

**California State University Maritime Academy Faculty Senate**

Resolution 21-22/02  
September 16, 2021  
1<sup>st</sup> Reading Waived  
**Vote (For/Against): 13/0**

**Request for Continued Accommodations and Flexibility for the Fall 2021 Semester Due to the Ongoing COVID-19 Pandemic**

- WHEREAS, In the current COVID-3; "öħqwtj "y cxgö (mid-July to present), new confirmed cases in Solano County<sup>1</sup>, the State of California<sup>2</sup>, and United States<sup>3</sup> have surged well above the case levels during the repopulation planning earlier in the year; and
- WHEREAS, There are growing concerns regarding the Delta variant, y j lej "ku"öo qtg"vj cp"4z" cu"eqpvcı kqu"cu"r tgxkqu"xctkcpwö"according to the CDC<sup>4</sup> and potential future variants;
- WHEREAS, Vj g"EFE"cnq"ıvcıgu"öFully vaccinated people get COVID-19 (known as breakthrough infections) less often than unvaccinated people. People infected with the Delta variant, including fully vaccinated people with symptomatic breakthrough infections, can transmit the virus to others,ö<sup>5</sup>; and
- WHEREAS, Due to the surge in cases and prevalence of the Delta variant, the Chancellors Office has delayed repopulation until October 2021<sup>6</sup>, and Stanislaus State has delayed in-person on campus instruction until October 1, 2021<sup>7</sup>; and
- WHEREAS, The Academic Senate of the California State University (ASCSU) passed a resolution AS-3501-43 IHC"öTgs wgu"ıqt"Eqpvıpwgf"Ceeqo o qf cvııpu"cpf" Flexibility in the Time of COVID-3; ö<sup>8</sup> on September 3, 2021, and

WHEREAS, The U.S. Equal Employment Opportunity Act of 1967, 29 U.S.C. § 791 et seq., and the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq., and the Rehabilitation Act of 1973, 29 U.S.C. § 7901 et seq., and the Equal Employment Opportunity Commission's "What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws" <sup>10</sup> https://www.eeoc.gov/what-you-should-know-about-covid-19-and-the-ada-the-rehabilitation-act-and-other-eeo-laws. The ADA does not require that an employer accommodate an employee without a disability based on the disability-related needs of a family member or other person with whom she is associated. <sup>11</sup> Of course, an employer is free to provide such flexibilities if it chooses to do so, and

WHEREAS, The faculty remain committed to the academic mission of the institution and delivering a quality educational experience and maintaining academic continuity through potential disruptions during this continuing COVID-19 pandemic;

BE IT THEREFORE

RESOLVED: That the Faculty Senate request that for the Fall 2021 semester, Cal Maritime provides an option for individual instructors to work with their department chairs (or with the full department faculty if there is no chair) to modify the teaching pedagogy (including modality of instruction) to address COVID-19 related concerns while ensuring a quality learning experience and meeting the course learning objectives; and be it further

RESOLVED: That the Faculty Senate urge for the Fall 2021 semester the Provost and Deans to honor, as much as possible, ad hoc flexibility in practices and policies for the temporary use of online instruction for in-person classes that applied prior to the pandemic to avoid ca