



American Association of University Professors
South Carolina Conference

April 20, 2018

VIA ELECTRONIC MAIL AND USPS

Dr. David A. DeCenzo
President
Coastal Carolina University
P.O. Box 261954
Conway, South Carolina 29528-6054

Dear President DeCenzo:

The AAUP South Carolina Conference convened on March 31, 2018, to conduct its spring meeting. Information presented to the executive committee required a discussion of action concerning the termination and tenure revocation of Dr. Daniel Cross Turner. Our conference's interest in his case, as with that of the national association, stems from a longstanding commitment to basic tenets of academic freedom, tenure, and due process as enunciated in the attached *Statement of Principles on Academic Freedom and Tenure*. That document was jointly formulated by the AAUP and the Association of American Colleges and Universities, and has been endorsed by more than 250 scholarly societies and higher education organizations. Derivative procedural standards are set forth in the Association's *Recommended Institutional Regulations on Academic Freedom and Tenure* (attached also).

The Conference's first area of concern lies with Dr. Mark Blackwell's treatment in his role as an AAUP observer at the September 21, 2017, dismissal hearing of Dr. Turner. Hans-Joerge Tiede, National Associate Secretary, twice wrote your office (Sept. 23 and Sept. 25) protesting the imposition of the confidentiality agreement by your general counsel and requesting it be lifted on the grounds that it contravened AAUP procedures on Dr. Blackwell's ability to file a report (attached also). To date, the Association has not made us aware of any responses to those requests.

The conference's second area of concern lies with questions of due process and with the policies set forth in the *Coastal Carolina University Faculty Manual 2016 – 2017*, particularly with Section 6.10 Forfeiture of Tenure and Termination for Cause which reads:

6.10.2 Initial Notification

After the Provost is notified of an alleged violation, the faculty member has a right to a meeting with the Provost before termination procedures commence. The Provost will notify the faculty member that forfeiture of tenure is being considered by U. S. Postal certified mail, and a meeting will take place within fourteen (14) calendar days of receipt of notification.

Information presented to the conference indicates that, on the evening the alleged incident occurred, Coastal Carolina Police hand-delivered a letter to Dr. Turner's home suspending his employment and banning him from campus, from the university email system, and from contact with colleagues. There are no procedures in Section 6.10 or in the Faculty Manual that authorize this action as 6.10.2 Initial Notification. As stated, the initial notification must be in the form of a U.S. Postal Service certified letter to allow a meeting with the provost. This action and the letter essentially prohibited Dr. Turner and the university from carrying out the guidelines that assure due process by imposing and enforcing sanctions *prior* to specified proceedings to an initial meeting with the provost.

The conference's third area of concern lies with questions of due process and Section 6.10.3, the procedures guiding the provost and the Faculty Welfare Committee of the Senate, which state:

6.10.3 Initial Meeting with the Provost and Faculty Welfare Committee Proceedings

If the Provost and the faculty member are unable to reach a resolution, the Provost will inform the Faculty Welfare Committee of the Faculty Senate of her/his desire to terminate a tenured member of the faculty within five (5) calendar days of the meeting with the faculty member. At that time, the Provost will give the committee a statement of specific charges together with the factual basis for each charge. If the Provost believes that the violation(s) is/are of such a nature that require(s) the faculty member be removed from campus, the faculty member will be placed on suspension without pay pending investigation and action by the Faculty Welfare Committee.

In this case, the initial notification and meeting with Dr. Turner led the provost to recommend charges and meet with the Welfare Committee and present evidence toward rendering a verdict of suspension, revocation of tenure, and termination. As stated previously, suspension and censure had occurred with the hand delivery of the initial notification prior to any meetings. Additionally, and of very great concern, these procedures do not allow a faculty member any individual representation before the committee. Dr. Turner was prohibited from attending, listening, and communicating information or evidence on his own behalf at a time when a verdict would be rendered in the most serious of professional circumstances. These procedures directly contradict what is generally understood to be due process and stated in the Faculty Manual:

6.10 Forfeiture of Tenure and Termination for Cause

The University understands and affirms that tenure is an acquired property right that cannot be revoked without due process of law. Accordingly, these procedures are established to satisfy as fully as possible the high standards of fundamental due process that are traditionally anticipated and required by the State and Federal Judiciary.

The "standards of fundamental due process" referred to therein depend critically upon individual representation of all parties, plaintiff and dependent, at all levels of adjudication, and Dr. Turner was neither allowed to observe deliberations nor present his account of events to his peers on the Welfare Committee

The conference's fourth area of concern lies with due process, the University Promotion and Tenure Committee's unanimous exoneration of Dr. Turner in his appeal process, and your subsequent overturning of that decision. When, according to the Faculty Manual, the provost, Dr. Turner, and their counsels were allowed to observe and present their accounts of events to the

University Promotion and Tenure Committee, Dr. Turner's peers found unanimously in his favor to exonerate him of all accusations, citing that the Welfare Committee did not present adequate cause for termination. Following this action, you elected to disregard the decision of the University Promotion and Tenure Committee and determined that adequate cause for termination had been established at some point in the deliberations. Finally, it appears Dr. Turner's final appeal was denied by the Academic and Student Affairs Committee of the Board of Trustees who supported your decision.

Assuming the essential accuracy of our understanding of what has occurred, the conference and national association are still awaiting a reply as to whether the restrictions on Dr. Blackwell will be lifted. The Conference also has grave concerns about the lack of due process: in the hand-delivered letter of suspension and banishment by Coastal Carolina Police; in the denial of representation afforded Dr. Turner before the Welfare Committee; and in your overturning the University Promotion and Tenure Committee's conclusion that adequate cause for termination had not been established. We, therefore, urge that you respond to these concerns in a timely manner. We will continue to discuss the contents of this letter and any replies received from you on our state conference website and Facebook page, and at our annual conference this summer.

We look forward to your response.

Sincerely,



Dr. J. Mark Blackwell
Francis Marion University
AAUP – SC Conference President

Enclosures by electronic mail

cc: Dr. J. Ralph Byington, Provost and Executive Vice President
Mr. Tim Meacham, Esq., University Counsel
Dr. José Sanjinés, AAUP – CCU Chapter President
Dr. Daniel Cross Turner