



## **ROBERT HOLLAND FACULTY SENATE**

### **Uncorrected Minutes of June 19, 2020**

The Robert Holland Faculty Senate of Mississippi State University held a special session at 2:00 p.m. on Friday, June 19, 2020. This meeting was held online through Cisco Webex due to the ongoing Covid-19 pandemic.

Members absent and excused were: Robin Fontenot.

Members absent were: Brian Counterman, Allison Eddy, Mary Love Tagert

The meeting was called to order by Senate President Randy Follett.

President Follett explained this meeting was to specifically address one topic and therefore the normal agenda items are not included. He said there are 2 guests present, Dr. Shaw and Dr. Hyatt. They will not give a formal presentation but will be available as a resource for discussion. President Follett said an additional letter of request received by Faculty Senate appears on page 6 of the agenda. He said this is included for informational purposes. The letter requested Senate to pass the information to administration, which has been done.

### **STANDING COMMITTEE REPORTS**

#### **Executive Committee**

##### **1. Letter of Request from Provost Shaw**

President Follett, on behalf of the Executive Committee, presented the report on the Letter of Request from Dr. Shaw.

President Follett invited Dr. Shaw to comment. Dr. Shaw said the Task Force discussed this earlier today. Up to this point, we have received 379 submissions to the feedback website. He said he has read every one of them. Every submission is considered when the Task Force makes decisions. The recommendation of the Faculty Senate on this matter will be further considered at the next Task Force meeting. He said he wished the feedback to continue to be provided and asked for everyone to provide a measure of grace as new science emerges. The focus is to provide a safe environment for the students and employees and still provide a quality education. There are no easy answers.

President Follett asked for comment from Dr. Hyatt. Dr. Hyatt said she would like to reiterate that cloth face coverings have been procured for all students, faculty, and staff. Face Shields are being prepared for those who will need them. Hundreds of thousands of disposable face masks have also been procured. All the necessary supplies, such as cleaning supplies and sanitizers, are being procured for the fall semester. The building Managers should be contacted to gain access to these supplies.

President Follett said one thing all faculty need to be aware of is that all face to face classes must be recorded. This will allow for a student required to not be present in the class to be able to progress. Dr. Shaw said he requested that ITS provide live-stream and video capture capabilities in every classroom. He said the driver behind this is if a student feels ill or has a fever, we do not want them to feel like they have to go to class to meet attendance requirements. So far \$1.2 million of additional equipment has been purchased. He said he anticipates an additional procurement which may approach the same amount. ITS is working with the Registrar and the committee that examines spaces to make sure our needs are met prior to the start of the fall semester. He said there is some nervousness about getting this complete in time due to supply chain delays.

President Follett asked if anything was being done about microphones and audio equipment. Dr. Shaw replied there is work being done but this equipment is in even greater demand and therefore hard to obtain. He said he is not nearly as confident about the audio equipment as he is about the video equipment.

Senator Pelaez asked what happens when a student must quarantine but does not have internet access at their home. She also asked what is being done to address home internet access in the event that classes move to an all online format. Dr. Shaw said MSU would provide aid such as hot spots and loaner-laptops to those who need them much as we did in the spring when we went all online. He said the experience in the spring showed the students who are usually in town have internet accessibility. He said any quarantine facilities would have internet accessibility as well. Dr. Shaw said short of having to send everyone home, we will have an adequate supply of technological resources to meet our needs.

Senator Sebba said her colleagues and the SEC music group are very concerned about ensembles and lessons. She said they have been doing them online, but it is not as effective as face to face instruction. Some of the regulations being implemented will not work with these courses. She said you cannot wear a mask and use an instrument played with the mouth. Additionally, the instruments not played with the mouth are shared. She said our Department of Music is working with the other music departments across the SEC to find a workable solution. She asked if exceptions could be made in specific circumstances to accommodate the teaching of the classes. Dr. Shaw replied he is very appreciative that the faculty are engaging with their peers to bring recommendations back to administration on how to make these classes safe and meets educational goals. He said this is an example of a situation where exceptions could be made. He said he does not have an answer but is waiting for recommendations so the decision can be made.

Senator Bora asked if every classroom will have card readers so if anyone contracts Covid-19 tracing can be performed more easily. Dr. Shaw replied he is not in a position where he can guarantee that all classrooms will be equipped with card readers. He said part of this is the challenge of some of the alternative spaces being used to host classes. He said this is on the list of things to accomplish but we have to nail down which spaces will be used before a strategy to install card readers can be formulated. Dr. Shaw said we are going to have to rely on a more robust system than just card readers to conduct tracing. Dr. Hyatt said a 3-prong system which starts with screening including temperature checks and screening questions is being employed. A technology enabled solution will be used to handle screening and contact tracing. The participation through this technology is strongly encouraged but not mandatory. This technology will help the Student Health Center team who is already performing contact tracing. The third prong is testing. Testing is available at the Student Health Center. Senator Bora asked if anyone who wanted can get tested, particularly instructors. Dr. Hyatt replied individuals can get tested at the Student Health Center.

Senator Gude asked how policies regarding face coverings should be enforced. He also asked if there will be a hiring freeze. Dr. Shaw said faculty can dismiss students from the classroom who refuse to wear a face covering. He said there are already policies in place to deal with students who refuse to wear face coverings or in any other way are disruptive to the class. He said the bigger question is what to do about faculty who refuse to wear a face covering. He said this is something he will need help from the Senate to solve. Dr. Shaw said he has spoken with the legal team and Human Resources about this. If a faculty member refuses to wear a face covering, they will be dealt with using the same policy for any instance of refusing to follow University policy. The Task Force and the President are in firm agreement that there needs to be solid support from faculty and students to follow the guidelines. Dr. Hyatt said her team is taking a very positive, proactive, educational approach around all expectations for students. A

working group facilitated through Health Promotion and Wellness is coming up with ideas on how to inform our students. Dr. Hyatt said a lot of hard work is being done to ensure our students know what is expected of them and what their classroom responsibilities are. Dr. Shaw said there are various planning and modeling scenarios being reviewed based on different budget reductions, but we are still eagerly looking forward to not placing any hiring freezes. He said he did ask the deans to evaluate open positions to see how critical they are at this time before filling them. He said we want to be in the best position we can to weather any financial storms. Enrollment is looking good for the fall and it seems like we will receive a cut, but not a big cut like we feared. The state budget numbers look better than anticipated. Dr. Shaw said at this point he is very cautiously optimistic that we will not need to implement any type of hiring freeze to be able to do what we need to do.

Senator Gregory said her college has design studios and art classes which are not feasible to record and have the students participate online if not done in a consistent way like was done in the spring. She said it is a unique situation and it may need to be considered how or if a student in this situation could continue in the class. Senator Gregory said she was approached by a faculty member who does not wish to wear a face covering and it is not out of belligerence but genuine concerns such as how it is harder to hear an individual wearing a face covering and we will be in larger rooms. She said microphone availability could mitigate some of the concerns faculty who do not want to wear masks have. The HR process can handle those who choose not to follow policy out of belligerence, but some measures can be taken to address some concerns. Senator Gregory asked for a discussion of what the process is when a student in a face to face class tests positive and guidance on how to maintain academic continuity when this happens. Dr. Hyatt thanked Senator Gregory for her input regarding what to do in an instance when online availability is not an option. She said it is unlikely an instructor would be informed of a student in class being diagnosed with Covid-19 unless the student disclosed the information. With the wearing of a face covering and physical distancing, the instructor and other student's in the class would not be considered close contacts. Close contacts are the ones that contact tracing will be in contact with. Senator Gregory asked that it be considered that some courses will not be able to maintain the six-foot distancing requirement and how that affects contact tracing. Dr. Shaw said what we have been talking about so far falls into two categories, what are the general rules and how do you start addressing all the exceptions. He said we are at a point where these exceptional cases need to be brought forward. Dr. Shaw said he does not want to inhibit the educational process. He said the brainstorming being done in Senator Gregory's college is a perfect example of how we can also take a different approach for just this one semester and hopefully we are in a different situation next year. He said he strongly encourages this type of brainstorming and sharing it across our university and other universities as well.

Senator Kelly said, through feedback from her colleagues, she has three concerns about statement 1 and 2 concerns about statement 2. First, the last sentence of the first statement seems to contradict the policy set to begin July 6<sup>th</sup>. She said the policy going into effect on the 6<sup>th</sup> seems to make face coverings mandatory and students would not be able to decline. The second concern with statement 1 is that common areas such as hallways and stairways are not included. The third concern is about putting faculty in the role of policing whether students are wearing masks and if this was an expectation. She said this could lead to a loss of rapport or, worst case, lead to confrontations. Senator Kelly said the concerns about statement 2 are: will there be guidelines issued for what faculty should do if a student is unable to continue, and practices ensuring academic integrity. President Follett said masks are required in classrooms according to policy. He said the option is whether they would be able to satisfy the course requirements by attending virtually. In some cases, this is not possible. President Follett said to address the first concern of the second statement, it is the same scenario that has always been in place for a student getting sick where there is the possibility of an incomplete, an administrative drop. He said the intention is that the existing policy be used if necessary, but instructors would do their best to provide any options that might be possible. Dr. Shaw said part of the thought process is there is a recognition that there are so many class-specific unique circumstances and the intent is to not prohibit a faculty member from working with a student. He said he is hopeful that, because of the technology and the creativity of faculty, there are other options besides dropping the course that can be explored. Senator Gregory made a friendly amendment to add a sentence to statement 1 saying "In either case anyone not wearing a face covering would not be permitted in the classroom or in the lab".

Senator Williams said his college has several classes and a theater department that is in a similar situation the other senators are discussing. He asked if there will be guidance issued to ensure we conform to HIPPA regulations. He also asked if there will be guidance on how to determine if a student is taking advantage of the situation and trying to get deadline extensions they really do not need. He asked what the expectations were of faculty for handling cases like this. Dr. Shaw replied the expectation at the beginning of the semester is to kick off the semester with all kinds of things going on in terms of hybrid, online, face to face, and combinations of delivery methods. He said the question is how do we communicate a reasonable set of expectations for students. He said it needs to be clearly articulated in the syllabus what the student expectations are so we do not end up in the situation where students feel we are putting requirements on them that are not fair or unreasonable and they did not know were coming. He said the flexibility side of it comes from the fact that we do not know how the fall semester is going to go. We need to think through the way we approach classes and possibly move things that require face to face interaction to the beginning of the semester in case we have to go online. The flexibility is going to come from using the time now to

cognitively build in flexibility in anticipation that we do not know what will happen. He said faculty should structure their instruction this semester in a way that does not overload the students and drives them to withdraw, and recognizes the flexibility needed to be able to respond to situations as they occur. Dr. Hyatt said HIPPA does not impact those outside of medical facilities, however as an institution we absolutely have an expectation and requirement to protect student and employee health records. In the case of students, they will work through a process with Disability Support Services for accommodations. Faculty and staff will work with Human Resources to address their needs. Everyone has the responsibility to not share others health information. This is a moral expectation as well as an expectation we have legally in reference to the protection of personal information.

Senator Zuckerman said she received a question from a graduate assistant who has a teaching appointment and also has a preexisting condition which makes her more susceptible to Covid-19. She said she referred her to the email directing faculty with this situation to contact HR. Senator Zuckerman asked if similar guidance will be sent to graduate students with teaching assistantships. Dr. Shaw replied that this particular situation has not been discussed previously. He said to expect something to be sent regarding this in the near future.

Senator Eakin said she has received similar feedback as Senator Kelly from the faculty in her college. Senator Eakin made a friendly amendment to include “are available for course completion” after options in the last sentence of statement 1. President Follett, on behalf of the Executive Committee accepted the friendly amendment.

Senator Eakin suggested including contact information for the office which the student would need to contact about the requirement for a face covering. Dr. Hyatt said she could see the student going to the dean of the respective college or the Dean of Students. Dr. Shaw asked that he and Dr. Hyatt be given some time to come up with a recommendation for who the student should contact.

Senator Winer said his first question relates to the medical accommodations with regard to mask wearing. He said he is confused by the fact that at-risk students are given permission to not wear a mask due to medical reasons in a setting which most likely puts them at higher risk for the virus. He asked if these students were being encouraged to attend classes in a virtual manner. Dr. Shaw replied he believes advisors are really informed and sensitive to when a student has a medical accommodation. He said they need to help the student think through and decide how to approach the situation. Dr. Shaw said he knows faculty will be involved but we need to do additional work with our advisors to make sure we are giving those students the best advice on the front end. Dr. Hyatt said the accommodations process is iterative between the student and the Disability Support Services staff member who is working on what the appropriate accommodations are. She said it may be that the accommodation is to allow a face

shield. She said the support staff can have the conversation with the student about their specific situation as it relates to attending classes. Senator Winer asked what the policy is for Disability Support Services. Dr. Hyatt replied the request form is already active and online and the process is in place. The student has the ability to suggest accommodations that will meet their needs.

Senator Winer asked if contact tracing is voluntary. Dr. Hyatt replied there will be a technology enabled way to help facilitate contact tracing but contact tracing is already ongoing. Senator Winer asked if students have the option to opt out of contact tracing. Dr. Hyatt said students and employees can opt out of the technology-based contact tracing but if they test positive at the Student Health Center, contact tracing is automatically initiated. Senator Winer asked if there is a plan for random testing. Dr. Hyatt replied there is no plan for random or mass testing. Testing will be initiated through the screening process.

Senator Winer asked if there was an initiative to get the type of antibody testing discussed in an article from Mt. Sinai. Dr. Hyatt replied we currently have antibody tests available in the Student Health Center. She said the efficacy of these tests are continuing to evolve. She asked Senator Winer to provide her with the article he was referring to.

Senator Dinh provided the results of various research done on Covid-19. He said he realized Senate is only considering the syllabus statements, but he wanted to share the results of his research since Dr. Shaw and Dr. Hyatt were in attendance. Dr. Shaw thanked Senator Dinh for sharing his research. He asked Senator Dinh to please forward the results of his research to him.

Senator Hall said she has heard that some faculty are concerned that the communications sent regarding accommodations seemed to only pertain to the faculty member him/herself and not others in his/her household. She asked if there will be a way to accommodate faculty living with individuals at a greater risk for the virus. She said her second question is, if faculty have already arranged to teach online with their department heads, do they still need to go through the medical accommodation process. Dr. Shaw replied he would like to have a record of medical accommodation agreements, but he does not want to overturn decisions made between a faculty member and his/her department head. Dr. Shaw said he has been hearing a lot about Senator Hall's first question in the past few weeks. He said we are currently in the process of figuring out how to balance accommodating needs and completing our mission. He said the goal right now is to identify the ones that we can certify first and then address the needs based on a situation involving other household members. He said this topic will be discussed next week in the Task Force.

Senator Stokes said the College of Forest Resources has similar situations to those which have already been discussed and students are often taken outdoors for labs and classroom instruction. She asked if there is any guidance on how to transport students to the field in a safe and responsible way. Dr. Shaw replied this is an important aspect of many classes and having students outdoors is preferable to having them in enclosed spaces. He said the transportation issue has become more manageable due to the face covering requirement. The current thinking is to allow for 50% capacity in vehicles with the requirement for facial coverings. He said this is not final yet. Dr. Shaw asked for any input about what this policy should look like because the discussions are currently ongoing. Senator Stokes said in the past, instructors with small classes had the students provide their own transportation. She asked if this raises any liability concerns. Dr. Shaw said this does not raise any greater concerns than what we have always had in the past. He said it was previously discussed to mandate that personal transportation be utilized. He said the conversation has moved past this thinking, but anytime personal transportation is the best or only option, we are firmly in favor of that.

Senator Stokes asked if there is a requirement for facial coverings in classrooms if the classrooms are being used for something other than classes such as departmental meetings. Dr. Shaw replied the way the policy is written, there is a requirement for facial coverings in classrooms at all times.

Senator Stokes said the policy does not distinguish between academic labs and research labs. She said research labs often have very small groups of people. She asked if the research laboratories will be treated the same as the academic laboratories. Dr. Shaw replied separate guidelines are being developed for research laboratory spaces.

Senator Freeman asked if faculty have the ability to write classroom policy that goes beyond what is being considered today such as class participation or will faculty have to strictly adhere to what is passed today. He also asked if a statement could be included in statement 2 which allows faculty to modify syllabi mid-semester. Dr. Shaw said he would like to hear more about what additional policy Senator Freeman is suggesting. He said it was intended to not be too prescriptive about what can and cannot be included in syllabi. Senator Freeman said could a points penalty be assessed to a student who refuses to wear a mask in class or could it be tied to attendance points if students show up without a mask much like if they showed up without a textbook. Dr. Shaw said what we are trying to do is create a policy that recognizes the unique nature of the semester and at the same time gives enough teeth that faculty have the latitude to dismiss the student from the classroom. He said he would not encourage going beyond that. This is one of those semesters that there needs to be a different form of flexibility. Dr. Shaw said providing face coverings in the classroom seems to be enough to him that he would be hesitant to say we will be taking punitive measures above the provision of masks available for



them to put on. Dr. Shaw said he is not envisioning modifying the AOP relating to syllabi at this point. He said if someone has a request to change the syllabi mid-semester he is not adamantly opposed to it, but this is a contract with the student. He said it takes extraordinary circumstances to change this contract. He said he is not rejecting the idea, but he said it needs to be thought through very carefully before we set that kind of precedent. Dr. Shaw said statement 2 is intended to inform the students up-front that modifications are possible if circumstances change. President Follett said contingency information could be addressed in the syllabus at the beginning of the semester based on possible circumstances such as a shift to all online instruction.

Senator Marshall asked if face coverings can be required regardless of social distancing ability inside buildings. In the library there is continual movement and this creates unpredictability of when social distancing will be breached. Dr. Shaw said the Task Force will take this into additional consideration.

Senator Pelaez said the last sentence of statement 1 opens the door for students to complain. She said she has no issue with providing online options for those students who are required to not attend class due to quarantine but she does not feel compelled to provide the online resources for a student who is not thinking in a scientific manner and chooses to not help to make the learning environment safe. She said this sentence also creates potential confrontational situations. Individuals such as graduate assistants and lecturers may not feel comfortable saying no in these instances. President Follett said the sentence has been amended to not allow any leeway for students to be in the classroom or lab if they choose not to wear a face covering. Senator Pelaez asked for the word “simply” to be removed from the sentence. Senator Pelaez said the modified sentence still invites students to ask for accommodations based on not wanting to wear a face covering and invites trouble so it should be removed. She said this is a situation where a pledge might work. She said this would be less confrontational and would take the pressure off the instructor to police the situation. She said right now there is a lot of pressure on the instructor to police this. She said it is not easy to tell a student to leave the room particularly if the instructor is a woman or minority or are not a tenured professor. Senator Pelaez said having students sign a pledge allows the instructor to communicate to students that the situation is out of his/her hands because the student signed the pledge. Senator Pelaez said the additional letter included in the agenda for administration is asking for more participation and it has been wonderful today to be able to discuss this. She said the Faculty Senate should be meeting during the summer in this situation. She said the faculty should have more representation on the Task Forces. She said faculty need more information and have no idea when to expect it. President Follett said there are town hall meetings in the process of being set up for faculty in all of the colleges as well as town hall meetings for staff and students. Dr. Hyatt said every student will receive an acknowledgement

they will have to complete through technology which will address various behavioral expectations and include other information about their experience in the fall semester.

Senator Gregory asked how an attendee can address Senate. President Follett said a motion, a second, and a majority vote are required to allow a non-senator to address the Senate for a specific purpose. Senator Gregory said she will just pass along the questions from the attendee. She asked for more clarification regarding contact tracing and if it is only being performed for those cases identified by the Student Health Center and not for cases identified at other local or non-local sites. She also asked what the collective contingency plan is for some percentage of faculty who are not able to teach. Rather than a case-by-case basis, what happens if 5% of faculty are out of service especially if some are the only subject specialists in their area. Senator Gregory also asked what the trigger which will move all classes to online only instruction is. Dr. Hyatt said contact tracing is provided by the provider where the testing took place. She said ultimately the Mississippi Department of Health is responsible for contact tracing for all positive results in the state. She said, fortunately, we are able to perform contact tracing much faster than the state for results obtained through the Student Health Center. We are not doing contact tracing for those cases identified outside of the Student Health Center but the expectation is that the contact tracing technology will provide opportunities to initiate contact tracing even if the tests are not performed on campus. Dr. Shaw said we are still in the middle of the conversation on the subject of dealing with situations where a significant number of faculty are unable to perform their duties and expertise in a subject is not available outside of a single faculty member. He said he has been in conversation with the deans to help provide guidance on this subject since it varies so widely. He said we have HR procedures in place to deal with small situations with few people. Dr. Shaw said that the question of what happens for a more widespread situation is something that is being thought about as we speak here at MSU and at other universities across the IHL system, the SEC, and the country. He said there is no clear answer for this question. We are still very much in a listening mode if anyone has any feedback they would like to put forward on the subject. Senator Gregory said it would be helpful if the upcoming policy changes were communicated while we are here because there unfortunately seems to be some misinformation going around. Dr. Shaw said the University is trying to get information out as soon as decisions are made but it is sometimes hard to do. He said based on hearing about the confusion and misinformation circulating through social media and across campus as well as some feedback that has been received prompted his weekly update emails and the upcoming listening sessions being planned. He said any ideas on how to disseminate information more effectively would be greatly appreciated.

Senator Winer asked if students who are diagnosed outside the Student Health Center are being encouraged to inform the Health Center of their positive results and if so, does this initiate contact tracing. Dr. Hyatt said students are being encouraged to share their results with

the Student Health Center as employees are and that will initiate the contact tracing process. Dr. Shaw said there have been 2 cases he is aware of where information was shared inappropriately. He said we need to hold each other accountable when information that should be considered confidential is shared inappropriately and point people back to the guidance provided.

Vice President Jones made a friendly amendment to change the word “declining” to “refusing”. President Follett accepted the friendly amendment on behalf of the Executive Committee.

Senator Pelaez said all of the amendments have improved the statements but she feels the last sentence of statement 1 should be removed. President Follett said he took Senator Pelaez’s statement as a friendly amendment which the Executive Committee does not accept.

The recommendation of the Executive Committee to accept the 2 syllabus statements as amended passed by majority electronic vote.

Senator Williams made a motion to adjourn. Secretary Robichaux-Davis seconded the motion. The motion to adjourn passed by unanimous voice vote at 5:05 p.m.

Submitted for correction and approval.

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Rebecca Robichaux-Davis, Secretary

Jason Cory, Administrative Assistant II