

## **6Hx19-2.23 Disciplinary Actions for Faculty on Continuing Contract**

The purpose of this Board Policy is to establish criteria for disciplinary action for faculty on continuing contract to include either a return to annual contract or dismissal.

The dismissal of personnel on continuing contract and the return of employees on continuing contract to annual contract shall be conducted subject to the provisions of State Board of Education Rules, as set forth in the Florida Administrative Code and Florida Statutes.

The following shall constitute the grounds for termination of employment:

1. Consolidation, reorganization or reduction of the Pasco-Hernando State College (College) program which necessitates a decrease in the number of personnel employed.
2. Immorality: Conduct that is inconsistent with the standards of public conscience and good morals of the College. It is conduct sufficiently notorious to bring the individual concerned or the education profession into public disgrace or disrespect, and impair the individual's service to the College.
3. Misconduct in office:
  - a. Deliberate, persistent, unlawful, or improper conduct by an individual which violates established rules, policies, directives, or guidelines for performing assigned duties;
  - b. negligent failure of an employee to perform the duties assigned to him/her;
  - c. showing the effects of abusive or excessive use by an individual of alcohol or other debilitating intoxicants, drugs or narcotics on campus or at any College-affiliated activity;
  - d. unlawful manufacture, distribution, dispensation, possession or an illegal use of a controlled substance or alcohol on College premises, or while attending off-campus college sponsored activities; and/or
  - e. participation by an individual in disruptive activities which interfere with the normal operation of the College.
4. Incompetency: An inability or lack of fitness to discharge required duties as a result of inefficiency or incapacity.
  - a. In the determination of what constitutes inefficiency, the District Board of Trustees (DBoT) may consider repeated failure to perform duties; repeated failure on the part of an instructor to communicate with and relate to students in the classroom to such an extent that students are deprived of minimum educational experiences; or repeated failure on the part of an administrator or supervisor to communicate with and relate to teachers and students under his/her supervision to such an extent that the program for which he/she is responsible is seriously impaired.
  - b. In the determination of what constitutes incapacity or inability, the DBoT may consider a lack of emotional stability; a lack of adequate physical ability; a lack of general educational background; or a lack of adequate command of the area of specialization.

5. Gross insubordination: An intentional, constant, or continuing refusal to obey a direct order, reasonable in nature, and given by and with proper authority.
6. Willful neglect of duty: Deliberate failure of an employee to perform the duties assigned to him/her.
7. Drunkenness or Drug Abuse: That condition which exists when an individual publicly is under the influence of alcoholic beverages or drugs to such an extent that normal faculties are impaired, or a conviction by a Court of Law, or a finding or legal establishment of guilt on same by a Court regardless of whether adjudication of guilt is withheld, on the charges of drunkenness, driving while intoxicated, or abusive use of drugs or narcotics. 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.
8. Conviction of any crime involving moral turpitude: A crime that is evidenced by an act of baseness, vileness, or depravity in the private, professional, or social duties which a person owes to his fellow man or to society in general, contrary to the accepted and customary rules or right and duty between person and person. Any employee who is under continuing contract may be dismissed or may be returned to annual contract status for another three (3) years at the discretion of the DBoT, when a recommendation to that effect is submitted in writing to the DBoT, on or before April 1 of any college year giving good and sufficient reasons therefore by the President and provided the President's recommendation is approved by a majority of the DBoT.

Rule Initially Adopted: 11/18/74

Policy Review History: 11/18/74; 10/7/75; 11/19/79; 12/16/85; 11/16/87; 5/14/91; 1/16/96; 12/15/08; 4/21/26

Legal Authority:

General Authority: Title 34 CCFR 85, Subpart F (1988); Public Law 101-226 S. 22 (1989); FS: 1001.64; 1001.65; 1012

Other References: FAC: 6A-14.0411 (4)(5); 28-106

Law Implemented: FS: 1001.64(1)(2)(4)(18)(43)(44)(46); 1001.65(1)(3)(16); 1012.83