




April 17, 2017

MEMORANDUM

TO: District Board of Trustees
FROM: Jim Murdaugh, President 
SUBJECT: Hearing Examiner Recommended Termination of Faculty Member

Item Description

This item presents the background and outcome from the hearing regarding termination of a TCC faculty member.

Overview and Background

On August 12, 2016, TCC notified a faculty member of its intent to involuntarily dismiss them. On August 22, 2016, the employee requested a hearing in accordance with TCC Policy 05-16 to challenge the termination. A two (2) day hearing was held on October 31, 2016, and November 15, 2016.

On April 3, 2017, the Hearing Examiner issued the Final Findings of Fact, Conclusions of Law and Recommendation, and Ruling on Exceptions. The Hearing Examiner found TCC proved by the greater weight of the evidence the faculty member's conduct warrants involuntary termination.

The Findings, Conclusions, and Recommendations, together with all evidence received, and the transcript of the proceedings, were delivered to Chair Pople on April 4, 2017, and a copy of the Findings, Conclusions, and Recommendations were delivered to each party. Additionally, all Trustees were provided the Findings, Conclusions, and Recommendations, together with all evidence received, and the transcript of the proceedings, by mail on the same day.

Pursuant to TCC Policy 05-16, the Board must receive and review the Findings, Conclusions, and Recommendations. The Board may affirm the Findings of the Hearing Examiner, and accept the Hearing Examiner's Conclusions of Fact as long as the Conclusions are supported by competent substantial evidence. Alternatively, the Board may make its own determinations upon the Findings and Conclusions of the Hearing Examiner if its Findings and Conclusions are supported by competent substantial evidence. The Board shall make its Final Findings, Conclusions, and a determination no later than 30 work days from the time of receipt of the information from the Hearing Examiner.

Past Actions by the Board

On September 1, 2016, the TCC Board of Trustees appointed the Honorable Nikki Clark, retired Florida Circuit Judge, as the Hearing Examiner and Robert Sniffen as the attorney for the President.

Funding/Financial Implications

TCC incurred additional attorney and hearing fees during this process.

Staff Resource

Barbara Wills, Feleccia Moore-Davis

Recommended Action

Request the TCC Board of Trustees approve the recommendation of the Hearing Examiner to involuntarily terminate employment.