

# HOWARD UNIVERSITY

OFFICE OF THE FACULTY SENATE

October 21, 2021

Dear Dr. Wutoh,

In his public statement to the Howard University Community, dated August 23, 2021, President Frederick wrote:

*A number of our colleagues are immunocompromised or are caring for loved ones who may potentially be at risk. This is why we provided for the opportunity for faculty and staff to request reasonable accommodations through the Equal Employment Opportunity (EEO) office at the University. To date, 50 faculty and staff have requested accommodations, in the case of faculty, to teach online. A number have been approved, and several requests are awaiting additional information from the requestor.*

These statements prompted and encouraged many colleagues to apply for reasonable accommodations through the Equal Employment Opportunity Office (EEO) at Howard.

It was soon discovered, however, that

1. there were no accommodation opportunities available for faculty caregivers with vulnerable loved ones.
2. the reasonable accommodation process at Howard University does not appear to follow the spirit nor the guidelines stated in the ADA nor the DC Government guidelines, as far as interactive dialogue to reach reasonable accommodations.

*“The ADA requires that the employer engage in an interactive dialogue with the individual with a disability concerning reasonable accommodations. It is best to take a methodical approach in addressing requests for reasonable accommodation from employees.*

*Immediately upon receiving the reasonable accommodation request, the agency ADA Coordinator/EEO Counselor should schedule a meeting with the employee as soon as possible. The employee’s collective bargaining agent or other person(s) of his/her choosing may assist the employee during this meeting.*

*The agency’s ADA Coordinator should conduct an informal, interactive discussion with the employee.”*

*“After the initial meeting and review of medical documentation (if submitted by the employee’s healthcare professional), the agency will make a determination whether the employee is a qualified individual with a disability and develop a Reasonable Accommodation Plan for the employee.*



[-https://odr.dc.gov/book/manual-accommodating-employees-disabilities/reasonable-accommodation-process](https://odr.dc.gov/book/manual-accommodating-employees-disabilities/reasonable-accommodation-process)

The expected interactive process between employer and employee does not appear to happen at Howard. As reported by many, the Howard EEO does not attempt to “*develop a reasonable plan*” choosing instead to either approve or deny applications based on recommendations of the department chairs and deans. These recommendations are driven by the in-person mandate, not the health and safety of the faculty.

As a result, colleagues with documented, protected disabilities listed under the ADA have been denied reasonable accommodations outright without due process or any attempt to reach an accommodation. Additionally, there is no true appeals process stated or available even after inquiring at the EEO or HR. Instead, requests for redetermination often have no response, because the EEO oversees and reviews its own determinations.

The letters of denial may send faculty back to their departments to seek accommodation. This is problematic because it puts the department in the role of the EEO for making determinations, which will require discussing confidential health information with managers. The reasonable accommodations are to be administered above the departmental level, to avoid any bias by managers (such as when following mandates for in-person instruction).

Many faculty with protected disabilities have not applied because the process appears to automatically deny applications without dialogue or search for reasonable accommodations.

By not recognizing the disabilities protected under the ADA, the denial of reasonable accommodations does question the university’s own EEO policy, which states

***Discrimination***—*Unequal or prejudicial treatment based on an individual’s Protected Characteristic that interferes with or limits an individual’s opportunity to participate in or benefit from a University program or activity, or that otherwise adversely affects a term or condition of the individual’s employment or education. Discrimination may present itself in a variety of ways, to include, but not limited to, conduct based on a Protected Characteristic, such as:*

- *blatant statements expressing bias against a certain group;*
- *slurs;*
- ***adverse employment actions taken by managers*** or colleagues, including with respect to recruiting, hiring, promoting, transferring, training, disciplining, ***discharging, assigning work***, measuring performance, or providing benefits;
- *adverse decisions made regarding an individual’s ability to participate in a University education program and activity; and/or*
- *conduct or speech that has the purpose or effect of creating a hostile work environment.*

Requiring colleagues to ignore their own health concerns because of a mandated in-person policy is discriminatory, especially after applying for exemptions as encouraged in President Frederick's August 23<sup>rd</sup>, 2021 statement.

With the ongoing issues of inadequate ventilation in buildings and classrooms, numbers and frequency of cases of COVID not shared, and the promised accommodations not provided, what is actually being done to protect faculty who are caregivers of vulnerable loved ones? This question has gone unanswered for quite some time now.

For faculty with ADA listed disabilities that are best addressed through allowing remote instruction, how is mandating in-person instruction protecting the health of those faculty members?

This entire matter was at the core of the Faculty Senate's resolution to allow faculty to choose their own teaching modality, because it is still not clear how the university is actually protecting the health of the faculty who have asked for support of the EEO and HR.

Would you kindly share how many faculty members have actually applied for reasonable accommodations, have been granted full accommodations, granted partial accommodations, in which schools; and how many have been denied?

Sincerely,



Marcus Alfred  
Chair, HU Faculty Senate