

Resolution on Adopting University Policies for Reasonable Accommodations for Faculty, Instructors, Staff, and Students During the Pandemic

Background

This resolution concerns University policies to provide reasonable accommodations during the pandemic. University policies should be developed based on the principles of safety, transparency, and consultation to respond to faculty, instructor, staff, and student needs for a safe and healthy teaching, learning, and working environment. The resolution has been endorsed by more than 64 faculty member cosponsors, including 9 Faculty Senators, and by the Cornell Chapter of the AAUP (American Association of University Professors).

Resolution on Adopting University Policies for Reasonable Accommodations for Faculty, Instructors, Staff, and Students During the Pandemic

Whereas, on August 11, 2021, Cornell University announced a new policy severely restricting health-related accommodations for faculty and instructional staff, stating, “[T]he university will not approve requests, including those premised on the need for a disability accommodation, to substitute remote teaching for normal in-person instruction”;

Whereas, on August 13, 2021, Provost Kotlikoff announced an additional policy stating that deans and unit leaders have discretion to “choose to offer additional options for faculty and staff with extraordinary circumstances that prevent them from teaching and working in person this fall...includ[ing] a reduction in work hours, a temporary reallocation of teaching duties, and/or short-term or partial remote instruction,” but otherwise left the August 11 policy statement unchanged;

Whereas, neither the August 11 nor the August 13 policy statements provide consistent definitions, standards, or evaluation processes to be used by deans across colleges and schools, which opens the door to ad hoc and potentially arbitrary decision-making;

Whereas, the August 11 and 13 University policies have caused a high level of stress and anxiety for faculty, instructors, staff, and students;

Whereas, Cornell's August 11 policy statement violates its legal obligations under the federal Americans With Disabilities Act and the New York State Human Rights Law by stating an *a priori* policy of refusing to approve faculty or instructor requests to teach remotely, including requests based on an individual's disability;

Whereas, Cornell's August 13 policy statement violates its legal obligations under the federal Americans With Disabilities Act and the New York State Human Rights Law by limiting deans' discretion to granting temporary, short-term, or partial accommodations in "extraordinary circumstances," and by failing to adopt consistent standards and processes for such decision-making;

Whereas, Cornell's August 11 and 13 policies fall far below its ethical obligation to provide a safe working environment for all faculty, instructors, staff, and students, and fail to meet even the minimum legal requirements to provide reasonable accommodations under the federal Americans With Disabilities Act and the New York State Human Rights Law;

Be it resolved, that the University should rescind the University's August 11 policy of refusing to approve requests for remote teaching as a reasonable accommodation for individuals with disabilities;

Be it further resolved, that the University should adopt and announce policies that provide a broad and flexible approach for accommodating faculty, instructor, staff, and student health-related concerns;

Be it further resolved, that the University should adopt and announce fair and consistent standards and processes for evaluation and decision-making about reasonable accommodations for faculty, instructor, staff, and student needs for a safe and healthy teaching and learning environment;

Be it further resolved, that the University Administration should engage in good faith, full, and open consultation with the Faculty Senate and other governance bodies to develop policies that reasonably accommodate faculty, instructor, student, and staff needs for a safe and healthy teaching and learning environment.