

Contract tip on absence, remote class options 2-3-22

Several UA leaders recently met with administration reps to talk about faculty concerns with the current 'modality change process'. The administration has responded that they are not willing to change the current process of expecting faculty to complete a modality change request for any remote instruction of more than one day. They think that the Provost's office should control all such decisions; however, the Collective Bargaining Agreement outlines a process for faculty needing to be absent for up to two weeks which is to be arranged with the Chair. The Provost's office has never before had a role in making determinations about *short-term* individual faculty absences or teaching arrangements. According to the CBA, this is within the Chair's purview. The administration has leaned on the impact bargaining from 2020 as a way to justify the Provost's current expectation that any more than one class period change requires Provost approval. That is not correct. The Memorandum of Agreement from reopening the campus in Fall 2020 no longer applies, and in any event it does not include anything about the length of time (that is, there is nothing in it about more than one remote class needing to be approved).

There is no requirement in the faculty CBA or any other agreement noting that faculty need to submit an official 'modality change request' through the Provost's office. Instead, [Article 20.6 of the CBA](#) addresses absences and states that arrangements for absences of two weeks or less are to be coordinated with your Chair. (Article 20.11 of the [Part-Time faculty CBA](#) outlines a similar process and paid sick time eligibility for part-time faculty members).

So to be clear: our guidance for faculty who need to respond to illness or quarantine of themselves or dependents is to go through the process outlined in CBA Article 20.6.

Shifting class for several class periods to remote instruction is not a 'modality change'; it is an arrangement to allow for continuous instruction instead of canceling class due to a faculty absence.

Article 20.6 makes clear that an absence from work for two weeks or less should be arranged with the Chair or Dean, and 'arrangements and work plans' should be made together with the Chair or Dean. Only absences that exceed 2 weeks need to go to the Provost, and then it becomes a leave of absence. A faculty member or their child testing positive for COVID, or children having to stay home for COVID exposure or school closure should be handled between the faculty member and their Chair. Before COVID, this would have been more likely to mean absence and possibly canceling class. Now that faculty and students are all well-versed in remote teaching and learning and have proven to adapt to that format quite nimbly, there is an opportunity for faculty who need to remain home to be able to continue to teach remotely. So rather than go through the Provost's modality change form, faculty should contact their Chairs and indicate that either they would need to be absent or can make arrangements to teach class remotely if that is possible (faculty do not have to disclose their specific medical information to their Chair).

In addition, please note that if you are COVID positive or otherwise ill, it is OK to take time off for illness. Faculty do not HAVE to deliver class if they are ill or have extenuating circumstances that prohibit them from teaching. Again, see Article 20.6 on absences. It is absolutely acceptable, contractually, to take days off for illness.

Finally, there is no need for faculty to share their own or their family's private health information with their Chair, Dean, or the Provost's Office in any manner, whether verbally, in writing, or on a form. Such information is protected by HIPAA, and your Chair, Dean, or Provost may not require you to share such details with them. Instead, in informing such administrators of your need to be absent or work remotely, you may state something like: I have a brief illness requiring me to stay home for about # days, or I must stay home due to urgent caregiving needs on these dates. Note that in the case of requests for longer-term ADA accommodations, employees authorize their doctor to share the needed information with the ADA coordinator in Human Resources, not with their Chair, Dean, or Provost.

Please reach out to our Contract Administration Committee with any questions or issues: contract@unitedacademics.org.