

HOWARD UNIVERSITY

OFFICE OF THE FACULTY SENATE

FORMAL COMPLAINT

October 21, 2020

The Middle State Commission on Higher Education
3624 Market Street
Suite 2 West
Philadelphia, PA 19104

Dear Members of the Commission,

The Noncompliance of the Office of the Provost and the Office of the President with the Howard University Faculty Handbook and Middle States Standard VII – Governance, Leadership, and Administration.

The *Howard University 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.”

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. Anthony Wutoh, Provost an email selecting two members of the School of Business faculty to serve on the decanal search committee.

On September 25, Dr. Wutoh responded that “President Frederick has **approved** (emphasis added) the recommendation of...” only **one** of the two Faculty Senate selections “to serve on the School of Business Decanal Search Committee.” As is clearly indicated in the *Faculty Handbook*, “**two members will be selected by the Faculty Senate.**”



Dr. Wutoh did not inform Dr. Alfred of the rationale for his (or President Frederick's) decision not to comply with the *Faculty Handbook*. This would have required him to appoint both of the faculty members selected by the Faculty Senate. Nor did Dr. Wutoh request an alternative faculty candidate from Dr. Alfred.

Any argument that the administration could make regarding time constraints is inaccurate and misleading. In fact, *after* Dr. Wutoh refused to seat the Faculty Senate's selection on the decanal search committee, he selected an additional faculty member (not recommended by the Faculty Senate) to serve on the committee.

Dr. Wutoh's actions significantly reduced the voice of the Faculty Senate in the recruitment and selection of a new dean for the School of Business. The administration's unilateral decision to arbitrarily reject one of the Faculty Senate's selections disturbs the balance that is mandated by Section A4.2 of the *Faculty Handbook*. The process dictated by the *Faculty Handbook* is critical to faculty governance since every other member of the decanal search committee is chosen by the Office of the Provost.

Our concern regarding Dr. Wutoh's violation is heightened by the fact that it is not an isolated event. In fact, he also refused to seat the Faculty Senate's selection to serve on the decanal search committee of the College of Engineering and Architecture.

The facts with regard to this exclusion are similar to the aforementioned case pertaining to the School of Business decanal search committee.

On September 23, 2019, Dr. Alfred sent an email to Dr. Wutoh:

"...recommending... two faulty members."

On September 25 Dr. Wutoh replied:

"...President Frederick has approved the recommendation of .." only one of the individuals "...to serve on the College of Engineering and Architecture Decanal Search Committee..."

Again, Dr. Wutoh disregarded the *Faculty Handbook* in referring these two selections to President Frederick for approval. Again, no rationale was provided for the decision to arbitrarily exclude one of the two Faculty Senate selections. Dr. Wutoh's action again suppressed the voice of the Faculty Senate. It is noteworthy that both of the Faculty Senate's selections who were rejected are distinguished full professors with strong national reputations.

Nothing in the process outlined in Section A4.2 indicates that the selections of the Faculty Senate are subject to the unilateral or arbitrary approval by the Provost or the President. Accordingly, by submitting the names of the two Faculty Senate selections to the President for unnecessary review and approval, Dr. Wutoh disregarded the process prescribed in the *Faculty*

Handbook. President Frederick's involvement in this process also violated the *Faculty Handbook*.

On February 20, 2020, Dr. Wutoh, in a response to a complaint by the Faculty Senate Council on the matter, stated:

“As an aside, I note that Section A4.2 of the Handbook charges the Provost with the formation of decanal search committees and does not prohibit my ability to confer with others in undertaking that task.”

However, as noted above, it is clear that Dr. Wutoh did not merely “confer” with the President, but also allowed him to “approve” Faculty Senate selections to two decanal search committees. While the Provost may be free to “confer” with others when selecting members of decanal search committees, he does not have the authority to allow the Faculty Senate's selections to be subject to “approval” by the President.

President Frederick is a member of the Board of Trustees and, therefore, is prohibited from interfering in the day-to-day academic operations of Howard University. See Middle States Standard VII – Governance, Leadership, and Administration, which states, in pertinent part:

Criteria

An accredited institution possesses and demonstrates the following attributes or activities:

1. A clearly articulated and transparent governance structure that outlines roles, responsibilities, and accountability for decision making by each constituency, including governing body, administration, faculty, staff and students;
2. A legally constituted governing body that:
 - c. **ensures that neither the governing body nor its individual members interferes in the day-to-day operations of the institution** (emphasis added)

The *Faculty Handbook* clearly articulates the process for selecting members of decanal search committees. As described in Section A4.2: “...the Provost shall name the chair of the search committee and appoint or arrange for the election of a search committee.”

The role of the President is also clearly defined in the Section: “...The Provost's recommendation, together with that of the...search committee, shall be forwarded to the President for final decision.” The President has no role in the selection of members of a decanal search committee. His role is limited to making a final selection at the end of the process.

There is a fundamental rationale for the process as it is designed: The President cannot have both the right to select the dean *as well* as the right to determine the composition of the committee that will recommend individuals to him for selection. The *Faculty Handbook* clearly reinforces this fundamental concept of separation of power in governance structure in that it intentionally omits the President's involvement in the selection of the members of the decanal search committee.

Accordingly, Dr. Wutoh's action in submitting the Faculty Senate's selections to the President for approval violates the *Faculty Handbook* and also Standard VII of the Middle States Commission on Higher Education [Standards for Accreditation and Requirements of Affiliation](#).

The Faculty Senate has attempted to resolve these matters internally. In a February 14, 2020 communication and, again, on February 27, we requested:

- 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 and President Frederick's arbitrary 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 between the administration and the faculty for the shared governance of the University.

We have received no response, whatsoever, to our requests. Moreover, in a September 27, 2020 communication from the Office of the Provost, it was indicated that the President is continuing to approve the composition of decanal search committees, on this occasion the search committee for the Dean of the Graduate School:

“We will forward a final Committee composition as approved by the President shortly.”

Accordingly, the Faculty Senate of Howard University submits this complaint.

Respectfully,



Marcus Alfred
Chair and Spokesperson, Faculty Senate