



COVID-19 GUIDANCE FOR CONSIDERATION: June 18, 2020

Western Kentucky University (WKU) does not discriminate on the basis of race, color, ethnic origin, national origin, creed, religion, political belief, sex, sexual orientation, gender identity/expression, marital status, age, uniformed services, veteran status, pregnancy, childbirth or related medical conditions, or physical or mental disability in admission to career and technical education programs and/or activities, or employment practices in accordance with Title VI and VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Revised 1992, and the Americans with Disabilities Act of 1990. On request, WKU will provide reasonable accommodations, including auxiliary aids and services, necessary to afford an individual with a disability an equal opportunity to participate in all services, programs, activities, and employment.

This document will serve as the framework for exploring, assessing, and determining options for assisting faculty members regarding course offerings for the following terms: summer 2022, fall 2022, winter 2023, and spring 2023.

Guidelines provided by the federal [Equal Employment Opportunity Commission \(EEOC\)](#), updated on June 11, 2020 (Thursday), were primarily utilized to create this content. The three phases outlined below provide an opportunity for a holistic review and evaluation of concerns brought forward by faculty, related to course delivery methods, with respect to the following: (a) work arrangement considerations, (b) reasonable accommodation requests, and (c) continuity of services being maintained without undue hardship (e.g., significant expense, significant difficulty) impacting WKU. Requests for exceptions/adjustments in course assignments and/or course delivery methods, and responses to such requests, will be handled by each respective college and department as outlined below. The exemption will be in cases where the faculty member requests a disability-related workplace accommodation with accompanying medical/health information through the WKU office of Equal Employment Opportunity/Affirmative Action/University ADA Services (EEO).

Phase A: Complete Work Arrangement Considerations Form¹

If the faculty member requests an exception/adjustment from face-to-face teaching/instruction, the department head will provide the COVID-19 Work Arrangements Consideration Form (<https://www.wku.edu/eoo/>).

Phase B: Steps for Assessing Work Arrangement Considerations

Department head and faculty member communicate and explore possible exceptions/adjustments and/or work arrangement considerations for the following terms – summer 2022, fall 2022, winter 2023, and spring 2023:

- 1) If agreeable arrangement can be achieved, the department head will communicate (in writing) to the faculty member, the agreed upon arrangement terms and utilize the [Alternative Work Arrangement Form](#) [that will be submitted to the Office of the Provost].²
- 2) If agreeable arrangement CANNOT be achieved, the faculty member may:
 - a) Accept the original course assignment(s);
 - b) Proceed to Phase C (if applicable); or
 - c) Exercise a leave of absence.

Phase C: Faculty Member May Request a Disability-Related Workplace Accommodation OR Submit a General Doctor's Note

- 1) Faculty member may request a disability-related workplace accommodation:
 - a) Complete the [Employee Disability Accommodation Request Form](#) and submit it to the WKU EEO office.
 - b) Complete the [Documentation of Disability Form](#) and submits it to the faculty member's health care provider / treating physician for completion by the health care provider / treating physician and return to the WKU EEO office.
 - c) Office of EEO assesses documentation and engages in interactive process with faculty member, department head, and health care provider / treating physician to evaluate reasonable accommodation options.

¹ The content of "Phase A: Complete Work Arrangement Considerations Form" was located through a "prepandemic ADA compliant form" internet search, captured primarily verbatim, and modified to include guidance published by the EEOC in October 2009 and updated by the EEOC in March 2020, titled [Pandemic Preparedness in the Workplace and the Americans with Disabilities Act](#).

² This template was partially utilized from the University of Nebraska-Lincoln, in conjunction with electronic forms previously developed by the WKU EEO office.

2) Submit General Doctor's Note

- a) If the faculty member chooses not to request an on-going disability workplace accommodation with required medical disclosures, the faculty member has the option to submit a general "doctor's note" (signed and dated by the employee's health care provider / treating physician).
- b) This documentation should state that: The faculty member "falls into one of the categories identified by the [CDC](#) as being at high risk for serious complications from the COVID-19 pandemic virus, and (faculty member name) should be considered for an exception / adjustment from face-to-face teaching for the (e.g., summer 2022, fall 2022) semester or term with the understanding this exception / adjustment may not be granted if it poses an undue hardship on the University."
- c) The documentation should be delivered to the WKU EEO office via hand delivery or emailed to chantel.wilson@wku.edu.

Appendix: COVID-19 Faculty Work Arrangement Consideration Form
For Illustration Purposes Only

Name	
Department	

Due to the COVID-19 pandemic, I am requesting an exception/adjustment from face-to-face teaching for the _____ (insert semester & year [e.g., fall 2022]) semester or term because:

- If schools or day-care centers were closed, I will need to care for a child;
- If other services are unavailable, I will need to care for other dependents;
- If public transportation is sporadic or unavailable, I will be unable to travel to work; and/or;
- I or a member of my household fall into one of the categories identified by the [CDC](#) as being at high risk for serious complications from the pandemic virus.

Answer with X	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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I am proposing the following alternatives / adjustments to my course assignments: (X box and include additional explanation as needed).

<input type="checkbox"/>	Being provided with additional personal protection equipment (PPE), such as
<input type="checkbox"/>	Teaching in a specific physical classroom setting, such as an auditorium, large capacity classroom, course delivery with a Plexiglas barrier, etc.
<input type="checkbox"/>	On-line course delivery via Blackboard.
<input type="checkbox"/>	Other

Signature of Faculty	Date of Signature