

**6Hx19-2.231 SUSPENSION OR DISMISSAL OF CONTRACT EMPLOYEES
DURING THE YEAR**

1. Any contract employee may be suspended or dismissed by the Board upon recommendation of the President at any time during the College year, provided that no such employee may be dismissed during the College year without opportunity to be heard at a public hearing after at least 14 days notice of the charges against the employee and of the time and place of the hearing.
2. The charges shall be based on immorality; misconduct in office; incompetency; gross insubordination; willful neglect of duty; drunkenness; unlawful manufacture, distribution, dispensation, possession or use of a controlled substance or alcohol on College premises or while attending off-campus College sponsored activities; failure to report to the appropriate supervisor any Drug Statute Conviction for a violation occurring at the College within five (5) days of such conviction; or conviction of any crime involving moral turpitude.
3. A petition conforming to the requirements of the model rules of procedure, Chapter 28, FAC, specifying the charges and notifying the employee of his or her hearing rights shall be filed with the Board and a copy served upon the employee.
4. Whenever such charges are made against any such employee, the Board may suspend such employee without pay, pending a speedy, informal hearing, if requested by the employee. At any such informal hearing the Board shall determine the necessity to suspend and withhold pay, and whether probable cause exists to support the charges. If the Board determines that probable cause exists to support the charges and there exists a necessity of continuing the suspension without pay then it may do so, but if the charges are not sustained upon final hearing the employee shall be reinstated immediately and back salary shall be paid. If the Board determines that there is no necessity to suspend without pay, then it shall reinstate the employee with pay and, further, it may dismiss the charges if it determines that probable cause does not exist to support same.

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5. If a hearing is requested by the employee, after notice as provided above, the Board shall determine upon the evidence as submitted whether the charges have been sustained and if the charges are sustained, either to dismiss the employee or fix the terms under which the employee may be reinstated. If such charges are sustained by a majority vote of the full membership of the Board and the employee is discharged, the contract of employment shall be thereby cancelled.
6. The Board may utilize the services of a hearing examiner to conduct either formal or informal hearings.

Rule Adopted: 11/16/87; 5/14/91; 10/21/97

Effective Date: 11/16/87; 5/14/91; 10/21/97

Legal Authority:

General Authority: 34 CFR Part 85, Subpart F (1988) Public Law 101-226S. 22 (1989); FS 240.319; 240.325

Other References: SBE 6A-14.0411 (6)

Law Implemented: FS 240.319 (1)(2); 240.335; 240.339

Proposer: Robert W. Judson, Jr., President