

Tenure in the University of California —A Denial of Due Process?

Since the rise in nineteenth century Germany of the modern concept of academic freedom, tenure has bestowed economic security upon the teacher and protected him from arbitrary dismissal. Usually tenure worked by granting job security to the teacher after a probationary period of employment. Although the procedure by which an individual is granted tenure has been refined, tenure is still the way that most teachers are protected in their jobs, particularly on the University level.

What tenure means, the process by which it is decided at the University of California, whether this process meets Constitutional requirements of due process and equal protection, and the procedure by which an individual can appeal the tenure decision is the subject of this paper.

I. WHAT TENURE MEANS

Tenure is a system whereby an individual is protected against dismissal without procedural due process. It grew up to protect scholars both in and out of the classroom “on the pragmatic conviction that the invaluable service rendered by the University to society can be performed only in an atmosphere entirely free from administrative, political, or ecclesiastical constraints on thought and expression.”¹

Because the tenure system usually guarantees that a profes-

¹Symposium, *Developments—Academic Freedom*, HARV. L. REV. 1048, 49 (1967-68).

sor will not be dismissed without cause—cause being, for example, the commission of a serious violation of law or immoral behavior in public²—most systems provide for a probationary period before tenure is granted.³ The probationary teacher is generally given short-term contracts—two years for assistant professors at the University of California⁴—during which he cannot be dismissed without cause,⁵ he has the same rights as tenured faculty to academic freedom,⁶ and he must receive timely notice of a decision not to re-appoint.⁷ He does not, however, have the same right to continuous appointment, since this is the essence of tenure.

The American Civil Liberties Union⁸ characterizes the non-tenured teacher as in the “experimental phase” of his career, and thus cites the custom of universities to be more “fluid” in their testing of teachers at this stage. It is not uncommon at this stage for a teacher to be denied reappointment for such considerations as the institution’s financial position, without regard to his competence.⁹

Junior faculty at the University of California are appointed pursuant to a policy under which the University retains and promotes to tenure rank only a portion of those who are appointed. Such appointees do not have security of employment¹⁰ and the

²ACADEMIC FREEDOM, ACADEMIC RESPONSIBILITY, ACADEMIC DUE PROCESS IN INSTITUTIONS OF HIGHER LEARNING—A STATEMENT OF PRINCIPLES, AMERICAN CIVIL LIBERTIES UNION, Sept. 1966, at 15 (hereinafter cited as STATEMENT OF PRINCIPLES).

³The American Association of University Professors (hereinafter cited as AAUP) recommends no more than seven years. ACADEMIC FREEDOM AND TENURE—1940 STATEMENT OF PRINCIPLES, AAUP (1940) (hereinafter cited as 1940 STATEMENT).

⁴UNIVERSITY OF CALIFORNIA ADMINISTRATIVE MANUAL, APPOINTMENT AND PROMOTION, § 52-20(b), *Professional Series—Terms of Service* (hereinafter cited as ADMIN. MANUAL).

⁵1968 *Recommended Institutional Regulations on Academic Freedom and Tenure*, AAUP BULLETIN, Winter, 1968, at 60.

⁶1940 STATEMENT, *supra* note 3.

⁷*The Standards for Notice of Nonreappointment*, AAUP BULLETIN, Autumn, 1964, at 8.

⁸STATEMENT OF PRINCIPLES, *supra* note 2, at 16.

⁹*Id.*

¹⁰ADMIN. MANUAL, § 52-20, *supra* note 4. Proposed revisions to the ADMIN. MANUAL, § 52-16(a) tighten up the University’s position here. The draft of 10-5-71 states:

An appointment or reappointment to the title Instructor or Assistant Professor must be for a specified term and may not be for an “indefinite” period.

burden of proof is on the junior faculty member to demonstrate his superior qualifications, rather than on the University to demonstrate that he is unsatisfactory.¹¹

The procedure¹² and the criteria¹³ used in determining whether a probationary teacher will be promoted to the tenure rank are embodied in the University of California Administrative Manual, and will be dealt with in detail later. But once a probationary teacher has been granted tenure, he can no longer be dismissed without cause. The Administrative Manual states:

“An appointment as associate professor is regarded as continuing during satisfactory behavior and efficient service.”¹⁴

The most important single thing that the granting of tenure accomplishes with regard to the dismissed teacher is that it shifts the burden of proof from the teacher to the University. It further eliminates dismissals based on financial cutbacks, as well as dismissals based on the whim and caprice of the administration. It does not, however, eliminate cutbacks due to the curtailment or elimination of programs.

II. HOW TENURE IS DECIDED AT THE UNIVERSITY OF CALIFORNIA

Tenure is decided at the University of California by other tenured faculty members who sit on committees duly consti-

¹¹*Id.* § 52-20 Conditions of Employment.

a. Appointments to the ranks of Instructor and Assistant Professor are *probationary* and for stated terms. Continuance beyond such a term requires reappointment subject to the conditions stipulated in Sections 52-17 and 102-2. The Department Chairman shall inform the appointee that the University is under no obligation to reappoint or promote, nor to demonstrate that the appointee is unsatisfactory.

¹²*Id.* § 52-83.

¹³*Id.* § 51-1d.

¹⁴*Id.* § 52-20(c). See also STANDING ORDERS OF THE REGENTS, 103.10

All appointments to the positions of Professor and Associate Professor and to positions of equivalent rank are continuous in tenure until terminated by retirement, demotion, or dismissal. The termination of a continuous tenure appointment or the termination of the appointment of any other member of the faculty before the expiration of his contract shall be only for good cause, after the opportunity for a hearing before the properly constituted advisory committee of the Academic Senate.

tuted for that purpose and specifically authorized by a delegation of authority beginning with the Constitution of the State of California.

While the University of California is an administrative agency, it is not governed by the Administrative Procedure Act,¹⁵ which sets the standards for its agencies in such activities as publication of its regulations,¹⁶ hearings,¹⁷ and judicial review.¹⁸ The University of California was authorized by the Constitution of the State of California and is governed totally by a Board of Regents "with full powers of organization and government, subject only to such legislative control as may be necessary to insure compliance with the terms of the endowments of the University and the security of its funds."¹⁹ Thus the rules and regulations regarding the establishment of and the criteria for tenure are administratively determined and applied,²⁰ and so the question becomes to what extent are the policies of the University of California subject to the same controls as those of other administrative agencies.

The Constitution, in addition to delegating all authority to the Regents, further provides that the Regents shall have the power "to delegate to its committees or to the faculty of the University, or to others, such authority or functions as it may deem wise...."²¹ With the Organic Act, passed March 23, 1868,²² pursuant to the Constitutional authorization, came the specific authorization for the establishment of the Academic Senate.

All the Faculties and instructors of the University shall be combined into a body which shall be known as the Academic Senate,...which is created for the purpose of conducting the general administration of the University.²³

Pursuant to the Constitution and the Organic Act, the Regents have adopted by-laws and standing orders that establish the

¹⁵CAL. GOV'T. CODE § § 11370-11528 (West 1963).

¹⁶*Id.* § 11409.

¹⁷*Id.* § § 11502-11521.

¹⁸*Id.* § 11523.

¹⁹CAL. CONST. ART. 9, § 9.

²⁰STANDING ORDERS OF THE REGENTS, 105.2.

²¹CAL. CONST. art. 9, § 9.

²²Stat. 1867-68, C. 244.

²³*Id.* § 18, 255.

basic policies of the University. Among these is Standing Order 105.2, which delegates to the Academic Senate the duty of selecting the various faculties of the University.²⁴ Thus comes the authority for the determination of tenure to be made by the faculty itself.

According to the Faculty Handbook, "The quality of the faculty of the University of California is maintained primarily by means of objective and thorough appraisal, made by departmental members and by Academic Senate *ad hoc* and standing committees, of each person proposed for appointment or promotion."²⁵

Universitywide, the system works this way. Recommendations for appointments, promotions, and salary increases ordinarily are made initially by the department chairman after consultation with the tenured members of the department. (On the Davis campus student evaluations are required as well). In larger departments, a faculty review committee is appointed by the chairman for each faculty member who is being considered for promotion to the tenure level, and this committee reads the products of the individual's research, attends his classes, and presents to the chairman an evaluation of the individual's readiness to progress to the tenured ranks.

The Administrative Manual sets out the steps and the criteria to be used in judging the nominee. The Instructions to Appointment and Promotion Committees²⁶ states that the department chairman shall submit to the dean of the appropriate college or school his letter of recommendation, along with a comprehensive assessment of the candidate's qualifications, detailed evidence to support this evaluation, an up-to-date biography and bibliography, and copies of research publications or other scholarly or creative work. Extramural opinions from colleagues of the

²⁴(c) The Academic Senate shall determine the membership of the several faculties and councils, subject to the provisions of STANDING ORDER 105.1(c), ...provided that the several departments of the University, with the approval of the President, shall determine their own form of administrative organization, and all Professors, Associate Professors, Acting Professors, Acting Associate Professors, and Assistant Professors, and all Instructors of at least two (2) years service shall have the right to vote in department meetings.

²⁵HANDBOOK FOR FACULTY MEMBERS OF THE UNIVERSITY OF CALIFORNIA, March 1970.

²⁶§ 51-1.

nominee at other institutions where he has worked and from other qualified persons having first-hand knowledge of his attainments are also required.

The Administrative Manual states that promotions are based on merit; they are not automatic.

Promotions to tenure positions should be based on consideration of comparable work in a man's own field or in closely related fields. The department and the review committee should consider how the candidate stands in relation to other people in his field outside the University who might be considered alternative candidates for the position. It is also recommended that the department chairman supplement the opinions of his colleagues within the department by letters from distinguished extramural informants.²⁷

Following the receipt of the chairman's report by the dean, the dean forwards the request and recommendation, along with his own comments, to the Chief Campus Officer.²⁸ The Chief Campus Officer forwards the request and recommendation to the Academic Senate Committee on Budget and Interdepartmental Relations (commonly called the Budget Committee). This committee, considered by most faculty to be the most powerful committee of the Academic Senate, is where the decision is actually made on whether an individual will receive tenure. Although their recommendation must be approved by the Chancellor, the President of the University, and the Regents, rarely is a decision of the Budget Committee reversed, according to one faculty source.²⁹

When the Budget Committee receives the request and recommendation, it nominates a review committee, consisting usually of individuals from the nominee's academic field, including men from his department and other academic departments who have the background to assess the nominee's research and writing. On occasion, a faculty member from another campus

²⁷§ 51-1(c) (3).

²⁸These steps are outlined in § 52-83.

²⁹Interview with Jerome Rosen, Professor of Music and Chairman of the Budget Committee, University of California, Davis, in Davis, on October 26, 1971 (hereinafter cited as Rosen Interview).

may be asked to sit on a review committee.³⁰ The nominations are sent to the Chief Campus Officer, who appoints the review committee and transmits to it all the materials gathered on the nominee along with a copy of the criteria to be used in granting tenure.³¹ These criteria are intended to serve as a guide in judging the candidate, not to set boundaries to the elements of performance that may be considered. The criteria listed are teaching, research and creative work, professional competence and activity, and university and public service.

On the basis of all the materials received and any other information which it may secure, the review committee evaluates the nominee and makes its recommendations to the Budget Committee. That Committee then forwards the recommendation to the Chief Campus Officer. From there the recommendation goes to the President of the University, and then to the Regents. The Regents have final approval on appointments and promotions. If, however, they take no action concerning the names presented to them for promotion or appointment at their next regularly scheduled meeting held at least ten days after receipt of the names, the appointments and promotions may thereafter be made.³²

If the determination is made not to recommend the nominee for promotion to the tenure level, the nominee is notified by letter from the Chief Campus Officer that he will receive a terminal appointment for the following academic year.³³ Normally, reasons for the decision not to grant tenure are not given, but the nominee is told that he is free to contact the dean of his college, who is sent the comments of the review committee, to discuss his case.

III. THE SCOPE OF THE APPEAL

When the nominee contacts his dean or department chairman to learn why he was denied tenure, he will learn exactly what the dean or chairman wants to tell him and no more. The Uni-

³⁰See Appendix 1, Annual Report of the Committee on Budget and Interdepartmental Relations, July 1, 1970 - June 30, 1971, to the Davis Division of the Academic Senate.

³¹ADMIN. MANUAL, § 51-1(d).

³²BY-LAWS AND STANDING ORDERS OF THE REGENTS, 102.1(a).

³³See Appendix 1.

versity of California has no clear procedure to be followed when the individual contacts his superior at this stage, but it is clear that there is no requirement that he be told the reasons for the denial of tenure.

At this point, if the candidate is dissatisfied with the explanation, he may appeal the decision to the Academic Senate Committee on Privilege and Tenure.³⁴ While this committee is authorized to hear such appeals, it may not reconsider the case on its merits, but can hear only allegations that there has been a procedural flaw in the initial review. The burden is on the nominee to present a prima facie case of suppression, negligent omission, or use by the review committee of unauthorized criteria.³⁵ Then, if he proves his case, he is entitled to a hearing, and the Privilege and Tenure Committee will make its recommendations to the Chief Campus Officer. The hearing is not a *de nova* hearing, and the report that is sent to the Chief Campus Officer is not binding.³⁶

IV. THE DUE PROCESS OBJECTIONS

The three major objections to the present system are that (1) confidentiality during the review process prevents an individual from confronting his accusers or even knowing what was said about him, and thus denies him a chance to refute the allegations; (2) the lack of a requirement that reasons be given for refusing to grant tenure allows for administrative arbitrariness and denial of due process; (3) the lack of an effective appeal procedure deprives the individual of any opportunity to contest the arbitrariness of the decision.

³⁴BY-LAWS OF THE ACADEMIC SENATE 112, DAVIS DIVISION BY-LAWS Title III, 87(b).

³⁵Interview with Clyde Jacobs, Professor of Political Science, University of California, Davis, in Davis on October 29, 1971.

³⁶*Id.*

A. CONFIDENTIALITY

Secrecy is not congenial to truth-seeking and self righteousness gives too slender an assurance of rightness.

Frankfurter³⁷

Throughout the review procedure and later, during the appeal, the University of California requires strict confidentiality. In the Instructions to Appointment and Promotion Committees is the statement "THE MEMBERSHIP, DELIBERATIONS, AND RECOMMENDATIONS OF THE REVIEW COMMITTEE ARE STRICTLY CONFIDENTIAL."³⁸ (Emphasis theirs.) The statement continues:

The chairman of an appointment or promotion committee should remind members of the committee, and others whom it is essential for the committee to consult, of the confidential nature of the assignment. This should be kept in mind for arranging for all written or oral communications; and when recommendations with supporting documents have been forwarded, all copies of preliminary drafts should be destroyed.³⁹

This requirement of confidentiality poses the biggest problem for the candidate who is denied tenure and who tries to find out why. On the simplest level, he might want to know how he might improve his work so as to do better in his next job. (At Davis, a new faculty member will be able to get a review from his department chairman of his yearly evaluations. He still won't see the actual evaluation, but will hear what the chairman chooses to reveal.) On the other hand, he might want to appeal the decision, and presenting a prima facie case to the Privilege and Tenure Committee without being able to find out why he was denied tenure will present an insurmountable problem, causing him to make guesses as to his case.

Most Academic Senate "powers" support the present system of evaluating and reviewing candidates for tenure, and find the confidentiality essential. The chairman of the Budget Committee

³⁷Concurring in *Joint Anti-Fascist Refugee Committee v. McGrath*, 341 U.S. 123, 170 (1953).

³⁸ADMIN. MANUAL, § 51-1 b.

³⁹Id.

at the University of California, Davis feels secrecy is needed "to get an unhindered, candid, and totally objective evaluation from a man's peers."⁴⁰

Another Davis professor, active in the American Federation of Teachers, says that there is no reason to believe that peer group evaluation would break down without secrecy. He states that the rights of the university have to be balanced against the rights of the individual, and there is no reason why professional standards should be irreconcilable with due process.⁴¹

Confidentiality need not be inherent in a tenure system. The state colleges of the State of California maintain open files on their personnel actions. Even within the university, there are signs that confidentiality may give way somewhat. Two separate committees operating during the 1970-71 year on the Davis campus came up with their recommendations on how tenure could be improved. One of the reports, from the Campus Liaison Committee, proposes:

At the department level, normal and required procedure will include the right of the faculty member concerned to see the department's report with respect to his or her case.⁴²

The Liaison Committee report does not go all the way in opening up the file to the candidate, possibly because of a letter written to the student chairman from a faculty member who is also chairman of the Privilege and Tenure Committee. The professor states:

I, therefore, urge that 1 b *must* read after the last sentence: "Strict confidentiality by both the departmental chairman and the faculty member must be followed in the exchange of statements or evidence." ...If all the negotiations are released to the public willfully by the individual he is destroying the rights and privileges of his colleagues.⁴³

⁴⁰Rosen Interview, *supra* note 29.

⁴¹Interview with Paul Goodman, Professor of History, University of California, Davis, in Davis, October 12, 1971.

⁴²Draft, March 29, 1971, Advisory Committee to Chancellor, consisting of students, staff, faculty, and alumni (hereinafter cited as Draft) (on file at U.C.D. Law Review Office).

⁴³Letter from Paul Stumpf to Don Klingborn, March 11, 1971 (hereinafter cited as Stumpf) (on file at U.C.D. Law Review Office).

Consequently, the Liaison Committee Report § 1 b reads:

It is not our intention that the confidentiality of the review process be violated by giving the individual under consideration access to confidential evaluations, such as those made by colleagues in his department or to those solicited from distinguished extramural informants.

The second report, commonly called the Jungerman Report after its chairman, Professor J. A. Jungerman, tries to find a middle ground and recommends that the candidate should be told the reasons for his dismissal, but “without breach of the confidentiality of the review process.⁴⁴ Apparently an earlier draft of the Jungerman Report had called for more openness, because a memo from the chairman of the Budget Committee, dated February 24, 1971, states:

We specifically advise *against* your committee’s recommendation that a verbatim report of Budget Committee comments be provided the candidate.⁴⁵

Thus, at the present time, secrecy is still the key to the proceedings by which an individual is evaluated for tenure.

B. REASONS

Whether a nontenured faculty member is entitled to a written statement of the reasons for the nonrenewal of his contract and a hearing if he requests one is a question now before the U.S. Supreme Court.⁴⁶ The American Association of University Professors, in April 1971, reversed its former position and now fully supports giving reasons and providing a hearing.⁴⁷

The AAUP “Statement of Procedural Standards in the Renewal or Nonrenewal of Faculty Appointments” carefully weighs the conflicting interests—the desire of the university to

⁴⁴Draft, April 26, 1971 (on file at U.C.D. Law Review Office).

⁴⁵Letter from Professor Jerome Rosen to J. A. Jungerman, February 24, 1971, at 3 (on file at U.C.D. Law Review Office).

⁴⁶*Sinderman v. Perry*, 430 F.2d 939 (5th Cir. 1970), *cert. granted*, 403 U.S. 917 (1971); *Roth v. Board of Regents of State Colleges*, 446 F.2d 806 (7th Cir. 1971), *cert. granted*, 404 U.S. 909 (1971).

⁴⁷AAUP BULLETIN, Summer 1971, at 206-210.

recruit and retain the best qualified faculty, and the interests of the individual faculty member—and concludes that the reasons in support of the faculty member's being informed outweigh the risks. After a consideration of the risk "that the important distinction between tenure and probation will be eroded," the AAUP concludes:

In the event of a decision not to renew his appointment, the faculty member should be informed of the decision in writing, and, if he so requests, he should be advised of the reasons which contributed to that decision. He should also have the opportunity to request a consideration by the decision-making body.⁴⁸

The University of California thus far has no requirement that the faculty member be given reasons for nonrenewal of his contract. As mentioned earlier, he is completely dependent on his chairman and dean for information. One dean on the Davis campus hesitates to give reasons because he feels that they hurt rather than help the individual. His policy is to tell the individual as "little as possible."⁴⁹ If the individual insists, however, this dean will tell him what the comments of the review committee were, but he will not put them in writing. The Jungerman Report called for the University to tell the candidate the reasons for the nonrenewal,⁵⁰ but to date this is not university procedure.

C. THE APPEAL

As noted earlier, the appeal procedure which is available to the dissatisfied faculty member is through the Privilege and Tenure Committee of the Academic Senate, and this is an appeal on procedural grounds only. The suggestion that the appeal be a substantive one has met with continued hostility from the Senate leaders. One professor points out that giving the Privilege and Tenure Committee the right to re-evaluate the

⁴⁸*Id.* at 208.

⁴⁹Interview with Lawrence Andrews, Dean, College of Letters and Science, University of California, Davis, in Davis, December 22, 1971 (hereinafter cited as Andrews Interview).

⁵⁰*Supra* note 44.

entire review process would not only be time-consuming but would result in two different committees doing the same work – evaluating whether the individual should receive tenure. While he sees that the rights of individuals need protection within the system, he fears that recent court cases⁵¹ which make mandatory review and hearing procedures will spell the end of tenure, and “the best system we know now will go by the boards.”⁵²

This so called “best system”, however, led one long-time faculty member to say that in all the time he had been at the university, he had never known of one instance of a reversal of the Chancellor’s decision not to grant tenure.⁵³ This fact alone would suggest that the appeal procedure within the University does not work and may be nothing more than a stalling tactic by the administration.

One law professor, highly critical of the appeal procedure, is himself a member of the Privilege and Tenure Committee. He points out that the committee has no authority to decide anything but can just “recommend.” He further objects to the fact that the Privilege and Tenure Committee is dependent on the Budget Committee for its information, which the Budget Committee can withhold at will. He feels that the line between what is substantive and what is procedural is thin sometimes, and requires evaluation of all the evidence. He also feels that the Privilege and Tenure Committee could take more power, but has not done so.⁵⁴

The AAUP position is in accord with University policy.

Complaints of inadequate consideration are likely to relate to matters of professional judgment, where the department... should have primary authority. For this reason, Committee A believes that the basic functions of the review committee should be to determine whether adequate consideration was given to the appropriate faculty body’s decision...⁵⁵

⁵¹A complete discussion on the cases may be found in the following Article.

⁵²Rosen Interview, *supra* note 29.

⁵³Andrews Interview, *supra* note 49.

⁵⁴Interview with Donald H. Wollett, Professor of Law, University of California, in Davis, January 10, 1971.

⁵⁵AAUP BULLETIN, Summer 1971, at 206-210.

It then goes on to define adequate consideration as referring to “procedural rather than substantive issues,” and warns against permitting the review committee to substitute its own judgment for that of the members of the department on the merits of whether the candidate should be reappointed or given tenure.⁵⁶

When the Liaison Committee, in its report to the Chancellor on proposed changes in the tenure review, wrote its recommendation, it provided for a hearing before the Privilege and Tenure Committee in the event an individual was denied tenure.⁵⁷ From the chairman of the committee on Privilege and Tenure came this reply:

I must also caution the members of the committee that in 1 c Privilege and Tenure does not serve as a quasi ad hoc committee to determine and judge the academic abilities of the individual. It *only* determines if there is a *violation* of the privileges or tenure of the individual....It does *not* determine the academic qualifications of the individual since this would infringe on the academic freedom of the Department and its members as well as on the proper functions of the Budget Committee. ...Therefore, the term “granted a hearing before the Privilege and Tenure Committee” must be viewed with this in mind.⁵⁸

The issues of confidentiality, reasons, and appeal are difficult ones to resolve. Assuming that university and department autonomy are good, to what extent should they control the tenure process? To what extent do the rights of the individual need to be protected during the process? What should a department do when no one in the department can “get along” with a man who is otherwise qualified? If the departments regulate themselves, won't they be clan oriented, setting their own standards which have no means of review? To whom is the university accountable? Should faculties be regulated by an outside body, much the same as the police, who are checked by civilian review boards? Who protects the taxpayer? Who protects the student? Aside from the due process objections, what about just plain decency in the administration of personnel affairs?

⁵⁶*Id.*

⁵⁷See Draft, § 1(c), *supra* note 42.

⁵⁸Stumpf, *supra* note 43.

Suggestions for changes within the University of California range from beefing up the Privilege and Tenure Committee to a real review committee with powers to reverse, not just recommend, all the way to unionization, with collective bargaining and third person arbitrators to decide disputes. And many people feel that if the University doesn't make the changes itself, the courts will do it for them.

Dianna Z. Hoffman Bukey

Appendix A

As of 4-1-71

"SAMPLE"

(TERMINAL APPOINTMENT)

Dear _____:

I regret to notify you that after thorough review, including a study and appraisal by an ad hoc committee, the Committee on Budget and Interdepartmental Relations of the Academic Senate and this office, you will not be recommended for a tenure appointment in the University. I am sorry to say, therefore, that your Department Chairman will be asked to prepare a terminal appointment as _____ in the Department of _____ for you for the academic year _____.

The evaluative comments of the reviewing committees have been forwarded to your Dean's Office. The substance of these remarks can be made available to you through your Chairman, if you so request.

I hope you understand how sorry I am to have to tell you of this decision. I hope too that you will be able to secure a position more suitable to your aptitudes and interests, and I want to assure you of my willingness to be of any help I can in obtaining such a position.

Sincerely yours,

[Name of Chancellor]