Report

Academic Freedom and Tenure: Benedict College (South Carolina)[1]

I. Introduction

Benedict College was founded in 1870 by Mrs. Bathsheba A. Benedict of Pawtucket, Rhode Island. Mrs. Benedict purchased an abandoned eighty-acre plantation outside of Columbia, South Carolina, as the location of a school for the newly emancipated black population. Initially named Benedict Institute, the school began under the auspices of the American Baptist Home Mission Society, and throughout its history it has maintained its Baptist affiliation. It was chartered as a college by the South Carolina General Assembly in 1894, and it received accreditation as a baccalaureate-granting institution from the Southern Association of Colleges and Schools in 1946. Since its founding its faculty has been racially diverse, although the student body has remained predominantly black.

During the 1992–93 academic year, close to 1,500 students were enrolled at Benedict College. Instruction was provided by a faculty of approximately eighty, fifty of whom had become members of an AAUP chapter that was reactivated in the spring of 1992. Benedict College's board of trustees has been chaired by Mr. Charles E. Allen, a Detroit businessman. Dr. Marshall C. Grigsby, who had previously been assistant dean of the Divinity School at Howard University, took office as president of Benedict College in July 1985; he submitted his resignation in February 1993, effective the following May. Dr. Ruby W. Watts, who was the vice president for academic affairs, serves at the time of this writing as president *ad interim.*

The American Association of University Professors placed Benedict College on its censure list in 1960 following the summary dismissal of three white professors who had been accused by South Carolina Governor George Bell Timmerman, Jr., of stirring up racial turmoil and promoting Communist activities. After an initial effort on the part of the college's administration and board of trustees to resist the governor's demands that the services of the three professors be terminated, President J. A. Bacoats elected to sacrifice the teachers in order to "save" Benedict College.[2] The college administration remained under AAUP censure until 1969, when the adoption of AAUP-supported principles and procedures governing academic tenure and due process provided the basis for censure removal.

Trouble visited Benedict College again in the spring and summer of 1992 with the dismissal of three professors whose cases are the subject of this report. Dr. John V. Crangle, a practicing attorney and registered lobbyist for Common Cause of South Carolina, joined the college faculty in 1979 and was serving as professor of history when he was dismissed by the administration in May 1992. Ms. Cassandra M. Norman served as head librarian, director of the Learning Resources Center, and assistant professor from 1981 until the administration terminated her appointment in May 1992. Professors Crangle and Norman were tenured members of the faculty when action was taken to terminate their services. Dr. George R. Thomas served from 1985 as assistant professor and from 1991 as associate professor of mathematics; the administration notified him in July 1992 that he no longer held an appointment at Benedict College.

II. Background

A number of Benedict College administrative staff and part-time faculty members, returning on January 2, 1992, from the Christmas holidays, were confronted with letters of dismissal from their supervisors. In a letter dated January 2 that was addressed to the faculty and staff, President Grigsby described financial problems of the college resulting from an economic downturn, declining enrollments, and delinquent student accounts. He wrote that the anticipated financial shortfall called for immediate reductions in staff and part-time faculty positions, a freeze on construction and on hiring, and a temporary increase in the faculty teaching load from twenty-four to twenty-seven hours. The president's letter was distributed to and discussed with the faculty by Vice President Watts in the absence of President Grigsby, who was traveling abroad at the time.

Many faculty and staff members reacted in outrage to the way

[1]The text of this report was written in the first instance by the members of the investigating committee. In accordance with Association practice, the text was then edited by the Association's staff, and as revised, with the concurrence of the investigating committee, was submitted to Committee A on Academic Freedom and Tenure. With the approval of Committee A it was subsequently sent to the faculty members at whose request the investigation was conducted, to the administration of Benedict College, to the chapter president, and to other persons concerned in the report. In the light of the responses received and with the editorial assistance of the Association's staff, this final report has been prepared for publication.

[2] See "Academic Freedom and Tenure: Allen University and Benedict College," *AAUP Bulletin,* Spring 1960, pp. 99–104.

the dismissals were handled, and many expressed fear of additional reductions. Mr. Allen, the chair of the board of trustees, made a hasty trip to Columbia to calm the turmoil and counteract the adverse publicity. Most board members were supportive of President Grigsby's efforts to protect the college, although some indicated regret over the publicity generated by the affair. Most of the faculty members who spoke to the press about their displeasure with the president did so only on condition of anonymity for fear of reprisal. Among the exceptions were the three professors who later suffered termination of their services. As the faculty's representative on the board of trustees, Professor Norman publicly questioned President Grigsby's action in a newspaper article on January 10, 1992. Professor Crangle criticized the amount of the salaries and the expense accounts of the president and other administrators in a television interview on January 15. Professor Crangle also became first vice president of the local AAUP chapter, which was reactivated in response to the January actions against members of the college staff. Professor Thomas was generally supportive of the president's cost-cutting measures, but he called for cuts in administrative salaries as an appropriate contribution by them to shared sacrifice and he later publicly protested the teaching load increase. Several additional faculty meetings were called in the next two months, ostensibly to enlist faculty support, but the campus remained in turmoil as evidenced by the enlistment of over 60 percent of the faculty in the revitalized campus AAUP chapter.

The Benedict College Board of Trustees, meeting on April 2, 1992, approved formulation of a "strategic plan for increasing revenue and decreasing expenditures." Professor Norman cast the lone dissenting vote. The decrease in expenditures was to be implemented through a "Reduction in Force Plan" (RIF Plan), submitted to President Grigsby on April 25. The RIF Plan recommended savings of $409,098 from the termination of sixteen faculty and staff positions, $66,872 from reductions to a four-day work week for seventeen staff members, $95,823 from reduction from twelve-month to nine-month contracts for seven faculty and four staff members, and $27,595 from salary reductions in the case of nine administrative positions, all of which would result in a total savings of $598,828. The January staff dismissals and reductions were retroactively included in the overall plan.

With President Grigsby's and the board's approval, actions under the RIF Plan were initiated on May 14, 1992. Affected faculty and staff members were handed letters announcing the termination of their services and were told to clear their offices immediately. Professor Norman was the only tenured faculty member whose services were terminated on stated grounds of cost saving. The actions against Professor Crangle, also on May 14, and against Professor Thomas, on July 22, were attributed to other reasons. Reactions from the faculty and the larger community to what occurred on May 14, coming after the spring semester had concluded, were relatively mild. In subsequent weeks the appeals of the three professors were upheld by the Faculty Grievance and Appeals Committee, but to no avail. In each case President Grigsby refused to consider reinstatement.

On September 8, 1992, Vice President for Business Affairs Samuel L. Foggie resigned, complaining about President Grigsby's unwillingness to support his efforts to create a sound financial management system for the college. This resignation touched off a new round of media scrutiny and campus protest. In that same month of September, the board's executive committee launched an internal investigation of President Grigsby's spending and personnel practices. In October 1992, a confidential survey of the faculty that resulted in a 73 percent response rate expressed lack of confidence in board and administration leadership and called for serious reforms in academic governance. In November 1992, the board's investigating committee was provided with an eight-page summary of faculty grievances and alleged improprieties by the administration.

Early in October, the Association's national staff, which had been asked by Professors Crangle, Norman, and Thomas to render assistance, had written to President Grigsby to urge reconsideration and remedial action in their cases. Replying on October 15, the president acknowledged shortcomings in the college's procedures when measured against Association-supported standards, recounted his reasons for acting as he had in the three cases, and concluded with expressions of hope that sanctions by AAUP could be avoided and that the college's relationship with the Association could be improved. The staff, responding on November 5, urged again that the Association's concerns be resolved through corrective action. With no such action occurring, the Benedict College AAUP chapter voted to request that an investigating committee be sent to the college. The general secretary authorized the investigation in January 1993, and by letter of February 2 President Grigsby and others principally concerned were informed that it would be carried on by the undersigned *ad hoc* committee. An April visit was proposed.

Meanwhile, the board of trustees had met in executive session in January to review its executive committee's findings, setting in motion events leading to President Grigsby's announcement on February 5 of his resignation, effective on May 8, the last day of the spring semester. As a consequence, the investigating committee's visit, initially planned for April, was postponed in order to afford the new president or interim president an opportunity to address the issues to be investigated. The appointment of Vice President Watts as president *ad interim,* however, was not accompanied by remedial action in the cases of concern. The investigating committee, having examined available documentation, proceeded with its visit to Benedict College on June 17 and 18, 1993. Past President Grigsby declined to meet with the committee, but he subsequently submitted detailed comments on a draft text of this report that was sent to him prior to publication. The committee received courteous cooperation from the current administrative officers, from Mr. Julian H. Gignilliat, an attorney retained by the college, and from the current and former members

of the faculty with whom it did meet. The committee's factual findings in the three cases are set forth in the sections immediately following.

III. The Crangle Case

Professor John V. Crangle was well known at Benedict College for his activities in local and state politics. As a lobbyist for Common Cause of South Carolina, he was an outspoken critic of the state's lobbying laws. He helped trigger an investigation of political corruption that led to reforms in financing and state lobbying. President Grigsby rented him an office at the college for Common Cause of South Carolina.

In January 1992, as was noted earlier, Professor Crangle spoke critically of President Grigsby and his administration on television, and he took a leading role in reactivating the AAUP chapter. On January 29 and 30, Columbia's major newspaper, *The State*, published stories revealing that twenty-two years earlier Professor Crangle had jumped bail on a misdemeanor charge of assault and battery growing out of an anti-Vietnam-war demonstration in the president's office at South Dakota State University (SDSU) and that a bench warrant, still outstanding, had been issued for his arrest.

According to Professor Crangle, President Grigsby had long known about the South Dakota incident and had instigated publication of the newspaper articles. President Grigsby, however, has denied having had anything to do with the appearance of the stories.[3] In any event, the lobbyists and politicians whom Professor Crangle had been attacking seem to have relished the news of his difficulties, and President Grigsby took a good deal of ribbing from his political friends. On February 7 the president called Professor Crangle in to ask him about his status as a fugitive and to express concern that it be resolved. A week later, Professor Crangle informed him that he would be able to close the books on the warrant by pleading *nolo contendere* and paying a $100 fine. According to Professor Crangle, the president, while expressing satisfaction over the prospects for resolution, asked him why he had not disclosed his previous affiliation with SDSU when he was initially appointed to the Benedict College faculty. Professor Crangle reports having responded that he could not remember what he had put on his application thirteen years earlier.

Inquiries by the Benedict College administration into Professor Crangle's record of service at SDSU led to confirmation, in late April, of his having served as an instructor there from September 1967 through May 1969. (He taught at another South Dakota institution the following year, returning to the SDSU campus for the demonstration that resulted in the charge of assault and battery.) On May 12, 1992, Vice President Watts informed him that she was recommending the immediate termination of his services on grounds of failure to disclose his former appointment at SDSU. She wrote to the president on that same day, recommending Professor Crangle's dismissal for the reason she had given to him and referring to him as "a fugitive from justice." She characterized the omission from the application as "falsification of information concerning qualifications for a position," which according to the *Benedict College Faculty Manual*, she stated, "is 'cause' for termination, even of a tenured faculty member."

On May 13 Professor Crangle spoke with President Grigsby, who told him that he had not yet decided what action he would take. On the next day, however, President Grigsby wrote to inform him of his immediate dismissal on the grounds that had been stated by Vice President Watts, indicating his right to appeal through the college's Faculty Grievance and Appeals Committee.

Professor Crangle reports having received informal assurances from the president in the following weeks that things would be worked out in his favor if he produced evidence that his legal problems were settled. Dr. Grigsby denies having provided such assurances. Near the end of June, Professor Crangle produced documentation showing that the South Dakota charges had been settled and that he remained in good standing with the South Carolina Bar Association. He states that President Grigsby then told him that the door was open to his return, that he would be assigned to work on a National Institute of Justice project if it was funded, and that he could teach a course in the fall. Dr. Grigsby denies that he said these things. In any event, nothing along those lines materialized.

Professor Crangle had appealed his dismissal to the Faculty Grievance and Appeals Committee, and he appeared before that body on June 29, 1992. The committee reviewed the criteria for dismissal for cause in the *Benedict College Faculty Manual*, the evidence offered in support of the administration's case, and the documentation indicating that the 1970 misdemeanor charges had been settled. In its report, issued on July 6, the committee unanimously recommended "that Dr. Crangle's letter of termination be rescinded and that he be immediately reinstated to the position which he held prior to being terminated, with all rank, tenure, and other rights and privileges appertaining hereunto." Vice President Watts transmitted the Faculty Grievance and Appeals Committee's report to President Grigsby with the recommendation that he reject it. By letter of September 15 to Professor Crangle, President Grigsby did so, referring again to his failure to reveal his SDSU experience when he applied for his position at Benedict College.

In addition to the charge, noted previously, that Professor Crangle filed with the National Labor Relations Board, he filed a complaint in October 1992 with the South Carolina Human Affairs Commission alleging, as a white person, discrimination on the basis of race. That complaint was dismissed in November 1993, on grounds of lack of evidence to sustain it. In the late

[3]President Grigsby's position on this and numerous other matters relating to Professor Crangle's case is set forth in a seven-page letter of October 15, 1992, from the college's attorney, Mr. Gignilliat, to a field examiner for the National Labor Relations Board, responding to a charge of unfair labor practice that Professor Crangle had filed against Benedict College. The charge was subsequently dismissed.

spring of 1993, Professor Crangle initiated litigation in state court alleging breach of contract. As of this writing, a trial had not yet been scheduled. He also filed a complaint in federal district court, alleging violations of civil rights; that case is in the discovery phase as of this writing.

IV. The Norman Case

Ms. Cassandra M. Norman served as assistant professor, director of the Learning Resources Center, and head librarian of Benedict College from 1981 until the administration terminated her appointment in 1992, on stated grounds of financial exigency. She had been awarded tenure in October 1988. During her eleven years of service, Professor Norman was very active in college affairs, serving on several faculty committees and representing the faculty on the board of trustees from April 1991 to April 1992. She was a critic of administration actions ranging from the adoption of a new Personnel Services Policies and Procedures Manual to the cost-cutting measures initiated in January 1992.

In the fall of 1990, Professor Norman had applied for promotion to the rank of associate professor. The college's Promotion and Tenure Committee tabled her application for promotion that year because it was not accompanied by a letter of recommendation from Vice President Watts, her immediate administrative superior, and because the committee was unclear about whether her graduate degree, a Master of Science in Library Science from Atlanta University, satisfied the requirement for "terminal degree" in her area of specialization. Vice President Watts had informed the committee that clarification of that policy was under consideration. In December 1991, acting without the committee's advice, Vice President Watts notified Professor Norman that her application for promotion was denied on grounds that she did not meet a newly established policy that all associate and full professors had to possess "the highest degree available" which, in the case of library science, would be a doctorate.

In March 1992, Professor Norman appealed the denial of promotion to the Faculty Grievance and Appeals Committee, charging that her application fully met the requirements for promotion outlined in the 1988 edition of the *Benedict College Faculty Manual,* which was in force at the time. She further argued that Vice President Watts had tied the hands of the Promotion and Tenure Committee by withholding the required supporting letter by Professor Norman's immediate supervisor (Vice President Watts herself) and that the vice president applied a new standard for promotion that had not been submitted to or approved by the faculty.

In a letter to Vice President Watts dated April 23, 1992, the Faculty Grievance and Appeals Committee called for Professor Norman's promotion on grounds that she met the requirements that were in force at the time of her application and that the American Library Association recognized the Master of Science in Library Science as the appropriate terminal degree for librarians such as Professor Norman. By letter of May 5, Vice President Watts reaffirmed her original recommendation that the promotion be denied. As provided in the *Benedict College Faculty Manual,* the committee held a formal hearing on May 6 to consider Professor Norman's appeal. Once again, the committee recommended Professor Norman's promotion, reiterating its previously stated grounds for doing so. The committee also took issue with existing grievance procedures, under which the vice president for academic affairs was able to rule on faculty appeals or grievances against the vice president's own decisions or actions. Any further disposition of Professor Norman's appeal apparently became moot with President Grigsby's notification to her on May 14, 1992, that her appointment was being terminated.

Other events preceding the May 14 notice of termination merit recounting. On January 14, 1992, in her capacity as faculty and staff representative to the board of trustees, Professor Norman had presented a prepared statement responding to President Grigsby's explanation of his actions to terminate the services of staff and part-time faculty members. Her statement was sharply critical not only of the dismissals but also of the president's stewardship of finances and his style of administration. The statement went on to announce that steps were being taken to establish an AAUP chapter at the college and to form a faculty senate. Serving on a staff panel to review a new Personnel Services Policies and Procedures Manual, Professor Norman sharply criticized the manual in a letter to President Grigsby dated March 27, 1992. Her criticisms were apparently not heeded, and the board of trustees approved the manual at a meeting on April 2. Subsequently, Professor Norman warned the faculty of the dangers she saw in the new manual at a meeting of the Faculty Forum on April 23, although Vice President Watts assured the faculty that the Personnel Services Policies and Procedures Manual was merely a companion piece to the existing *Benedict College Faculty Manual* and did not affect the latter's protection of faculty prerogatives.

The May 14, 1992, letter from President Grigsby terminating Professor Norman's appointment asserted that a reduction in librarians from five to three was necessary to help the college achieve a 13 percent reduction in operating budget. The reduction was effected despite a March 1991 Benedict College Reaffirmation Committee Report from the Southern Association of Colleges and Schools (SACS) that had recommended the appointment of an additional professional librarian. The president stated that Professor Norman, because she had the least seniority among four tenured librarians, was selected for termination of appointment along with one nontenured librarian. She was immediately released from responsibilities while continuing to receive salary, for accrued annual leave, until June 30. The nontenured librarian, lacking accrued leave, continued in her position until June 30.

Professor Norman appealed, and she appeared before the Faculty Grievance and Appeals Committee on July 8. She presented a detailed analysis of the anomalies surrounding the termination

of her appointment in support of her charge that the action was in retaliation for her outspoken criticism of the policies and practices of President Grigsby and Vice President Watts. In a letter to Vice President Watts dated July 24, the committee recommended Professor Norman's reinstatement to her faculty and administrative positions. The committee referred to a provision regarding financial exigency in the *Benedict College Faculty Manual* (and in AAUP's *Recommended Institutional Regulations on Academic Freedom and Tenure*) that "the appointment of a faculty member with tenure will not be terminated in favor of retaining a faculty member without tenure, except in extraordinary circumstances where serious distortion of the academic program would otherwise result." According to the committee, the services of additional nontenured faculty members in other college departments "could have been terminated with less 'serious distortion of the academic program' than that resulting from the termination of Mrs. Norman's appointment."

Vice President Watts conveyed the Faculty Grievance and Appeals Committee's report to President Grigsby on September 15, 1992, with the recommendation that Professor Norman's grievance be denied. That same day, the president informed Professor Norman of the denial of her grievance. He invoked the principle of seniority while asserting that preserving the positions of nontenured faculty members engaged in classroom teaching had to take precedence over those of tenured faculty members who do not teach. He also contended that the SACS committee's statement recommending consideration of the engagement of additional professional library staff was essentially a suggestion, leaving the matter to the discretion of the college.

In addition to internal appeals, Professor Norman was party to a joint complaint filed with the National Labor Relations Board which, according to Mr. Gignilliat, was dismissed on grounds that faculty members function as part of management. Professor Norman also filed an age and sex discrimination complaint with the Equal Employment Opportunity Commission, which also ruled in favor of the college. In an effort aimed at legal redress, Professor Norman had filed suit in June 1992 against Benedict College, President Grigsby, and Vice President Watts for breach of contract. The case was removed to federal district court, where, as of this writing, it sits awaiting trial.

V. The Thomas Case

Professor George R. Thomas, a native of India, joined the faculty of Benedict College as an assistant professor of mathematics in 1985, was promoted to the rank of associate professor in 1991, and was listed as having 5.5 years of probationary credit toward tenure by the end of the academic year 1991–92. By his own account, Professor Thomas did not involve himself in campus politics aside from having publicly questioned the size of the salary paid to Personnel Director Betty Jenkins several years earlier and having headed a campaign to stop smoking on campus. He did speak in favor of cost-cutting actions at the January 15, 1992, faculty meeting called by President Grigsby to mollify faculty unrest, noting that members of the administration should show their own concern by taking a cut in salary. Ostensibly he stood with the preponderance of the faculty who expressed willingness to accept a temporary increase in teaching load from twenty-four to twenty-seven semester credit hours (SCH) at that same meeting.

At its April 1992 meeting, the board of trustees permanently increased the faculty teaching load to twenty-seven SCH. This action drew sharp criticism from faculty members. Professor Thomas, as chair of the Faculty Compensation and Benefits Committee, presented a prepared statement in opposition to the increased teaching load at a meeting of the Faculty Forum on April 23. The faculty then went unanimously on record in support of retaining the twenty-four SCH teaching load and finding other ways to save money. Responding, Vice President Watts indicated that she would appoint a panel to discuss the impact of the twenty-seven SCH load on teaching and research and would take the panel's recommendation to the president and the board. No such panel appears to have been formed, however.

Faculty contracts for the 1992–93 academic year were mailed on May 11, but Professor Thomas, who had already returned to his summer home in Canada, did not receive his until May 20. Under the heading of "Teaching Requirement," the contract stipulated "full-time teaching and other related duties." Professor Thomas typed in the words: "Teaching load not to exceed twenty-four (24) semester credit hours." He signed the contract and returned it with a letter to President Grigsby dated May 21, setting forth his reasons for adding the amendment to the "Teaching Requirement" section of the contract. He stated that he was "one of the small number" of research scholars on the faculty and that his teaching and research would both suffer if he were required to teach twenty-seven SCH. He asked the president to acknowledge the acceptance of his amendment.

Hearing nothing in reply in the weeks immediately ahead, Professor Thomas says he assumed that President Grigsby had accepted the contract as amended. He attended an international conference in June with the college paying his expenses. Subsequently, however, he received by courier on July 20 a letter from President Grigsby dated July 13, 1992, asserting that the modification he made on the contract rendered it null and void. This means, the president stated to him, "that you no longer hold employment at Benedict College." Professor Thomas replied on July 20, pointing out that the section on "Teaching Requirement" did not specify what constituted a full-time teaching load. Given what he took to be uncertainty about the twenty-seven SCH teaching load following the Faculty Forum on April 23, Professor Thomas said, he stipulated a twenty-four SCH teaching load. He expressed willingness to sign a fresh copy of the original contract if the college was still of a mind to impose a twenty-seven SCH teaching load for the 1992–93 academic year.

Hearing nothing further from the president, Professor Thomas

appealed the termination of his services to the Faculty Grievance and Appeals Committee on August 20. The committee wrote informally to Vice President Watts on August 31 acknowledging that Professor Thomas had "acted hastily" and "should have used other means to voice his need for time to do research" but recommending—in light of his years of service, "his willingness to work with students and faculty to improve conditions for all," and the concern for "retaining faculty members with the terminal degree and with the background needed to teach upper-level mathematics courses"—that Professor Thomas be kept on. President Grigsby, writing to Professor Thomas on September 15, took note of the committee's agreement with him that Professor Thomas had rendered his 1992–93 contract null and void. He stated that the position did not need to be filled. The only issue, he said, is whether the college will, in the grievance committee's words, "be generous." He concluded that "the college is not in a position to be generous" because of its financial condition, and thus the grievance must be denied.

The Faculty Grievance and Appeals Committee held a formal hearing on November 4, 1992, to consider Professor Thomas's grievance. Reporting on November 6, the committee recommended that Professor Thomas's original contract be offered to him. The committee found that Benedict College faculty members had reason to believe that the teaching requirement would remain at twenty-four SCH, that President Grigsby's two-month delay in getting back to Professor Thomas was a departure from the *Benedict College Faculty Manual*'s provisions for early notification and made it difficult for him to find another position by then, and that Professor Thomas had not had any intention of resigning over the issue of the teaching requirement. According to the committee, it would have been appropriate to have informed Professor Thomas that his amendment was not acceptable and to have given him a chance to sign the contract as originally offered. Vice President Watts conveyed the committee's report to President Grigsby on December 7 with the recommendation that the grievance be denied. President Grigsby so informed Professor Thomas by letter of December 15, reiterating that he was not in a position to re-offer a contract in this time of economic difficulty. Professor Thomas subsequently initiated litigation, which as of this writing remains pending in state court.

VI. Issues of Academic Due Process

A. *In the Crangle Case*

It is undisputed that the Benedict College administration considered its action removing Professor Crangle from his tenured position to be a dismissal for cause, unrelated to the college's financial condition.

Association-supported procedures applicable to dismissal for cause are set forth, in increasing specificity, in the 1940 *Statement of Principles on Academic Freedom and Tenure*, the 1958 *Statement on Procedural Standards in Faculty Dismissal Proceedings*, and Regulations 5 and 6 of the Association's *Recommended Institutional Regulations on Academic Freedom and Tenure*. These procedures call for the administration to assume the burden of demonstrating adequate cause in an adjudicative hearing of record before an elected body of faculty peers and to allow appeal to the governing board in the event that the president does not concur in the hearing body's recommendation. Procedures consistent with these had been adopted at Benedict College in 1969, leading to the removal of AAUP's censure. The current *Benedict College Faculty Manual*, on the other hand, provides the faculty member being subjected to dismissal only with "the right to appeal the termination decision," with the faculty member having "the burden of proving his/her affirmative defenses and any allegations, claims, or counterclaims asserted." The president, who initiates the proceeding, has final authority in determining whether to accept or reject the recommendation resulting from the proceeding.

President Grigsby's action to dismiss Professor Crangle, effective immediately and with no severance salary, was taken without any hearing having been held on adequacy of cause for the action. Professor Crangle's appeal, after the fact, led the Faculty Grievance and Appeals Committee to recommend his reinstatement. President Grigsby rejected the recommendation, however, and his decision could not be appealed to the board of trustees. The investigating committee accordingly finds that the Benedict College administration dismissed Professor Crangle without having afforded him academic due process as called for in the 1940 *Statement of Principles,* the 1958 *Statement on Procedural Standards,* and the Association's *Recommended Institutional Regulations.*

B. *In the Norman Case*

It is undisputed that the Benedict College administration terminated the tenured appointment of Professor Norman on asserted grounds that the action was necessitated by financial exigency.

Association-supported standards applicable to termination because of financial exigency are set forth in the 1940 *Statement of Principles* (which requires that the action "be demonstrably *bona fide*") and in Regulation 4(c) of the *Recommended Institutional Regulations.* The procedures call for participation by a representative faculty body in determining whether there is indeed a condition of financial exigency (defined as "an imminent financial crisis which threatens the survival of the institution as a whole and which cannot be alleviated by less drastic means") and whether all feasible alternatives to termination of appointments have been pursued. The faculty is to have primary responsibility for determining where within the institution terminations may occur, establishing the criteria for identifying those whose appointments are to be terminated, and designating the person or group to select the individuals who will be so notified. Those individuals are to have opportunity for a full hearing on the existence and extent of the financial exigency (with the administration bearing the burden of proof), on the validity of the educational judgment, on the criteria employed, and on whether the criteria were being prop-

erly applied. The appointment of a tenured faculty member is not (except under extraordinary circumstances) to be terminated in favor of retaining someone without tenure, every effort is to be made to avoid termination through relocation in another suitable position, and termination is to be with twelve months of notice or severance salary.

The *Benedict College Faculty Manual* speaks to a financial exigency that is *bona fide*, but in contrast to the foregoing standards, is silent as to any obligation to demonstrate the *bona fides*. Far less demanding than the foregoing is the Benedict College manual's definition of financial exigency: "a present or potential decline in the financial resources of the institution that is brought about by an actual or projected decline in institutional enrollment or by other actions or events that compel a reduction in the institution's current operations budget." The manual has no provisions for a faculty role in determining the existence or imminence of financial exigency, in formulating criteria for terminations, or in selecting the individuals whose appointments are to be terminated. It is similarly silent with respect to relocation efforts and severance arrangements. The only opportunity for a hearing is through an appeal, after the fact, to the Faculty Grievance and Appeals Committee.

Professor Norman, the *only* tenured member of the Benedict College faculty to suffer termination of appointment on grounds of financial exigency, was not identified for termination under criteria devised by the faculty or by a person or group approved by the faculty. The administration provided no demonstration of the validity of the assertion, and Professor Norman had no opportunity to challenge it before the termination of her appointment became effective. She was notified of the termination and told to vacate her office on the same day, receiving only six weeks of further salary because of accrued annual leave. The Faculty Grievance and Appeals Committee subsequently took issue with her having been singled out for termination, contending that the services of additional nontenured faculty members in other departments could have been terminated with less "serious distortion of the academic program," but to no avail. The administration acted unilaterally to terminate Professor Norman's tenure, and it rejected a subsequent faculty call for her reinstatement.

The investigating committee finds that the Benedict College administration terminated Professor Norman's appointment, on asserted grounds of financial exigency, without having afforded her the applicable safeguards of academic due process called for in the 1940 *Statement of Principles* and the *Recommended Institutional Regulations.*

C. *In the Thomas Case*

Procedures in the Thomas case departed from Association-supported standards to a lesser degree than in the two preceding cases, but to a degree sufficient to merit comment and concern. The 1961 *Statement on Recruitment and Resignation of Faculty Members*, adopted jointly by AAUP and the Association of American Colleges and Universities, calls upon institutions to notify the members of their faculty by March 15 of the specific terms of the appointment being offered for the following academic year. A contract for the 1992–93 academic year was not sent to Professor Thomas until May 11, 1992, when he had already left for his summer home in Canada. He replied promptly, on May 20, with his modification setting the teaching load at a maximum of twenty-four SCH. Nothing further was heard on the matter until President Grigsby wrote on July 11 to inform Professor Thomas that he viewed the modification in the contract as rendering the contract null and void, that his affiliation with Benedict College had accordingly come to an end, and that he should vacate his office by the end of the month. President Grigsby was to hold to this position, in the face of an appeal from Professor Thomas and despite a recommendation from the Faculty Grievance and Appeals Committee that Professor Thomas should be retained under the contract as it was originally submitted to him.

In the investigating committee's judgment, the passage of over a month following the return of the modified contract, without any further word from the administration on the matter, left Professor Thomas with reason to believe that the modification was acceptable and that he was secure in his position for the new academic year. Once President Grigsby had decided to reject the modification, the investigating committee believes that it was incumbent on him, if not under some stated requirement then as a matter of what is generally understood to be sound academic practice, to enter into discussion with Professor Thomas and attempt to work out mutually acceptable terms.

VII. Substantive Issues

A. *In the Crangle Case*

The key charge brought against Professor Crangle was that he had engaged in "falsification of information concerning qualifications for a position" by intentionally omitting incriminating information on his original application to Benedict College.

The 1979 application form filled out by Professor Crangle provided four blank spaces under the heading of "Teaching Experience." Professor Crangle listed his two most recent faculty positions: at Allen University in South Carolina from 1970 to 1973 and at Edward Waters College in Florida from 1973 to 1979. He did not list earlier teaching posts, from 1965 to 1970, as an instructor at four different institutions in three different states, one of which institutions, South Dakota State University, was not the last of the four at which he served.

Professor Crangle explained to the investigating committee that he listed only the two most recent institutions in filling out the application because they were the first at which he held a professorial rank and they, like Benedict College, were historically black institutions of higher learning. It is not evident to the investigating committee that Professor Crangle did in fact knowingly falsify information about his qualifications, by concealing his prior ser-

vice at SDSU, in order to better his chances of obtaining the Benedict College position.

Professor Crangle alleges that the administration's charge against him was, to put it mildly, overblown and a makeweight, that the charge was a screen for the real reason for dismissing him. He contends that President Grigsby sought his dismissal, or was induced to seek it, because his work for Common Cause of South Carolina had made enemies among powerful state lobbyists and legislators by exposing improper lobbying activities. Professor Crangle alleges further that he was dismissed in retaliation for his criticism of the policies and practices of the Grigsby administration and for his role as vice president of the reactivated AAUP chapter.

The investigating committee looked into Professor Crangle's claim that President Grigsby, using as intermediaries a lobbyist and a legislator who had often clashed with Professor Crangle, instigated the newspaper stories on the warrant for Professor Crangle's arrest. While President Grigsby declined to be interviewed by this committee, in a sworn deposition taken by Professor Crangle's attorney in connection with the pending breach-of-contract suit the president categorically denied any role in publishing the stories. He did in that same deposition acknowledge, however, that he had known earlier about the outstanding warrant for Professor Crangle's arrest in South Dakota. While the investigating committee is unable to resolve the factual dispute over whether President Grigsby played a role in the appearance of the stories, the committee is troubled by the timing of their appearance: shortly after Professor Crangle's open criticism of President Grigsby's January 1992 actions to dismiss staff and part-time faculty members. It is clear to the investigating committee that President Grigsby had previously known of Professor Crangle's affiliation with SDSU many years earlier and of his unresolved legal problem there but that the president chose not to act on that knowledge until after it became a matter of public discussion.

Even if President Grigsby was not responsible for the public airing of the South Dakota matter, the investigating committee believes that he took advantage of it as a way of bringing about the dismissal of Professor Crangle for cause. The administration's unconvincing argumentation about "criminal" problems and "intentional" concealment suggests to the investigating committee that these reasons for dismissal were but a pretext. After the matter became known on campus and in the community, Professor Crangle continued, during the 1992 spring semester, to be openly and outspokenly critical of the administration, particularly its handling of financial matters. Once the semester ended, the president dismissed him for allegedly concealing, thirteen years earlier, a potential reference implicating a twenty-two-year-old misdemeanor charge.

On the basis of these factors, the investigating committee finds that the Benedict College administration's action to dismiss Professor Crangle was substantially motivated by its displeasure with his criticisms of the administration that should have been protected conduct under principles of academic freedom. Accordingly, the investigating committee finds, the administration's action against Professor Crangle stemmed from considerations violative of his academic freedom.[4]

B. *In the Norman Case*

Granted the lack of demonstration that financial exigency necessitated the termination of Professor Norman's appointment and granted all the procedural deficiencies in the administration's handling of her case, was Benedict College nonetheless in a state of financial exigency that could justify the action taken against her? If financial exigency is to be defined as it is in the *Benedict College Faculty Manual*, then any perceived or projected financial shortfall could be characterized as a condition of exigency which would allow the administration to release a tenured professor as a remedial step. If financial exigency is understood to be an extraordinarily severe and precarious condition, however, as the 1940 *Statement of Principles* and the *Recommended Institutional Regulations* depict it, then the investigating committee believes that its invocation at Benedict College in 1992 for termination of tenure was clearly unwarranted.

In the wake of the discontent among the faculty and in the larger community over the staff and part-time faculty dismissals in early January, the administration solicited recommendations from all department chairs and program directors on ways to cut costs. The investigating committee was told that the resulting suggestions did not call for further reductions in staff and faculty positions, and they went unheeded. Benedict College was, without question, experiencing financial difficulties early in 1992, but no evidence was adduced that would suggest a threat to the college's ability to continue to function.

The investigating committee turns now to the question of why the tenured appointment of Professor Norman, and only hers, was terminated under this guise. Of particular concern is the issue of whether her appointment was terminated because of conflicts she had with Vice President Watts and because of her public criticism of President Grigsby.

The explanation for terminating Professor Norman's appointment, provided in President Grigsby's letter to her of May 14, 1992, was that the number of professional librarians was being reduced from five to three and she had the least seniority among the four tenured professors who served as librarians. Regulation 4(c) of the Association's *Recommended Institutional Regulations* recognizes that criteria for termination of appointment on grounds of financial exigency may include "considerations of

[4]Commenting on the text of this report that was sent to her prior to publication, Interim President Watts reiterated the administration's position that Professor Crangle was dismissed for cause once it had determined that he had engaged in "falsification of information concerning qualifications for a position." "If AAUP concludes that Mr. Crangle is entitled to hold his position that he obtained by lying," Dr. Watts wrote, "then AAUP's standards are far below Benedict College's standards."

length of service," but it does not suggest, nor does anything in the *Benedict College Faculty Manual* suggest, that this should be the only criterion. Another criterion, in addition to length of service, is the importance of a particular person to the viability of a particular program, a criterion which was invoked at Benedict College that same year in the case of the Music Department by releasing a professor while retaining a colleague with less seniority who was of crucial importance to the department's program. Four days after Professor Norman's services were terminated, the remaining librarians, at a meeting with Vice President Watts, expressed reluctance to take over her responsibilities by reason of their own inexperience. These factors led the investigating committee to infer that the administration gave no weight to academic needs in acting against Professor Norman.

In the spring of 1992 President Grigsby decided against appointing Professor Norman to a second term as faculty representative on the board of trustees, a decision which lends additional support to the investigating committee's sense that Professor Norman became a victim of the administration's ill will. Her words and deeds that appear to have generated the hostility warranted protection under the principles of academic freedom.[5]

C. *In the Thomas Case*

President Grigsby's position was that the twenty-seven SCH teaching load, having been mandated by the board of trustees, had become a firm condition of appointment, which Professor Thomas declined to accept and thereby nullified his 1992–93 contract. Professor Thomas, on the other hand, had some reason to believe that the teaching load was open to negotiation.[6] Three weeks after the board of trustees had acted in April to increase the maximum teaching load to twenty-seven SCH, the faculty unanimously went on record supporting the twenty-four SCH teaching load; Vice President Watts then promised to appoint a panel to review the issue. The *Benedict College Faculty Manual* states that "complaints or discrepancies" regarding a contract are to be submitted to the president prior to signing, and the matter can then be negotiated. Professor Thomas, in a letter accompanying the contract in which he explained his position on the teaching requirement, has said that his intent thereby was to enter into negotiations. He returned the modified *signed* contract, however, which President Grigsby chose to construe as an action rendering null and void the contract that had been offered. The president's refusal to reappoint Professor Thomas on such a fine point leads the investigating committee to infer that he was seizing on an opportunity to dispense with his services.

President Grigsby's unwillingness to "be generous," in his words, with respect to Professor Thomas may have been simply because he had determined that Professor Thomas would not really be needed for mathematics courses in the coming semester and that the resulting financial savings would be welcome. The president may also have been motivated by displeasure over Professor Thomas's public opposition to the mandated increase in teaching load. Whatever President Grigsby's reasons, the investigating committee finds that his failure to respond promptly to Professor Thomas's stipulation and his denying Professor Thomas reappointment by reliance on a technicality were inimical to sound academic practice.[7]

VIII. Academic Governance and the Climate for Academic Freedom

The outpouring of support for the staff and part-time faculty members dismissed at the beginning of 1992, together with the complaints against President Grigsby's administration that accumulated during the fall of 1992 and resulted in his resignation, provide ample evidence that the three cases treated in this report were not aberrational. A pattern of authoritarian control and arbitrary action by that administration seems to have been built into the very structure of academic life at Benedict College. Divisional and department chairs were appointed for one year only, without provision for peer consultation or review. Committee assignments were similarly for one year only, going for the most part to persons of the administration's choice. Appointing new members to the faculty was essentially the administration's prerogative. Procedures for grievance provided no safeguards against administrators unilaterally disposing of grievances against themselves. The concentration of power in the offices of the president and the vice president for academic affairs was in sharp departure from the principles of collegial academic governance as enunciated in the joint *Statement on Government of Colleges and Universities.* It

[5]Commenting on the prepublication text of this report with respect to Professor Norman's case, Interim President Watts reiterated the administration's position that it terminated her appointment solely because of a determination to reduce the number of librarians as part of a mandatory budget reduction. According to Dr. Watts,

> There is absolutely no dispute that Benedict College has severe financial problems. There can be no dispute that a reduction in force was necessary.... AAUP may decide that having an additional librarian is more important than an additional mathematics teacher. Nonetheless, it is the business of the College administration to make this determination in accordance with its economic conditions.

[6]Dr. Grigsby in his prepublication comments stated that he is "not aware of any reasonable situation in higher education in which a direct action taken by a duly constituted board of trustees would be considered by an individual faculty member as still 'open to negotiation' as you apparently believe...."

[7]Summarizing the administration's position on the Thomas case in her prepublication comments, Interim President Watts stated that

> Mr. Thomas has put forth the issue that faculty went unanimously on record in support of the twenty-four SCH teaching load. However, the other faculty members taught twenty-seven semester credit hours and did not alter their employment contracts. The board of trustees mandated the teaching load and, unlike Mr. Thomas, all faculty understood that the teaching load was not "open for negotiations."

served to invite mistrust that academic due process would be afforded in crucial issues relating to faculty status and academic performance. A telling sign of lack of faculty trust in the administrative officers and in institutional processes controlled by them is the speed in which all three of the professors whose cases have been discussed sought redress through governmental agencies or through the courts.

The spring of 1993 witnessed expressions of faculty hope that the board's investigation of the administration and the announcement of President Grigsby's resignation would lead to substantial improvement in collegial governance and the climate for academic freedom at Benedict College. The board's appointment of Vice President Watts as president *ad interim* was welcomed by many members of the faculty, particularly after she delivered a paper in April at the annual meeting of the statewide South Carolina AAUP Conference that was highly supportive of AAUP principles. Faculty and staff members who had suffered termination of their services and who spoke with the investigating committee were less sanguine about future prospects under Dr. Watts, however. They pointed out that she had initiated or had concurred in every decision on termination of a faculty member's services that President Grigsby made, and that she had recommended against acceptance of every major finding in a faculty member's favor that had been reached by the Faculty Grievance and Appeals Committee. They also cited comments attributed to her in a December 1992 issue of the college's student newspaper on the possibility of censure by the Association because of the dismissals that had occurred: "It would be regrettable if Benedict is on the AAUP's censure list but I have been here long enough to know that Benedict has been censured before by this organization. We survived."

The months subsequent to President Grigsby's departure from office have seen, as of this writing, no steps by Interim President Watts's administration to resolve the cases that led to the Association's investigation. These months have also, as far as the investigating committee is aware, revealed no reforms in conditions of academic governance and no discernible improvement in the climate that is needed for academic freedom to thrive.

IX. Conclusions

1. In dismissing Professor John V. Crangle, the administration of Benedict College acted in disregard of the 1940 *Statement of Principles on Academic Freedom and Tenure* and the 1958 *Statement on Procedural Standards in Faculty Dismissal Proceedings* by failing to afford academic due process. The decision to dismiss Professor Crangle was based on considerations violative of his academic freedom.

2. In terminating the appointment of Professor Cassandra M. Norman, the Benedict College administration acted in disregard of the 1940 *Statement of Principles on Academic Freedom and Tenure* and the applicable provisions of the Association's *Recommended Institutional Regulations on Academic Freedom and Tenure* by failing to demonstrate that the action was necessitated by a condition of financial exigency and failing to afford other safeguards of academic due process. The available evidence strongly suggests that the administration's action to terminate Professor Norman's appointment was motivated by considerations violative of her academic freedom.

3. In its reliance on a technicality to deny reappointment to Professor George R. Thomas, the position taken by the Benedict College administration was at odds with sound academic practice.

4. The authoritarian control that the Benedict College administration has exercised over academic matters runs sharply counter to principles of collegial governance as set forth in the *Statement on Government of Colleges and Universities.*

LONNIE D. KLIEVER (Religious Studies)
Southern Methodist University, *Chair*

AMOS WHITE, IV (Humanities and Fine Arts)
Bowie State University

Investigating Committee

Committee A on Academic Freedom and Tenure has by vote authorized publication of this report in *Academe: Bulletin of the AAUP.*

ROBERT M. O'NEIL (Law), University of Virginia, *Chair*

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