



**OFFICE OF THE PROVOST AND VICE PRESIDENT  
ACADEMIC AFFAIRS**

**MEMORANDUM**

**DATE:** August 30, 2021

**TO:** Kirti Sawhney Celly, Ph.D.  
Academic Senate Chair, 2021-22

**FROM:** Michael E. Spagna, Ph.D.   
Provost and Vice President for Academic Affairs

**SUBJECT:** Consideration of \*W EXEC 21-18 Resolution

President Parham and I are in receipt of Academic Senate Resolution **\*W EXEC 21-18** *Commitment to Flexibility for Faculty Returning to Face-to-Face Teaching and Faculty and Staff Providing Face-to-Face Services in Response to the Aggravated Pandemic Conditions in Los Angeles and Surrounding Counties*. As is our practice at the Academic Affairs Council, this resolution was discussed on August 30, 2021.

It is the consensus of the Academic Affairs Council that this resolution is best characterized as a *Sense of the Senate* document and not as an item for consideration as university policy. We reach this conclusion for a few reasons.

Consistent with existing university practices, “faculty assigned to teach face-to-face class sections in Fall 2021[and] chairs and program coordinators, with demonstrated personal or family health reasons, including but not limited to vulnerabilities related to pre-existing conditions, immuno-suppression, child, partner, or elder care,” *are currently* “being provided reasonable accommodations to perform their job responsibilities.” All faculty have support from chairs and deans to discuss their current assignments, including instructional modality.

The CFA/CSU Collective Bargaining Agreement and campus policy do not, however, permit faculty to unilaterally change their instructional assignments, including the instructional modality of their assigned courses. **Article 20** of the CBA states: “20.2 a. The composition of professional duties and responsibilities of individual faculty cannot be restricted to a fixed amount of time, and will be determined by the appropriate administrator after consultation with the department and/or the individual faculty member; and 20.2 b. The instructional assignments of individual faculty members in the classroom, laboratory, or studio will be determined by the appropriate administrator after consultation with the department chair or designee and/or the individual faculty member. The department or other appropriate unit's overall instructional or course assignments shall be consistent with department and student needs.” In this instance the

“appropriate administrator” is the College Dean. Similarly, **AA 2005-09**, *Expectations for Faculty On-Campus Availability*, states that “faculty members are expected to carry out all of their professional responsibilities and to be present on campus as required by these responsibilities, including scheduled classes, scheduled office hours, advising and mentoring students, and time required for committee assignments.” Further, it states that “College Deans and Department Chairpersons will assure that this policy is adhered to.”

That longstanding combination of contractual and university policy and practice – pairing reasonable accommodation with administrative oversight – is in place precisely for the current circumstances we face during the pandemic. As a university we function at the intersection of multiple priorities, perspectives, and stakeholders. Together we have committed to serving our students with limited face-to-face offerings, delivered with heightened measures of safety and security, for the fall semester. As President Parham has stated repeatedly, our twin north stars are safety and student success.

I have shared this conclusion with President Parham, and he agrees with this assessment. Therefore, President Parham and I will not be moving this resolution forward for adoption into policy.