

**ACADEMIC SENATE  
OF  
THE CALIFORNIA STATE UNIVERSITY**

AS-3501-21/FA  
September 2-3, 2021

**REQUEST FOR CONTINUED ACCOMMODATIONS AND FLEXIBILITY IN THE  
TIME OF COVID-19**

- RESOLVED:** That the ASCSU request that the Chancellor urge campus presidents, in the context of the continuing pandemic, to be flexible, compassionate, and accommodating in responding to evolving conditions; and be it further
- RESOLVED:** That the ASCSU request that all campuses permit individual instructors working with their department chairs to modify curriculum and pedagogy (including modality of instruction) as needed to meet their particular emergent circumstances and constraints and to best deliver instruction to their students; and be it further
- RESOLVED:** That ASCSU urge all campuses to honor as much as possible, flexibility in established programs, practices, and policies regarding online instruction; and be it further
- RESOLVED:** That the ASCSU urge that the Chancellor's Office request extension of the WASC Senior College & University Commission (WSCUC) authorization of virtual learning through Spring, 2022; and be it further
- RESOLVED:** That the ASCSU urge all campuses to honor the safety article in the Collective Bargaining Agreement (CBA - Article 37) and remain compliant with the Health Insurance Portability & Accountability Act (HIPAA) and the Family Education Rights and Privacy Act (FERPA) requirements, particularly by protecting the privacy of medical information when seeking vaccination exemptions and/or access to alternative modalities of instruction; and be it further
- RESOLVED:** That the ASCSU request that the Chancellor direct all campus presidents, or their designated agents, to frequently report timely campus COVID diagnosis counts and vaccination counts, broken out by faculty, staff, and students in a single, easily accessible location such as a web-based dashboard or table; and be it further
- RESOLVED:** That the ASCSU distribute this resolution to the CSU Board of Trustees, CSU Office of the Chancellor, CSU Presidents, California Faculty Association (CFA), California State University Employees Union (CSUEU), California State Student Association (CSSA), CSU campus

Provosts, CSU campus Presidents, CSU campus Senate Chairs, and the CSU Emeritus and Retired Faculty & Staff Association (CSU ERFSA).

***RATIONALE***<sup>1</sup>: *We are still in the midst of an ongoing COVID-19 global pandemic. A state of emergency was declared in California by Governor Gavin Newsom March 4, 2020, and remains in effect to this day. With the explosion of the delta variant of SARS-CoV-2, which is highly transmissible with a viral load roughly 300-1,000 times the viral load of the original SARS-CoV-2 virus<sup>2</sup>, and which is transmissible by vaccinated individuals<sup>3</sup>, our campuses are still experiencing an ongoing public health crisis. We are also very likely to be facing future variants with characteristics different from previous ones, and quite possibly in ways that cannot yet be anticipated.*

*This historic pandemic has had inequitable impacts on different groups across different socio-spatial geographies<sup>4</sup>, including racial<sup>5</sup>, gender<sup>6</sup>, age<sup>7</sup>, employment<sup>8</sup> disparities; disparities in access to healthcare<sup>9</sup> and in vaccination rates<sup>10</sup>; as well as disparities in exposure,<sup>11</sup> comorbidities,<sup>12</sup> and long-term health impacts<sup>13</sup>. These disparities are also present across county and local scales<sup>14</sup>, leading to different campuses experiencing different phases of the pandemic (entering a wave, cresting, etc.) at different times. This requires local and individual autonomy in decisions that weigh both curricular and pedagogical issues with individual health and welfare concerns. This includes the autonomy to return to virtual instruction or another instructional modality when local circumstances warrant.*

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<sup>1</sup> Our thanks to Aracely Alvarez, Christopher Espino, Rebecca Galvan, and Fabian Montoya, M.A. Geography students at Cal State LA, for their invaluable research assistance.

<sup>2</sup> Li, B. et al. Preprint at medRxiv <https://doi.org/10.1101/2021.07.07.21260122> (2021); Cha, S. <https://www.reuters.com/business/healthcare-pharmaceuticals/delta-cases-show-300-times-higher-viral-load-skorea-study-2021-08-24/> (2021).

<sup>3</sup> Riemersma, K. et al. Preprint at medRxiv <https://doi.org/10.1101/2021.07.31.21261387> (2021).

<sup>4</sup> Dummer, T. (2008) <https://www.cmaj.ca/content/178/9/1177>

<sup>5</sup> Liao, T. and F. De Maio (2021) <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2775303>.

<sup>6</sup> Gausman, J. and A. Langer (2020) <https://doi.org/10.1089/jwb.2020.8472>.

<sup>7</sup> Gutman (2021) <https://www.theatlantic.com/health/archive/2021/08/covid-vaccination-timeline-children/619729/>.

<sup>8</sup> Saenz, R. and C. Sparks (2020) <https://carsey.unb.edu/publication/inequities-job-loss-recovery-amid-COVID-pandemic>.

<sup>9</sup> Ndugga, N. and S. Artiga (2021) <https://www.keff.org/racial-equity-and-health-policy/issue-brief/disparities-in-health-and-health-care-5-key-question-and-answers/>

<sup>10</sup> Ndugga, N. et al (2021) <https://www.keff.org/coronavirus-covid-19/issue-brief/latest-data-on-covid-19-vaccinations-race-ethnicity/>.

<sup>11</sup> Gaitens, et. al (2021) <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7913818/>.

<sup>12</sup> Patel, J. et. al (2020) <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7221360/>.

<sup>13</sup> Ludvigsson (2020) <https://onlinelibrary.wiley.com/doi/10.1111/apa.15673>.

<sup>14</sup> California Department of Public Health (2021) <https://covid19.ca.gov/>; Mayo Clinic (2021) <https://www.mayoclinic.org/coronavirus-covid-19/map/california>

*In addition to these disparities, many of our students, staff, and faculty in the CSU are immunocompromised, have household members that are immunocompromised, or have comorbidities that make them more susceptible to COVID-19, requiring vaccination exemptions and/or access to alternative modalities of instruction. We remind CSU and campus administrations that, in providing these necessary accommodations, they are governed by applicable CSU policies regarding confidentiality, privacy, and security of health records, as well as state and federal law, and that information shall be used only for the specific purpose intended and only accessible to CSU personnel who have a business need-to-know.*

*Finally, to make informed and timely decisions, it is important to have public access to relevant data about COVID-19 outbreaks and vaccination rates on campus. This information can be provided in a full-service dashboard<sup>15</sup>, a web page<sup>16</sup>, or a table appended to an existing and easy-to-find webpage<sup>17</sup>. Some examples of timely and useful reporting include the CSU Fullerton Campus Case Count, CSUN's Reported COVID-19 Cases on their Health and Safety page, and San Jose State University's COVID-19 dashboard.*

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<sup>15</sup> Example from CSU Fullerton: <http://coronavirus.fullerton.edu/on-campus-case-count/>

<sup>16</sup> Example from San Jose State University: <https://www.sjsu.edu/healthadvisories/covid19-dashboard/index.php>

<sup>17</sup> Example from CSUN: <https://www.csun.edu/csunasone/health-and-safety>