

March 16, 2016

BY ELECTRONIC MAIL AND USPS

President Glenn McConnell
College of Charleston
Randolph Hall
66 George Street
Charleston, South Carolina 29424-0001

Dear President McConnell,

Dr. Robert T. Dillon Jr., a tenured associate professor of biology with thirty-four years of service at the College of Charleston, has sought the advice and assistance of the American Association of University Professors as a result of a February 18, 2016, memorandum from Dr. Brian McGee, provost and executive vice president for academic affairs, informing Professor Dillon of his assignment to “new duties with pay, effective immediately.” The memorandum states that Professor Dillon violated the college’s “Employee Code of Conduct” and also the “Code of Professional Conduct and Statement of Professional Ethics” by refusing to modify “course objectives” on his syllabus for Biology 305L, Genetics Lab. Professor Dillon, who was teaching four sections of this course, was immediately suspended from all teaching duties.

The provost’s memorandum also advises Professor Dillon of the appointment of a “disinterested investigative panel” to review the allegation that he violated the “Code of Professional Conduct and Statement of Professional Ethics” (but not the “Employee Code of Conduct”). The memorandum further advises him that Dr. McGee is considering imposing an unpaid suspension from August to December 2016, followed by another period of assignment of “new duties” in lieu of teaching. Following this period, Professor Dillon would only be allowed to return to the classroom if his department chair finds that his syllabi conform with policies and directives on “course objectives.” The description of these sanctions concludes by noting that a failure to submit syllabi that comply with institutional policies and directives is grounds for additional discipline “up to and including termination.”

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The interest of this Association in the case of Professor Dillon stems from our longstanding commitment to academic freedom, tenure, and due process, the basic tenets of which are set forth in the enclosed 1940 *Statement of Principles on Academic Freedom and Tenure*. That document, a joint formulation of the AAUP and the Association of American Colleges and Universities, has received the endorsement of more than 240 scholarly and educational associations. Derivative procedural standards relating to the imposition of sanctions against faculty members are set forth in Regulations 5 and 7 of the AAUP's *Recommended Institutional Regulations on Academic Freedom and Tenure* (also enclosed).

An action to separate a faculty member from ongoing academic responsibilities prior to demonstration of stated cause in an appropriate proceeding is justified, under Regulations 5c(1) and 7a, "only if immediate harm to the faculty member or others is threatened by continuance." These regulations further provide that prior to such a suspension, "the administration will consult" with an elected faculty body "concerning the propriety, the length, and the other conditions of the suspension." No threat of immediate harm has been suggested in Professor Dillon's case, nor has the administration consulted with an elected faculty body regarding whether his suspension is warranted by such a threat. Thus, the administration has suspended Professor Dillon from his primary responsibilities without affording him the safeguards of academic due process called for under the Association's recommended standards.

We note that the College of Charleston's institutional regulation regarding the "assignment to new duties in certain cases," section VII.B.2 of the "Faculty/Administration Manual," which Dr. McGee cites in his memorandum to Professor Dillon to justify his suspension, is largely consistent with AAUP-supported standards. It provides as follows:

If the Provost determines there is a strong likelihood that the faculty member's continuance in normal duties threatens immediate harm to that faculty member or to others, the Provost may assign the faculty member to new duties. Assignment to these new duties shall persist only so long as the threat of harm continues, or until dismissal for cause occurs.

In addition to concerns over the apparent lack of academic due process afforded Professor Dillon with respect to his current suspension, the threatened imposition of future sanctions outlined in Dr. McGee's memorandum raises additional concerns. Under Regulations 5b and 7a, charges that may lead to the imposition of severe

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sanctions, such as suspension, are to be preceded by an informal inquiry by a duly elected faculty committee charged with determining whether proceedings for the imposing of sanctions should be undertaken. Following such a determination, AAUP-supported standards require an administration to demonstrate adequate cause for a severe sanction in a hearing of record before an elected faculty body. Instead, the college's grievance policy, for all sanctions except for dismissal, places the burden on the grievant to demonstrate that the sanction should not have been imposed. The steps outlined in Dr. McGee's memorandum and in the relevant section of the "Faculty/Administration Manual" thus fall far short of the Association's recommended procedural standards.

The information in our possession relating to the case of Professor Dillon has come to us exclusively from him, and we appreciate that you may have additional information that would contribute to our understanding of what has occurred. We shall therefore welcome your comments. If the facts as we have recounted them are essentially accurate, we urge Professor Dillon's immediate reinstatement to his normal faculty duties. As to any further action in his case, we urge that it be consistent with the above-cited procedural standards.

Sincerely,



Hans-Joerg Tiede
Associate Secretary

Enclosures (by electronic mail only)

Cc: Dr. Brian R. McGee, Provost and Executive Vice President for Academic Affairs
Dr. Michael J. Auerbach, Dean, School of Science and Mathematics
Professor Jaap Hillenius, Chair, Department of Biology
Professor Todd McNerney, Speaker of the Faculty
Professor Simon Keith Lewis, Representative, College of Charleston AAUP Chapter
Professor Brandon Inabinet, President, South Carolina AAUP Conference
Professor Robert T. Dillon Jr.