



November 15, 2010

MEMORANDUM

TO: District Board of Trustees
FROM: Barbara R. Sloan., President *BRS*
SUBJECT: Policy Manual Revision - Chapter 7

Item Description:
Policy Manual Changes

Overview:

As a continuation of the complete revision of the TCC Board Policy Manual that was described at the September 2008 Board meeting, revisions to Chapter 7 are presented for your consideration. These proposed changes have been through the appropriate College Standing Committees for review and comment. The new versions of the policies are attached. Links are provided at the end of each policy to the copies of current policies showing the edits so that you can see the details of the proposed changes.

Salient Facts

Policy manual revision is necessary for the following reasons: to remain compliant with new state and federal laws; to update organizational/staff references; to remove procedures from policy, and to recommend changes to improve College governance and operations. Changes to Chapter 7 are summarized here:

Policy Manual Revisions – Chapters 7

No.	Comments	No.	Comments
07-00 – 07-01	No change.	07-02	Minor wording changes to clarify policy and move non-policy language to procedure.
07-03 – 07-04	No change.	07-05	Minor wording changes to clarify policy.

07-06	Minor wording changes to clarify policy.	07-07	Minor wording changes to move non-policy language to procedure.
07-08	No Change.		

Past Actions:

The College began the process of revising and updating the policy manual last year. This is a continuation of that process.

Future Actions:

This Board Item completes the review of Chapter 7.

Funding/Financial Matters:

No costs are related to this item.

Staff Resource:

Teresa Smith

Recommended Action:

Approve policy revisions as presented.

TALLAHASSEE COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES

POLICY

<u>TITLE:</u> Designation of Positions	<u>NUMBER:</u> 6Hx27:07-00
<u>AUTHORITY:</u> Florida Statute: 1001.64, 1001.65, 1012.855 FAC: 6A-14.0261	<u>SEE ALSO:</u> 6Hx27:04-01
<u>DATE ADOPTED:</u> 12/1/97; revised 1/22/01	<u>PAGE:</u> 1 of 1

Positions that are specifically designated by the President as being within the executive/ administrative pay plan may be so designated by taking into account the following as a minimum:

1. The authority of the position to make final policy decisions, the nature of such decisions, and the effect of such policy decisions on the College's operation and effectiveness;
2. The effect of independently made policy decisions;
3. The size and nature of the total budget, including the Administrative operation budget, for which the position has final responsibility;
4. The total number of professional, supervisory and managerial employees, both salaried and O.P.S., for which the position has managerial responsibility;
5. The organization level of the position in the College.

The presence of similar positions in the Board-approved Salary Schedule shall not be the sole justification for being classified as such.

[Link to Marked Up Policy](#)

TALLAHASSEE COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES

POLICY

<u>TITLE:</u> Duties and Responsibilities	<u>NUMBER:</u> 6Hx27:07-01
<u>AUTHORITY:</u> Florida Statute: 1001.64, 1001.65, 1012.855 FAC: 6A-14.0261	<u>SEE ALSO:</u>
<u>DATE ADOPTED:</u> 12/1/97; revised 1/22/01	<u>PAGE:</u> 1 of 1

The President shall be responsible for assigning the duties and responsibilities to each executive/administrative position.

[Link to Marked Up Policy](#)

TALLAHASSEE COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES

POLICY

<u>TITLE:</u> Recruitment	<u>NUMBER:</u> 6Hx27:07-02
<u>AUTHORITY:</u> Florida Statute: 1001.64, 1001.65, 1012.855 FAC: 6A-14.0261, 6A-14.026	<u>SEE ALSO:</u> 6Hx27:07-03
<u>DATE ADOPTED:</u> 12/1/97; revised 1/22/01	<u>PAGE:</u> 1 of 1

College recruiting efforts for executive/administrative positions are designed to attract, retain, and develop highly competent personnel for the highest management-level College positions.

Recruiting efforts to fill current or anticipated executive/administrative vacancies shall be the responsibility of the President.

[Link to Marked Up Policy](#)

TALLAHASSEE COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES

POLICY

<u>TITLE:</u> Appointment	<u>NUMBER:</u> 6Hx27:07-03
<u>AUTHORITY:</u> Florida Statute: 1001.64, 1001.65, 1012.855 FAC: 6A-14.0261	<u>SEE ALSO:</u> 6Hx27:07-02
<u>DATE ADOPTED:</u> 12/1/97; revised 1/22/01	<u>PAGE:</u> 1 of 1

The President may appoint an executive/administrative employee to another executive/administrative position as necessary to best carry out the mission of the College. Such appointments shall not be subject to the recruitment policies of 6Hx27:07-02.

No executive/administrative position shall be filled by more than the equivalent of one full-time executive/administrative employee; however, an overlap may be made.

Acting Appointment

The President may make an acting appointment to fill a vacant executive/administrative position for a period not to exceed ninety calendar days unless otherwise approved by the Board. Acting appointments shall not be subject to the recruitment policies of 6Hx27:07-02.

If the acting appointment is of a current College employee, the employee may be granted a temporary salary adjustment by the President for the period of the acting appointment. Such temporary salary adjustment shall be in accordance with the Salary Schedule as approved by the Board and shall be withdrawn when the acting appointment is terminated.

[Link to Marked Up Policy](#)

TALLAHASSEE COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES

POLICY

<u>TITLE:</u> Contracts	<u>NUMBER:</u> 6Hx27:07-04
<u>AUTHORITY:</u> Florida Statute: 1001.64, 1001.65, 1012.855 FAC: 6A-14.0261, 6A-14.026, 6A-14.041(2)	<u>SEE ALSO:</u>
<u>DATE ADOPTED:</u> 12/1/97; revised 1/22/01	<u>PAGE:</u> 1 of 1

Executive/administrative employees shall serve at the pleasure of the Board of Trustees and shall be subject to suspension, dismissal, reduction in pay, demotion, transfer, or other personnel actions at the discretion of the Board in accordance with Board policies and the contract of the executive/administrative employee.

Executive/administrative contracts may be for more than one (1) year, but may not exceed three (3) years and may include parts of two (2) fiscal years per 6A-14.041(2) FAC.

Executive/administrative employees may be reappointed by the Board of Trustees, upon the recommendation of the President, no later than sixty (60) days before the termination of their contract.

[Link to Marked Up Policy](#)

TALLAHASSEE COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES

POLICY

<u>TITLE:</u> Non-Renewal of Contract	<u>NUMBER:</u> 6Hx27:07-05
<u>AUTHORITY:</u> Florida Statute: 1001.64, 1001.65 FAC: 6A-14.0261, 6A-14.041, 6A-14.0411	<u>SEE ALSO:</u>
<u>DATE ADOPTED:</u> 12/1/97; revised 1/22/01	<u>PAGE:</u> 1 of 2

The Board or the President may determine not to renew the contract of an executive/administrative employee. When a determination is made that an executive/administrative employee is not to be reappointed, that employee shall be notified in writing of the expiration date of the contract and that it will not be renewed.

The determination of non-renewal of the employment contract need not be for cause.

Expectancy of Reemployment

The Board of Trustees has no legal obligation to renew the contract of an executive/administrative employee. No executive/administrative employee of the College except the President is authorized to give express or implied assurances of employment beyond any current contract period to any executive/administrative employee employed by the District Board of Trustees. If any executive/administrative employee asserts that an expectancy of reemployment has been acquired, any such assertion including the basis thereof must be fully set forth in writing to the President within fifteen (15) work days from the date of notice of non-renewal and must be within the aforementioned limitations.

Impermissible Reason(s) for Non-renewal

If an executive/administrative employee asserts that the non-renewal is based upon discrimination or other impermissible reason(s), such assertion, including the basis thereof, must be fully set forth in writing to the President within fifteen (15) work days from the date of notice of non-renewal. The executive/administrative employee shall state the evidence that will be used to support the assertions and shall provide a list of witnesses to be called with a brief statement as to what each witness shall testify.

Appeal of Non-Renewal

The President or designee may hear the charges made by the executive/administrative employee. The attorney for the Board shall serve as legal advisor to the President but shall not take part in any deliberation.

A notice of hearing shall be sent setting forth the time, place, and nature of the hearing. The hearing shall be recorded by stenographic or mechanical device and all testimony and exhibits shall be preserved but shall be transcribed only at the written request and expense of the executive/administrative employee.

The hearing shall be confined to a determination of whether facts exist that indicate that non-renewal of the executive/administrative employee's contract is grounded on some unconstitutional basis or that there was a valid existence of an expectancy of reemployment. The executive/administrative employee shall bear the burden of proving the allegations.

The parties shall be afforded the following rights to assure due process: the presentation of oral and documentary evidence; the opportunity to confront and cross-examine adverse witnesses; representation by counsel at party's own expense; opportunity to make opening and closing arguments. Legal rules of evidence shall be adhered to except where reason and justice require the waiver of strict compliance.

If the executive/administrative employee makes a *prima facie* case, the institution must then come forward with facts to refute the claim and to support the reason or reasons for the decision not to offer reappointment.

The President or designee shall make written findings of fact, conclusions of law, and recommendations.

[Link to Marked Up Policy](#)

TALLAHASSEE COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES

POLICY

<u>TITLE:</u> Attendance and Leave	<u>NUMBER:</u> 6Hx27:07-06
<u>AUTHORITY:</u> Florida Statute: 1001.64, 1001.65, 1012.855 FAC: 6A-14.0261	<u>SEE ALSO:</u> 6Hx27:04-01 6Hx27:04-25 6Hx27:04-27 thru 04-40 6Hx27:04-28 6Hx27:04-29
<u>DATE ADOPTED:</u> 12/1/97; rev 1/22/01; rev 6/18/01	<u>PAGE:</u> 1 of 2

Attendance

Inasmuch as the service of an executive/administrative employee is performance and contract based, an executive/administrative employee is expected to work whatever hours may be required by the position. Overtime or compensatory leave may be earned or paid.

Executive/administrative employees are entitled to observe the holidays observed by the College.

Leave - Senior Management Positions

On July 1 of each fiscal year, employees whose positions are designated in the Board-approved Salary Schedule as Senior Management shall be credited with 240 hours of annual leave and 120 hours of sick leave. Annual leave credits in excess of 480 hours shall be converted to sick leave on an hour-per-hour basis at the close of business on June 30 each year.

If a Senior Management employee has an accumulated sick leave balance of sixty (60) days or more prior to July 1, 2001, sick leave earned after that date may not be accumulated for terminal pay purposes until the accumulated leave balance for leave earned before July 1, 2001, is less than sixty (60) days.

Payment for unused annual and sick leave shall be made upon termination of employment at the employee's hourly rate at the time of separation. Payment shall be made to the employee's beneficiary, estate, or as provided by law if service is terminated by death.

Annual leave is payable up to a maximum of sixty days (480 hours). Sick leave is payable as outlined in 6Hx27:04-25.

Leave - Select Exempt Positions

On July 1 of each fiscal year, employees whose positions are designated in the Board-approved Salary Schedule as Select Exempt shall be credited with 176 hours of annual leave and 104 hours of sick leave. Annual leave credits in excess of 480 hours shall be converted to sick leave on an hour-per-hour basis at the close of business on June 30 each year.

Payment for unused annual and sick leave shall be made upon termination of employment at the employee's hourly rate at the time of separation. Payment shall be made to the employee's beneficiary, estate, or as provided by law if service is terminated by death.

Annual leave is payable up to a maximum of sixty days (480 hours). Sick leave is payable as outlined in 6Hx27:04-25.

[Link to Marked up Policy](#)

TALLAHASSEE COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES

POLICY

<u>TITLE:</u> Evaluation	<u>NUMBER:</u> 6Hx27:07-07
<u>AUTHORITY:</u> Florida Statute: 1001.64, 1001.65 FAC: 6A-14.0261, 6A-14.026(3)	<u>SEE ALSO:</u>
<u>DATE ADOPTED:</u> 12/1/97; revised 1/22/01	<u>PAGE:</u> 1 of 1

All employees in executive/administrative positions shall be evaluated on an annual basis. The President or designee is authorized to establish and maintain procedures for the evaluation in accordance with Florida Statutes and appropriate rules. The President shall be evaluated by the Board of Trustees pursuant to law and rule.

Deans and division directors will be evaluated by the appropriate Vice President utilizing the assessment process described below and incorporating input from the faculty through an assessment of skills format also discussed below.

[Link to Marked Up Policy](#)

TALLAHASSEE COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES

POLICY

<u>TITLE:</u> Suspension and/or Dismissal	<u>NUMBER:</u> 6Hx27:07-08
<u>AUTHORITY:</u> Florida Statute: 1001.64, 1001.65 FAC: 6A-14.0261, 6A-14.0262, 6A-14-0411	<u>SEE ALSO:</u>
<u>DATE ADOPTED:</u> 12/1/97; revised 1/22/01	<u>PAGE:</u> 1 of 5

Suspension

An administrator may be suspended by the President in accordance with 6A-14.0262(7)(e) FAC and may be suspended by the Board of Trustees in accordance with 6A-14.0247(7) FAC and 6A-14.0411(6) FAC.

Dismissal

An executive/administrative employee may be dismissed in accordance with 6A-14-0411 FAC upon the recommendation of the President and the approval of the Board of Trustees.

Before recommending that the employee be dismissed because of unsatisfactory performance of assigned duties and responsibilities, the President shall have evidence that the employee has been informed of the deficiencies and given an opportunity to correct them.

Before recommending that the employee be dismissed for causes other than unsatisfactory performance of assigned duties and responsibilities on campus, the President shall consider the gravity of the matter and, if not of a serious nature, shall inform the employee of the discrepancies and allow an opportunity to correct them.

Written Notice

The President shall furnish written notice to the executive/administrative employee of the recommendation to the Board of the suspension or dismissal of said employee. The notice of recommendation of suspension or dismissal shall specify the charges made against the employee in terms sufficiently specific both to inform and to enable the employee to make a determination whether to request a hearing on said charges. The notice shall advise the employee of the opportunity to request a hearing on said charges and that said request must be made in writing to the President within ten (10) work days of the receipt of the notice. A copy of these procedures for dismissal shall accompany the notice.

Hearing Request

If the executive/administrative employee requests a hearing, the President shall notify the Board in writing.

Within ten (10) work days of receipt of a request for hearing, the Board shall determine who shall hear the charges and shall schedule a public hearing to be held at least fifteen (15) work days after the employee's receipt of the hearing notice.

Hearing Examiner

The Board may determine to hear the charges itself or to appoint a hearing examiner. The hearing examiner shall be impartial and competent by reason of training and experience. The Board may appoint one of its members as the hearing examiner. If a Board member or a hearing examiner is used in lieu of the Board, that person shall be bound by the same procedures as the Board. If the Board determines to hear the charges, it may appoint one of its members other than the Board Chair to preside.

The Board shall send a notification to the executive/administrative employee and the hearing examiner stating who shall hear the charges advanced by the President. The notice shall also specify the date, time, and place of the hearing to be conducted upon the charges advanced by the President. The notice shall contain the specific charges against the employee and shall inform the employee of the right to be heard in the employee's own defense, to produce and cross-examine witnesses, to present other relevant evidence, and to be represented by legal counsel of the employee's choice at the employee's expense.

Exchange of Information

Not later than ten (10) work days before the hearing, the President and the executive/administrative employee shall exchange in affidavit form a list of the names and addresses of witnesses to be called, together with a brief and accurate statement as to the proposed testimony of each witness, and a like statement as to any other proposed evidence, together with the evidence itself. Each part shall have the right to examine and copy the evidence of the other. The affidavit shall be signed under oath by the parties and their counsel. Any rebuttal witnesses need not be listed.

The Hearing

The hearing shall be conducted in the following manner.

1. The hearing shall be fully and accurately recorded by stenographic or mechanical device and all testimony exhibits shall be preserved.
2. Formal hearings shall in general use the rules of evidence recognized by law in this State, but said rules shall not be strictly applied and shall be adapted to College circumstances when justice may require. No oral or written communications shall be received from anyone other than through the real parties in interest or through their witnesses.

3. Upon the written request of any real party in interest, the presiding member of the Board or hearing examiner shall issue subpoenas *ad testificandum* and *duces tecum* to compel the attendance of witnesses and documents.
4. The Board, Board member, or hearing examiner, upon the hearing of the cause, shall inform the parties of the following rights and privileges and to afford same unto them to assure due process.
 - a. Each party shall have the opportunity to make an opening statement.
 - b. Each party shall have the opportunity to present the case or defense by oral and documentary evidence.
 - c. Each party shall be afforded the opportunity to confront and cross-examine adverse witnesses.
 - d. Each party shall be afforded the opportunity to be accompanied, represented and advised by counsel or to represent himself/herself.
 - e. Each party shall be afforded the opportunity to attain the assistance of the Board or hearing examiner in obtaining the attendance to testify or the deposition of any witnesses and in obtaining any other evidence.
 - f. All witnesses shall be sworn or required to affirm to tell the truth before testifying.
 - g. Each party shall be afforded the opportunity to make a final argument and to present findings of fact within a prescribed time.
5. All rulings as to the admissibility of evidence shall be made by the presiding member of the Board subject to objection by any member, any such objection to be determined by the majority vote of the members of the Board.
6. No public statements to news gathering agencies or otherwise as to cases pending before or concluded by the Board or hearing examiner shall be made by any member thereof or by any party to the hearing.
7. The hearing is to determine whether the charges have been sustained by the evidence. The President must bear the burden of proving his charges.
8. The attorney for the Board shall serve as legal advisor to the Board, Board member, or hearing examiner assigned to hear the charge. The role of the attorney is that of a procedural and technical advisor. The attorney shall not vote or participate in the actual deliberations of the hearing body. Upon request, the attorney may assist in preparation of the written findings, conclusions, and recommendations or determination. The Board may appoint an attorney to assist the President in the preparation and presentation of the charges against the employee.

The hearing examiner shall effect a thorough and prompt hearing. The Board shall provide the hearing examiner with the time and resources necessary to conduct a fair and impartial hearing.

At the conclusion of the hearing, the hearing examiner shall make proposed findings of fact, conclusions of law, and recommendations as to the disposition to be made of the matter involved. The hearing examiner shall make a determination solely upon the evidence adduced at the hearing.

Written Objections

Within ten (10) work days after receipt of such information, the parties shall have the right to submit written objections thereto, which objections shall be delivered to the presiding member for consideration by the hearing examiner. The opposing party may file a reply to the written objection within the time prescribed by the presiding member. An objecting party shall also have the right, upon request, to be heard by the hearing examiner on such objections.

After consideration by the hearing examiner of any objections to the proposed findings of fact, conclusion of law, and recommendations, the hearing examiner shall determine the final findings, conclusions, and recommendations. The findings, conclusions, and recommendations, together with all evidence received, and the transcript of the proceedings shall be delivered to the Chair of the Board as soon as possible after determination is made, and a copy of the findings, conclusions, and recommendations shall be delivered to each party.

Board Review

If the matter is heard by a hearing examiner or an individual Board member, the Board shall receive and review the findings, conclusions, and recommendations. The Board may reverse the recommendations and may make its own determination upon the findings and conclusions of the member or hearing examiner; or the Board may make its own findings and conclusions from the transcript and the evidence if it determines that the examiner's findings and conclusions are not supported by competent substantial evidence. The Board may hear oral argument.

The Board Chair shall see that a final determination is rendered at the earliest possible date, but in no event should action be deferred more than thirty (30) work days from the time of receipt of the information from the member or hearing examiner. The Board shall make final findings, conclusions, and a determination.

If the matter is heard by the Board, the Board shall promptly conduct a fair and impartial hearing. At the conclusion of the hearing, it shall make proposed findings of fact, conclusions of law, and determination as to the disposition of the matter involved. The Board shall make their determination solely upon the evidence adduced at the hearing.

Within ten (10) work days after receipt of such information, the parties shall have the right to submit written objections thereto to the Chair. The opposing party may reply within the time prescribed by the Chair. The parties shall have the right, upon request, to be heard by the Board on such objections. After consideration of any objections to its proposed findings, conclusions, and determination, the Board shall determine its findings, conclusions, and determination.

Final Action

Action by the Board shall be final and becomes effective immediately unless otherwise decided by the Board. In the event that dismissal charges are sustained by a majority vote of the full membership of the Board, the executive/administrative employee shall be discharged, pay shall cease, and the contract of employment shall be canceled and shall be effective with the date of the dismissal. In the event of suspension, pay shall be withheld as of the effective date of suspension. If the employee is exonerated, salary payments shall be retroactive to the date of the suspension.

The decision of the Board is the final administrative procedure available.

[Link to Marked Up Policy](#)