

Re: HU Faculty Senate Legislation

Alfred, Marcus <marAlfred@Howard.edu>

Wed 9/8/2021 7:48 PM

To: Wutoh, Anthony <awutoh@Howard.edu>

Cc: Royal, Guericke <groyal@Howard.edu>; Grant, Keneshia <keneshia.grant@Howard.edu>; Larry Morse <lmorse@fairviewcapital.com>; Frederick, Wayne <HUPresident@Howard.edu>

Good afternoon Dr. Wutoh,

Thank you for the quote.

“Regarding the suggestion that faculty be allowed to choose the instructional modality for instruction for the Fall, 2021 semester, to begin with, this is not permitted by the U.S. Department of Education which is monitored by the University’s accrediting body, the Middle States Commission for Higher Education (MSCHE).”

If I tell my students the Federal Government does not permit faculty to disclose personally identifiable information from their records without signed and dated written consent, and I'm asked for a reference, I'd say something like

"Please look at Title 34, Subtitle A, part 99 Subpart D, section 99.30 (a) found in the [ecfr.federalregister.gov](https://www.ecfr.gov/)."

https://www.ecfr.gov/cgi-bin/text-idx?SID=e63d99a39fbbe1a2f878eee6da56cde9&mc=true&node=se34.1.99_130&rgn=div8

So what US Dept of Ed rule / Fed regulation says faculty aren't permitted to choose the instructional modality for instruction for the Fall, 2021 semester? You've indicated an internal HU rule - not a Dept. of Education rule or Federal regulation.

Or are you saying there isn't a federal regulation / Dept. of Ed rule which does not permit faculty to choose the modality of instruction in their classrooms?

Thank you,

Marcus Alfred
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202-806-6258
maralfred@howard.edu

From: Wutoh, Anthony <awutoh@Howard.edu>
Sent: Wednesday, September 8, 2021 5:58 PM
To: Alfred, Marcus <marAlfred@Howard.edu>
Cc: Royal, Guericke <groyal@Howard.edu>; Grant, Keneshia <keneshia.grant@Howard.edu>; Larry Morse <lmorse@fairviewcapital.com>; Frederick, Wayne <HUPresident@Howard.edu>
Subject: Re: HU Faculty Senate Legislation

Dr. Alfred,

Good afternoon. In response to your question “.....would you mind pointing out where it explicitly says faculty can't chose the modality of instruction in their classrooms?”

I will first refer you to the specific quote from President Frederick’s letter to you dated August 21, 2021 which stated;

“Regarding the suggestion that faculty be allowed to choose the instructional modality for instruction for the Fall, 2021 semester, to begin with, this is not permitted by the U.S. Department of Education which is monitored by the University’s accrediting body, the Middle States Commission for Higher Education (MSCHE).”

President Frederick had responded to your inquiry previously, but I will also address as follows;

1. The University’s accreditation is based upon our adherence to Middle States Commission for Higher Education (MSCHE) standards, and adherence to our own governing documents. In the Howard University Faculty Handbook (2019) the guidance in reference to online/distance learning courses is found on page 23;

From Terms of Faculty Employment

B2.1 Teaching and Related Responsibilities

4) To receive appropriate University-approved certification and training and receive approval from the appropriate department chair and/or dean prior to offering or teaching on-line or distance-learning courses.

This does not provide faculty with the unilateral authority to choose course modality, but requires approval from the appropriate department chair and/or dean, as well as an indication of appropriate University-approved certification and training.

The relationships between the Department of Education, MSCHE, and Howard University (or other academic institution), are outlined in the various URLs that I provided to you previously. To simplify below;

1. “The Department of Education recognizes MSCHE as reliable authorities concerning the quality of education or training offered by the institutions of higher education or higher education programs they accredit. The Department of Education then relies on MSCHE accreditation as the indicator that students at the University may be able to participate in Title IV and other educational funding efforts, which are contingent upon continued accreditation.” https://www2.ed.gov/admins/finaid/accred/accreditation_pg6.html

2. "The Middle States Commission on Higher Education (MSCHE), as a federally recognized accreditor, verifies institutional compliance with accreditation-relevant federal regulations developed by the United States Department of Education (USDE) at the time of self-study evaluation and at any other time required by the Commission." <https://msche.app.box.com/s/ptivfbjjsq7cqjbaruwz43aug3ohn4dt>
3. "This Howard University Faculty Handbook reflects the policies of Howard University in effect as of the date of its adoption by the Board of Trustees. It supersedes all prior versions of the Howard University Faculty Handbook and will govern all members of the Howard University faculty, regardless of the faculty member's date of hire, except as specifically noted herein. This version of the Faculty Handbook shall remain in effect until amended according to the procedures described herein, and in accordance with the Charter of the University and the Bylaws of the Board of Trustees." <https://www2.howard.edu/sites/default/files/HUFacultyHandbook2019.pdf>

President Frederick, in his letter to you also outlined other concerns regarding a unilateral vote of the faculty to conduct courses online including; accreditation impact, impact on students and families, late date of any notification to change course modality, student desire for face to face instruction, and other concerns outlined previously.

The statement from President Frederick indicates that a unilateral action by faculty to vote to individually move courses online is inconsistent with the Department of Education and MSCHE guidance for a variety of reasons, including that it incompatible with institutional policies governing faculty and online instruction in the Faculty Handbook, and that were used as one of the basis of the University's current re-accreditation by MSCHE under the authority of the Department of Education.

Thank you.



Anthony K. Wutoh, Ph.D., R.Ph.
Provost & Chief Academic Officer

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From: Alfred, Marcus <marAlfred@Howard.edu>
Sent: Wednesday, September 8, 2021 4:50 PM
To: Wutoh, Anthony <awutoh@Howard.edu>
Cc: Royal, Guericke <groyal@Howard.edu>; Grant, Keneshia <keneshia.grant@Howard.edu>; Larry Morse <lcmorse@fairviewcapital.com>; Frederick, Wayne <HUPresident@Howard.edu>
Subject: Re: HU Faculty Senate Legislation

Good afternoon Dr. Wutoh,

Again, I'm requesting the answer to this information. As a reminder, per board approved documents, we are entitled to this information.

Dr. Frederick has indicated that you will answer this question. Will you please provide the exact statute, policy, etc. from the US Dept. of Education that Dr. Frederick claims explicitly says that faculty cannot choose the modality of instruction for their course?

Thank you,

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From: Alfred, Marcus <marAlfred@Howard.edu>
Sent: Wednesday, September 1, 2021 10:24 AM
To: Wutoh, Anthony K. <awutoh@Howard.edu>
Cc: Royal, Guericke C <groyal@Howard.edu>; Grant, Keneshia N <keneshia.grant@Howard.edu>; Larry Morse <lcmorse@fairviewcapital.com>; Frederick, Wayne <HUPresident@Howard.edu>
Subject: Re: HU Faculty Senate Legislation

Good morning Dr. Wutoh,

Just checking on this information?

Thank you,

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From: Alfred, Marcus <marAlfred@Howard.edu>
Sent: Tuesday, August 31, 2021 11:02 AM
To: Wutoh, Anthony K. <awutoh@Howard.edu>
Cc: Royal, Guericke C <groyal@Howard.edu>; Grant, Keneshia N <keneshia.grant@Howard.edu>; Larry Morse <lcmorse@fairviewcapital.com>; Frederick, Wayne <HUPresident@Howard.edu>
Subject: Re: HU Faculty Senate Legislation

Good morning Dr. Wutoh,

I guess, Dr. Frederick has indicated that you will answer this question. Will you please provide the exact statute, policy, etc. from the US Dept. of Education that Dr. Frederick claims explicitly says that faculty cannot choose the modality of instruction for their course?

Thank you,

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From: Frederick, Wayne A. <wfrederick@Howard.edu>
Sent: Friday, August 27, 2021 11:37 AM
To: Alfred, Marcus <marAlfred@Howard.edu>
Cc: Wutoh, Anthony K. <awutoh@Howard.edu>; Royal, Guericke C <groyal@Howard.edu>; Grant, Keneshia N <keneshia.grant@Howard.edu>; Larry Morse <lcmorse@fairviewcapital.com>
Subject: Re: HU Faculty Senate Legislation

The provost can assist you with your inquiry.

Wayne A. I. Frederick, MD, MBA
Charles R. Drew Professor of Surgery
President
Howard University

On Aug 27, 2021, at 11:36 AM, Alfred, Marcus <marAlfred@howard.edu> wrote:

Dear Dr. Frederick,

I look forward to discussing all of these questions (especially what does or doesn't happen when HU violates accreditation standards), but can we work on one thing at a time? If you could just provide the exact statute, policy, etc. that you claim says explicitly that faculty cannot choose the modality of instruction for their course, we could move on to these other questions.

In fact, I'd really like to talk about how faculty get a partial waiver to teach online based on a medical condition. For example, a colleague of ours has a medical condition that your administration has given a waiver for them to teach one course online. But it only applies to one course, their second course you all are requiring our colleague to teach in person. How does that make sense? If you are immunocompromised and should have a waiver for one course, shouldn't that apply for the second course?

Best,

Marcus Alfred
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From: Frederick, Wayne A. <wfrederick@Howard.edu>
Sent: Friday, August 27, 2021 11:19 AM
To: Alfred, Marcus <marAlfred@Howard.edu>
Cc: Wutoh, Anthony K. <awutoh@Howard.edu>; Royal, Guericke C <groyal@Howard.edu>; Grant, Keneshia N <keneshia.grant@Howard.edu>; Larry Morse <lcmorse@fairviewcapital.com>
Subject: Re: HU Faculty Senate Legislation

You're not concerned that your resolution is in violation of the same faculty handbook you were citing earlier? What's the consequences of that? Why can't you understand that if we don't follow our own rules as the Department of Ed expects that we are in violation of accreditation standards?

Wayne A. I. Frederick, MD, MBA
Charles R. Drew Professor of Surgery
President
Howard University

On Aug 27, 2021, at 11:15 AM, Alfred, Marcus <marAlfred@howard.edu> wrote:

Good morning Dr. Wutoh,

Thank you for this. But could you now provide the same type of detail for the Dept. of Ed statute that Dr. Frederick claims explicitly says faculty cannot choose the modality of instruction for their course?

Thanks again,

Marcus Alfred
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From: Wutoh, Anthony K. <awutoh@Howard.edu>
Sent: Friday, August 27, 2021 10:51 AM
To: Alfred, Marcus <marAlfred@Howard.edu>
Cc: Royal, Guericke C <groyal@Howard.edu>; Grant, Keneshia N <keneshia.grant@Howard.edu>; Larry Morse <lcmorse@fairviewcapital.com>; Frederick, Wayne A. <wfrederick@Howard.edu>
Subject: RE: HU Faculty Senate Legislation

Dr. Alfred,

Good morning. I would refer you to the Howard University Faculty Handbook (2019), which was provided to Middles States as the document guiding the relationship between faculty and the University.

The guidance in reference to online/distance learning courses is from page 23;

From Terms of Faculty Employment
B2.1 Teaching and Related Responsibilities

4) To receive appropriate University-approved certification and training and receive approval from the appropriate department chair and/or dean prior to offering or teaching on-line or distance-learning courses.

This does not provide faculty with the unilateral authority to choose course modality, but requires approval from the appropriate department chair and/or dean, as well as an indication of appropriate University-approved certification and training. I have reattached the Faculty Handbook for your reference Thank you.

AKW

<image001.jpg> **Anthony K. Wutoh, Ph.D., R.Ph.**
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From: Frederick, Wayne A. <wfrederick@Howard.edu>
Sent: Friday, August 27, 2021 10:44 AM
To: Alfred, Marcus <marAlfred@Howard.edu>
Cc: Wutoh, Anthony K. <awutoh@Howard.edu>; Royal, Guericke C <groyal@Howard.edu>; Grant, Keneshia N <keneshia.grant@Howard.edu>; Larry Morse <lcmorse@fairviewcapital.com>
Subject: Re: HU Faculty Senate Legislation

I answered your question. If faculty choose their modality we have to document it. That cannot be done unilaterally by the faculty. The expectation of the Department of Education is that the student will receive the modality of instruction they signed up for. If they do not that can result in significant ramifications including a violation of the accreditation status of MSCHE. Please refrain from emailing me about this further.

Wayne A. I. Frederick, MD, MBA
Charles R. Drew Professor of Surgery
President
Howard University

On Aug 27, 2021, at 10:37 AM, Alfred, Marcus <marAlfred@howard.edu> wrote:

Thank you for your email Dr. Frederick. But you still didn't answer my question. Are you going to violate HU Board authority and policy by not answering this question?

What Dept. of Education statute, policy, etc. says explicitly that individual faculty cannot choose the instruction modality of their course? Again, this is the claim you made in your letter to me.

Thank you,

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From: Frederick, Wayne A. <wfrederick@Howard.edu>
Sent: Friday, August 27, 2021 10:21 AM
To: Alfred, Marcus <marAlfred@Howard.edu>
Cc: Wutoh, Anthony K. <awutoh@Howard.edu>; Royal, Guericke C <groyal@Howard.edu>; Grant, Keneshia N <keneshia.grant@Howard.edu>; Larry Morse <lc Morse@fairviewcapital.com>
Subject: Re: HU Faculty Senate Legislation

Dr. Alfred, as I've stated before you could've researched the issue beforehand. We have to document our distance learning. If faculty choose an online modality that places us in that modality we have to file a change of status. If we don't know who is doing what it will be incongruent with what was documented and that will lead to an issue. During the pandemic the change of status was waived however we don't know when that will end. So that haphazard lack of control and documentation will trigger regulatory issues. We can't maintain accreditation if classes that are listed as in person and students are signed up for them are changed by individual choice without documentation of some sort such as illness, the pandemic severity etc. you need to read the regs and meet and discuss with the provost before misleading the faculty about the lack of consequences of your resolution.

Furthermore you made a decision and passed a resolution without input, answering the provost requests for meetings to discuss etc. we will deal with the consequences of your actions. The most important thing is the health and safety of everyone. We have a system in place for the faculty to have exemptions. That system is I'll allow us to document and keep track of changes etc. I empathize with any faculty who may have concerns and we can assure them that as long as the appropriate documentation is received their requests will be evaluated fairly and appropriately.

It is unprofessional and disruptive to ask parents and students to move to DC into resident halls and then have a faculty member unilaterally decide to teach online when the class was listed as in person. After your resolution over 120 courses were changed that weekend. We decided upon in person instruction based on surveys and evaluation of the status of the pandemic. Our students have had difficulty with online instruction and would benefit from in person instruction. Our students' mental health will benefit from in person engagement with our faculty and each other.

This summer we had faculty volunteer to teach in person and we had students in the residence halls etc. that gave us a very good perspective of what's next and what we can expect. As we did last year of the pandemic worsens and conditions deteriorate we will make adjustments.

However, your approach isn't helping. It's shared governance with no accountability or responsibility from you. This isn't and hasn't been a productive engagement. As we move the university along you aren't participating. You complained about fundraising and my intentions for a billion dollar campaign. Well we are on our way but this unnecessary discord makes all of that more difficult. I'm not sure what your goal is here but there will always be a president and an administration and working with them rather than fighting with them all the time is a better way to ensure our collective success.

Wayne A. I. Frederick, MD, MBA
 Charles R. Drew Professor of Surgery
 President
 Howard University

On Aug 27, 2021, at 10:00 AM, Alfred, Marcus <marAlfred@howard.edu> wrote:

Good morning Dr. Frederick,

Again, I'm asking where in the list of references you all provided does the Dept. of Ed explicitly state individual faculty cannot choose the modality of their courses? You made a claim in your letter to me that this is true. Per the board approved faculty senate constitution, I've the authority to ask and get this information about an academic policy decision that's having an enormous impact on students and faculty.

In order for faculty to make sound recommendations, this kind of information is important and needed.

Thank you,

Marcus Alfred

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From: Frederick, Wayne A. <wfrederick@Howard.edu>
Sent: Monday, August 23, 2021 2:34 PM
To: Alfred, Marcus <marAlfred@Howard.edu>
Cc: Wutoh, Anthony K. <awutoh@Howard.edu>; Royal, Guericke C <groyal@Howard.edu>; Grant, Keneshia N <keneshia.grant@Howard.edu>; Larry Morse <lc Morse@fairviewcapital.com>
Subject: Re: HU Faculty Senate Legislation

Again we have to apply for distance learning status and we are responsible for the mode of instruction. If faculty choose that without our control we will violate thresholds. Please read the regulations so you understand what the impact of your resolution does. You can call MSCHE, Dept of Ed and your colleagues at Spelman. But whatever you do continue to ensure that you maintain intellectual integrity.

Wayne A. I. Frederick, MD, MBA
Charles R. Drew Professor of Surgery
President

From: Alfred, Marcus <marAlfred@Howard.edu>
Date: Monday, August 23, 2021 at 2:29 PM
To: Frederick, Wayne A. <wfrederick@Howard.edu>
Cc: Wutoh, Anthony K. <awutoh@Howard.edu>, Royal, Guericke C <groyal@Howard.edu>, Grant, Keneshia N <keneshia.grant@Howard.edu>, Larry Morse <lc Morse@fairviewcapital.com>
Subject: Re: HU Faculty Senate Legislation

Good afternoon Drs. Frederick and Wutoh,

I take that as a "no". That you will not, or cannot point out in the list of references you provided where either the Department of Education explicitly states faculty may not choose the modality of instruction for their classes? Nor will/can you indicate where MSCHE explicitly states that faculty choice of teaching modality for their courses will result in loss of accreditation?

I will let our colleagues know.

Thank you,

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From: Frederick, Wayne A. <wfrederick@Howard.edu>
Sent: Monday, August 23, 2021 2:13 PM
To: Alfred, Marcus <marAlfred@Howard.edu>
Cc: Wutoh, Anthony K. <awutoh@Howard.edu>; Royal, Guericke C <groyal@Howard.edu>; Grant, Keneshia N <keneshia.grant@Howard.edu>; Larry Morse <lc Morse@fairviewcapital.com>
Subject: Re: HU Faculty Senate Legislation

Dr. Alfred I hope you would've read the materials prior to obtaining a resolution. It's intellectually lazy of you to now ask us to do your homework for you. Please review the materials the provost sent since you presented information that I assume you were familiar with. If you're not familiar with it in the spirit of shared governance that you referenced I hope you will become familiar. There is very good information in all of the links.

Wayne A. I. Frederick, MD, MBA
Charles R. Drew Professor of Surgery
President
Howard University

On Aug 23, 2021, at 2:06 PM, Alfred, Marcus <marAlfred@howard.edu> wrote:

Good afternoon Drs. Wutoh and Frederick,

Just a follow up. I hope you will be able to answer the question I'd asked in my last email soon.
Thank you.

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From: Alfred, Marcus <marAlfred@Howard.edu>
Sent: Monday, August 23, 2021 12:23 AM
To: Wutoh, Anthony K. <awutoh@Howard.edu>
Cc: Royal, Guericke C <groyal@Howard.edu>; Grant, Keneshia N <keneshia.grant@Howard.edu>; Frederick, Wayne A. <wfrederick@Howard.edu>
Subject: Re: HU Faculty Senate Legislation

Hello Drs. Frederick and Wutoh,

Thank you for this list, but would you mind pointing out where it explicitly says faculty can't chose the modality of instruction in their classrooms?

Thanks again,

Marcus Alfred
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From: Wutoh, Anthony K. <awutoh@Howard.edu>
Sent: Sunday, August 22, 2021 9:32 PM
To: Alfred, Marcus <marAlfred@Howard.edu>
Cc: Royal, Guericke C <groyal@Howard.edu>; Grant, Keneshia N <keneshia.grant@Howard.edu>; Frederick, Wayne A. <wfrederick@Howard.edu>
Subject: Re: HU Faculty Senate Legislation

Dr. Alfred,

Good evening. Links to various federal and accreditation guidelines, policies and procedures referenced in the response letter to you from President Frederick are provided below;

https://www2.ed.gov/admins/finaid/accred/accreditation_pg6.html
<https://www.ecfr.gov/cgi-bin/text-idx?SID=f69303e38bd1bfb16da14519bc4e0c4e&mc=true&node=sg34.3.602.b.sg0&rgn=div7%22>
https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=19400ebffdf14c93e407034ed76bd823&mc=true&n=pt34.3.602&r=PART&ty=HTML#se34.3.602_11
<https://www2.ed.gov/documents/coronavirus/20201211-heros-waiver-correction.pdf>
<https://fsapartners.ed.gov/knowledge-center/library/electronic-announcements/2020-05-15/updated-guidance-interruptions-study-related-coronavirus-covid-19-updated-june-16-2020>
<https://www2.ed.gov/about/offices/list/ope/20-007covid19accreditorsfromomb317s.pdf>
<https://www2.ed.gov/policy/highered/reg/hearulemaking/2018/distanceandinnovationunofficialreg.pdf>
<https://msche.app.box.com/s/ptivfbljsq7cqjbaruwz43aug3ohn4dt>
<https://www.ice.gov/news/releases/sevp-modifies-temporary-exemptions-nonimmigrant-students-taking-online-courses-during>
<https://www.ice.gov/doclib/coronavirus/covid19faq.pdf>

Thank you.

<Outlook-n03pveas.png> **Anthony K. Wutoh, Ph.D., R.Ph.**
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From: Alfred, Marcus <marAlfred@Howard.edu>
Sent: Sunday, August 22, 2021 12:39 PM
To: Wutoh, Anthony K. <awutoh@Howard.edu>
Cc: Royal, Guericke C <groyal@Howard.edu>; Grant, Keneshia N <keneshia.grant@Howard.edu>; Frederick, Wayne A. <wfrederick@Howard.edu>
Subject: Re: HU Faculty Senate Legislation

Good afternoon Drs. Frederick and Wutoh,

Would you please provide a reference for the laws or federal policies that you referred to that deny faculty choice on teaching modality of their classrooms?

Thank you,

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From: Wutoh, Anthony K. <awutoh@Howard.edu>
Sent: Sunday, August 22, 2021 12:33 AM
To: Alfred, Marcus <marAlfred@Howard.edu>
Cc: Royal, Guericke C <groyal@Howard.edu>; Grant, Keneshia N <keneshia.grant@Howard.edu>; Frederick, Wayne A. <wfrederick@Howard.edu>
Subject: Re: HU Faculty Senate Legislation

Dr. Alfred,

Good evening. Please find attached a response to your letter from President Frederick, as well as a full version of the University's Fall, 2021 Guidance. Thank you.

<Outlook-
ltwz4nnr.png> **Anthony K. Wutoh, Ph.D., R.Ph.**
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From: Alfred, Marcus <marAlfred@Howard.edu>
Sent: Friday, August 20, 2021 8:11 PM
To: Frederick, Wayne <HUPresident@Howard.edu>
Cc: Wutoh, Anthony K. <awutoh@Howard.edu>; Larry Morse <lmorse@fairviewcapital.com>; Royal, Guericke C <groyal@Howard.edu>; Grant, Keneshia N <keneshia.grant@Howard.edu>
Subject: HU Faculty Senate Legislation

Good evening Dr. Frederick,

Please see the attached letter of HU faculty senate actions.

Sincerely,

Marcus Alfred
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