



Santa Fe College Rules Manual

Title: **Employment Contracts** **Procedure 3.9P**

Based on: Rule 3.9

Effective Date: April 8, 2019

Purpose: To state the procedures implementing the general requirements, conditions, and processes relating to full-time contracts.

Full-Time Faculty Contracts

A. Initial Appointment and Contract Type

Upon initial employment, a faculty member will receive an annual contract. Generally, unless otherwise indicated, established faculty positions filled as a result of a competitive hiring process shall be eligible for continuing contract. Faculty positions not eligible for continuing contract may be adopted by the District Board in the future in accordance with Rule 6A-14.041, FAC.

Interim appointments are made under certain limited conditions, as approved by the appropriate member of President's Staff. Interim contract service can only be counted toward continuing contract when the duties, expectations, service and evaluation are commensurate with those on annual non-interim contracts.

B. Renewal of Annual Contract

Recommendations for reappointments of annual contract positions are made to the designated Human Resources official by the appropriate College official and are subject to approval by the President. The Provost or Vice President for Student Affairs, as applicable, will notify the faculty member in writing of the intent to renew by April 30 preceding the academic year for which the contracts are to be effective.

Interim appointments generally will not be renewed past the initial appointment. Consideration will be given when written documentation as to failed efforts to fill the position or other valid reasons to extend the interim appointment have been provided and are approved in writing by the appropriate vice president.

C. Non-renewal of Annual Contract

The following principles govern recommendations for not renewing a faculty member's non-interim annual contract:

1. No expectancy of reemployment or future employment: the College owes no further contractual obligation to the faculty member at the expiration of an annual contract. The District Board has no legal obligation to renew the contract of a faculty member on annual contract.
2. Notice of non-renewal: when a determination is made that a faculty member is not to be reappointed, that faculty member shall be notified in writing by April 30 of the current contract year. This action does not release the College from the contractual commitment to compensation for the faculty member until the term of the current contract expires, nor does it release the faculty member from continuing to serve the college until the term of the contract expires.
3. Reasons for non-renewal: the reasons for the determination to nonrenew an annual contract need not be stated.
4. Interim contracts automatically expire without notice to the employees.

D. Eligibility for Continuing Contract and Performance Review

A full-time faculty member eligible for continuing contract is subject to the following requirements.

1. The full-time faculty member must complete at least five years, during a period not in excess of seven years, of satisfactory service at the college, based on the criteria in subsection (D)(2) below. Such service must be continuous except for leave duly authorized and granted.

Full-time faculty members who have been awarded continuing contract, tenure or other comparable status at another accredited institution of higher learning may receive continuing contract consideration after successful completion of three consecutive years of service at the college based on the criteria in subsection (D)(2) below. Such service to the college must be continuous and confirmation of the prior comparable status must be provided in writing to the college by an official of the granting institution.

2. Each year, faculty not yet awarded continuing contract participate in a self-evaluation process that provides the means for faculty to describe and evaluate their performance and professional development for the previous evaluation period. Progressive evaluation should occur over each annual contract period leading up to and including the year of continuing contract eligibility. The faculty members' self-evaluations must include criteria, as

applicable, from Rule 3.9 and FAC 6A-14.0411(3) and (8).

3. Once completed, faculty members present the evaluation packet to the appropriate academic chair or director for supervisory review and written response. Academic chairs or directors may solicit and receive feedback from continuing contract faculty for inclusion in the written response. Faculty members already holding continuing contract in each department also review evaluation packets and vote for recommendation of the award of annual or continuing contract.
4. The faculty self-evaluation, the results of the administrative review and the continuing contract faculty vote are forwarded to the Provost/Vice President who makes a recommendation to the President. At the January board meeting, the President submits a list of all candidates being considered for continuing contract to the District Board for review of possible candidates. Once the departments and the Provost/Vice President complete their review process, usually in February, the President submits the final list of names recommended by the college for approval of continuing contracts by the District Board. The packets of all eligible continuing contract faculty are made available for the trustees to review upon request prior to the board meeting at which consideration for approval of continuing contracts will take place.

E. Post Awarding of Continuing Contract Status

Continuing contract status entitles the faculty member to continue employment in the full-time faculty position at the College without annual nomination or reappointment. Periodic reviews of continuing contract faculty shall use the criteria specified under subsection (D)(2) of this procedure. Performance reviews will occur periodically as determined by the Provost/Vice President, and unless special permission has been granted and documented by the Provost/Vice President, in no event will a period be longer than a three-year cycle for faculty holding continuing contracts. Generally, performance reviews will occur in the fall term and faculty required to complete a self-evaluation will be notified by the office of the Provost or Vice President for Student Affairs or their respective designees, as applicable, no later than April 30.

F. Administrators Holding Continuing Contracts as Faculty Members

Faculty employees who hold continuing contract at the college and who accept an administrative post are placed on leave-of-absence status from their continuing contract for the duration of their administrative appointment. Such persons may revert to their continuing contract status, if otherwise eligible, in the event they return to a faculty position, in which case the college will not require a new voting process but will include an evaluative process within two years of return to the classroom. Faculty who have not completed the continuing contract process before accepting an administrative position shall be given credit toward

required years of continuous service for the time they spent in their full-time faculty positions prior to being granted leave of absence for their service in an administrative appointment. A return to a faculty position must be predicated upon the needs of the college.

G. Dismissal or Return to Annual Contract For Cause

The College should follow the process set forth below for dismissal or return to annual contract of a faculty member on continuing contract for failure to meet post-award performance criteria or for adequate cause.

1. The supervisor (generally the academic chair or director) should meet with the continuing contract faculty member to share concerns and reasons that dismissal or return to annual contract is being considered.
2. The supervisor should provide a written summary of the concerns and reasons to the Provost or VPSA, as applicable.
3. The Provost or VPSA, as applicable, should meet with the continuing contract faculty member prior to submitting a written recommendation to the President.
4. Upon receipt of a written recommendation from the Provost or VPSA, as applicable, the President or designee shall review, and if in agreement, shall notify the faculty member in writing of the President's recommendation, along with a notice of hearing rights, and shall afford the employee the right to formally challenge the action in accordance with the internal process as set forth in Rule 3.23 or the external process as set forth in Chapter 120, FS.; if the employee chooses to proceed with a formal challenge, the employee cannot select both the internal and external processes.
5. A faculty member who has received a recommendation for dismissal or return to annual contract from the President may proceed in one of three ways:
 - a. Take no action and accept the recommendation of the President.
 - b. Request a hearing within twenty-one (21) calendar days of receipt of the recommendation of the President in accordance with Rule 3.23. The faculty member must specify in writing the election of the **internal process**.
 - c. Request an administrative hearing in accordance with Chapter 120, *Florida Statutes*, and the Model Uniform Rules (28-106 FAC) by filing a petition with the District Board at the following location: Administration Bldg/Office of the President, 3000 NW 83rd Street, Gainesville, Florida, 32606, Attn: Board Secretary, with a copy to general.counsel@sfcollge.edu, within twenty-one (21) calendar days of receipt of the recommendation of the President. The faculty member must specify in writing the election of the **external process**.

“Adequate cause” includes failure to meet established performance criteria; inability to perform essential functions of the position; 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 the individual is unfit to continue as an employee of the College, including without limitation violations of professional ethics, mistreatment of student or other employees, academic misconduct, financial fraud, criminal, or other illegal, inappropriate or unethical conduct.

H. Formal Challenge of Termination or Return to Annual Contract

Both the internal process using Rule 3.23 and the external process using Chapter 120 are considered to be formal challenges to the President’s recommendation.

Parties in these challenge procedures are the President or designee in a representative capacity and the faculty employee in an individual capacity. Faculty employees may have representation by attorneys at their own expense at any stage of the formal challenge. The College may provide legal counsel for the President or designee.

The faculty employee is advised to consult with an attorney prior to filing a challenge under this rule and should consider all options and potential waiver of rights. A challenge under the internal process constitutes a waiver of the right to seek the same, additional or different relief in an administrative hearing under the provisions of Chapter 120, *Florida Statutes*, and may constitute a waiver of rights under any other applicable municipal, county, state, or federal ordinance, statute, law, rule, or regulation.

Outcomes of Formal Challenge: The committee or hearing officer may recommend support for the President’s recommendation or rejection of the President’s recommendation. The decision and written recommendation of the hearing committee or hearing officer shall be in writing and directed to the College President or designee and contain sufficient detail for the President to understand the reasoning for the recommendation. If the President chooses to proceed with the recommendation after receipt of the written decision, the District Board will be presented with both the President’s recommendation and the committee or hearing officer’s written decision in order to make the final agency decision regarding the employment of the faculty member. The District Board’s decision will be in writing and sent by hand-delivery, US Mail, or special delivery service to the faculty employee. The faculty employee will have no further rights to appeal within the college or the Division of Administrative Hearings. The District Board’s decision is final.

I. Dismissal or Return to Annual Contract for Reasons Other Than Cause

Upon recommendation of the President, the District Board may terminate a full-time faculty employee under continuing contract upon consolidation, reduction, or elimination of an institution's program, or restriction of the required duties of a position. The District Board of Trustees shall determine on the basis of the criteria set forth in subsections (D)(1) and (2) which, if any, full-time faculty employees to retain on a continuing contract and which to dismiss or return to annual contract. In the evaluation of these factors, the decision of the District Board shall not be controlled by any previous contractual relationship. Subsections G and H are not applicable to this type of termination as the decision of the District Board shall be final.

Other Full-Time Contracts

A. Initial Appointment and Contract Type

All non-faculty employees shall receive an annual contract generally after a competitive search process and approval by the District Board. However, the President may, for good cause with written documentation provided to Human Resources, authorize the award of an annual contract absent a competitive search process.

B. Renewal of Annual Contract

Recommendations for reappointments of annual contract positions are made to the designated Human Resources official by the appropriate College official and are subject to approval by the President. The designated Human Resources official or appropriate VP will notify the non-faculty member in writing of the intent to renew as soon as possible with the goal of a least 30 days' advance notice.

Interim appointments may only be extended for more than one year under certain limited conditions, as approved by the President upon recommendation by the appropriate member of the President's Staff.

C. Non-renewal of Annual Contract

The following principles govern recommendations for not renewing an employee's annual contract:

1. No expectancy of reemployment or future employment: the College owes no further contractual obligation to the employee at the expiration of an annual contract. The Board has no legal obligation to renew the contract of an employee on annual contract.

2. Notice of non-renewal: when a determination is made (by the supervisor in conjunction with the VP of the division, the Human Resources Director, and the College President) that an employee is not to be reappointed, the employee shall be notified in writing as soon as possible with a goal of at least 30 days' advance notice. This action does not release the College from the contractual commitment to compensation for the employee until the term of the current contract expires, nor does it release the employee from continuing to serve the college until the term of the contract expires.
3. Reasons for non-renewal: the reasons for the determination not to renew an annual contract need not be stated.
4. Interim contracts automatically expire without notice to the employees.

D. Positions Funded by Special Sources

Positions funded by special sources, including grants, shall be permitted to participate on committees and in shared governance and other College activities subject to supervisor approval; supervisors should consider relevant factors including the extent that such activities may interfere with expected job duties or cause the accrual of overtime. Should the funding provided by these special sources be reduced or eliminated, these annual contracts may be reduced proportionately or terminated outside of other previously stated timelines. In the event of reduction or termination, employees will be given as much notice as possible.