



AMERICAN
ASSOCIATION OF
UNIVERSITY
PROFESSORS

UNIVERSITY OF DELAWARE CHAPTER
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June 1, 2020

Dear President Assanis and Provost Morgan,

The AAUP-UD and many faculty members are very concerned about the University's apparent, yet unexplained, system to determine which faculty might be exempted from teaching in-person classes as plans progress to reopen the University while the COVID-19 pandemic recedes. We know that reopening is important to the University and to our students. We know that many colleges and universities are developing plans for online classes, in-person classes, or a combination of the two. We know that a number of faculty would prefer to teach online at least for the Fall 2020 semester, and that others would prefer to teach on campus if they can do so without endangering themselves or others.

We are not pleased with the procedure developed to determine whether a faculty member qualifies for online teaching. Right now, it seems that the Office of Disability Support Services (“DSS”) will determine whether a faculty member qualifies for online teaching. The DSS form being circulated is based on the Americans with Disabilities Act (“ADA”), which requires employees to prove that they have a medical condition for which they require reasonable work accommodations. We know that certain faculty members have notified DSS of these conditions and that the University has provided disability accommodations as required by the ADA.

That ADA system has no application to the COVID-19 pandemic. Many faculty members are concerned about returning to classrooms because they fear contagion from close proximity to co-workers or students. The University has not published procedures for determining which new and returning students and faculty members are not carriers of the virus. Fear of COVID-19 is not a disability within the meaning of the ADA. Healthy people have expressed fear or caution about working in crowds even if they do not fall into a subgroup of those particularly susceptible to the virus. This DSS form requires applicants to state their age and to explain in great detail why they are in groups considered more susceptible to the virus: e.g., diabetes, lung issues. These health issues have not previously affected the faculty member’s teaching ability. There is no reason the University needs to treat an applicant with a reasonable fear of catching the virus from a co-worker or student as having a disability. There is no reason the University needs to know the medical history of faculty and to compel them to waive their rights under The Health Insurance Portability & Accountability Act of 1996 (“HIPAA”) because they fear contagion.

The DSS form is an invasion of privacy without a reasonable need to know. Furthermore, the ADA system does not provide for faculty who may not be susceptible themselves but are afraid of carrying the virus back home where they might introduce it to others in their household who are particularly susceptible (e.g., elderly or immunocompromised).

Article XVIII of the CBA states that “the University agrees to continue to make reasonable provisions for the safety and health of bargaining unit members in pursuit of their University-recognized professional responsibilities on University premises.” The DSS form is not a “reasonable provision.”

We are willing and available to discuss alternatives to the DSS process. We hope that the University will withdraw the DSS system and form while we jointly attempt to address the return to classroom teaching while affording faculty members the choice to teach online.

On behalf of the Executive Council,

A handwritten signature in blue ink that reads "Deni S. Galileo". The signature is written in a cursive, flowing style.

Deni S. Galileo
President, AAUP-UD