

# ACADEMIC FREEDOM AND TENURE: GREENVILLE COLLEGE (ILLINOIS)<sup>1</sup>

This report concerns action taken in December 2004 by the administration of Greenville College to terminate the tenured appointment of Professor Gerald W. Eichhoefer, a Greenville alumnus who seven years earlier had resigned a tenured position at another college in order to accept an invitation from his alma mater to return and help revitalize the college's computer science program. According to the notifications provided by college administrators, the termination of Professor Eichhoefer's appointment was necessitated by a severe budgetary shortfall coupled with his "failure to render satisfactory service." In implementing its decision, the Greenville administration did not afford Professor Eichhoefer an opportunity for an appropriate hearing at which to contest the stated reasons or to examine the possibility that the professor—whose persistent and widely distributed critiques of the college's theological position had provoked considerable hostility—might have been dismissed for reasons that violated his academic freedom.

Greenville College is located in Greenville, Illinois, a community of about 6,500 people situated approximately forty-five miles east of St. Louis on Interstate Highway 70. It dates its founding to 1892, when the Central Illinois Conference of the Free Methodist Church purchased Almira College, a previously existing Baptist women's institution, and established the new coeducational institution in its place. Though the conference relinquished ownership after the first year, Greenville College for over twelve ensuing decades has continued to maintain its affiliation with the founding denomination and is today one of six colleges and universities that

form the Association of Free Methodist Educational Institutions. (The others are Central Christian College, Roberts Wesleyan College, Seattle Pacific University, Spring Arbor University, and Azusa Pacific University.) Because an ongoing controversy about the college's religious identity is a feature of the events described in this report, that identity requires a brief explanation.

A denomination with 77,000 members in the United States, the Free Methodist Church of North America traces its origins to 1860, when its leaders separated from the main Methodist body because they believed it had strayed from the basic teachings of John Wesley, its founder. In breaking away from their parent church, the Free Methodists, in common with members of the other groups that constituted the nineteenth-century Holiness movement, emphasized Wesley's doctrine of sanctification—the "second work of grace," a post-conversion process of moral and spiritual development. Like other contemporary Holiness groups, such as the Wesleyan Church, the Church of God, the Christian and Missionary Alliance, the Salvation Army, and the Church of the Nazarene, the Free Methodist Church belongs to the National Association of Evangelicals, a defining organization for American evangelicalism.

Greenville's "foundational documents"—official statements on identity, mission, vision, theological assumptions, institutional goals and objectives, educational philosophy, and academic freedom—describe the college as "a Christian community committed to challenging and nurturing students" and "dedicated to excellence in higher education grounded in both the liberal arts tradition and a rich Wesleyan heritage." The college, furthermore, provides an "education characterized by open inquiry into all creation and guided by the authority of Scripture, tradition, reason, and experience." This identity informs the college's mission, which is to "transform students for lives of character and service through a Christ-centered education in the liberating arts and sciences."

In recruiting students, Greenville College draws from a wide variety of almost exclusively Protestant churches. In fall 2005, the denominations most represented in the student body were Baptist (11.8 percent), Free Methodist (9.4 percent), Disciples of Christ (6.6 percent), United

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, the report was subsequently sent to the faculty member at whose request the investigation was conducted, to the administration of Greenville College, and to other persons directly concerned in the report. In light of the responses received, and with the editorial assistance of the staff, this final report has been prepared for publication.

Methodist (5.2 percent), and Southern Baptist (5.3 percent). The largest block of students (17.6 percent) claimed membership in nondenominational or interdenominational Protestant churches. Only 3.6 percent of students identified themselves as Roman Catholic. According to its annual reports, the college receives financial support—it is not clear how much—from a similar constellation of churches, though the Free Methodists are more largely represented (in 2004–05, about 23 percent of the churches listed) than any other group.

Accredited by the North Central Association of Colleges and Schools (currently through its Higher Learning Commission) since 1947, Greenville College currently offers baccalaureate degrees in fifty majors (the most popular of which are business, education, biology, visual and performing arts, and psychology). At various off-campus locations and primarily through evening courses, the college also offers an undergraduate major in organizational leadership for working adults and master's degrees in education, teaching, and ministry. In fall 2005, the college enrolled 917 full- and part-time students in its on-campus undergraduate programs and 250 part-time students in its nontraditional programs. Instruction is carried out by fifty-three full-time and fifteen part-time faculty, more than half of whom received their undergraduate degrees from Greenville College. The college is owned and governed by a thirty-six-member board of trustees and administered by the president and six vice presidents who serve as the president's cabinet. The faculty conducts its business in a faculty assembly, whose elected moderator during the events to be described was Professor Donna Hart of the English Department. No AAUP chapter has existed at the college, and no current member of the faculty belongs to the Association. Indeed, the only AAUP member at Greenville College in recent years has been Professor Eichhoefer, who joined in April 2005 after having turned to the Association for assistance.

Dr. V. James Mannoia Jr., the current president of Greenville College, assumed office on January 1, 1999. He earned a bachelor's degree in physics from the Massachusetts Institute of Technology and MA and PhD degrees in philosophy from Washington University in St. Louis. He taught philosophy at Westmont College in California and at Houghton College in New York, where he also served as department chair, dean, and academic vice president immediately before moving to Greenville College. A member of a prominent Free Methodist family, President Mannoia has been ordained an elder in the church.

Dr. Karen A. Longman, vice president for academic affairs and dean of the faculty during most of the period covered in this report, resigned from her position in

early summer 2005. Before coming to Greenville in fall 1999, she had been employed for almost twenty years at the Council for Christian Colleges and Universities, most recently as vice president for professional development and research. After Vice President Longman left the college, her duties were assumed on an interim basis by Dr. Randall S. Bergen, who had formerly been dean of instruction and who does not appear to have played a leading role in the events to be described.

Professor Eichhoefer graduated from Greenville College in 1968 with a major in physics. He then engaged in advanced study of theology, mathematics, physics, and philosophy at various institutions. He also worked as a supercomputer consultant and analyst in industry and at the National Aeronautics and Space Administration before earning an MA and, in 1988, a PhD in philosophy from Rice University. He was associate professor of computer studies and philosophy at William Jewell College in Missouri from 1986 to 1998, when his Greenville College appointment began. Professor Eichhoefer holds a license as a lay preacher in the Free Methodist Church.

## I. The Events

Professor Eichhoefer was recruited to the Greenville faculty in 1998 by the administration of President Robert E. Smith, which immediately preceded that of President Mannoia. According to a February 2000 e-mail memorandum to Vice President Longman from a former member of that administration, key administrators were interested in bringing Professor Eichhoefer back to his alma mater because they felt that he was “an extremely gifted, high quality individual” who would “bring life into a failing [computer science] program.” In order to persuade Professor Eichhoefer to return to Greenville, a decision that entailed his relinquishing a tenured appointment and suffering, as stated in the memorandum, “an enormous cut in pay,” the Smith administration offered several incentives: immediate appointment at the rank of full professor; a ten-month contract, a pro-forma administrative review for tenure in his second year of service, and a sabbatical leave in his fourth. President Smith having retired in December 1998, President Mannoia and Vice President Longman conducted the review in 1999–2000, without faculty involvement, and Professor Eichhoefer was duly granted tenure effective at the beginning of the 2000–01 academic year.

At least until spring 2000, Professor Eichhoefer's contributions to the college seem to have been favorably regarded by the administration. That attitude appears to have altered, however, after Professor Eichhoefer wrote

and distributed two issues of an electronic newsletter, the *Greenville Evangelical Voice*, the purpose of which was to critique what he felt was the college's abandonment of its evangelical heritage in favor of a more liberal brand of Christianity. Leading up to the publication of the *Evangelical Voice* newsletters was a series of confrontations about the college's religious identity in which Professor Eichhoefer found himself engaged with members of the religion department.<sup>2</sup>

Almost since he first set foot on campus, Professor Eichhoefer reports, he had found himself at odds with that department, one of the college's largest (with five full-time faculty members). According to Professor Eichhoefer, these religion professors had communicated to him and to others that they considered him to be "too evangelical" in his beliefs. Professor Eichhoefer, on the other hand, had indicated to them that he believed that the college had drifted from its evangelical moorings. According to a statement provided to the investigating committee by one religion faculty member, Professor Eichhoefer was not only evangelical; he was also aggressive and close-minded:

Immediately after [Eichhoefer] arrived [at the college] he began criticizing the college's theological position with regard to its "evangelical" heritage. Members of the department were open to conversing with him and attempted to dialogue with him on a number of occasions. However, Mr. Eichhoefer was not interested in dialogue. He was only interested in trying to "convert" others to his own perspective.

Professor Eichhoefer himself reports that already in spring 1999 he had "sent e-mails to members of [the religion] department and several administrators" suggesting that "we again call ourselves 'evangelical' in the catalogue." He says he received the "rather negative" response that "the inclusion of an evangelical identity statement was 'sectarian.'"

Another clash occurred in spring 2000, when Professor Eichhoefer sent a note to the General Education Council, of which he was a member, objecting to part of a proposed general education course—COR 102, Christ-

ian Thought and Life—that the religion department had designed. COR 102 included a field trip to Chicago, during which Greenville students would be permitted to participate in prayers when visiting a mosque. In his note to the council, Professor Eichhoefer wrote, "The purpose of visits to non-Christian communities of faith is not joint worship, but observation and dialogue. These experiences should be contextualized according to an evangelical persuasion." At a subsequent meeting, according to Professor Eichhoefer, a religion department faculty member reacted angrily to the memorandum, shouting, "This is so apologetic and evangelical." At the next meeting of the General Education Council, the religion department presented its own memorandum (dated May 1, 2000), asserting, among other things, that Greenville was "not primarily an evangelical college, but a Wesleyan college and to include this language ['evangelical'] departs from our historical . . . orientation by elevating one perspective over another." Professor Eichhoefer reports that an "intense ninety-minute discussion" between him and three religion professors ensued. Despite the objections of the religion faculty, the General Education Council officially prohibited "joint worship" during the COR 102 field trip.

Additional friction over the college's theological identity occurred during the fall term of the 2000–01 academic year. But the event that precipitated the publication of the *Evangelical Voice* newsletters occurred on December 5, at the last faculty meeting of the semester, when the faculty discussed the preliminary results of the Faithful Change project. Sponsored by the Council for Christian Colleges and Universities (CCCCU) and the John Templeton Foundation, the Faithful Change project employed the theories of faith-development theorist James W. Fowler of Emory University's Candler School of Theology to study the religious and moral development of undergraduate students on eight CCCU campuses, including Greenville. Students were to be interviewed over the five years of the study to assess what kinds of spiritual growth had occurred as a result of their experiences in these Christian colleges. As Fowler himself is quoted on the CCCU Web site as saying, the project was designed to "give a more integrated view of the impact of the college years on our students and a baseline for thinking through the mission of our colleges in an increasingly postmodern time."

Professor Eichhoefer reports that he was offended during the discussion at the December 5 faculty meeting by what he perceived as ridicule and disparagement directed, mainly by members of the religion department, at beliefs that he considered characteristically

2. Though the official name is the Department of Philosophy and Religion, the department is variously referred to on campus as the religion and philosophy department, the philosophy and religion department, and simply the religion department. For the sake of brevity and consistency, the last appellation will be used throughout this report.

“evangelical”—for example, that if the Bible condemns homosexuality, then homosexuality is wrong. He says he felt that his own faith and the faith of his evangelical colleagues were being caricatured as unsophisticated, immature, and “lower-level.” After this incident, according to Professor Eichhoefer, he “decided to directly challenge the picture of evangelical Christianity the philosophy and religion professors and their allies were painting.” Thus, in March 2001, he published the two issues of his *Evangelical Voice*, which he distributed by e-mail to all faculty, staff, and students.

The purpose of the *Evangelical Voice*, as Professor Eichhoefer announced in the first issue, was to provide an outlet for an “evangelical perspective on a variety of issues relevant to Greenville College’s identity and mission as an Evangelical Christian College.” In response to the position that the college should be referred to as Wesleyan rather than evangelical, Professor Eichhoefer argued in both issues that Greenville was both evangelical and Wesleyan, that it should reject the “marginalization of persons of Reformed Calvinistic, Anabaptist, or Charismatic beliefs,” and that it should welcome believers from a variety of Christian traditions. Professor Eichhoefer says that although the response to his efforts was generally favorable, religion department faculty were “openly hostile” and dismissive.

But it was not until August 2001, some five months after the publication of the two issues of his *Evangelical Voice* and during a private meeting with President Mannoia, that Professor Eichhoefer seems to have discovered that the college’s chief administrative officer shared the religion department’s perception of his campaign to restore the college’s evangelical identity. Although, as Professor Eichhoefer reports, President Mannoia “had formerly spoken positively about [his] evangelical Wesleyan approach . . . to theology,” on this occasion the president told him that his “understanding of the truth was widely regarded on campus as unsophisticated and lacking in subtlety, an embarrassment to the College.”<sup>3</sup> According to Professor Eichhoefer, President Mannoia added that he was “disappointed” in Professor Eichhoefer’s “tendency to ‘get propositional.’” At the meeting’s end, when Professor Eichhoefer mentioned that he had given the *Evangelical Voice* to several members of the college’s board of trustees, President Mannoia expressed strong disapproval.

3. President Mannoia, according to the administration’s comments on a prepublication draft of this report, recalls a private meeting with Professor Eichhoefer but denies having made the quoted statement “or anything close to such.”

The 2001–02 academic year seems to have passed without additional controversy, perhaps in part because Professor Eichhoefer had taken a sabbatical leave in the spring. Whatever serenity existed, however, was shattered in the spring of the academic year that followed. On March 19, 2003, Professor Eichhoefer distributed to all college employees and all students by electronic mail an essay entitled “Loss of Faith at Greenville College: Response to Dr. Rick McPeak.” In this twelve-page document, Professor Eichhoefer argued that the religion department, under the guise of “faith development” and through a process of “disequilibration,” was deliberately undermining the basic Christian beliefs of evangelical and fundamentalist students and destroying the faith of some of them entirely.

This essay responded to two publications that had appeared in previous issues of the *Papyrus*, the college’s student newspaper. The first was a February 20 editorial by Mary Chism, a member of the senior class, whose father was not only a Greenville professor and alumnus but also Professor Eichhoefer’s friend, former college roommate, and steadfast supporter. In her editorial, Ms. Chism revealed that, through exposure to “postmodernism” at Greenville College, she had lost her Christian faith and that she was not alone: “I also discovered that many of my friends were going through very similar journeys, and that there are a lot more non-Christians on this campus than I thought.”

The second *Papyrus* publication was a March 6 article entitled “Response to Mary Chism’s Editorial” by Professor Rick McPeak, a professor of religion, the director of the college’s youth ministry program, and the pastor of a local Free Methodist Church. In his article, Professor McPeak expressed his support for Ms. Chism and stated that, when Christians engage in questioning and “open inquiry” in the search for truth, the possibility exists that old beliefs may be lost before being replaced by new. Nevertheless, we should welcome such occurrences, despite the pain and risk they entail, since they are part of the “journey of truth.” “Mary Chism,” he wrote, “is a member of our community—one who is doing something fully authentic and truth-seeking. In this manner she serves as a model for us.”

In his “Loss of Faith,” Professor Eichhoefer presented a two-part thesis:

There are strong reasons for believing that the transformation process Mary Chism and many hundreds of Greenville College students have experience[d] is essentially manipulative rather than authentically truth seeking. Furthermore, I

don't think the process is based upon a profound understanding of Christianity, but on a terrible mistake.

To support this thesis, Professor Eichhoefer undertook a lengthy analysis of the faith-development theories of Fowler, which, he claimed, formed the basis of the college's approach to faith development. As noted above, Greenville College was a participant in the Faithful Change project, an application of Fowler's theories to the study of student faith development at eight CCCU colleges.

In arguing the first part of his thesis—that the process employed by the religion department to bring about spiritual growth was “essentially manipulative”—Professor Eichhoefer explained that proponents of Fowler's views believe that students move from lower levels of faith to higher levels when they “encounter things which seriously conflict with the beliefs and attitudes which make up their present level of Fowler faith.” These instances of cognitive conflict were called “dissonance” by President Mannoia and “disequilibration” by others whom Professor Eichhoefer cited. Since the objective is to reach higher levels of faith, Professor Eichhoefer further contended that those who employ Fowler's theories intentionally employ “the disequilibration process . . . to tear down [lower-level] student faith structures and rebuild them at ‘higher’ stages.” Because Fowler's theories would locate typical evangelical beliefs at a lower level, according to Professor Eichhoefer, proponents of “Fowler faith” thus focus their disequilibration efforts on tearing down the faith structures of students with evangelical beliefs. Professor Eichhoefer concluded that the experience of Mary Chism and her peers represented, therefore, not accidental outcomes, but “*success stories for the disequilibration process*” employed at Greenville College. (Emphasis in original.)

In arguing the second part of his thesis—that the disequilibration process was “based . . . on a terrible mistake”—Professor Eichhoefer described how the higher levels of “Fowler faith” encouraged “metaphorical” interpretations of essential Christian doctrines like the resurrection, the virgin birth, and the miracles of Christ. This is a “terrible mistake,” because orthodox Christian faith stands or falls upon the literal truth of such doctrines. Thus, “the deliberate disequilibration process which expects evangelical students to convert to metaphorical understandings of essential doctrines is an often spiritually fatal game.”

Not surprisingly, the wide distribution of “Loss of Faith” provoked considerable hostility, especially within

the religion department. One member of that department asserted to this investigating committee that many of Professor Eichhoefer's “allegations were simply false” and that he “impugned the character of the members of the religion and philosophy department, questioned their professional competence, and suggested that their views contradicted orthodox Christian belief.” Several members of the department reported that they had contacted attorneys with the intention of suing Professor Eichhoefer for libel. Indeed, as will be seen, many other members of the Greenville faculty seem to have sympathized with the religion department and to have resented Professor Eichhoefer's criticisms of the college's religious position and its program of religious education. Even faculty members who did agree with the content of Professor Eichhoefer's essay expressed misgivings about the method he employed to disseminate it—as an e-mail attachment, sent not only to faculty and staff, but also to students, with his encouragement to share it with parents and pastors.

The administration also took notice. In an April 2 memorandum to faculty, entitled “In the Essentials, Unity,” Vice President Longman addressed the exchanges between Professor McPeak and Professor Eichhoefer, offering observations regarding both the methods the two professors had used and the “content issues” they had raised. Under the heading of “The Method,” Vice President Longman acknowledged that “some degree of disagreement and misunderstanding about vital matters exists within our community” and offered two ways of handling such cases. One was to follow the precept contained in the Gospel of Matthew, chapter 18, which “calls for us *first* to go to the individual(s) we believe to be ‘at fault’ with respect to relationships with other believers before taking matters to a larger audience.” The second was to file a grievance. The Greenville College faculty handbook, she wrote, “outlines a procedure, based on Scriptural principles, for addressing grievances that may arise between members of the faculty or administration.” She thus seemed to imply that Professor Eichhoefer's e-mailed essay was, in effect, the public airing of a private grievance that he should have first taken informally to Professor McPeak or to the religion department and then formally to the college's grievance committee if the attempt at a private resolution failed.

Under the heading “The Content,” Vice President Longman stated her understanding that “those who teach on the faculty of Greenville College can fully affirm our Mission Statement, Theological Assumptions and Philosophy of Education.” Since these documents

contain the Apostles' Creed and other orthodox formulations of basic Christian doctrines, it can be assumed that she was attempting to affirm the orthodoxy of every member of the Greenville faculty in response to intimations in Professor Eichhoefer's essay that the beliefs of some religion professors were not sufficiently orthodox.

Finally, she recommended to faculty two opportunities for further dialogue on the controverted topics, one of which was to meet individually with Professor Craig Boyd, the chair of the religion department, to discuss "questions and concerns about either the theological position of the College or the educational offerings of the Philosophy/Religion Department." The other opportunity was to bring these particular issues to informal faculty discussions that were already occurring regularly at President Mannoia's residence (Joy House).

Whatever influence the other recommendations in the memorandum might have had on the parties to the dispute, the religion department took the suggestion about filing a grievance seriously. On April 9, the department chair hand-delivered the following letter to Professor Eichhoefer:

Jerry:

This is what I want to see happen if you want to avoid having formal charges filed against you with the professional concerns committee. I will give you until the end of this week (Friday, April 11, 2003) to address the issues on the following list. You should know that I am following the procedure in the faculty handbook for grievances and that I am sending a copy of this to Dr. Karen Longman and Dr. V. James Mannoia Jr.

1. You need to issue a formal apology for making misleading and false statements about religion and philosophy department members. The apology must be sent via e-mail to all students, faculty, staff, and board members. Furthermore, the apology must do the following:

- i. specifically renounce the idea that faculty in the religion and philosophy department "manipulate" students;
- ii. acknowledge that there is no evidence whatsoever that there are "legions" of students who are in a similar situation as Mary Chism;
- iii. acknowledge the fact that Mary Chism's apparent loss of faith can in no way be linked to what is taught in the philosophy and religion department;
- iv. acknowledge that it was wrong and unprofessional to send e-mail to students and faculty

without fir[st] bringing the issues to the members of the philosophy and religion department;

v. acknowledge that there is no evidence that the faculty in the religion and philosophy department deny the resurrection of Jesus Christ;

vi. express regret for undermining the legitimate authority of the religion and philosophy department as we deal with students in the classroom, their parents, and a host of other constituents.

2. You need to promise that you will never engage in this type of unchristian and uncharitable behavior in the future and while you may not agree with us on various topics, you must affirm us as we have often publicly affirmed you in our own classes.

The apology needs to meet the satisfaction of the members of the philosophy and religion department. I hope to hear from you soon on this.

After asking for an additional week to prepare his response, Professor Eichhoefer finally decided not to apologize. As he informed the investigating committee, "I did some soul searching and decided that I could not apologize for statements I had not made or for actions that were necessary given the history of repeated suppression of open discussion I had encountered at Greenville College." Instead of apologizing, he sent by e-mail another document—this time a letter dated April 16—to all faculty, staff, and students.

In this letter, Professor Eichhoefer, "with frustration and sadness," included a full copy of what he called the religion department's "ultimatum." He wrote that he was not able to retract statements that he had not made. He stated that he could no longer assume "that our religion professors view Greenville as an evangelical Christian college," citing as an example the religion department's advocacy of joint worship with non-Christians in its COR 102 proposal. The last several pages of this letter provided a summary and defense of his "Loss of Faith" by an anonymous Greenville professor that ends with a plea for further dialogue: "We gain nothing from putting down the person who criticizes how we educate young people. We progress best by debating the message, not by putting the messenger on trial." Professor Eichhoefer closed with a similar request "for open dialogue and discussion which includes all interested members of the Greenville College community and our constituent communities."

Vice President Longman responded promptly. In an April 21 letter to Professor Eichhoefer, she wrote:

It was both surprising and disturbing to receive a second e-mail just prior to Easter Break, sent by you again to all employees and students. . . . You then distributed to the entire community a copy of the private letter that had been hand-delivered to you by Craig Boyd, head of the Philosophy/Religion Department.

I have had many conversations with a variety of people (faculty, students, and administrators) since your first e-mail was sent on March 19. Almost all of them feel that your method of communication (broadcast e-mail message) and the tone of your twelve-page essay were not helpful to the “ends” you seek. *I am placing a copy of this letter in your Personnel File with the request that you send no further broadcast (e-mail) communication beyond the faculty on this topic.* I also suggest that you identify precisely what topics you would like to see discussed, then work within the appropriate channels for such conversations to occur (e.g., through the Subcommittee on Faculty Personnel, a Joy House discussion, Faculty Forum, etc.). (Emphasis in original.)

As Professor Eichhoefer has acknowledged, “the remainder of the semester was filled with meetings, charges, and counter charges.” Finally, at the May 16 faculty meeting he offered an apology for the wide circulation he had given his essay, though not for its substance.<sup>4</sup> According to Professor Eichhoefer, he did so in the hope of advancing discussion of the issues. According to others, however, his apology may have been motivated by his awareness that several faculty members, roused to action by the second e-mail, had prepared a resolution of censure against him that seemed likely to pass. His apology was accepted on behalf of the religion department by Professor Boyd, who then urged the faculty to “move on.”

4. Although it is not clear that the Mannoia administration ever invoked the college’s policy on electronic communications in Professor Eichhoefer’s case, several of Professor Eichhoefer’s critics have alleged that his mass mailings that included staff and students were in violation of that policy, which reads, in pertinent part, that “Greenville College network and computing resources . . . are intended to be used for educational purposes and to carry out the legitimate business of the College. . . . In each area of our campus community, users are expected to use Greenville College’s resources first and foremost for tasks related to their expected roles.”

Soon after the 2003–04 academic year began, Vice President Longman, in an apparent attempt to follow through on her promise of further dialogue about the issues raised in Professor Eichhoefer’s various communications, issued a memorandum to the faculty entitled “Opportunities to Continue the Dialogue.” In this memorandum, she noted that Professor Eichhoefer’s apology had been “gracefully accepted” at the May faculty meeting and that the faculty had “also covenanted, ‘among [them]selves to continue this discussion about spiritual formation and pedagogy.’” She then proposed two opportunities during the fall semester for members of the faculty to discuss the issues raised in his essay. One of these opportunities was a faculty forum in October at which the topic to be discussed was “What are our desired ‘outcomes’ in terms of spiritual maturity in the lives of GC graduates five and ten years after graduation?” The second was an opportunity to discuss the Faithful Change project with its co-directors, both professors from Asbury College, who would be visiting the campus in November.

Professor Eichhoefer attended these events and found them unsatisfactory as means of achieving substantive conversation among the Greenville faculty about his central concerns. He claims that at the faculty forum there was mainly sharing of “personal anecdotes” and “feelings” but very little real dialogue. He says that he engaged in productive discussions with the Faithful Change co-directors in November but that their visit and the accompanying faculty workshop did not include the open faculty discussion that he was hoping would occur.

December 5, 2003, brought another letter from Professor Eichhoefer, this time only to faculty members. This document made suggestions for further discussions of the college’s theological identity, for which, he stated, his “Loss of Faith” paper had served as a “catalyst.” After a synopsis of the discussion held at the faculty forum in October, essentially indicating its deficiency in addressing what for him were the central and abiding issues, he listed the topics that a “higher level” discussion must address:

We must . . . ask questions about the disequilibrium process itself and about how appropriate James Fowler’s model of faith development is for a Christian college like Greenville that deliberately recruits conservative Christian students. We need to ask what ethical and theological questions the disequilibrium process itself raises and what ethical questions our recruiting process raises. We need to put what relevant hard facts we possess on the table and begin to educate

ourselves about the psychological theory that presently controls our official campus thinking about faith development.

As one way of accomplishing such a discussion, Professor Eichhoefer recommended that the faculty engage in “an adult conversation” about data from the Student Satisfaction Inventory (SSI), a national survey in which Greenville, along with other CCCU colleges, had recently participated.

Focusing on five SSI survey questions relating particularly to spiritual development and comparing Greenville’s results to those of other CCCU institutions, Professor Eichhoefer shared his interpretations of what the data indicated about the effectiveness of Greenville’s program of religious development: “Given the data I have, if the SSI numbers are translated into grades, Greenville College gets mostly ‘F’s and a few ‘D’s. These are consumer satisfaction scores, and they suggest that we would quickly go belly up if we relied on an informed knowledge of our actual Christian identity to recruit students.” Professor Eichhoefer added, “Unfortunately, things get worse. When we compare Greenville’s Christian identity scores with those of other CCCU colleges, we find that we are way below average. . . . Take question 74, the spiritual growth question. Greenville’s significance level . . . indicates that we are somewhere near the bottom of over 1,000 hypothetical Christian colleges.” In closing, he asserted that “the data can easily be interpreted to show that we are theologically misrepresenting Greenville College to the students we are recruiting. This would have serious moral and spiritual implications for us.”

This letter drew criticism from administration and faculty alike. Vice President Longman argued that Professor Eichhoefer had not made his case, and she offered “the opportunity to hear from individuals who have access to relevant data and can help us accurately interpret it.” A faculty colleague attacked Professor Eichhoefer’s methodology, especially “the notion that examining a few individual SSI items, over a limited period of time, with limited knowledge of the representativeness of the samples, and uncertainty about using the overall CCCU mean as a benchmark is a legitimate means for concluding that we have bad news on our hands regarding our ‘theological identity.’ The promulgation of such a preposterous notion needs to be seriously reconsidered.”

Professor Eichhoefer immediately responded to these criticisms: while admitting his methodological errors, he seized upon this new controversy as a potential springboard for further dialogue. In reply to Vice President Longman’s offer to bring in outside experts, he wrote an-

other memorandum to the faculty suggesting how they might best avail themselves of the opportunity the survey represented—mainly by being given access to all the survey data “so that we can play with the data and produce our own graphs and correlations.” Professor Eichhoefer reports that he and the faculty member who had criticized his methodology agreed on promoting faculty dialogue about the survey results, this time based on proper statistical analysis. Further discussion of the data did not ensue, however.

The spring term of the 2003–04 academic year brought no cessation of conflict between Professor Eichhoefer and the religion department and its supporters. One noteworthy incident was a resolution proposed by the Faculty Council affirming the faculty’s confidence in the department. According to Professor McPeak, this was the faculty’s response to Professor Eichhoefer’s “continuing to malign our department.” Proposed at the February 26 faculty meeting “as a sign of unity of purpose and belief,” it began with an apparent reference to Professor Eichhoefer’s criticisms: “During the past year, a few faculty members have raised questions about the theological identity of Greenville College and our educational strategies for ‘transforming’ students for ‘lives of character and service through a Christ-centered education in the liberating arts and sciences.’”

The resolution affirmed the value of an open exchange of ideas, and it then identified its purpose and its intended audience: “Such questions have value within an academic community committed to the lordship of Jesus Christ and to a culture of open inquiry. But as a faculty, we want to clarify to GC’s constituents both our vital commitment to our theological assumptions and our deep trust in our colleagues across campus who help GC students attempt to integrate their faith and learning.”

The third paragraph of the four-paragraph resolution provided its core message: “We are confident that our colleagues in the Religion and Philosophy Department fully share these theological assumptions with us. We believe that both their personal character and professional competence are helping our students achieve our educational objectives. . . . Individually and collectively we affirm our commitment to take a developmental approach as we help students ‘grow in the love and knowledge of Jesus Christ.’”

After the group heard and rejected an Eichhoefer suggestion that public declarations of faith by religion faculty would facilitate adoption, a vote on the motion was held over until the next faculty meeting, on March 11.

Professor Eichhoefer responded to the unity resolution by circulating yet another paper to the faculty, which he

read at the March faculty meeting. He began this paper by referring to an incident that, he claimed, exposed a lack of unity in religious belief among the faculty. The incident was the Mannoia administration's recent removal of a statement of evangelical faith that had existed on the Department of Management's Web site for two years. According to Professor Eichhoefer, it was removed after being attacked by religion department faculty for not being in accord with the college's statement of "Theological Assumptions." Again, Professor Eichhoefer urged further discussion as a means of finding common ground: "Maybe we can achieve genuine unity by agreeing to 'live and let live' with different interpretations . . . This might happen if we take the time to openly and honestly discuss our various beliefs and interpretations . . . A liberal arts college is an excellent place for such a discussion to take place."

Professor Eichhoefer's main point in this paper, however, was that a vote on the unity resolution should be postponed until further discussion could take place to ascertain whether or not it was really true that "our colleagues in the Religion and Philosophy Department fully share these theological assumptions with us." After all, he stated, "the Unity Resolution was created to be circulated to students, donors, pastors, and other constituents. These constituents expect us, as scholars, to responsibly investigate any claims we make. Their trust is priceless, and it obligates us to do the very best we can to accurately report the truth." The resolution eventually carried by a vote of 44 to 4.<sup>5</sup>

Between the February and the March meetings, Professor Eichhoefer received a March 1 letter from

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5. In June 2004, in an apparent attempt to quell off-campus concerns about the college's religious position, President Mannoia sent a letter to Free Methodist pastors announcing the vote and attaching the full resolution. After acknowledging that "there have been some who have suggested that Greenville College or some among the faculty no longer hold to those roots or even to basic affirmations of the bodily resurrection of Christ," President Mannoia stated, "We cherish our differences of opinion within the Body of Christ, and value the opportunities they provide for open and honest inquiry." And, he added, "As a result of our internal conversations, and entirely at the initiative of a group of senior faculty, our faculty discussed our theological assumptions and our religion faculty. In their desire to show unity of purpose and belief, the faculty, by an overwhelming majority (44 to 4) passed a resolution reaffirming our theological assumptions, and . . . our confidence in every member of our Religion Department."

the president accompanying his 2004–05 contract. President Mannoia began what was otherwise essentially a form letter by conveying his reservations concerning Professor Eichhoefer's commitment to the college's "direction and administrative leadership." "As this contract is extended," President Mannoia wrote,

I remind you of the *Faculty Handbook* wording that all faculty "must be supportive of the college's organization, administration, and the various academic and co-curricular programs of the college" and [that] "The college assumes that the faculty members in accepting contracts remain in sympathy with the basic philosophy and objectives of the institution and will be enthusiastic about their part in the development of the institution toward those ends."

The president expressed hope that Professor Eichhoefer would be "more supportive in the year to come," and he urged him to consider the contract offer "seriously and prayerfully." Professor Jack Chism, one of Professor Eichhoefer's staunchest allies, received a letter containing almost identical admonitions.

Nearly two months later, in an April 28 memorandum to Professor Eichhoefer entitled "2004–2005 Contract and Areas of Concern," Vice President Longman quoted the same passages from the handbook. But she went on to allege that "misrepresentations" in his "Loss of Faith" essay had "had a damaging impact" at Greenville College and at Asbury College, the headquarters of the Faithful Change project. She characterized his December 5, 2003, letter asking for discussion of the results of the Student Satisfaction Inventory as an example of his continuing "to 'stir the pot' of alarmism and misrepresentation of facts." It contained, she wrote, "hyperbolic language that was unhelpful to the faculty" and diverted them from focusing on their students' needs. And she referred to a January 13, 2004, e-mail message from Professor Eichhoefer expressing his wish to participate in a weekend retreat—sent not only to the planner, Professor Boyd, but to the whole faculty—as an attempt to "sabotage" the event.

Also of weight in her April memorandum, and interspersed with the above observations, were criticisms by Vice President Longman of Professor Eichhoefer's academic performance. She asserted that he had not been meeting expectations in his efforts to attract students to the major or in his performance as a teacher, and she noted her concern about his reluctance to teach certain required courses in the department. "As we conclude this

academic year and look forward to 2004–2005,” she wrote in closing, “I urge you to focus your attention on building your major and department, improving your teaching effectiveness and interacting constructively with students and faculty colleagues to strengthen Greenville College.”

In the following seven months, Professor Eichhoefer appears not to have made any further attempts to press for discussion of the college’s theological identity, and the fall semester of the 2004–05 academic year seems to have passed uneventfully until November 22, when Vice President Longman called him to her office. During the ensuing meeting, she handed him a letter informing him that a projected budget shortfall of \$1.2 million, consequent upon a severe decline in enrollments, had resulted in “fiscal hardship” requiring reductions of some staff and faculty positions, and that his was one of the positions being cut. He would not, therefore, be offered a contract for the 2005–06 academic year. She stated that he was chosen for nonretention because of his failure to achieve “mutually agreed-upon goals” for the computer science program, his unsatisfactory performance “in terms of attracting and retaining students for the [computer science] major,” his “poor” student evaluations, his failure to provide “satisfactory leadership in developing and delivering an effective COR 201 course as part of the General Education requirements,” and his “inability to attract students into entry-level [computer science] courses.” Citing the faculty handbook’s provisions for notice of termination, Vice President Longman pointed out that she was giving him earlier notification than the required December 1 deadline, and she expressed her wish to help him make a “smooth transition” from the college. She stated that he had the choice of resigning, effective summer 2005, or receiving notification of termination on November 30. With the choice of resignation came the following inducements: a release from duties during the tenth month of his contract to allow time for job hunting; an additional \$1,000 to “cover the costs of attending professional conferences,” again to facilitate a job search; and a one-year extension of his daughter’s tuition waiver at Greenville College. Professor Eichhoefer decided against resigning, and on November 30 President Mannoia wrote to confirm that he was being released because of the projected budgetary shortfall and his “failure to render satisfactory service.” Neither the vice president’s nor the president’s letter made any reference to the possibility of his contesting the decision.

Professor Eichhoefer retained an attorney, Ms. Barbara Fritsche, and by early March 2005 an exchange of letters

between her and the Mannoia administration began. As noted above, the November 22 and November 30 letters from the administrative officers both asserted that financial difficulties required that faculty positions be reduced, and both asserted that Professor Eichhoefer was not being retained because of inadequate academic performance. Ms. Fritsche addressed these reasons—financial difficulties and unsatisfactory performance—in a March 3 letter to President Mannoia. First, Ms. Fritsche noted that the procedures for terminations necessitated by financial exigency, as set forth in Greenville College’s faculty handbook (which in many respects are in line with those provided in Regulation 4(c) of the Association’s *Recommended Institutional Regulations on Academic Freedom and Tenure*) had not been followed. Second, she noted that the faculty handbook, while silent as to any specific procedures, provides a “right of appeal” in the event of termination of tenure on grounds of unsatisfactory performance, a right not mentioned in the administration’s letters to Professor Eichhoefer. Ms. Fritsche went on to raise the issue of academic freedom in what she characterized as the administration’s apparent change in attitude toward him after his March 2003 “Loss of Faith” essay.

On behalf of Professor Eichhoefer, Ms. Fritsche requested that he be given “his usual contract” for the 2005–06 academic year, and she called for current handbook procedures to be followed if the administration then wished to terminate his appointment on grounds of financial exigency. Alternatively, she stated, if the administration decided to pursue termination on grounds of “unsatisfactory service,” then “the term should be defined, Professor Eichhoefer should be given a meaningful opportunity to be heard, and the Handbook should outline the mechanism for appeal.”

Mr. K. Alexander Schmidt, director of alumni and church relations and the college’s general counsel, responded on March 21 to Ms. Fritsche on behalf of President Mannoia. Mr. Schmidt wrote that the decision “was not grounded in financial exigency.” He acknowledged a budget shortfall and the need for fiscal adjustments, but stated that declaring financial exigency is an “extreme measure” and declining to do so was “not an oversight but an informed decision because the college was not in a situation that required it.” Accordingly, the procedures resulting from such a declaration did not apply. As to the issue of academic freedom, Mr. Schmidt remarked that the passage of over eighteen months between Professor Eichhoefer’s “critical” paper and the notification of termination “should eliminate any thought that the College’s decision was retaliatory in nature.” “Even if that

thought should persist,” he added, decisions in employment law “hold that the passage of the amount of time at issue here diminishes the possibility of a successful retaliation claim.” Mr. Schmidt insisted that the termination of Professor Eichhoefer’s appointment “was based on substantive performance concerns.”

As for a right of appeal, Mr. Schmidt argued that “as a private institution, the College dictates what constitutes such right.” He commented that since the faculty had voted to approve the handbook, it “must have been comfortable allowing the administration of the College to determine this ‘right of appeal.’” Furthermore, the college lawyer asserted, Professor Eichhoefer had ample opportunity to appeal the decision to Vice President Longman, to President Mannoia, and to the dean of instruction, Dr. Randall Bergen, but, although this option remained available, he had not done so. With respect to negotiating a resolution, Mr. Schmidt noted the inducements Vice President Longman had already offered Professor Eichhoefer had he chosen to resign. Mr. Schmidt expressed willingness to discuss other “reasonable ways” to resolve the matter, but he stated that the college “will not consider tendering Dr. Eichhoefer a contract for the 2005–06 academic school year.”

On May 11, Professor Eichhoefer took his case to the faculty at large by sending, again by e-mail, a letter addressed to “friends and colleagues.” Attached was a May 2 letter from the AAUP staff to President Mannoia expressing the Association’s concerns regarding academic freedom and tenure (to be amplified below). Thus prompted, President Mannoia the same day sent his own e-mail memorandum to the faculty containing “the other side of the story.” In a May 17 letter to Mr. Schmidt, Ms. Fritsche proposed that the matter be kept out of a public forum, that their clients not meet with each other, and that the attorneys handle the matter instead. Subsequent negotiations between and among attorneys went on over the course of the ensuing summer, fall, and winter.

## II. The Association’s Involvement

Professor Eichhoefer sought the assistance of the American Association of University Professors in April 2005, upon the advice of his attorney, after Ms. Fritsche had already exchanged several letters with the administration. The Association’s staff wrote to President Mannoia on May 2, focusing on issues of tenure and due process. The letter treated the move to terminate Professor Eichhoefer’s tenure as a dismissal for cause, on stated grounds of deficiency in his professional performance. Noting that Professor Eichhoefer was not permitted an opportunity for a hearing in his defense, as called for in the 1940

*Statement of Principles on Academic Freedom and Tenure* and derivative documents, this letter characterized the actions, if reported accurately, as a summary dismissal “inimical to principles of academic freedom and tenure.” Affordance of a hearing and other safeguards of academic due process was particularly important in this case, the staff contended, because of the apparent issue of whether the dismissal was triggered significantly by Professor Eichhoefer’s March 2003 essay and its aftermath, thereby violating his academic freedom. The staff’s letter concluded with an invitation for comments from the administration and, assuming the essential accuracy of the available information, with a call for the rescission of the notice of termination pending appropriate proceedings as outlined in the 1958 *Statement on Procedural Standards in Faculty Dismissal Proceedings* and the Association’s *Recommended Institutional Regulations*.

A reply came from Greenville College’s general counsel, Mr. Schmidt, dated May 24. He enclosed a copy of his March 21 letter to Professor Eichhoefer’s attorney. “Although Greenville College’s procedures are not identical to those urged by your organization,” he argued, “the College’s practices have demonstrated a commitment to academic freedom and tenure.” He noted that Professor Eichhoefer had not directly communicated his concern to college administrators but instead had turned for assistance to an attorney and to the AAUP and had distributed copies of the AAUP staff’s letter to members of the faculty and the board of trustees. Since Professor Eichhoefer’s release was consistent with the faculty handbook, he stated, it would not be rescinded.

The staff replied to Mr. Schmidt’s letter on June 3, noting with disappointment that the administration had not changed its position and reiterating the Association’s concerns that remained unaddressed: a dismissal for cause with no demonstration of the “adequacy of cause in an adjudicative hearing before faculty peers,” a stated “right of appeal” but with no procedures provided for such an appeal, and a credible claim that factors motivating the dismissal of Professor Eichhoefer violated his academic freedom. The letter questioned the usefulness of the administration’s wanting to hear directly from Professor Eichhoefer while reiterating its position that the decision to dismiss him was final and not subject to change. The letter closed with a renewed call for President Mannoia to reconsider his position regarding Professor Eichhoefer and with the message that the Association would be considering “further steps in the matter if corrective action is not promptly taken.”

Neither this letter nor a brief follow-up letter the staff sent on July 13 received a response. With no further word from the college's president or its lawyers forthcoming, the staff sent President Mannoia a letter on August 12 notifying him of the general secretary's decision to authorize an investigation of the significant issues of academic freedom, tenure, and due process raised by Professor Eichhoefer's case. It concluded by assuring the president that the Association remained receptive to a resolution that would preclude the need for proceeding with the investigation. Five days later, on August 17, an attorney representing the college wrote about the college's settlement offer, pointing out that its four months of severance salary, added to the eight months of notice that the November 30 notification to Professor Eichhoefer had provided, totaled a year of notice or severance salary and thus reflected the AAUP's "guidelines regarding termination of tenured faculty." Asked by Professor Eichhoefer to comment on this assertion, the Association's staff on August 24 wrote that AAUP guidelines call for "at least a year of notice or severance salary following a dismissal, which becomes effective only upon demonstration of cause by the administration in an adjudicative hearing before faculty peers." "If tenure could be terminated simply by providing adequate notice," the staff observed, "tenure would have no meaning at all."

On September 6, referring to negotiations by the attorneys that were ongoing, President Mannoia wrote to the staff to ask that an investigation "be postponed until it is clear that resolution now is unattainable." The staff, which had proposed October 21 and 22 as the dates for the investigating committee's visit to Greenville College, replied in a letter of September 13 that a resolution did not seem imminent and the visit would accordingly be planned for the proposed dates, but that significant progress in negotiations could lead to a postponement. President Mannoia wrote again on September 22, requesting that the visit be a week or two later. It was subsequently agreed that the visit would be set for October 30 and 31.

The undersigned members of this investigating committee therefore visited Greenville on October 30 and 31, 2005. Most interviews took place at the home of Professor Hart, Greenville's elected faculty moderator, situated across the street from the college and graciously offered by her for the committee's use. With Professor Hart's assistance, the committee was able to interview President Mannoia, accompanied by attorney Schmidt; Professor Eichhoefer; and fourteen present and former members of the Greenville faculty, most but not all of them sympathetic to Professor Eichhoefer's cause. The committee,

unfortunately, was not able to meet with Dr. Longman, who, even though she had resigned from her position in June, was still residing in Greenville. Subsequent to the visit, the committee was able to correspond by e-mail with Professor Boyd, who is currently holding a visiting appointment at Azusa Pacific University. By the same means, the committee also communicated further with Professor Eichhoefer, Mr. Schmidt, Professor McPeak, and others. The committee notes with gratitude the cordiality and generous cooperation shown by all.

### III. Issues

1. The Eichhoefer Dismissal: Procedural Issues  
*The Administration's Stated Grounds for Dismissal.* In her November 22, 2004, notification to Professor Eichhoefer of the administration's decision to terminate his tenured appointment, Vice President Longman, as indicated earlier, explained it as having been triggered by a financial crisis that led the administration, in an effort to reduce expenses, to identify for purposes of dismissal those faculty and staff whose contributions were least valuable to the college:

As you may know from previous reports, the College in 2004–2005 faces a \$1.2 million budget shortfall, with the related necessity of reducing the 2005–2006 budget by an additional \$400,000. . . . These factors necessitate that we take a hard look at all areas of the College and determine where we can make adjustments. Unfortunately, this requires that we make reductions in some of our staff and faculty positions.

Vice President Longman informed Professor Eichhoefer that his was one of those positions selected for reduction. She then added, "We regret having to make this decision, but in times of fiscal hardship, the College has a responsibility to determine areas of strength and potential growth to ensure the stability and future viability of the institution."

Vice President Longman went on to recite perceived ways in which Professor Eichhoefer's performance "over the past several years" had fallen short and had made him a target for release. These same two reasons—a \$1.2 million budget shortfall and Professor Eichhoefer's unsatisfactory service—were stated in President Mannoia's November 30 letter confirming the notification.

Writing to President Mannoia on March 3 on behalf of her client, Ms. Fritsche suggested that the first of these two declared grounds for dismissing Professor

Eichhoefer—the \$1.2 million budget shortfall—constituted a de facto state of financial exigency, which, under the college’s policies, would have required the administration to afford Professor Eichhoefer substantial due process before terminating his appointment. According to Part V, Section VI(c), of the faculty handbook, a faculty member whose appointment is terminated for reasons of financial exigency has the right to challenge that decision in a hearing before a Subcommittee on Faculty Personnel, which would consider questions pertaining to “the existence of a financial exigency” and “the suitability of the criteria for identifying who shall be dismissed,” among others. As the AAUP staff had pointed out in its May 2 letter to President Mannoia, a number of these procedures are consistent with the standards for termination of appointments in cases of financial exigency found in Regulation 4(c) of the AAUP’s *Recommended Institutional Regulations*.

Responding by letter of March 21, the college’s attorney, Mr. Schmidt, asserted that the college’s decision “was not grounded in financial exigency.” He stated that a declaration of financial exigency is “an extreme measure and requires an unusual set of circumstances” and that “the College’s failure to declare a state of ‘financial exigency’ was not an oversight, but an informed decision predicated on the fact that the College is not in a situation requiring such a declaration.”

This investigating committee sees no reason to question Mr. Schmidt’s position on the college’s financial situation. The college did indeed find itself in financial difficulty brought about by a decline in on-campus enrollment of seventy students, or 14 percent of the total enrollment for which the college had budgeted that fall.<sup>6</sup> But information available to this committee does not indicate that the college’s predicament met the standard of “bona fide financial exigency,” as defined in Regulation 4(c)(1) of the AAUP’s *Recommended Institutional Regulations*: “an imminent financial crisis which threatens the survival of the institution as a whole and which cannot be alleviated by less drastic means.” According to Greenville faculty members, in the last twenty years the college had faced more than a few serious budgetary shortfalls without having declared a state of financial emergency.

On the other hand, Mr. Schmidt did not deny the obvious, which is that the Greenville administration had identified financial problems as one of the causes that

“necessitated” the termination of Professor Eichhoefer’s appointment: “It is true that the College faces a budget shortfall and therefore must make some fiscal adjustments,” among them, apparently, reductions in faculty and staff positions. Even though Mr. Schmidt stated in his letter that “the College’s decision not to extend a contract to Dr. Eichhoefer was based on substantive performance concerns,” he did not say that the college’s decision was based *only* on substantive performance concerns.<sup>7</sup>

Consequently, and despite Mr. Schmidt’s emphasis on Professor Eichhoefer’s alleged performance deficiencies, the investigating committee is not convinced that the Mannoia administration shifted entirely from a dual-basis to a single-basis explanation for its decision to terminate Professor Eichhoefer’s appointment. In other words, the administration seems not to have abandoned, at least in writing, its original position that the decision to dismiss Professor Eichhoefer was grounded both in financial difficulties and in alleged shortcomings in his academic performance. As stated in the administration’s November 22 and November 30 letters to Professor Eichhoefer, the existence of a \$1.2 million budgetary shortfall required cost-saving measures, including cuts in staff and faculty positions. Faculty members were selected for termination based on assessments of their academic performance. The investigating committee is left to assume that the administration perceived the performance of Professor Eichhoefer to be among the least satisfactory among the faculty, and he was consequently released.<sup>8</sup>

As an additional note regarding the second basis for the termination of Professor Eichhoefer’s appointment—unsatisfactory service—the investigating committee needs to point out that, to its knowledge, the only available documentation supporting the administration’s charge that Professor Eichhoefer failed “to render satisfactory service” consists in the assertions contained in Vice President Longman’s April 28 and November 22 letters. The committee is not aware that the Greenville administration has provided any factual support for its assertions regarding Professor Eichhoefer’s academic performance.

*Affordance of Academic Due Process.* The 1940 *Statement of Principles on Academic Freedom and*

7. In commenting on the draft text of this report, however, the administration states that it did base its decision “solely on considerations relating to performance.”

8. He was apparently the only tenured professor to suffer termination of appointment, but it was reported that a probationary Spanish professor was not reappointed for the same reasons.

6. According to “Faculty Financial Update,” a PowerPoint presentation given by President Mannoia to the faculty on October 28, 2004, and posted on the college’s Web site, [www.greenville.edu](http://www.greenville.edu).

*Tenure*, the complementary 1958 *Statement on Procedural Standards in Faculty Dismissal Proceedings*, and the Association's derivative *Recommended Institutional Regulations on Academic Freedom and Tenure* require, when an administration moves to dismiss a tenured faculty member, that it demonstrate adequate cause in an adjudicative hearing before a body of faculty peers. For the protection of tenure and academic freedom, the AAUP also requires that administrations demonstrate the need for their actions in cases of termination on grounds of financial exigency or program discontinuation.

In comparison to these AAUP-recommended standards of due process, the procedures for termination of tenured appointments set forth in Greenville College's faculty handbook—excepting those relating to financial exigency and program elimination—are severely deficient. Part IV, Section III(f) (1) of the handbook, entitled “Conditions for Termination of Employment,” enumerates six conditions for termination of faculty appointments. They are (1) “unsatisfactory service,” (2) “immoral conduct,” (3) “conduct or teaching contrary to the philosophy of Christian education and the objectives of the institution as embodied in its stated goals,” (4) “financial exigency,” (5) “a significant drop in student enrollment” that creates “severe” financial problems, and (6) elimination of a program or a department.

Tenured faculty members whose services are to be terminated under the last three conditions may avail themselves of the procedures for financial exigency, set forth in Part V, Section VI(c) of the faculty handbook. These procedures, consistent in important respects with what the AAUP recommends in such cases, call for extensive consultation with the faculty, a hearing before a committee partially consisting of elected faculty members, the opportunity at that hearing for the affected faculty member to contest the grounds of the decision, fifteen months' prior notice of termination, consideration of rank and seniority when selecting positions for reduction, and “every effort” on the part of the college to find another position for the released faculty member either within the institution or elsewhere. In contrast to AAUP-recommended standards, however, the procedures do not appear to require that the administration bear the burden of proof.

For dismissals of tenured faculty members attributed to the first three conditions, however, the faculty handbook details no procedures. In Part IV, Section III(f) (3), the handbook states only, “If a tenured faculty member is not reappointed, he or she has the right of appeal.” But the handbook provides no explanation or description of this right of appeal.

As both Professor Eichhoefer's attorney and the AAUP staff pointed out in their correspondence with the Greenville administration, neither Vice President Longman's November 22 letter nor President Mannoia's November 30 letter makes any mention of these handbook provisions, not even the unspecified “right of appeal.” As noted earlier in this report, Ms. Fritsche brought this omission to the attention of the Mannoia administration in her March 2 letter and asked either that Professor Eichhoefer be allowed a hearing consistent with the financial exigency provisions contained in Part V, Section VI(c) of the faculty handbook or that the administration define what it meant by “right of appeal” and give him “a meaningful opportunity to be heard.” As this report has also mentioned, the college attorney in his March 21 letter to Ms. Fritsche responded to the first request by stating that the college had not declared a state of financial emergency and that accordingly Professor Eichhoefer's dismissal could not be “grounded in financial exigency.” In response to the second request, Mr. Schmidt asserted that “as a private institution, the College dictates what constitutes such right of appeal.” He went on to describe how the college was defining right of appeal as it applied to Professor Eichhoefer's case. It consisted, he wrote, of the opportunity for Professor Eichhoefer to “discuss . . . any questions or concerns” he might have with Vice President Longman and President Mannoia or with the professor's immediate supervisor, Dean Randall Bergen. And he faulted Professor Eichhoefer for having failed to avail himself of these opportunities and instead having chosen to communicate with the college through an attorney.<sup>9</sup> He added that the decision not to offer Professor Eichhoefer a contract beyond the 2004–05 academic year was final and not subject to change.

In light of the AAUP's recommended standards for termination of tenured faculty, and even in light of Greenville College's faculty handbook, the investigating committee finds that the college administration's final position on affording academic due process to Professor Eichhoefer, as articulated here by Mr. Schmidt, is grossly inadequate.

First of all, the AAUP does not recognize a budgetary crisis short of financial exigency as sufficient to justify ending tenured appointments. According to Regulation

9. President Mannoia wrote similarly in his May 11, 2005, e-mail to the faculty: “I . . . invited Dr. Eichhoefer to contact me, Dr. Longman, or Dr. Bergen if he cared to discuss any of the issues regarding his situation. Dr. Longman has also subsequently invited conversation. Unfortunately, Dr. Eichhoefer has elected not to respond to either one of us.”

4 of the *Recommended Institutional Regulations*, tenured appointments may be terminated only for cause, for financial exigency, for program discontinuation, or for physical or mental disability. If, as this committee believes, Greenville's "budgetary shortfall" in fall 2004 did not constitute a financial emergency, then the Mannoia administration's invoking it as one basis for its termination of a tenured appointment conflicts with AAUP-supported standards for release of faculty members with continuous tenure. If financial difficulties occasioned by a decline in enrollment are all that is needed to eliminate tenured appointments, then tenure has little value, especially at colleges as tuition dependent as Greenville.

Second, as this report has already indicated, college policy as set forth in the faculty handbook provides that the procedures required for termination of faculty appointments in cases of financial exigency should also be afforded to faculty members whose positions are cut when the college faces less serious financial problems. As has been noted, one of the reasons given by the Mannoia administration to explain its decision to terminate Professor Eichhoefer's appointment was a financial crisis caused by a severe drop in enrollment. This reason seems indistinguishable from the fifth of six "conditions for termination of employment" listed in Part IV, Section III(f)(1) of the faculty handbook—namely, "a significant drop in student enrollment" that creates "a situation severe enough to warrant the release of tenured faculty members." Since this condition is one of the three that require financial exigency procedures, it seems clear to the investigating committee that the Greenville administration was obliged to employ these procedures in Professor Eichhoefer's case.<sup>10</sup>

Third, the investigating committee considers the administration's conception of right of appeal, as defined by attorney Schmidt in his response to Professor Eichhoefer's attorney, to be astonishingly deficient. According to this conception, the professor's rights consisted merely of an opportunity to discuss his "questions or concerns" with the very same officers who had made the original decision to dismiss him—a decision Mr. Schmidt characterized as irrevocable. Thus defined, "right of appeal" is no more than an exercise in futility. Under widely adopted AAUP-recommended standards, untenured fac-

ulty facing nonreappointment enjoy more appeal rights than the Greenville administration was willing to grant Professor Eichhoefer. These include the right of review by a committee of peers, the right to be heard by individuals who did not participate in the original decision, and the right to reconsideration and possible reversal of that decision. Because of Professor Eichhoefer's tenured status, the appropriate process to follow was not an appeal procedure, with his having to show that the decision was faulty, but an adjudicative hearing of record, in which the administration must shoulder the burden of persuading a faculty committee that the faculty member is professionally unfit to continue *before* the administration can effect his or her dismissal. The Greenville College "right of appeal," as defined by Mr. Schmidt, provides nothing that approaches such a process.

Because the Greenville administration did not afford any of the basic safeguards of academic due process in the action it took against Professor Eichhoefer, the investigating committee finds that the action constituted a summary dismissal in violation of the generally accepted professional standards of academic due process articulated in the 1940 *Statement of Principles on Academic Freedom and Tenure* and derivative AAUP-supported statements.

*Adequacy of Notice.* The 1940 *Statement of Principles* calls for payment to tenured professors of their salaries "for at least a year from the date of notification of dismissal." President Mannoia informed Professor Eichhoefer by letter of November 30, 2004, that he would not be retained beyond the expiration of his existing contract at the end of July, eight months later. The administration later offered, as part of a settlement agreement, payment of an additional four months of salary, an offer described by the college's Chicago attorney as an extension of salary that "reflects the College's willingness in this instance to use the American Association of University Professors' guidelines regarding termination of tenured faculty."

As noted earlier in this report, when asked by Professor Eichhoefer to comment on the attorney's reference to AAUP guidelines, the Association's staff replied by letter of August 24, 2005, that the guidelines treat a dismissal as becoming effective "only upon demonstration of cause by the administration in an adjudicative hearing before faculty peers" and that the notification on November 30 thus constituted "merely notice of intent to dismiss." Therefore, the payment of twelve months of salary could not meet the guidelines for "termination of tenured faculty," as the Chicago attorney had asserted, because a hearing at which the administration would demonstrate cause had not been afforded. The AAUP staff further stated, and the investigating committee concurs, that "if

10. The administration's response to the draft of this report points out that the faculty handbook's provision that addresses termination of tenure because of a drop in student enrollment specifies that the procedures relating to financial exigency are to be followed when the enrollment drop "appears not to be an aberration."

tenure could be terminated simply by providing adequate notice, . . . tenure would have no meaning at all.”

2. The Eichhoefer Dismissal: Adequacy of Stated Cause In the subsection of this report entitled “The Administration’s Stated Grounds for Termination,” the investigating committee found that the Mannoia administration did not completely abandon its original stated position that Professor Eichhoefer’s dismissal was occasioned by financial problems compelling it to identify and release those faculty members whose performance was least satisfactory. Thus, in the judgment of this committee, there were two stated bases for the administration’s action against Professor Eichhoefer: financial difficulties and “failure to render satisfactory service.” Only the second of these reasons pertains to Professor Eichhoefer’s professional performance and thus can be considered a standard of dismissal “for cause.” As noted above, that standard—“unsatisfactory service”—is one of three related to professional fitness listed under “conditions for termination of employment” in the faculty handbook. No explanation or definition of “unsatisfactory service” is provided.

The 1940 *Statement of Principles on Academic Freedom and Tenure* insists that the service of a tenured faculty member “should be terminated only for adequate cause . . . or under extraordinary circumstances because of financial exigencies.” Regulation 5 of the AAUP’s *Recommended Institutional Regulations* states that “adequate cause for a dismissal will be related, directly and substantially, to the fitness of faculty members in their professional capacities as teachers or researchers.” After noting that “one persistent source of difficulty is the definition of adequate cause for the dismissal of a faculty member,” the 1958 *Statement on Procedural Standards in Faculty Dismissal Proceedings* declares that most institutions “will have formulated their own definitions of adequate cause for dismissal, bearing in mind the 1940 *Statement of Principles on Academic Freedom and Tenure* and standards which have developed in the experience of academic institutions.”

As the writers of the 1958 *Statement on Procedural Standards* had assumed, most institutions have indeed developed their own standards of what constitutes adequate cause for dismissal. They most commonly tend to be “incompetence,” “professional misconduct,” “gross neglect,” and the like. In comparison, Greenville’s standard of “unsatisfactory service” not only is nebulous and subjective, but also sets too low a bar for adequate protection of tenure and academic freedom, as this case makes evident. The Mannoia administration’s use of that standard in combination with its assertion of finan-

cial difficulty reveals yet another troubling deficiency, namely, that what constituted unsatisfactory service in Professor Eichhoefer’s case seems to have changed relative to the college’s financial condition. In other words, if one accepts the administration’s explanation of the basis for Professor Eichhoefer’s nonretention—that unexpected financial difficulties forced the college to cull from the faculty its least effective members, regardless of tenure—then Professor Eichhoefer’s academic performance would not have been called into question if the college had balanced its budget in fall 2004. Thus, the bar set by “unsatisfactory service” is not only too low; it appears to move up and down depending on the college’s financial condition in any given year. The investigating committee reiterates its earlier statement that it is not aware of the Greenville administration’s having provided any evidence in support of these alleged reasons, which it would have been compelled to do had it afforded Professor Eichhoefer an appropriate hearing.

### 3. Academic Freedom

*Professor Eichhoefer’s Academic Freedom.* In the absence of an adjudicative hearing of record as called for in the 1940 *Statement of Principles* and the 1958 *Statement on Procedural Standards*, this committee cannot determine conclusively whether or not the termination of Professor Eichhoefer’s tenured appointment occurred because of conduct that fell within the ambit of academic freedom. Nevertheless, the committee finds it difficult to believe that the Mannoia administration’s dismissal of Professor Eichhoefer had nothing to do with his persistent and widely disseminated criticism of the religion department and of the college’s theological position.

As the narrative of Professor Eichhoefer’s seven-year history at Greenville College indicates, the computer science professor had made himself obnoxious to the religion department, the administration, and many of his colleagues. Convinced that the college had abandoned its evangelical heritage, he was determined to bring about a restoration, despite the apparent opposition or indifference of most members of the faculty and administration, who considered the matter of the college’s religious identity to be settled. Frustrated in his attempts to force a conversation within the faculty, he began appealing to a broader constituency in an apparent attempt to bring external pressures to bear. He e-mailed the relatively innocuous *Evangelical Voice* newsletters not only to faculty and administrators, but also to students, staff, and, according to Professor Eichhoefer, many others as well.

Emboldened perhaps by the generally favorable reception of the newsletter, in March 2003 he mounted a

frontal assault on what he felt was the college's anti-evangelical program of spiritual development soon after Professor McPeak's response to Ms. Chism's editorial appeared in the *Papyrus*. His "Loss of Faith" was also distributed far and wide.<sup>11</sup> When the religion department responded just a week later with its angry demand for an apology, Professor Eichhoefer once again sent a mass mailing to the campus, evidently seizing the opportunity to embarrass his foes and to reiterate, by means of a friend's summary of his "Loss of Faith," his criticism of the religion department and the college's theological position. Only by apologizing, it appears, did he manage to avoid a faculty vote of censure. Although this was his last broadcast e-mail that included students, having been forbidden any further such communications by Vice President Longman, he continued to press his cause with characteristic intensity throughout the next fall and winter and into spring 2004, when he received the admonitory letters from Vice President Longman and President Mannoia. By December he had been notified of his dismissal.

From the perspective of those who shared his opinions, Professor Eichhoefer was raising legitimate questions that needed to be aired. These faculty members maintained that fair and open discussion of these issues had never been permitted to take place. As one such faculty member put it, the religion department and the administration "squashed" Professor's Eichhoefer's attempts to bring about such a discussion, creating the frustration that eventually caused the computer science professor to resort to "extreme" measures, such as his mass e-mailings. Those faculty members who supported Professor Eichhoefer found it plausible, if not likely, that the Mannoia administration dismissed him because of his oppositional activities.

From the perspective of his critics, some of Professor Eichhoefer's activities exceeded the bounds of permissible academic discourse, especially his wide dissemination of "Loss of Faith at Greenville College." In their view, the essay misrepresented, distorted, and exaggerated key elements of the college's program of spiritual development and of the Faithful Change project, and it impugned the character, professionalism, and religious faith of faculty leaders in the college's religion department. Most objectionably, this piece of inflammatory rhetoric had been distributed as widely as possible, with the evident purpose of raising alarm among the

college's religiously conservative constituency. The essay's effects, both on and off campus, could have served only to confirm the conviction among his critics that Professor Eichhoefer had at last gone too far.<sup>12</sup>

It seems quite likely to this investigating committee that the Mannoia administration shared this negative opinion of Professor Eichhoefer's dissenting conduct. In his March 1, 2004, letter covering Professor Eichhoefer's 2004–05 contract, President Mannoia stated that it had become obvious Professor Eichhoefer was "dissatisfied with the direction and administrative leadership of the College." He then went on to quote two sentences from the faculty handbook, one stating that faculty "must be supportive of the college's organization, administration, and the various academic and co-curricular programs of the college," the other stating the college's expectation that faculty "remain in sympathy with the basic philosophy and objectives of the institution and will be enthusiastic" in working toward fulfilling them. In the second paragraph he offered what seems very much like a warning: "This contract is tangible evidence of my good faith that you are sincere in your desire to see our institution grow and prosper and my hope that you will be more supportive in the year to come. So I urge you to consider this offer seriously and prayerfully." The implication seems to have been that Professor Eichhoefer's outspoken opposition to the college's religious position would no longer be tolerated.

In her April 28, 2004, "Contract and Areas of Concern" memorandum to Professor Eichhoefer, Vice President Longman made this suggestion more explicit by giving examples of the kinds of behavior that indicated Professor Eichhoefer's lack of supportiveness and enthusiasm:

It was about a year ago that you distributed by e-mail to all GC employees and students your fifteen-page paper entitled "Mary Chism's Loss of Faith at Greenville College" with encouragement to "make a copy of this and read it over break when you have some time to think and talk with friends, relatives, and pastors."

12. Off campus, it is highly probable that these effects included some damage to the college's image among its Free Methodist and other conservative religious constituencies, as suggested by President Mannoia's June 2004 letter to Free Methodist pastors announcing the faculty's vote on the unity resolution (see note 5, above). Professor Eichhoefer has himself indicated that the downturn in enrollments in fall 2004 may have been due to his influence.

11. Professor Eichhoefer has asserted that he sent copies of "Loss of Faith" to "several thousand" evangelicals both here and abroad.

She then stated that “misrepresentations contained in your document have had a damaging impact” at Greenville and elsewhere, and she went on to note that these unconstructive behaviors had apparently not ceased with the “Loss of Faith” essay:

Over the winter you continued to “stir the pot” of alarmism and misrepresentation of facts in communication to the faculty. Your letter to the faculty sent December 5, 2003 [on the Student Satisfaction Inventory] contained hyperbolic language that was unhelpful to the GC community (e.g., “This is highly significant and suggests that we are somewhere near the bottom of a group of 1,000 hypothetical Christian colleges”). Faculty who were already feeling pressured at the end of the semester devoted precious time to responding to your communication rather than focusing on their students’ needs.

After alluding to another incident in which he was “disrespectful of a colleague and troubling to people” and to a report that he “kept careful notes on all conversations” and had “spies everywhere,” she urged him in the coming year to work “constructively with students and faculty colleagues.”

Neither Vice President Longman’s November 22, 2004, letter notifying Professor Eichhoefer of his impending termination nor President Mannoia’s November 30 letter confirming the notification contains any references to his dissenting conduct or to his lack of an appropriately supportive, constructive, or enthusiastic attitude. Furthermore, when interviewed by the investigating committee, President Mannoia asserted that he saw “no connection” between Professor Eichhoefer’s “Loss of Faith” essay and his eventual nonretention, while indicating that he had not participated in the decision-making process that led to Professor Eichhoefer’s separation from the college.<sup>13</sup>

Nevertheless, judging from the administration’s March 1 and April 28, 2004, communications to Professor Eichhoefer, this committee finds it credible that the Mannoia administration terminated Professor Eich-

13. This process included Vice President Longman’s consultation with the Dean’s Council, an appointed group consisting primarily of division chairs. The investigating committee, as noted above, did not have the opportunity to meet with Vice President Longman, nor had anyone who met with the committee served on the Dean’s Council during the time of the consultation.

hoefer’s appointment in significant measure because it could no longer tolerate his incessant opposition to the college’s religious position. If this were in fact the case, and if indeed Professor Eichhoefer’s activities warranted protection under principles of academic freedom, then the administration not only betrayed an unacceptably low tolerance for dissent but also violated his academic freedom. A key question that arose as the committee attempted to apply the principles of academic freedom to Professor Eichhoefer’s case was whether or not his conduct should have been protected under those principles.

As several of Professor Eichhoefer’s critics noted, his controversial statements and actions did not take place in the classroom, nor were they related to his scholarship—the implication being that academic freedom covers only speech and conduct related to teaching or research. While the 1940 *Statement of Principles on Academic Freedom and Tenure* emphasizes freedom in teaching and research, it also states that “college and university teachers are citizens, members of a learned profession, and officers of an educational institution.” In these capacities, faculty members should enjoy the academic freedom to speak to issues of concern upon their own campuses. Without such freedom, a meaningful faculty role in academic governance would be impossible. Accordingly, the Association’s statement *On the Relationship of Faculty Governance to Academic Freedom* declares, “The protection of the academic freedom of faculty members in addressing issues of institutional governance is a prerequisite for the practice of governance unhampered by fear of retribution.” In order to provide that freedom, the definition of academic freedom must be understood to include not only freedom of teaching and research but also “the academic freedom of faculty members . . . to express their views . . . on matters having to do with their institution and its policies and on issues of public interest generally.” It appears to this committee that Professor Eichhoefer’s crusade to reform the college’s theological identity, however obnoxious others might have found it, was in significant part an exercise of this freedom.

In regard to Professor Eichhoefer’s alleged lack of supportiveness, enthusiasm, and constructiveness, the AAUP’s 1999 statement *On Collegiality as a Criterion for Faculty Evaluation* may be instructive. Although the word “collegiality” was not employed by Greenville administrators when they described Professor Eichhoefer’s perceived attitudinal deficiencies, a lack of that quality does seem to be essentially what they were refer-

ring to in their communications of March 1 and April 28, 2004. This passage from the AAUP statement seems especially pertinent:

Collegiality may be confused with the expectation that a faculty member display “enthusiasm” or “dedication,” evince “a constructive attitude” that will “foster harmony,” or display an excessive deference to administrative or faculty decisions where these may require reasoned discussion. Such expectations are flatly contrary to elementary principles of academic freedom, which protect a faculty member’s right to dissent from the judgments of colleagues and administrators.

In light of this standard, the investigating committee would have to reject, as an impermissible basis for dismissal under principles of academic freedom, a perceived lack of “supportiveness” in Professor Eichhoefer’s attitude toward the college, its officers, its programs, his colleagues, or any aspect of the status quo that might have factored into the administration’s decision to dismiss him.

As already noted, even Professor Eichhoefer’s supporters found some of his methods to be extreme, in particular his use of the campus e-mail system to spread his message to students and to off-campus constituents, which some have contended was in violation of college policy. His opponents, moreover, also accuse him of verbal distortion, exaggeration, and misrepresentation in his memoranda, letters, and essays, though they seem rarely to have attempted to correct or refute these errors. Without pronouncing on the validity of these accusations, this committee points out that there can be other means short of dismissal for dealing with alleged inappropriate conduct of this kind.

*The Condition of Academic Freedom at Greenville College.* The investigating committee noted some divergence among Greenville faculty members about the degree of academic freedom existing at the college. Not surprisingly, those faculty whose views on the college’s religious position coincided with Professor Eichhoefer’s seemed much less positive about the amount of freedom available to them than did those whose views diverged from Professor Eichhoefer’s (one of whom went so far as to state that “academic freedom at Greenville College is greater than at any place I know”). Since the general perception among the pro-Eichhoefer group was, as one professor put it, that “Jerry was fired for his views,” these faculty members understandably felt insecure about their own status. Upon arriving at Greenville, the investi-

gating committee heard that three faculty members who Professor Eichhoefer had hoped would meet with the committee refused to do so, referring to fear of repercussions, though one changed his mind after talking to President Mannoia and being assured that his meeting with the committee would not be held against him.

Regardless of the subjective impressions of individual Greenville professors, what happened to their colleague makes it clear to the investigating committee that tenure and academic freedom at Greenville College do not stand on a firm foundation. Moreover, the committee considers it quite unlikely that they will exist on a secure basis as long as the policies regarding academic freedom and tenure provided in Greenville College’s faculty handbook remain in their current deplorable condition.

#### IV. Conclusions

1. The administration of Greenville College terminated the tenure of Professor Gerald W. Eichhoefer without having observed any of the relevant procedural safeguards set forth in the 1940 *Statement of Principles on Academic Freedom and Tenure*, thus acting in disregard of the pertinent provisions of that document as well as those of the complementary joint 1958 *Statement on Procedural Standards in Faculty Dismissal Proceedings* and of the Association’s *Recommended Institutional Regulations on Academic Freedom and Tenure*.

2. The administration’s subsequent offer to pay twelve months of severance salary following the date it notified Professor Eichhoefer of his dismissal did not meet the 1940 *Statement’s* guidelines for terminal salary or notice because those guidelines assume that dismissal becomes effective only after a hearing, not afforded Professor Eichhoefer, on adequacy of cause.

3. The administration identified financial difficulties occasioned by an unexpected downturn in enrollment as one basis for its decision to dismiss Professor Eichhoefer, yet it failed to afford him the protections of due process required under the Association’s *Recommended Institutional Regulations* for termination of appointment under these conditions.

4. The administration also asserted that its decision to terminate Professor Eichhoefer’s services was based on weaknesses in his academic performance. It did not, however, provide evidence of the alleged deficiencies as would have been required if an appropriate hearing had been afforded.

5. As a standard for dismissal for due cause, Greenville College’s “unsatisfactory service” is manifestly deficient, offering scant protection for tenure and academic freedom.

6. Although the content and method of Professor Eichhoefer's efforts to effect a change in the college's religious identity may at times have exceeded norms of responsible academic discourse, and although many in this extremely close-knit academic community were clearly offended by his efforts, most of his activities nevertheless fell within the realm of conduct that should have been protected by academic freedom.

7. While the stated grounds for the administration's termination of Professor Eichhoefer's tenured appointment were financial difficulties and unsatisfactory service, it is likely that the dismissal was, to some degree, a reaction to his dissenting activities, particularly his perceived lack of "supportiveness" for the administration. To the extent that the dismissal did constitute such a reaction, the administration not only displayed an unacceptably low tolerance for dissent, but it also violated Professor Eichhoefer's academic freedom.

8. In the wake of Professor Eichhoefer's summary dismissal, tenure and academic freedom at Greenville College do not stand upon a secure foundation. They are most unlikely to exist on a secure basis as long as college policy governing dismissal of tenured faculty remains in its current state of deficiency. ☞

GREGORY F. SCHOLTZ (English)  
Wartburg College, *Chair*  
DANIEL P. MURPHY (History)  
Hanover College  
*Investigating Committee*

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

Chair: DAVID A. HOLLINGER (History), University of California, Berkeley

Members: LINDA COLLINS (Political Science), Los Medanos College; JEFFREY HALPERN (Anthropology), Rider University; MARY L. HEEN (Law), University of Richmond; EVELYN BROOKS HIGGINBOTHAM (Afro-American Studies and Divinity), Harvard University; STEPHEN LEBERSTEIN (History), City College, City University of New York; ROBERT C. POST (Law), Yale University; ADOLPH L. REED (Political Science), University of Pennsylvania; CHRISTOPHER M. STORER (Philosophy), DeAnza College; PAUL H. STROHM (English), Columbia University; DONALD R. WAGNER (Political Science), State University of West Georgia; JANE BUCK (Psychology), Delaware State University, ex officio; ROGER W. BOWEN (Political Science), AAUP Washington Office, ex officio; DAVID M. RABBAN (Law), University of Texas, ex officio; ERNST BENJAMIN (Political Science), Washington, D.C., consultant; JOAN E. BERTIN (Public Health), Columbia University, consultant; MATTHEW W. FINKIN (Law), University of Illinois, consultant; ROBERT A. GORMAN (Law), University of Pennsylvania, consultant; LAWRENCE S. POSTON (English), University of Illinois at Chicago, consultant; JOAN WALLACH SCOTT (History), Institute for Advanced Study, consultant; MARTHA MCCAUGHEY (Interdisciplinary Studies), Appalachian State University, liaison from Assembly of State Conferences.

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## ADDENDUM

The Greenville College administration's response to the draft copy of the report included a detailed critique of the text that was taken into account by the investigating committee in preparing the final version. The response also conveyed welcome news regarding actions to address what the administration saw as the Association's "two major concerns": Professor Eichhoefer's "substantive or due process rights" and a problem involving faculty rights generally through the lack of a hearing process preceding a dismissal for cause.

Regarding the first of these concerns, the administration reported (and Professor Eichhoefer's attorney has confirmed) that it "entered into a settlement with Dr.

Eichhoefer dated March 15, 2006, so all of the issues relating to his personal legal and procedural rights are no longer in dispute."

Regarding the second concern, President Mannoia is "favorably disposed toward adopting procedures that align closely with those set forth in the AAUP's 1940 *Statement of Principles on Academic Freedom and Tenure* and the complementary 1958 *Statement on Procedural Standards in Faculty Dismissal Proceedings*. He has already invited the Faculty Review Committee to formulate suitable provisions and to bring a proposal to the Faculty Assembly for approval."