internal process, if initiated by the faculty member, will proceed as set forth in Policy 6Hx28:3E-09.

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**Policy**

**History:**

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

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**Procedure**

**History:**

Adopted 11-18-92; Amended 1-27-15

*Policy supersedes amended policy - 11-2-2016*