




August 17, 2017

MEMORANDUM

TO: District Board of Trustees

FROM: Jim Murdaugh, President 

SUBJECT: Hearing Examiner Recommended Action for 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 her. 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 February 21, 2017 and March 1, 2017.

On July 17, 2017, the Hearing Examiner issued the Final Findings of Fact, Conclusions of Law and Recommendation, and Ruling on Exceptions. The Hearing Examiner recommends the District Board of Trustees of Tallahassee Community College not terminate the faculty member's employment. The Hearing Examiner found the College failed to prove by the greater weight of the evidence the faculty member's conduct warrants termination. The Hearing Examiner further recommends the Board deny the faculty member's Motion for Attorney's Fees.

The Findings, Conclusions, and Recommendations, together with all evidence received, and the transcript of the proceedings were provided to all Trustees on July 17, 2017, and a copy of the Findings, Conclusions, and Recommendations were delivered to each party.

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

Recommended Action

President Murdaugh requests the TCC Board of Trustees approve the recommendation of the Hearing Examiner to:

- Not terminate the faculty member's employment; and
- Deny the faculty member's Motion for Attorney's Fees.

However, President Murdaugh believes the faculty member's conduct warrants disciplinary action, and recommends the TCC Board of Trustees return the faculty member to annual contract, and suspend her for ten (10) days without pay.