

March 30, 2016

BY ELECTRONIC MAIL

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

Dear President McConnell:

Thank you for your letter of March 21, 2016, responding to ours of March 16, regarding the case of Professor Robert T. Dillon Jr. You write that the administration will follow the procedures set forth in the college's faculty/administration manual, adding that Provost Brian McGee "has a deep allegiance to the concepts of due process and views our process as respectful of it, both procedural and substantive." Citing these procedures, Provost McGee, in a March 18 memorandum, notified Professor Dillon of the following sanctions: a semester-long suspension without pay, followed by a semester-long suspension with pay; proscription against writing reference letters for students without the dean's permission; closure of his e-mail account; and banishment from his office, his laboratory, and the campus.

As we observed in our March 16 letter, an administration's action to impose a major sanction on a faculty member without having first demonstrated adequate cause in a hearing of record before an elected faculty body is fundamentally inconsistent with normative standards of academic due process. In response to our letter, Provost McGee prepared a memorandum to you dated March 17, which has subsequently been widely circulated. In the memorandum he denied the applicability to the college of AAUP-supported procedural standards that he considers inconsistent with policies set down in the faculty/administration manual. Throughout its 101-year history, our Association has viewed as central to its mission the promulgation of sound procedural standards designed to safeguard academic freedom and tenure, and we have responded to evident departures from these standards through the means at our disposal, including investigation and censure.

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We understand that Professor Dillon intends to appeal the sanctions imposed upon him to the Faculty Hearing Committee. In our letter to you, we noted the availability of this process to Professor Dillon, but we stated that it appears to fall short of our recommended procedural standards because it places the burden of proof on Professor Dillon to demonstrate that the sanctions should not have been imposed. Neither the review of Professor Dillon's syllabus conducted by a panel of faculty members appointed by the provost—a mechanism of selection our Association has consistently viewed as illegitimate—nor a hearing in which Professor Dillon must carry the burden of proof can be viewed as providing Professor Dillon with adequate academic due process. While we understand that the faculty/administration manual provides for the burden of proof to be placed on the administration only in cases of dismissal for cause, the AAUP views suspension "as a severe sanction second only to dismissal, because it prevents a faculty member from performing his or her professional responsibilities." As one case report of an investigation put it, "Barring a teacher from his classroom inflicts ignominy upon the teacher and is destructive to the morale of the academic community." It is for this reason that AAUP-supported procedural standards for imposition of severe sanctions are the same as those for dismissal for cause.

Finally, Provost McGee observed in his March 17 memorandum that our previous letter did not comment on the substance of the charges leveled against Professor Dillon. Allow me to do so now. Provost McGee charges Professor Dillon with insubordination and with violating institutional regulations regarding student learning outcomes for individual classes. As an AAUP investigating committee observed in its report, charges of insubordination "would seem more appropriate to a military organization or industrial enterprise than to an institution of higher learning." Although our Association's *Statement on Professional Ethics* counsels faculty members to "observe the stated regulations of the institution," it adds, "provided the regulations do not contravene academic freedom." Professor Dillon alleges that the administration's interpretation and application of the institutional regulations violate his academic freedom—an allegation that stands unrebutted in the absence of an appropriate faculty hearing.

The failure of the College of Charleston administration to afford Professor Dillon the procedural protections we have stressed in our letters is a matter of basic concern to our Association under its longstanding responsibilities. We therefore urge his immediate reinstatement to his faculty duties pending an adjudicative proceeding before an elected faculty body in which the burden of demonstrating adequate cause for imposing the sanctions will rest with the administration.

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We would welcome your further response.

Sincerely,

A handwritten signature in black ink, appearing to read "Hans-Joerg Tiede". The signature is written in a cursive style with a large initial "H".

Hans-Joerg Tiede  
Associate Secretary

Enclosures

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