

POLICY: 6Hx28: 3F-03



Responsible Executive: Vice President,
Organizational Development and Human
Resources

Policy Contacts: Director, Human Resources
and Compliance Programs

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: 11-02-2016

Date of Last Policy Review: 11-02-2016

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 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 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 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; Formerly 6Hx28:8-11 and 6Hx28:8-11.1; Amended 11-2-16; Formerly 6Hx28:08-11

Related

Documents/Policies:

Policy 6Hx28: 3E-09 Employee Dispute Resolution

Procedure:

- I. The following procedures govern "for-cause" terminations of continuing, annual, or other full-time employment contracts. 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.
 - 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. College employment contracts are terminable for reasons set forth in the respective contracts, including without limitation 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, Employee Dispute Resolution.

- III. **Written Notice:** Following consultation with the Office of Employee Relations/Human Resources or Campus Director of Organizational Development and 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 working 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 respective Campus President/Vice President. The supervisor may recommend termination, suspension (normally with pay pending the decision of the Campus President/Vice President), a lesser disciplinary action, or no action at all. As soon as practicable, the supervisor shall provide the employee with written notice of the recommendation. The Campus President/Vice President may, however, initiate such action on his or her own authority, providing written notice to the employee.
- VI. If the employee wishes to formally challenge a recommendation to terminate employment using the internal procedure set forth in Policy 6Hx28:3E-09 (Employee Dispute Resolution), 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 in accordance with Policy 6Hx28:3E-09, Employee Dispute Resolution. .
- VII. If the employee is a tenured faculty member, they can choose either the internal process or, in accordance with State Board of Education rules, an alternative external process. If the tenured

faculty member chooses the internal process, 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 and the College's internal process will proceed as set forth in Policy 6Hx28:3E-09, Employee Dispute Resolution. If the tenured faculty member 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 recommendation of the Campus President/Vice President to terminate employment and the process for the administrative hearing in accordance with Chapter 120, F.S. shall commence. 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.

VIII. 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.

Procedure

History:

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

Date of Last Procedure Review: 11-2-16
