

June 26, 2020

An open letter to Provost Bichelmeyer and Chancellor Girod

This letter is the product of conversations among groups of faculty at KU who have come together out of anger at the failure to present us with a serious, thoughtful and safe plan for returning to on-campus teaching in the Fall. We are united in rejecting the idea that the University's most important priority is a return to in-person teaching. We understand that we are living in unprecedented times and that the already-compromised state of KU's budget deepens the impact of this crisis. Nonetheless, we are united in our view that our first priority must be the safety and health of all members of our campus community and Lawrence. While the list of unanswered questions and concerns not taken into account is endless, we are presenting here a set of matters that are most compelling in their content – or in their absence of content -- and about which we are most dismayed.

We reject outright the idea that all planning should flow from the idea that the “on campus experience” is the heart of what we offer and the only thing that distinguishes KU from other institutions of higher education in the state. Most especially we reject this one-size-fits-all approach because it prioritizes that “fact” over genuine planning for the safe conduct of our campus and those whose labor makes KU work – faculty, program directors, staff, librarians, GTAs and members of all facilities departments, including janitorial and food service staff and bus drivers.

We see a link between the one-size-fits-all approach and the failure to acknowledge KU's importance beyond the areas where it generates revenue. Many of us have taken exception to this approach as it has come to characterize our administration long before this crisis. Part of our frustration now stems from past experience, and we wonder why we do not see administrators passionately arguing in public for increased funding from the state and increased support from our endowment. The Chancellor and Provost [reported](#) in their June 24 report that the \$26 million dollars in federal funding for COVID relief was matched by the Kansas Board of Regents cutting \$26 million dollar from the budget. Where is the outcry against this kind of decision making? Instead, the plan to maximize cash flow by promising that the “majority” of classes will be taught in person and the “majority” of food service will be available to students has been presented with NO functioning plan for how this will be accomplished safely.

Specifically, our concerns include:

Testing, contract tracing and quarantine protocols.

The administration has failed to present us with concrete and specific plans for limiting the spread of the virus in our classrooms and on our campus. For instance, when a student tests positive we presume that all those who have shared classrooms with them, including the instructor, will be quarantined. How then does the class continue? What happens to the other courses the instructor teaches? Protocols indicate they would be quarantined as well. With one student testing positive, at least two full classes would move online for two weeks. If the

instructor actually fell ill, they would need to be replaced. How will the “backup instructor” we have been asked to identify, handle this increased load of responsibilities?

The cohort model of dividing classes into smaller sections, as suggested but not detailed in university communications, requires us to teach two class sessions (at least) in place of one. While this strategy does safeguard student health, it doubles our work and also exposure to possible infection.

Equally unclear is the responsibility for enforcing masking rules and social distancing etiquette. What happens when we observe a student of ours chatting with friends in close proximity without face coverings? What authority do we have to prevent a student from participating in class if they assert their “right” to refuse to wear a face covering? We have read stories from small businesses here in Lawrence about belligerent stances being adopted by customers toward employees. Given the now widely known bias toward, for example, younger or international or gender non-conforming instructors, the administration’s failure to provide any leadership about plans for enforcement is especially concerning.

The ADA and in-person exemptions.

More than 50 department chairs have now signed on to a letter to the Provost indicating that the proposed plan to require accommodations be sought via the ADA office in order to be exempted from in person teaching is unwieldy and discriminatory. That letter said:

The plan to use the ADA as the mechanism whereby instructors (faculty, adjuncts and GTAs) receive permission to be exempted from in-person teaching is impossibly unwieldy, discriminatory, and perhaps illegal. The process raises weighty confidentiality concerns, and we believe that many urgent questions remain to be answered about the interface of ADA with EEOC and with occupational health and safety protections. The plan asks instructors to divulge personal health (including mental health) information that is not in fact counted as a disability by law in order to learn that our request may have been denied. In addition, many of the concerns our colleagues have that teaching in person may not be safe are not necessarily related to personal health but are rather family or household- based concerns that this approach simply fails to acknowledge as legitimate. The necessity for deliberation on, for example, the accommodations available to instructors with eldercare responsibilities or with children with special needs is completely left out of the ADA model.

Ventilation and cleaning in buildings

Studies underway have not yet *proved or disproved* the relationship of virus transmission to HVAC systems. A significant number of the College’s core liberal arts departments are based in Wescoe, where a ventilation system is shared with The Underground food court, now promised to be “majority” open. This food service location, like others, will bring thousands of students who will not wear masks while eating. We do not know the impact of internally circulated air. Nor do we know what plan is in place for regular and continuous cleaning of surfaces (as is being practiced, for example, in retail checkout lanes) but presume that more rather than fewer employees would be needed for this.

“Our most vulnerable students” and return to campus

We reject manipulative claims, repeated this week in the Chancellor’s online [report](#), that opening campus and providing in person “services” is motivated out of concern for our most vulnerable students. We are deeply concerned about those who come from communities we know to be most vulnerable to this virus in our society, including African American and Native populations, people with disabilities or who are immunocompromised, people with high viral loads caused by other conditions, and the elderly. Our students share these and other vulnerabilities. Our neighbors at Haskell Indian Nations University have acknowledged these truths by moving all classes online for the fall; KU should explain what basis it has for doing anything differently.

As teachers, advisers, mentors, and advocates we spend much of our time in direct contact with the very students the administration now describes as vulnerable. We recognize very well that many of our students have compelling reasons for wanting to be living independently in Lawrence and taking advantage of the resources their tuition pays for. And yet the claim that our most vulnerable community members are best served by an ill-thought out and impossible-to-carry-out “plan” for in-person instruction is deeply troubling. If this campus is not safe, then we will not be safe; if all of us are not safe “the most vulnerable among us” are even less safe.

Graduate Students and International Students

In repeated statements about “students” it is clear that the administration is referring to the alleged concerns and needs of undergraduate students. This is noteworthy for several reasons. One is that it reflects the continued way that graduate students, whose labor and scholarly work is vital to KU, are overlooked and treated as if they have no needs or concerns distinct from undergraduates. Second, the proposed re-opening plan relies on graduate student as instructors while also continuing to treat them as students in ways that keeps their pay criminally low and excludes them from the State Employee Health Plan. The latter is especially important now as Governor Kelly extended COVID 19 protection to all members of SEHP (faculty and staff), but GTAs have no access to this benefit even as they perform much of the same work we do.

Again [this week](#) the administration celebrated its commitment to not raising fees and tuition for students. Yet we see no rejection of the Kansas Board of Regents’ announcement of a large increase in fees for international students. Such students received a letter explaining that their fees had to be increased because there had been a loss in revenue from international students. Singling out a group of students to pay higher fees because of their national-origin status goes against KU’s stated commitments to diversity, equity, and inclusion. We do not ask those students who need academic accommodations to pay more for them nor make students with disabilities fund the functioning of offices that provide those services; international students should be afforded the same consideration.

We reject the unstated but obvious assertion that international students are welcome here as long as they are sources of revenue.

The “Savings Plan”

Findings by the Kansas Board of Regents indicate that KU has one of the widest gaps in salaries in comparison to those the university considers its peers. Even so, most of us have remained open to the idea that some shared giving might be necessary to see us through the very real challenges we all face. Earlier we were informed that furloughs might be announced. We were nonetheless shocked that furloughs have been rejected in favor of pay cuts, euphemistically described as a “savings plan” and unfairly structured. KU needs to present us with a progressive system of pay cuts that reflects the full spectrum of salaries at KU. Capping the salary cuts at 11% for those who make between \$200,000 and over \$600,000 is simply unfair and inadequate. Tiers of increments need to be added between those bookends, which are already structured unevenly (in increments of \$10,000 at the lower end and \$20,000 at the top). We further request that the administration reveal how many people – faculty and staff – fall into each tier.

Show us the money

We have read and heard repeated references to the “tens of millions” of dollars of losses for this year and “120 million dollar” losses projected for next year. Yet in its discussions of the shortfall, the administration has placed far more emphasis on what we cannot know than what we actually do know. The FY 2020 now ending can be examined so that we can all know what the “tens of millions” actually amounted to and where *specifically* the losses came from. We ask that the administration open its budget to all members of the community and show us the amounts of losses and expenses, past and projected. We specifically want to know if KU Med Center losses and any sports-related revenue losses are included in this sum and what expenses for all outside contractors will continue or have been added, including the most recent fees paid to the space study experts.

One KU?

The urgency of our response is underscored by this week’s news of large-scale COVID outbreaks in several US states, including our region. Opening campus under such circumstances, and in anticipation of continued uncertainty, is to court not just vulnerability but imperilment. Moreover, the decision to invoke the Emergency Management plan immediately as this crisis began to unfold has meant that faculty have been kept in the dark about all matters pertaining to our own employment. We, those who are most familiar with the practicalities of teaching and research on campus as well as the value of diversity and the needs of our students, have been excluded from the administration’s decision making. Even those of us with direct expertise relevant to the COVID crisis have gone unconsulted. We demand inclusion and a representative voice in the plan to re-open campus while ensuring the safety and well-being of the entire KU community.

Respectfully,
Concerned Faculty of the University of Kansas