



Auburn University Chapter of the American Association of University Professors
Summary of Feedback on Teaching Modality Requests for Spring 2021
(revised 10/19/20)

On September 29, 2020 the AU chapter of AAUP issued a call for feedback about faculty experiences with making requests for different teaching modalities for the Spring 2021 semester given faculty concerns about the ongoing pandemic. AAUP's position on teaching, both in terms of content and mode of delivery, is that academic freedom requires faculty choice in both, and any university policies that are adopted pertaining to teaching and research be made with meaningful consultation with the faculty. This document lays out a summary of the information we have been provided as well as concerns that have been raised; these comments and concerns have been digested but not filtered for substance, and some reflect the perspective from multiple people while others reflect a single voice. Our summary is divided into three sections: 1) self-reported experiences from faculty; 2) concerns raised during these conversations; and 3) recommendations. At the close of the document, we provide supplemental summary information about the role and scope of the AAUP position on teaching during the pandemic, and a brief summary of EEO linked information that AAUP finds germane in evaluating circumstances that are presented to the organization.

Summary of Self-Reported Experiences from Faculty

We heard from faculty in five colleges at Auburn about their experiences. Across them:

- There are different processes across the colleges we were given information about, including:
 1. Faculty member sends request for teaching modality to Associate Dean with final approval by Dean
 2. Faculty member sends request for teaching modality to college HR which is then sent to Dean for approval
 3. Faculty member goes to chair who sends request for teaching modality to college HR which is then sent to Dean for approval
 4. Faculty member goes to the chair who (tentatively) approves or denies teaching modality; approval at dean level is based on chair decision
- In at least once college, there is no process (or no choice other than in-person instruction) for part-time contingent faculty
- It is unclear whether procedures exist in most colleges for determining teaching modalities for graduate instructors of record, and whether these processes are consistent across the University
- It is unclear whether any procedures exist in any college for accommodations for teaching assistant assignments
- It is unclear if any college or the university has an appeal process for faculty who are denied their choice of teaching modality
- Some denials to use particular teaching modalities have been issued—from what we have been able to ascertain thus far, these have been requests made by faculty on the basis of family member needs, including family members where the faculty member is the primary caregiver of

a sick family member but do not live in the same household, or because of concerns about person risk that do not reach a threshold that is not clearly articulated for the faculty

- We have heard of at least one case in which the department chair supported giving the faculty member an accommodation to teach in the manner that the faculty member deemed most appropriate, but the request was denied at another level
- It was reported to us that new standards for receiving approval for conducting research in-person from the IRB are significantly higher than what is required of faculty to teach in person
- It is unclear whether there is a discrepancy in standards and protections between receiving approval for research or outreach related travel from the Provost's office and what is required of faculty to teach in person

Faculty Concerns Raised

The following concerns were raised in our conversations with faculty:

- There are some fields in which teaching and delivery of content is made difficult if not impossible with physical distancing and/or mask wearing. In these cases, teaching online is most pedagogically appropriate. Basing approvals on CDC guidelines about high risk alone makes appropriate teaching modality impossible in these fields.
- Faculty expressed concern that the confidentiality requirements around health information are compromised by the extant processes used to determine teaching modality. Specifically, permission to use a teaching modality (as opposed to faculty choice) is a tacit publication of health information that could publicly identify faculty (or members of their immediate family) as having significant health conditions, and such information could negatively impact tenure or promotion process, even if unconsciously, by other faculty members in the same department. These concerns are not unreasonable, which is why the ADA, HIPAA, and other federal laws exist. Historically, targeting like what is feared here has been an insidious part of age and gender discrimination and there are real examples where these things have actually happened.
- Faculty expressed concerns about whether their private health information or that of family members would actually remain confidential over time by the chairs, associate deans, and deans who now have access to this information.
- Having only two faculty members of 33 total members (28 administrators and 3 A&P staff) on the COVID operations committee is seen as problematic because the ratio of faculty to other administrators is so low that it dilutes faculty voice and influence on any decisions related to faculty concerns, which are primarily about teaching and research.
- Having different processes, and ostensibly different standards, for deciding teaching modality in the spring unfairly disadvantages some faculty over others and opens the university up for potential lawsuits.
- Having different or no processes for part-time contingent and graduate teachers for deciding teaching modality in the spring disproportionately burdens the least powerful faculty at the university and opens the university up for potential lawsuits.
- Faculty expressed fear that their questions and concerns about the spring policy on teaching modalities will lead to excess scrutiny, and denials, of new course applications for online designations (ending in -3 or -6).
- Faculty expressed concerns that the new teaching policy was also based in part on reports of decreases in the number of positive COVID tests on campus. However, because of the move to self-reporting, these numbers are being questioned by some.

- Faculty expressed concerns about rumors that students are intentionally lying about symptoms when they use the COVID reporting app or are refusing to use it.
- Faculty reported increased incidents of non-compliance by students for wearing masks inside buildings and social distancing both inside and outside of campus buildings.

AU Chapter of AAUP Recommendations

Given the feedback we have received and general AAUP principles, our recommendations with respect to academic freedom and shared governance, equity, transparency, and the right to privacy are summarized below:

1. All faculty should be allowed to determine the best teaching modality for their courses within the context of departmental-level faculty self-governance.
2. It is clear that the decision to change the teaching modalities campus-wide was made without *meaningful consultation with the faculty*. If faculty are not allowed to make these decisions themselves per recommendation #1 above, a decision to make a blanket move to face-to-face instruction (or any similar policy) should be decided by a vote of the University Faculty.
3. In the interest of transparency, clear standards and a criterion rubric for pedagogical exemption(s) should be provided to all faculty prior to any application period.
4. A university-level appeals process for denial of teaching modality requests should be immediately instituted in conjunction with faculty and/or should be clearly communicated to all faculty.
5. The guidance about faculty safety needs to be consistent across all activities in which faculty are involved, including teaching, research (including research approval committees), professional travel, outreach, and service.
6. In the interest of transparency and open dialogue, the university should publicly provide data on the number of faculty requests for blended and on-line instruction, the number approved, the number denied, and the reasons for each.
7. Having two faculty of the thirty-plus member COVID operations committee does not satisfy the intent of meaningful faculty consultation. The university should uphold standards of academic freedom, shared governance, and what it means to *meaningfully consult faculty* by including 50% faculty representation OR an equal proportion of faculty to administrators, A&P, and staff together on any committees related to teaching or research.

The Auburn University faculty are dedicated to the mission of the university, including the education of our students. Even if the pandemic goes away completely in the next few months, the principles underlying these recommendations remain the same. In an emergency, it is perfectly reasonable for central administration to make quick decisions in the interest of safety for everyone. But we have had almost ten months since the pandemic began, which is plenty of time to meaningfully partner with faculty for decision-making and planning. This has not adequately happened and must now occur. Faculty should be trusted to do what we know how to do best—teach—without interference and micromanagement by administrators. The operating presumption undergirding the current policies is that many faculty members are trying to ‘get away with something,’ and it is demeaning. We want to work together—among ourselves and with administration—to positively move forward for the benefit of the entire Auburn University family.

Supplemental Information

AAUP's position on teaching, both in terms of content and mode of delivery, during the current pandemic includes the following:

“Decisions related to ‘such fundamental areas as curriculum, subject matter and methods of instruction, . . . and those aspects of student life which relate to the educational process,’ . . . are matters in which “the faculty has primary responsibility.” The faculty and academic staff—through their shared governance bodies or, when applicable, their unions—should accordingly participate in decisions related to how best to carry out on-campus instruction and about when and how to switch to remote instruction if necessary. Administrations should *consult meaningfully* with existing faculty governance bodies (*emphasis added*). . . .

Some institutions have moved to a blended instructional model for the 2020–21 academic year. The appropriate faculty governance body and, when applicable, the faculty union should have primary responsibility for determining institutional policies and practices around this form of instruction (for more information, see the AAUP's [Statement on Online and Distance Education](#)).”

Additionally, “academic freedom protects faculty members’ rights to criticize their institutions” without retribution and retaliation, however, “academic freedom does not include the right to disregard university policies concerning modes of instruction and safety protocols.”

(For the full document, see <https://www.aaup.org/issues/covid-19-pandemic/guidance-campus-operation-during-pandemic>.)

According to the EEOC, “an employer may ask questions or request medical documentation to determine whether the employee requesting an accommodation has a disability as defined by the ADA (a physical or mental impairment that substantially limits a major life activity, or a history of a substantially limiting impairment).” This may include a temporary accommodation if there is limited time to process a request, the temporary accommodation may have a pre-set end date, and the accommodation may also change if and “when government restrictions change or are partially or fully lifted.” Accommodations do not have to be provided if they pose “an ‘undue hardship,’ which means ‘significant difficulty or expense.’” Employees are not entitled to accommodations to avoid exposing high risk family members, and once a workplace re-opens after telework to mitigate spread and an employee does not have a “disability-related limitation that requires teleworking, then the employer does not have to provide telework as an accommodation.” Request processes for accommodations must include an interactive process, and that the person(s) receiving requests must “handle them consistent with the different federal employment nondiscrimination laws that may apply.”

(For more information, see <https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eco-laws>.)