

HOWARD UNIVERSITY

OFFICE OF THE FACULTY SENATE

February 14rd, 2020

**FORMAL COMPLAINT
AGAINST DR. ANTHONY WUTOH, PROVOST AND CHIEF ACADEMIC OFFICER
FOR DELIBERATE VIOLATIONS OF THE FACULTY HANDBOOK IN HIS SELECTION OF
MEMBERS FOR THE SCHOOL OF BUSINESS AND COLLEGE OF ENGINEERING AND
ARCHITECTURE DECANAL SEARCH COMMITTEES**

Dear President Frederick and Mr. Mobley,

Shared governance, as indicated in the *2019 Howard University Faculty Handbook*, “ensures the rights of faculty to seek change and to participate in the governance of the University through direct interaction and dialogue with the administration and/or the Board of Trustees.”

Accordingly, the Faculty Senate Council is hereby lodging a formal complaint with the President, the Board of Trustees, and Dr. Shirley Jackson, Chairperson of the Middle States Visitation Team, against Dr. Anthony Wutoh, the Provost and Chief Academic Officer of the University. The complaint concerns Dr. Wutoh’s deliberate, flagrant, and repeated violations of the *Faculty Handbook* in regard to his oversight of the decanal search committees for the School of Business and the College of Engineering and Architecture.

Dr. Wutoh has chosen to ignore the Faculty Senate selections of Dr. Denver D’Rozario to the School of Business decanal search committee and Dr. Sonya Smith to the College of Engineering and Architecture decanal search committee. The Faculty Senate was not provided with any valid reason for Dr. Wutoh’s exclusion of these two highly qualified faculty members from their respective decanal search committees and, therefore, is lodging this formal complaint.

Furthermore, we seek to prevent any future malfeasance by the University administration in the formation and composition of decanal search committees.

We are copying Dr. Jackson on this communication in order to share our concerns regarding the administration’s lack of adherence to shared governance in violation of Standard VII, Governance, Leadership, and Administration, of the Middle States Commission on Higher Education Standards for Accreditation and Requirements for Affiliation. Furthermore, we wish to demonstrate that we are attempting to engage in a dialogue with the administration and the Board of Trustees on this crucial matter.



We are requesting the following:

- A commitment from the administration to follow the processes prescribed in the *2019 Faculty Handbook*, including those for decanal searches;
- A meeting with Dr. Wutoh, President Frederick, and the Board of Trustees to discuss our urgent concerns regarding Dr. Wutoh's and President Frederick's actions;
- A genuine discussion with the administration and the Board of Trustees, conducted through a mediation process, with the objective of identifying means by which to increase collaboration with the faculty in the shared governance of the University;
- Letters of apology from the administration to Dr. Denver D'Rozario and Dr. Sonya Smith for their improper exclusion from the decanal search committees of their respective schools

The *2019 Faculty Handbook*, "Section A4.2 Appointment, Term and Evaluation of Deans" states:

"...Deans are appointed by the Board of Trustees upon recommendation of the President. When appointing a new dean, the Provost shall name the chair of the search committee and appoint or arrange for the election of a search committee. The majority of the search committee members shall be from the school/college that the new dean will head, and **two members will be selected by the Faculty Senate** (emphasis added). The Provost's recommendations, together with that of the school/college search committee, shall be forwarded to the President for final decision."

The last sentence of the above-quoted paragraph should not be confused with the process of forming the decanal search committees, a process in which the president has no role. Certainly, a search committee that has yet to be constituted cannot forward recommendations for its own membership!

We begin with a discussion of the events as they relate to the formation of the School of Business decanal search committee. On September 23, 2019, Dr. Marcus Alfred, Chairperson of the Faculty Senate, sent Dr. Wutoh an email selecting two members of the School of Business faculty, Dr. Denver D'Rozario and Dr. Darian Unger, to serve on the decanal search committee.

On September 25, Dr. Wutoh responded that "President Frederick has approved the recommendation of Professor Darian Unger to serve on the School of Business Decanal Search Committee," thereby acknowledging only **one** of the two Faculty Senate selections. As is clearly indicated in the *2019 Faculty Handbook*, "**two members will be selected by the Faculty Senate.**"

Nothing in the process outlined in Section A4.2 indicates that the selections of the Faculty Senate are subject to approval by the President. Accordingly, by submitting the names of the two Faculty Senate selections to the President for unnecessary review and approval, Dr. Wutoh wilfully disregarded the process prescribed in the *2019 Faculty Handbook*. Moreover, President Frederick's involvement in this process also violated the *2019 Faculty Handbook*.

Dr. Wutoh did not inform Dr. Alfred of the rationale for his (and President Frederick's) decision not to comply with the *2019 Faculty Handbook* by disregarding the selection of one of the faculty members selected by the Faculty Senate. Nor did Dr. Wutoh, at that time, request another candidate from Dr. Alfred.

On October 10, President Frederick sent a communication to the Howard University Community naming the members of the "School of Business Decanal Search Advisory Committee." Dr. Denver D'Rozario was excluded from the committee. Six other members of the School of Business faculty, including Dr. Darian Unger, were named to the committee.

Since Dr. Wutoh has yet to provide an explanation for the deliberate exclusion of Dr. D'Rozario, a tenured full professor in the Department of Marketing, one can only speculate as to why he (and President Frederick) ignored the Faculty Senate's selection. In a January 29, 2020 email to the School of Business faculty responding to a complaint about the composition of the decanal search committee, Dr. Wutoh stated:

"Good morning. A formal response to your letter will be forthcoming. In the meantime, I will ask that Dr. Marcus Alfred, Faculty Senate Chair, provide as soon as practical, a recommendation for at least one individual, other than Professor D'Rosario (*sic*), who is willing to serve on the present decanal search committee. Please note that a consistent aim in the formation of decanal search committees is to have equitable representation, including but not limited to diversity with respect to gender, academic discipline, and career status of faculty. I am checking with the Chair of the committee regarding the practicality of adding another member; however, this may not be feasible considering the timing of the request this far into the search process."

Thus, it is obvious to the Faculty Senate Council, that even given an opportunity to do so, Dr. Wutoh did not provide a clear rationale for excluding Dr. D'Rozario. Moreover, in violation of Dr. D'Rozario's expectation of privacy on the matter, Dr. Wutoh unnecessarily and inappropriately identified him in the email above. We are aware that Dr. D'Rozario felt humiliated, degraded, and discriminated against by the actions of the Office of the Provost. There was absolutely no reason to release Dr. D'Rozario's name as it was not mentioned in any prior communications to the faculty.

(On a related note, we are aware that Dr. D'Rozario, on November 19, 2019, in response to an inquiry from Dana Cohick, President of RPA, Inc., the executive search firm retained by the University in the search for a new dean for the School of Business, agreed to have his name considered as a candidate. We wish to point out that the communication with Mr. Cohick occurred a significant amount of time after September 25, 2019, when Dr. D'Rozario was informed of Dr. Wutoh's improper refusal to accept him as a member of the decanal search committee and the President's October 10, 2019 email excluding him from the decanal search committee. Thus, no argument can be made that Dr. D'Rozario's discussions with Mr. Cohick towards the end of last year were the reason for Dr. Wutoh's improper refusal to seat Dr. D'Rozario on the Committee.)

Let us now examine the supposed concerns Dr. Wutoh may have had about the lack of “equal representation” on the School of Business decanal search committee.

Dr. Wutoh’s actions clearly demonstrate that he was satisfied with the extent of gender diversity and career status/faculty rank on the Committee. As a result of his initial selections, women were robustly represented on the committee, especially given that only about a third of the School of Business faculty are female. The chairperson of the committee, as well as three out of the five faculty members initially selected by Dr. Wutoh, were women.

Moreover, *after* he refused to seat Dr. D’Rozario on the decanal search committee and *after* President Frederick’s October 10 communication announcing its composition, Dr. Wutoh made a last minute addition of Dr. Raymond Smith to the committee. Dr. Smith, like Dr. D’Rozario, is male and a tenured full professor. If Dr. Wutoh had been concerned about either gender diversity or diversity in career status/faculty rank, he could have chosen a nontenured, *female assistant* professor. Clearly, Dr. Wutoh cannot use the objective of increasing diversity in gender or career status/faculty rank as a rationale for not selecting Dr. D’Rozario, since both Dr. D’Rozario and Dr. Smith are both male, tenured, full professors.

Moreover, Dr. D’Rozario is an ethnic minority and an immigrant from South Asia. Faculty born in South Asia comprise a significant percentage of the faculty of the School of Business. But since Dr. D’Rozario was excluded, this distinct, visible, and important group of faculty remained unrepresented on the decanal search committee.

We wish to also point out that Dr. Unger is Caucasian. At the time the Faculty Senate selected him, Caucasians, who are also a distinct, visible, and important group of faculty, also did not have a seat on the Committee. In making its two selections, the Faculty Senate had clearly intended to increase the racial, ethnic, and national origin diversity of the decanal search committee.

If Dr. Wutoh had to choose between the two male full professors - Dr. D’Rozario or Dr. Smith, valid arguments could be made for each. Dr. D’Rozario would have increased national origin diversity, while Dr. Smith would have been the first representative from the Department of Management. However, Dr. Wutoh, as far as we are aware, did not have a ceiling on the number of faculty members that he could place on the search committee. Accordingly, he did not have to choose between them - he could have simply seated them both. However, according to the rules of the *2019 Faculty Handbook*, one of his selections **had** to be Dr. D’Rozario, one of the two selections made by the Faculty Senate.

Dr. D’Rozario is one of the School’s most prolific and consistently productive researchers. He has a national reputation and is frequently quoted in the media. Furthermore, he would have brought national origin and ethnic diversity to the committee. Therefore our concern remains: why was Dr. D’Rozario deliberately excluded from the decanal search committee?

There is no legitimate explanation for his exclusion.

What we do know is that Dr. Wutoh's actions have significantly reduced the voice of the Faculty Senate in the recruitment and selection of a new dean for the School of Business. The process is critical to faculty governance and, according to President Frederick, "of the utmost importance to the University." The Faculty Senate's voice is especially critical to Dr. Wutoh's aim of "equitable representation," since every other member of the decanal search committee was chosen by the administration.

The Faculty Senate acted in good faith and made fair, sensible, and appropriate selections that significantly added to the diversity of the decanal search committee. On the other hand, Dr. Wutoh's decision not to seat Dr. D'Rozario was, in our opinion, arbitrary, capricious, and a disservice to the principles of fairness, truth, and justice for which Howard University stands. The *2019 Faculty Handbook* does not require the two selections by the Faculty Senate to meet any criteria, including any criteria unilaterally and arbitrarily imposed by Dr. Wutoh or President Frederick.

Our concerns regarding Dr. Wutoh's actions are heightened by the fact that his violation of Section A4.2 of the *2019 Faculty Handbook* is not an isolated event. In fact, he has also refused to seat Dr. Sonya Smith, who was selected by the Faculty Senate to serve on the decanal search committee of the College of Engineering and Architecture.

The facts with regard to Dr. Sonya Smith's exclusion are similar to the case of Dr. D'Rozario:

On September 23, 2019, Dr. Alfred sent an email to Dr. Wutoh:
"...recommending Profs. Sonya Smith and Vernon Morris. If Professor Morris is unable to accept, I'd recommend Prof. Taft Broome."

On September 25 Dr. Wutoh replied:
"...President Frederick has approved the recommendation of Professor Vernon Morris to serve on the College of Engineering and Architecture Decanal Search Committee..."

Dr. Sonya Smith, like Dr. Denver D'Rozario, is a distinguished academic with a national reputation. She was the first female, tenured faculty member in the Department of Mechanical Engineering and the first woman promoted to the rank of full professor in the Department. Dr. Smith is also a leading STEM grant recipient.

Again, Dr. Wutoh disregarded the *2019 Faculty Handbook* in referring these two selections to President Frederick for approval. Again, no rationale was provided for the decision to exclude Dr. Smith. Dr. Wutoh's action again suppressed the voice of the Faculty Senate.

Further, the Faculty Senate's voice in the decanal search process has been curtailed by the *2019 Faculty Handbook*, while the rights of the administration have been enhanced. The Office of the Provost now has its own, separate, independent recommendation of candidates for dean. As specified in Section A4.2, the process does not require that the President select any of the candidates put forward by the faculty search committee:

"The Provost's recommendations, together with that of the school/college search committee, shall be forwarded to the President for final decision."

As a result, the administration can now select new deans without any requirement or expectation to consider the recommendations of the faculty.

The *1993 Faculty Handbook* had provided a significantly greater role for faculty:

“Deans are appointed by the Board of Trustees upon the nomination of the president usually from a list of candidates recommended by a duly appointed or elected Faculty Search Committee of the school or college involved.”

The Faculty Senate has repeatedly expressed its serious concerns regarding the substantive changes in the *2019 Faculty Handbook* that weaken the rights of faculty. We have also expressed our concerns to the President and to the Board of Trustees about the process through which the *1993 Faculty Handbook* was revised.

The Decanal Search Committee for the School of Business has now completed its work without participation and input from one of the faculty members selected by the Faculty Senate. This exclusion is a blatant and indefensible violation of Section A4.2 of the *2019 Howard University Faculty Handbook*.

In Dr. Wutoh’s own words, the *2019 Faculty Handbook* “is a document developed by the Faculty and Administration...for the purpose of...protecting...faculty rights...”. Unfortunately, Dr. Wutoh has ignored the rules and regulations and taken deliberate steps to impede, rather than protect, the rights of faculty.

The Faculty Senate is committed to collaborating with the administration and the Board of Trustees on the shared governance of the University. Accordingly, we eagerly anticipate your timely response to our concerns regarding these very serious matters.

Respectfully,
The Faculty Senate Council

CC: The Honorable Shirley Jackson, Ph.D, Chairperson of the Middle States Visitation Team

Florence W. Prioleau, Esq., Secretary, HU Board of Trustees
Members of the Board of Trustees
Anthony K. Wutoh, Ph.D, Provost and Chief Academic Officer
Deans, Schools and Colleges
Howard University Faculty