

Highlights from the AAUP Investigation Report | CedarvilleSituation.com

Full Report: <http://aaup.org/AAUP/protect/academicfreedom/investrep/2009/cedarville.htm>

Summary headline points appear in this font.

Exact quoted text from the official AAUP report appears in this font below each headline.

Key:

CU: Cedarville University

GIP: The internal Grievance Investigation Panel at Cedarville University

CU administrators hired a private investigator to find/create info on Dr. Hoffeditz:

Indeed, university counsel Haffey acknowledged to the investigating committee that the administration had engaged a private investigator, mentioned obliquely in the GIP report, for the purpose of *"gather[ing] information in order to determine whether allegations [against Professor Hoffeditz and others] were true"* at about the time Professor Hoffeditz received tenure and promotion in January 2006. [Page 74]

The hired private investigator had no supervision except by those with enough 'loyalty' to 'follow instructions':

According to Mr. Haffey, the investigation was not carried out through established channels of academic supervision, because in the administration's judgment the dean and department chair *"would not have been useful."* Asked to explain this comment, Mr. Haffey added, *"There was not loyalty to the vice president, and they would not have followed instructions."* [Page 74]

CU students are threatened for writing a kind, professional letter to the Board of Trustees:

In December, some 225 students signed what they described as a "letter of concern" complaining that Cedarville was moving away from its traditional foundationalist position on truth and certainty, sending copies to all members of the board of trustees. The student who was the principal author of the letter stated to an AAUP staff member that he was threatened with expulsion from the university and eventually permitted to continue, on probation, only after he agreed to write an apology to the trustees. [Page 61]

Dr. Thomas Cragoe was denied tenure and kept at arms length:

By the end of the month, Professor Cragoe, who had also chaired the faculty's Truth and Certainty Committee, had been denied tenure, and Dean Riggs had resigned in protest . . . he was summoned to appear before Vice President Milliman, who allegedly read aloud an eight-page letter informing him of the grounds for the denial, but—in an apparent departure from normal university policy—he was reportedly not permitted to leave the room with the letter or to receive a copy of it. [Page 62]

Professor Amy-Hope Guisleman's resignation letter affirms mistreatment of students and faculty:

In March 2007 . . . conservative Professor Amy-Hope Guisleman resigned from the Bible department, writing, *"I firmly disagree with the administration's position that the only issues dividing us are interpersonal issues. I believe that there are serious doctrinal issues at stake in this debate, and I am not comfortable to continue in an environment where: (1) serious doctrinal disagreements are ignored, and (2) students and faculty who believe that the issues are serious are belittled, addressed with sarcasm, and even removed from their positions."* [Page 63]

The Board of Trustees published false statements for the public:

The board of trustees issued a statement, dated July 9, along the same lines as the FAQ document, but adding that *"all our faculty members have affirmed their full agreement with the University's doctrinal statement and Truth and Certainty statement."* The investigating committee, when it visited Cedarville, asked university counsel Haffey whether faculty members' affirmations of "Truth and Certainty" had been obtained and, if so, how and when. Mr. Haffey acknowledged that such affirmations had not been obtained. [Page 64]

Note: The University has since removed the public statement by the Trustees, but the original copy mentioned above has been archived and is available for viewing at this address:
<http://web.archive.org/web/20070711165110/www.cedarville.edu/academics/avp/truth/trusteemessage.cfm>

AAUP affirms the CU Grievance Panel findings, finds no harm to students claimed by Dr. Rudd:
(Dr. Rudd is the current chair of the Cedarville Board of Trustees)

Pursuing these complaints in its meeting with university counsel Haffey and the new chair of the board of trustees, Dr. Rudd, the investigating committee was informed once more that the decision to dismiss Professor Hoffeditz and his tenured colleague in the Bible department *"had nothing to do with their theological positions,"* which *"they were free to advocate,"* but arose from *"conduct issues,"* including *"reports of significant damage to students."* . . . The investigating committee notes that, if the administration later presented to the faculty grievance panel any evidence of "damage to students," the panel did **not** find it persuasive, for students are **nowhere** mentioned in the panel's report. [Page 65]

The AAUP believes that the Board of Trustees issued 'conservative' statements to the public while all the conservative professors have been eliminated:

Moreover, the least ambiguous statement is the executive summary issued some twenty months after the resolution was approved. The irony is that it expresses the conservative position after many of the university's conservatives had been demoted, squeezed out, not retained, or dismissed. [Page 79]

CU Attorney David Haffey and Vice President Milliman agreed that tenure contracts should be granted to avoid any conflict with accreditation, termination plans would come later:

Vice President Milliman states that the university's pending reaccreditation review by the North Central Association in March 2007 was a major factor in the decision to issue contracts to both faculty members at that time: "We weren't going to cause a furor with terminating people right before NCA came. And so I talked to the lawyers. And we weren't even ready anyway; we weren't ready." [Page 65]

Contrary to e-mails issued by President Brown, tenured professors were terminated *without severance* until they had obtained legal assistance on their own:

Following receipt of the dismissal notice, Professor Hoffeditz consulted an attorney, through whose intervention he was able to secure an agreement by the administration to continue paying his salary and benefits until a hearing was held [Page 65]

On April 4, 2008, the day that the board of trustees rendered a final decision on his grievance, the university ceased paying him any further salary, in contravention of Association-supported standards described above. [Page 84]

The Board of Trustees were contacted twice by Dr. Hoffeditz, when he filed an internal Grievance and also in a separate individual letter:

On September 28, Professor Hoffeditz wrote to each member of the board, requesting a hearing during their meeting scheduled for early October "to bring resolution to these troubling matters in a spirit of Christian charity." The then-chair of the board, Mr. Becker, responded on October 3, denying the request. [Page 66]

Dr. Hoffeditz won the grievance process despite the burden placed against him:

Under the university's regulations, the burden of proof would be on Professor Hoffeditz to demonstrate why he should not have been dismissed. [Page 66]

CU Grievance Investigation Panel (GIP) found the University's assertions to be false:

The panel found that Professor Hoffeditz had not received any "written reprimands, warnings, or plans of correction" from the administration before he was handed his notice of dismissal, despite the university's assertion the previous summer that "every other option" short of termination had been "exhausted." [Page 67]

The Board of Trustees rubber-stamped Brown's rejection of the GIP's findings in a single day:

President Brown is reported in Christianity Today to have said (April 3, 2008, brackets in original): "*[The trustees] examined all of the evidence and the testimonies and so on and were convinced without a shadow of a doubt that he had violated his contract. It was not over doctrinal, theological issues at all.*" If this account is accurate, the president's words appear disingenuous. The trustees heard President Brown's own report; according to university counsel, no one else had been given the evidence and testimony confiscated by the administration, nor could the trustees have made their decision in a single day had they been expected to familiarize themselves with the voluminous evidence. [Page 80]

President Brown personally seized the entire evidence record from the GIP:

Compounding these departures from generally accepted standards, President Brown took a step that has no precedent in the AAUP's annals, confiscating the only record of the hearing, together with all the evidence, despite the GIP's having promised confidentiality to witnesses [Page 71]

It is wholly unacceptable, however, to deny the individual accused **[Dr. Hoffeditz]** of misconduct access to all relevant evidence brought forward against him. Moreover, the evidence presented to the hearing panel did not in fact persuade it to render a judgment upholding the allegations **[made by the administration]**. [Page 84]

The AAUP affirms the 'climate of fear' detected earlier by the Dayton Daily newspaper:

The investigating committee found abundant evidence of outright fear among faculty, inside and outside the Bible department, regardless of theological orientation or degree of involvement in theological matters. [Page 82]

The AAUP found unexplainable mistreatment of long-serving professors:

Professors Richard Blumenstock and James Bjornstad, were both served official warnings by the leaders of the School of Biblical and Theological Studies for signing the letter distributed by the Coalition of the Concerned . . . they were permanently stripped of all classes, students, and advisees, and barred from department meetings; their colleagues were instructed not to speak to them or introduce job candidates to them. The investigating committee was unable to secure further details, and no one with a leadership role in the Bible department was willing to meet with the committee to explain what appear to be quite extraordinary and ad hoc disciplinary measures. [Page 83]

The Cedarville administration would not cooperate with the AAUP:

(The AAUP first wrote CU on Sep 11, Oct 9, and again on Oct 25)

Responding by letter of March 14, Mr. Haffey stated that the administration was not willing to cooperate with the investigation and that the committee would not be welcome on the Cedarville University campus. [Page 70]

Final Summary Conclusion at the end of the AAUP report:

Conclusions

1. The administration of Cedarville University acted in disregard of procedural safeguards set forth in the 1940 Statement of Principles on Academic Freedom and Tenure and the derivative 1958 Statement on Procedural Standards in Faculty Dismissal Proceedings in dismissing Professor David Hoffeditz without having first demonstrated cause for its action in an adjudicative hearing of record before a duly constituted faculty body.

2. Cedarville University's stated procedures for contesting dismissal for cause denied Professor Hoffeditz academic due process by (a) misdirecting the burden of proof onto him, (b) not affording him a hearing before a body of faculty peers, (c) denying him access to the evidence and the witnesses against him, and (d) failing to provide for a final appeal to the board of trustees.

3. The administration's subsequent confiscation of all the evidence and the only record of the proceedings, contrary to the agreed-upon rules and procedures, warrants condemnation for having changed a hearing of record into an exercise in futility, crippling Professor Hoffeditz's opportunity for appeal.

4. The administration's charges against Professor Hoffeditz far exceeded the limitations on academic freedom to which Cedarville University lays claim, resulting in a dismissal that violated his exercise of academic freedom within his area of academic competence.

5. The absence of meaningful shared governance under the current administration at Cedarville University, combined with the administration's bypassing of established channels of academic decision making, and the lack of procedural safeguards against dismissal, has resulted in a sense of insecurity and mistrust among the faculty that is inimical to academic freedom.

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