



Personnel Policies for Lincoln University

The guiding principle for these policies is *The Rules and Regulation of Lincoln University • Chapter I University Governance: Structure and Function • Chapter VI Administration and Finance • Chapter VIII University Employment • HRSHB 7.2*

Effective August 13, 2009

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Termination of Employment for Cause

Employees covered by this policy

This policy applies to all Faculty employees at LU and applicants of positions.

Policy

In cases of termination other than financial exigency, a letter citing reasons for termination shall be written by the President and delivered to the faculty member by certified mail. The faculty member is then entitled to her or his full rights under the law.

Causes for Dismissal

Lincoln University may consider substantial proof of any one of or a combination of the following charges as adequate cause for the dismissal of a tenured faculty member or a faculty member with an unexpired term appointment:

1. incompetence
2. gross neglect of duty
3. violation of any state statute relating to professional employment
4. immoral conduct
5. conviction of a felony
6. insubordination (as in defiance, noncompliance)
7. repeated violation of institutional policies-Substantial proof shall be deemed to exist if one
or more of the above charges shall be admitted by the charged party.

Preliminary Proceedings

Whenever the question arises about the fitness of a faculty member with continuous tenure, or a term appointment which has not expired, appropriate academic administrative officers (department head, dean, etc., as titled) should discuss the matter with the faculty member. Should it become apparent that informal discussion(s) will not or cannot lead to a satisfactory agreement or solution, the President shall appoint an ad hoc advisory committee to conduct an informal investigation to determine whether dismissal proceedings should be instituted. This committee, at its discretion, may recommend another available course of action.

Formal Proceedings Notice

Following a determination that dismissal proceedings should be instituted, notice of the same together with written charges shall be prepared by the

president or her/his designee and mailed to the charged party by registered or certified mail.

The statement of charges shall be framed with such specificity as to reasonably notify the party of that with which he/she is being charged.

Request for Hearing

Within ten working days after the receipt of the statement of charges, the charged party may file, with the university-designated official, a request for a hearing before an ad hoc Committee on Professional Conduct. A copy of the charges and the answer thereto must be included with the hearing request. The designated official shall transmit, within two working days, the hearing request, the statement of charges and the answer to the Committee on Professional Conduct.

Hearing

The hearing shall be conducted not less than twenty calendar days nor more than thirty calendar days after the committee receives the request. Written notice of time and place for the hearing shall be delivered personally or by registered or certified mail to the faculty member charged not less than ten days prior to the date set for the hearing. The committee shall conduct the hearing in accordance with the following guidelines:

1. Members who deem themselves disqualified for bias or interest shall remove themselves from the hearing panel at the request of either party or of their own initiative. Either party shall have a maximum of two challenges without stated cause. Replacements for members removed shall be made by the chief academic officer of the university.
2. Evidence against the charged party will be presented by the appropriate academic officer (college dean, chairperson of the department, as titled) as the party representing the university.
3. The hearing committee may, with the consent of the parties concerned, hold joint pre-hearing meetings with the parties in order to (a) simplify the issues, (b) effect stipulations of facts, (c) provide for exchange of documentary or other information, and (d) achieve such other appropriate pre-hearing objectives as will make the hearing fair, effective and expeditious.
4. After consultation with the president and the faculty member, the committee will decide whether the hearing should be public or private.
5. The faculty member may waive a hearing. This should be done, in writing, at any time before the hearing. If the faculty member waives a hearing and denies the charges against her or him or asserts that the charges do not support a finding of adequate cause, the hearing tribunal will evaluate all available evidence in the record.

6. During the proceedings the faculty member will be permitted to have an academic advisor and counsel of her or his own choice, who will be able only to advise, not participate in the proceedings.

7. A complete record of the hearing or hearings will be taken and a printed copy will be made available to the faculty member, upon request, without cost.

8. The burden of proof that adequate cause exists rests with the institution and shall be satisfied only by a preponderance of the evidence in the record considered as a whole.

9. The faculty member will be afforded an opportunity to obtain necessary witnesses and documentary or other evidence. The charged party and the appropriate academic officer (college dean, chairperson of the department, as titled) shall have the right to confront and cross-examine all witnesses. If a person having relevant information cannot or will not appear as a witness, but the committee determines that the interests of justice require admission of her or his statement, the committee will identify the witness, disclose the statement and make every effort to provide for written questions.

10. In a hearing where a charge of incompetence has been made, testimony shall include that of qualified faculty members from this and/or other institutions of higher education.

11. The committee will not be bound by strict rules of legal evidence, and may admit any evidence that is of probative value in determining the issue(s) involved. Every possible effort will be made to obtain the most reliable evidence available.

12. The findings of fact and the decision will be based solely on the hearing record.

13. Except for simple announcements as may be required covering the time of the hearing and similar matters, public statements and publicity about the case either by the charged party or administrative officers will be avoided so far as possible until the proceedings have been completed, including consideration by the Board of Curators. The president and the charged party will be notified of the committee's decision, in writing, and each will be provided with a copy of the hearing record.

14. A simple majority of the Committee on Professional Conduct shall constitute a quorum.

Decisions of Committee and President

At the conclusion of the hearing, the committee shall, without delay, make findings of fact, conclusions and recommendations. A decision of the committee shall be determined by a majority of the members present and voting. The complete hearing record, together with all tangible evidence, the

findings, conclusions and recommendations shall be submitted to the president of the university. The president may concur with or modify the committee's decision or may make such other findings and conclusions as in her/his opinion are supported by the hearing record. A copy of the president's decision shall be mailed to each party by registered or certified mail.

Appeal

The aggrieved party may file written notice of appeal, through the Office of the President to the Board of Curators, within ten working days after the mailing of the president's decision. Any notice of appeal shall be transmitted by the president, together with the complete hearing record, to the Board of Curators.

The Board, in its discretion, may grant the appellant a hearing. The decision of the Board of Curators, upon review of the complete record, shall be final.

The computation of a number of days in any time period contained herein shall exclude official university holidays and breaks.

Disciplinary Actions-Suspension

Pending a final decision by the Board of Curators, the charged party will be suspended, or assigned to other duties in lieu of suspension, only if harm to her/himself or others is threatened by her/his continuance. Before suspending a faculty member, pending an ultimate determination of her/his status, the administration will consult with the Committee on Professional Conduct concerning the propriety, length, or other conditions of suspension.

Dismissal

If a decision to terminate is rendered, the effective date of termination shall be one year from the date of the final decision of the Board unless the Board determines that an earlier date is appropriate, due to the gravity of the offense or other considerations.

