

June 11, 2020

SUNY Stony Brook UUP West Chapter Equity, Diversity, and Inclusion Committee

Statement on Reopening SUNY Stony Brook and Marginalized Communities

The UUP West Chapter Equity, Diversity, and Inclusion Committee is against the current directive requiring faculty to disclose underlying health concerns to justify our decision to teach online in the Fall 2020 semester.

In a June 5 email, Interim President Bernstein provided instructions to Deans regarding Fall 2020 course planning. In this email, under “Deliverables” from each Chair, the following guidance is provided:

§ Sections with anticipated enrollment of 45 or less: For planning purposes, individual faculty requesting approval to engage in online teaching during the Fall 2020 semester due to COVID-19, must inform their Chairs as soon as possible. Chairs should direct the Faculty member to the SBU Health Information Line (HIL) at 631-632-5000 (select option 1). Any request for a reasonable accommodation should be referred to the Office of Equity & Access, formerly OIDE. Once the request is received, Chairs should reference in the notes section of the instructional mode spreadsheet that HRS or, as the case may be, OEA, has advised that the request either meets the criteria for offsite work or is pending review by HIL/ or OEA. The final determination regarding offsite work will be made by the Dean in consultation with the Chair and the Department of Human Resources or the Office of Equity & Access.

According to these instructions, faculty are only being given the option to teach remotely if they can justify the need for “reasonable accommodation” during the ongoing COVID-19 pandemic. Similar instructions were sent in the “Returning Remote Workers to Campus” document shared by President-Elect McInnis on June 9:

Any requests to continue full-time remote work for non-medical reasons should be referred to Human Resources, and Human Resources will work collaboratively with the supervisor and employee to explore whether options may be available. Requests for remote work related to medical reasons or high risk factors on the part of the employee or a member of the employee’s family should be referred to the COVID-19 Health Information Line. Requests for accommodation under the Americans with Disabilities Act will be referred to the Office of Equity and Access (OEA), formerly OIDE. Employees may also contact OEA directly.

As in the first example, continuing to work remotely for “non-medical reasons” is construed as possible, but only with approval of HR. These directives depict health care as an individual responsibility, which will be evaluated on a “case by case basis.” **But our faculty, staff, and students do not operate in isolation, and do not all have the same amount of privilege to**

isolate. We are all enmeshed in communities, and the current guidance fails to consider, in particular, how Black and other communities of color are affected by the COVID-19 pandemic. Within the context of the US, simply belonging to a minority community itself constitutes a greater health risk.

There are a number of problems with this guidance that the local UUP Equity, Diversity, and Inclusion Committee addresses below.

- 1. Justifying our decision to teach remotely by submitting our medical records is invasive and against the Health Insurance Portability and Accountability Act (HIPAA) of 1996. Many doctors' offices are still closed and surrendering our records contradicts the SUNY policy regarding how [personal information](#) is stored and collected.** Faculty members in the high risk 65+ age category are not being allowed to decide for themselves how they should teach in the fall, but are instead being told that they must have aggravating comorbidities to qualify for an exemption.
- 2. The approval process frames risk as an individual, rather than a community-based issue.** It does not consider disability status, age, caregiving or childcare responsibilities, multi-generational households, access to healthcare, prevalence of “essential workers” among minority populations, or other compounding risk factors.
- 3. The approval process is not only medically dubious, but also neglects the ethical commitment to upholding the lives of Black community members pledged in the recent [President and President Elect's](#) and [Chief Diversity officer's](#) statements.** All community members are vulnerable to infection, but systemic racism has already been [widely documented as a fundamental cause](#) of health disparities in Black and other communities of color. Re-opening campus should take this into consideration as it is, at its core, an [equity issue](#).
- 4. In short, this procedure puts Black, Latinx, Native American, and Asian and Asian-American faculty members, staff, and students at greater risk.** According to the [NYC department of Health](#), Black/African American patients have died at more than twice the rate of white patients in New York City. The [CDC notes](#) that Black/African American patients are overrepresented among COVID-19 hospital patients nationwide, and that this is the product of systemic factors such as racial residential segregation, lack of access to medical facilities, and lower socioeconomic status. What is more, Black communities also have higher rates of comorbidities and [underlying conditions](#), such as diabetes and heart disease, which are themselves the product of the structural disadvantages noted above. Similar health disparities and barriers to access exist for [Latino communities](#) and [Native American communities](#). In short, Black/African-American and other communities of color are overrepresented in the statistics for infection, hospitalization, and death from COVID-19. We know this because we are part of these communities. And the fact that faculty of color are being asked to justify the decision to keep our communities safe by teaching online is vexing.

5. **In addition, this procedure contradicts the guidance included in the [Fall Semester Planning Input Report](#), in particular Recommendation 2, which states that “Diversity, Equity, and Inclusion (DEI) and accessibility concerns must play a key role in planning and have increased visibility.”** We do not see how DEI has been considered in the Interim President’s or President-Elect’s guidance on this matter. Any alterations to buildings, for example, will need to be considered from the perspective of accessibility for disabled students, faculty, and staff—indeed, the ability for all members of our community to teach and take courses online should begin from this premise.
6. **Our local UUP chapter recently conducted a broad survey of members about reopening campus, and equity for faculty of color was a central concern.** Risk varies as a function of demographics and embedded structural discrimination in our society (including discrimination as a function of race and gender). Caregivers who are tasked with attending to children and multi-generational households tend to disproportionately be women and people of color. We analyzed how many members reported being concerned about issues related to equity and further performed subgroup analysis where gender was reported. The analysis on 320 participants who chose to answer the question revealed that 46% reported equity concerns. 56% of this sample who reported concerns were women and 34% were men.

In conclusion, we ask:

- 1) **That all faculty be allowed to teach online in the fall if they so choose, without having to justify that decision in any way;**
- 2) **That administration adopt the [Accessible Campus Action Alliance](#) best practices for campus reopening, and that, in so doing, it prioritize relations of care rather than invasive, individualized, and unethical decision-making that continues to put vulnerable and marginalized populations at greater risk.**

Sincerely,
Equity, Diversity, and Inclusion Committee
SUNY Stony Brook UUP West Chapter
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