

HOWARD UNIVERSITY

OFFICE OF THE FACULTY SENATE

August 26, 2020

Anthony K. Wutoh, Ph.D., R.Ph.
Provost and Chief Academic Officer
Howard University
2400 Sixth Street
Washington, DC 20059

Dear Dr. Wutoh,

Following the exchange of several communications by email that led to an impasse in our negotiations, the Senate transmitted to you a Revised FGC Training Project budget, complete with “Instructional Units” for training FGC Members and elected Hearing List Members on July 23, 2020.

On August 3, 2020 you informed the Senate that the elected members of the FGC had developed their own version of a training program, that the Senate’s training project had been rejected by the Administration, and only six(6) of the nine (9) hours of our revised project had been approved by the Administration. Please keep in mind that our revised project provided for fourteen (14) total hours of instruction with nine (9) hours to commence training initially and five (5) hours to be deferred until a later date during the semester.

Your August 3, 2020 email also provided that you will accept/impose the elected FGC proposal for two--three hours of training to be provided by Professor Sobrian, former Senate Chair, and Law School Professor Ross unless the Senate accedes to your counter-proposal of six (6) hours approved by the Administration and pay only two (2) of our contractors \$2,000 each, even though our proposal was negotiated at a cost of \$3,150 for a three (3) hour instructional unit and \$2,100 for one two (2) hour instructional unit.

I am elated that you took the time in your August 3, 2020 to finally address the substance to be included in any training program for the members of the FGC and Hearing List under 2019 Faculty Handbook as you identified topics to be covered and that were also published in your August 4, 2020 Dear Colleague Letter to our faculty:

Overview of the grievance process, role of the members of the FGs, role of the FGC Chair, jurisdictional issues of grievances for non-reappointment, due process, conflicts of interests, sequence of events in a hearing closed session and recommendations to the President.



Regarding your topics of substance, I assume that you have concluded that they are be-all and end-all for training purposes.

As you will recall, our proposal provides for five (5) instructional units:

1. The Grievance Process Under the 2019 HU Faculty Handbook—3hrs.
2. Evidence in a Grievance Proceeding—3hrs.
3. The Conduct of Hearing Under the 2019 HU Faculty Handbook—3hrs.
4. Decision Making Methods in the Application of Personnel Policies—2hrs.
5. Formulation and Issuance of Grievance Decision Under the 2019 HU Faculty Handbook—3hrs.

Unlike the elected FGC's proposal, our proposal contemplates training of FGC Members and Hearing List Members at the same time in a virtual format.

You should be informed that the topics that are identified in your August 3, 2020 email are treated as subtopics in our proposal and are covered in depth under item 1. above, with the exception of your item "sequence of events in a hearing closed session," which is covered under item 3. above.

The Senate consulted our Independent Legal Officer, Mr. Johnnie Landon, Jr., Esq., an expert in the Labor relations and employee relations field, regarding the comprehensiveness of your identified topics for the purpose of adequate quality training of FGC Members and Hearing List Members. Below, I share with you his thoughts:

Members of the Senate:

You have requested that I review and comment on the adequacy of the topics identified by the Provost as to whether they suffice as a complete training program for FGC Members and Hearing List Members. My thoughts are that the Provost's suggested/mandated topics are essential, but in no way do they constitute a complete training program for the faculty members involved. The Senate's proposed program tracks each critical phase of the grievance process and addresses substantive issues that a faculty member is likely to encounter in the administration of grievance process and the adjudication of grievances. If I may use a food analogy as to illustrate the lack of completeness of the training, you pull up to Burger King drive through and place an order for a fully loaded Whopper. You pull up to the next window, pay and accept your order. When you inspect your order, you find a half beef patty on a bun with no lettuce, cheese or pickles, and come discover that you have been provided an incomplete Whopper. You may expect a similar result if you limit the training of members of the FGC and Hearing List to the subtopics suggested by the Provost.

Mr. Provost, the Senate takes its responsibility to our faculty very seriously to ensure a fair process in the administration of the grievance process and the adjudication of grievances. Faculty members have devoted their lives, labor and resources in preparation for our honorable

profession. Faculty employment rights are important, and faculty members have an unequivocal right to expect adequately trained individuals to protect their rights.

Thus, the Senate cannot accede to your ultimatum as the Senate stands firm on its proposal of nine (9) hours to commence training and deferring five (5) hours until a later date during the semester at the negotiated cost contained in our revised proposal.

Thank you.

Sincerely,



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