

# Professor Sues South University Over Return-to-Campus Order

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An associate professor with heart and lung complications at South University in Virginia has filed a lawsuit against the school over a return-to-work mandate, alleging that she is being forced to work on campus despite severe health risks.

**Dr. Elizabeth Kostal**, 48, filed a complaint with the US Equal Employment Opportunity Commission on the weekend, arguing that by refusing her request to continue teaching from home, the university has violated the Americans with Disabilities Act (ADA).

The nursing and health sciences professor asserted that her current medical condition leaves her more vulnerable to complications of the virus. Additionally, getting a vaccination is not an option for her after she exhibited a severe reaction to a past vaccination, including myocarditis.

In the suit, Kostal said that the school required employees to be present on campus even when classes and meetings remained virtual. She noted that she was surrounded by nursing students and faculty exposed to COVID-19 patients.

“I was literally undergoing an astronomical risk that could end my life to open up my laptop in my office to teach live, remote classes to teach my students who were at home. It’s an incredulous position to be placed in by an employer,” Kostal told *NBC News*.

## No Exceptions

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Concerned for her safety, Kostal requested to continue working from home, submitting medical documentation to support her request. However, South declined, saying that there would be no exceptions to the policy.

According to the human resources department, Kostal’s chronic ailments did not “outline a disability consistent with an approval for remote work conditions.” *Reuters* reported that the school granted minor concessions last month only after Kostal threatened legal action.

“Putting aside the reasons why Dr. Kostal is completely able to work from home and be successful, you can’t just make a blanket determination for all people. The Americans with Disabilities Act requires an individualized determination,” said **Christine Hogan**, a partner at Wigdor LLP.