




MEMORANDUM

TO: Glenn F. McConnell, President

FROM: Brian McGee, Provost 

DATE: March 17, 2016

SUBJECT: Letter of Hans-Joerg Tiede, Associate Secretary, AAUP

You have recently received a letter from Professor Hans-Joerg Tiede, previously of Illinois Wesleyan University, who now serves as Associate Secretary of the American Association of University Professors (hereafter, "AAUP"). In the letter, Professor Tiede states that the AAUP was approached by Dr. Robert T. Dillon, Jr., Associate Professor of Biology at the College of Charleston (hereafter, "College"), for "advice and assistance" regarding a memorandum sent by me to Dr. Dillon on February 18, 2016.

Professor Tiede's letter does not comment on the substance of the issues I raised with Dr. Dillon in the memorandum of February 18, 2016. Instead, Professor Tiede opines that "the steps outlined in Dr. McGee's memorandum and in the relevant section of the 'Faculty/Administration Manual' . . . fall far short of the Association's recommended procedural standards."

In reviewing Professor Tiede's letter, it may be helpful to know that the sections of the *Faculty/Administration Manual* (hereafter, "FAM") relevant to faculty discipline were drafted and revised, at various times, with reference to AAUP procedural standards. The AAUP documents enclosed by Professor Tiede with his letter are familiar to College administrators and faculty. However, the College's own procedures for faculty discipline are the work of shared governance involving our Board of Trustees, College administration, and the faculty. The FAM does not mirror the "recommended procedural standards" of the AAUP in all respects, but the FAM language in this area is itself the product of collaborative dialogue involving all stakeholders, and informed by those AAUP standards.

The section of the FAM quoted on p. 2 of Professor Tiede's letter was last reviewed and revised, at the request of former Provost Elise Jorgens, during 2007 and 2008. This passage was discussed and revised by the elected faculty memberships of the Faculty Hearing Committee and the Advisory Committee on Tenure, Promotion, and Third-Year Review. Specifically, the revisions were the product of discussions in those committees that lasted from October 2007 through July 2008, with a lengthy report on the proposed revisions provided to the Faculty Senate. The Board's Academic Affairs Committee was given a briefing on those revisions during its August 2008

meeting, and the full Board of Trustees approved those revisions by vote during October 2008. In short, during that time the Board of Trustees, the General Counsel, the Provost, an Associate Provost, and nine tenured faculty all were involved in the revision of this procedure, with appropriate information provided during the review process to the Speaker of the Faculty and the Faculty Senate.<sup>1</sup> As one of the nine tenured faculty involved in the revision process during 2007 and 2008, and notwithstanding the familiarity of all parties with the existence of AAUP recommendations in these areas, I can recall no faculty concern being expressed about the nature of the revised FAM provisions, or any objection being raised relative to AAUP recommendations.

Of course, the policies used for faculty discipline at the College have been published for many years, have been made available for scrutiny by all members of our community, and have been used on occasion. To the best of my knowledge and belief, at no time was any proposal for their revision made by local, state, or national AAUP representatives.<sup>2</sup>

Professor Tiede's memo to you does acknowledge that a portion of the allegations made against Dr. Dillon have been the subject of review by a disinterested investigative panel, consistent with the provisions of the Operating Procedures at College Policy 9.1.10. Professor Tiede does not, however, note that any sanction imposed by the Provost could be appealed and heard by either the Faculty Hearing Committee or the Faculty Grievance Committee, depending on the nature of the claim(s) made by the faculty grievant and the discipline imposed. This assurance of access to a hearing before an elected faculty committee appears on the same FAM page as the passage quoted in Professor Tiede's letter.

In the past you and I have both relied on the work of the AAUP, and we share a great respect for this organization. However, the College's Board of Trustees, administration, and faculty have not previously attempted to fully align the FAM with AAUP recommendations in all respects. Given this fact, the complaint that Dr. Dillon has not been afforded the procedures endorsed by AAUP is a *non sequitur*. AAUP is welcome to express disappointment with any university that has not endorsed the entirety of its recommended procedural standards. However, in my view the relevant questions for the College are (a) whether our published procedures were developed in the framework of shared governance and (b) whether we are following our published policies and procedures and providing the process due to any faculty colleague for whom discipline is under consideration. In Dr. Dillon's case, the answer to both questions is "yes."

By asking the College to revise or ignore its own procedures in the middle of a disciplinary review, Professor Tiede would have us undermine the expectation of procedural standardization and consistency that is central to procedural due process guarantees. Further, compliance with Professor Tiede's request would require us to ignore the results of a year-long process of shared

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<sup>1</sup> The elected faculty members to whom I refer are Bill Barfield (Physical Education), Barbara Duval (Studio Art), David Gentry (Psychology), Rick Heldrich (Chemistry and Biochemistry), Ned Hettinger (Philosophy), Caroline Hunt (English), Brian McGee (Communication), Michael Phillips (Library), and Michael Skinner (Education). Professor Heldrich then was chair of the Faculty Hearing Committee, while, as a tenured member of the College faculty, I chaired the Committee on the By-laws and the *Faculty/Administration Manual*.

<sup>2</sup> For example, the older version of the provisions for faculty discipline, including those relevant to suspension, appears on pp. 106-107 of the 1994 FAM edition.

governance and a provision of the FAM that was expressly approved by vote of the College of Charleston Board of Trustees.

cc: Debbie Hammond, Senior Executive Administrator to the President  
Todd McNerney, Speaker of the Faculty  
Mike Auerbach, Dean, School of Sciences and Mathematics  
Jaap Hillenius, Chair, Department of Biology