

Protecting Colorado Faculty Throughout the Pandemic

*A Statement by the Colorado Conference of the
American Association of University Professors*

As Colorado's universities and colleges ponder the risks and rewards of opening their campuses this fall in the midst of the continuing pandemic, the prospect of renewing normal or even semi-normal campus operations promises to place faculty squarely in the cross-hairs of that risk. It does not require any stretch of the imagination to understand that our classrooms, labs, libraries, and cafeterias and other common gathering spaces are petri dishes for community spread of the CoVID-19 virus.

This reality poses numerous dilemmas for faculty, some medical, some situational, some legal. On the medical side it remains uncertain as to whether our Colorado campuses will be supplied with adequate testing, contact tracing, and professional protective gear (masks, gloves, sanitizer, etc.) essential to establishing a safer environment for faculty and students. Inasmuch as some faculty are known to be at higher risk of infection, will they have pedagogical options adequate to their circumstances?

Legal questions abound. Are faculty teaching face-to-face liable for enforcing social distancing guidelines? Will faculty be found negligent if a student can establish an infection connection to returned paper assignments, even if the faculty member or a teaching assistant handling the material was asymptomatic or unaware of their illness?

The complexity of classroom situations arising from the pandemic is troubling. Can you have meaningful discussions while everyone in class is wearing a mask—assuming they are? What happens if students refuse to wear masks? How are safety precautions to be enforced in the classroom? And will students even show up for classes taught in this unconventional fashion?

With these factors in mind, the Colorado Conference of the American Association of University Professors, echoing and endorsing guidelines already issued by AAUP's national office,¹ issues the following set of guidelines to protect faculty for the duration of this crisis.

- Respecting norms of shared governance long championed by the AAUP, it is imperative that faculty on each Colorado college campus play a leading role in determining rules and practices governing pedagogy at their institution in this time of pandemic, including matters affecting the health and safety of faculty in the conduct of their pedagogical duties.
- Any resumption of face-to-face, on-campus instruction without a widely available, effective vaccine for CoVID-19 must be accompanied by social distancing, essential

¹. AAUP Guidelines for Reopening Campuses. Available at: <https://www.aaup.org/guidance-reopening-campuses>

- sanitary measures including protective gear deployed in the classroom and comprehensive regular testing of students and faculty throughout the instructional period.
- Faculty must have the option of teaching remotely or on-campus throughout this time of pandemic so long as a reliable vaccine is unavailable. We note that Colorado Governor Jared Polis' guidelines forbid employers from requiring that vulnerable and at-risk employees return to place of work as usual throughout the pandemic. We agree. But we would extend this protection to all faculty.
 - As administrations open their campuses to face-to-face instruction, those faculty returning to normal in-class, in-laboratory, or tutorial instruction and advising must be granted greater authority to enforce safety and security disciplines in the classroom consistent with institutional policies and guidance. If such faculty believe they are at risk from classroom conditions they should have the option to revert to remote instruction.
 - Faculty teaching or conducting research involving instruction on-campus must be shielded by their university or college from torts claiming instructional negligence related to the communication and transmission of viral infection.

Endorsed and promulgated by the Colorado Conference of the American Association of University Professors on May 10, 2020.