

Open Letter from UUP Cortland Bargaining Unit Members to SUNY Cortland Administration Regarding Planning for Fall Semester 2021

When plans for the return to in-person classes for Fall 2021 were made, the Delta variant of COVID-19 had not yet entered into the risk/benefit calculation. The precipitous spread of the Delta variant creates a serious cause for concern for the health and safety of everyone at SUNY and in our communities. Until vaccines against COVID-19 are available to children under 12 and vaccines are required of everyone on campus, we must not operate as though the pandemic is largely over and that we can return to business as usual, even with a masking mandate.

Over the past two weeks a series of COVID data indicates a renewed and expanding crisis:

- Delta is able to break through current vaccines. While research is ongoing and it is hard to determine precise degrees of vulnerability, we know that vaccinated people can be infected, can get seriously sick (including long COVID), and perhaps most importantly for us, can *transmit* Delta in significant numbers.
- Being in a highly vaccinated population is no longer a guarantee of COVID safety.
- On August 17th, the CDC reported that 62% of the counties in New York State are now designated at [High Rate COVID community transmission](#), including [Cortland County](#), and counties where many of our students reside (such as Tompkins, Nassau, Suffolk and Westchester counties).
- Children 12 and younger cannot be vaccinated, and their parents and family members, even if vaccinated, can carry the virus. While children were largely spared by earlier strains of Covid-19, they are “very seriously at risk now,” [as NIH Director Francis Hill explained on 15 August](#):

So anybody who tries to tell you, ‘Well, don't worry about the kids, the virus won't really bother them,’ that's not the evidence. And especially with Delta [variant] being so contagious, kids are very seriously at risk. And it's up to all of us to do everything we can to protect them, as well as we're trying to protect everybody else at the same time.

The highly contagious nature of the Delta variant makes us all responsible for one another, especially for the most vulnerable. Professional and academic faculty are eager to move forward with a fully in-person campus experience for ourselves and our students. We understand the budgetary constraints, logistics, and other issues that SUNY is facing during the pandemic. Nevertheless, our first priority is--as always--the

health and well-being of everyone on campus and in our communities.

To defend against the Delta variant and prevent new strains of COVID-19, **we urge SUNY Cortland to adopt the following safety measures:**

Universal vaccinations. We urge the administration to advocate for mandatory vaccinations throughout SUNY, allowing only for medical and religious exemptions. We understand that SUNY is prepared to issue this mandate when the FDA has fully approved one of the three vaccines. But the situation is increasingly urgent, as an unknown number of unvaccinated students return to campuses and classrooms. We are grateful for the requirement that residential students be vaccinated, but waiting for the FDA to grant a vaccine full approval before requiring vaccinations of students in off-campus housing is an impossible distinction to justify, both in terms of campus safety and for the safety of neighboring towns and surrounding counties.

Significantly for us, the Office of Legal Counsel in the U.S. Department of Justice has advised that the Emergency Use Authorization status of the COVID-19 vaccines “does not prevent public and private entities from imposing vaccine requirements” (<https://www.natlawreview.com/article/to-mandate-or-not-to-mandate-department-justice-weighs-vaccination-mandates>). Last month, even before the OLC issued its opinion, a federal court upheld the mandate of universal vaccinations at Indiana University (<https://www.npr.org/2021/07/19/1018010489/indiana-universitys-Vaccine-requirement-should-stand-federal-judge-rules>).

With respect to faculty and staff, we understand that if vaccination against COVID-19 becomes a condition of employment at SUNY, it will need to be on terms negotiated with UUP. Those terms should include provisions to work remotely for faculty and staff who cannot work safely on campus because they are immunocompromised or because a member of their household is vulnerable, for instance a child under twelve years old.

Flexibility for instructional modality. Many faculty feel unsafe returning to classrooms that are poorly ventilated and/or at full capacity, with no room for social distancing. Students have cited similar concerns. Granting flexibility to move courses partially or entirely online would reduce the density of contact on campus and the risks of an outbreak. SUNY and UUP have agreed on a flexible work-from-home program for professional faculty, and there are academic faculty with similar needs who require similar accommodations. For in-person classes, we urge the use of outdoor spaces whenever possible, including w tents and pavilions erected for this purpose and available to faculty through the campus’s reservation system.

Virtual office hours. As the College Handbook explains, “Cortland prides itself on the availability of faculty to meet with students” (<https://www2.cortland.edu/offices/publications/handbook/part-two/>). Faculty are expected to be available to meet with students outside of class at least five hours in total for those teaching full-time and a proportionate number for those teaching part-time. There is no requirement in the Handbook, however, that such meetings be face-to-face.

In one of the positive lessons of the pandemic, we have each built a “personal room” on Webex or Zoom that makes it convenient for students to work with us individually. Online office visits have enabled many students greater access to us than ever before, especially those who commute to school and those who work off campus. Virtual office hours have also enabled faculty on part-time appointments to meet more frequently and effectively with students than they could in assigned spaces on campus. An important factor in all such meetings is that we can hold close discussions in perfect safety and while maintaining privacy, without face coverings. We urge SUNY to allow all of us virtual office hours, understanding that we will meet in person with any student who would prefer that.

Increased transparency on classroom safety. While HVAC systems are being upgraded with MERV-13 filters, many spaces on campus have minimal amounts of air exchange. Where ventilation is poor, masking and social distancing may not provide sufficient protection.

We are also concerned that classrooms are often filled to capacity. The fire marshal capacities being applied now do not take into account the pandemic’s capacity to spread, as documented in peer-reviewed literature (cf. [“Beyond Six Feet: A Guideline to Limit Indoor Airborne Transmission of COVID-19”](#) by Martin Z. Bazant and John W. M. Bush). This article includes an interactive worksheet to estimate the safe time duration to be in a given room under certain circumstances. It takes into account the Delta and Gamma variants and the percentage of occupants who are immunized: [COVID-19 Indoor Safety Guideline](#). We urge SUNY to determine appropriate room capacities during COVID-19, to publish them as it does the fire marshal capacities, and to arrange class schedules accordingly.

Increased testing, contact tracing and quarantine efforts. We urge the administration to require that every student, vaccinated or unvaccinated, be tested for COVID-19 the week before classes begin. The current policy at SUNY Cortland for the semester as a whole is unclear regarding the frequency and modality of testing for the

both vaccinated and unvaccinated students. We need a clearly defined policy of testing everyone on campus, where unvaccinated students, faculty, and staff and those who are not yet fully vaccinated are required to participate in surveillance testing twice per week and fully vaccinated students, faculty, and staff are required to participate in surveillance testing once per week. We also need corresponding procedures and policy statements on contact tracing and quarantine.

Up-to-date information on vaccination rates for each campus and local

community. Late as it is, we are grateful that SUNY has now launched its vaccination verification system to determine how many students are vaccinated. This number is significant for everyone on- and off- campus, and we need SUNY to publish it daily, at least until SUNY mandates universal vaccinations. Without more information to assess levels of exposure, we must err on the side of caution and assume the student body tracks with New York statistics for New Yorkers aged 16-25, which is 58% at best. In a class of 35 students, this translates to 15 unvaccinated students for prolonged periods each week of the semester.

We understand that time is short and that it is difficult for an institution to change course before classes begin. Even so, given the new and ongoing challenges presented by the Delta variant in this pandemic, it is incumbent to take new steps to protect everyone's health and safety. UUP must stand ready and be able to help with the safety measures urged here.

To sign the letter, please visit the following site:

<https://docs.google.com/forms/d/e/1FAIpQLSdhlgN4ZeQSBIE3C7oxmWo4E-yamZSFpgqhd21yJnBNPPOgjq/viewform>