

Faculty Senate

September 9, 2021

Cornell University is located on the traditional homelands of the Gayogohó:nq' (the Cayuga Nation). The Gayogohó:nq' are members of the Haudenosaunee Confederacy, an alliance of six sovereign Nations with a historic and contemporary presence on this land. The Confederacy precedes the establishment of Cornell University, New York state, and the United States of America. We acknowledge the painful history of Gayogohó:nq' dispossession and honor the ongoing connection of Gayogohó:nq' people, past and present, to these lands and waters.

This land acknowledgment has been reviewed and approved by the traditional Gayogohó:nq' leadership.

Stay muted unless you are called upon to speak.

Raise your 'Zoom Hand' to request permission to speak. Stay muted until recognized. Once unmuted, **you have 2 minutes** to pose a question or make a statement.

You may submit online questions or comments via the Chat to the Dean of Faculty Office.

Recorded session will start at 3:30 p.m. Audio will be posted on the agenda webpage soon after the meeting. No voting on resolutions will take place in this meeting; look for an email.

Zoom Captioning is through 'more' in the zoom menu.

Introduction of candidate for Senate Speaker

Vote for Speaker

Proposed Resolution 1

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.

Proposed Resolution 2

Resolution on Faculty Discretion to Teach On-line If Students Are infected or Where Classroom Conditions Make Social Distancing Impossible

Background

This resolution concerns the autonomy of faculty and instructors as they attempt to conduct their classes during the pandemic. With the rising number of positive cases among the students in those classes, this has become a major issue throughout the University. 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).

Irene Mulvey, national AAUP President, has issued a statement that reflects the spirit behind our resolution:

"Let's be clear: the fight for a safe working environment as we begin the new academic year is our fight since it is inextricably linked to genuine shared governance and collaborative decision making, and to academic freedom in the classroom and on campus. Faculty are the ones taking all the risks in our classrooms. It is outrageous for a faculty member to find herself in a position where she needs to consider the probability of bringing the virus home where it might be responsible for the death of a vulnerable family member. When the administration isn't making the best decisions for the institution, it's the faculty's responsibility to stand up, speak out and do all they can to ensure that the core academic mission is carried out in the most effective way for the circumstances. As AAUP president, I thank you for your work in this regard. I am privileged to represent members of the AAUP as we work together during these very trying times."

Resolution on Faculty Discretion to Teach On-line If Students Are Infected or Where Classroom Conditions Make Social Distancing Impossible

“Whereas, faculty and instructors are responsible for quality of the instruction that they provide in the courses that they offer and the health and safety of students in their classrooms;

“Whereas, the University has said that “[our] data show that the best ways to reduce the risk of transmission are to **wear masks, to socially distance, to gather outside as much as possible, and to gather only in small groups**” (Ryan Lombardi, September 3, 2021 (emphasis in original), <https://covid.cornell.edu/updates/20210903-work-together.cfm>)

“Whereas, many classrooms require that students, faculty, and instructors must sit in close proximity to one another in conditions where adequate ventilation is either impossible to maintain or difficult to ascertain;

“Whereas, faculty and instructors have not been given detailed information on the frequency of student-to-student and student-to-faculty/instructor transmission in the classroom;

“Whereas, many students have been infected with coronavirus, have had to isolate themselves, and thus missed classes as a consequence;

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.

General Discussion

eVoting (until 5pm on Sept. 10, 2021)

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

Resolution on Faculty Discretion to Teach On-line If Students Are infected or Where Classroom Conditions Make Social Distancing Impossible

Good of the Order
And
Adjournment