

Memorandum of Understanding for Impacts of the Governor's Mandate and Impacts of the Imposed Credit Schedule & Faculty Assignments SP2022

Between Waubensee Community College District #516 and

Waubensee Community College Faculty Council IFT/AFT Local #604

Spring and Summer 2022

MOU Spring/Summer Semester 2022 Preamble:

On July 27, 2021, the Centers for Disease Control and Prevention (CDC) updated its guidance for fully vaccinated people based on new evidence on the Delta variant. The CDC's updated guidance has been adopted by the Illinois Department of Public Health (IDPH). On September 3, 2021, Governor Pritzker issued Executive Order 2021-22 which included certain requirements applicable to students and employees of higher education institutions effective September 19, 2021. IBHE and ICCB updated their guidance consistent with CDC and IDPH recommendations and the requirements under the Governor's Executive Order. Updates are identified below.

The CDC updated its Guidance for Institutions of Higher Education (IHEs). Please refer to that guidance especially Section Three covering mixed campus populations of vaccinated and unvaccinated individuals and Section Four covering general considerations for additional detail not covered here.

Unless otherwise agreed to herein, this document is intended to address the impacts of the Governor's mandate as implemented by the College.

The purpose of the MOU is to memorialize the understandings that the parties have about how the extraordinary circumstances continue to affect the existing collective bargaining agreement. Neither party is attempting to use the COVID pandemic as a way to leverage any advantage. The parties note that, because the pandemic is a dynamic situation, further bargaining may be needed to address future developments.

All terms of the current 2021-2022 Collective Bargaining Agreement will remain in place. This MOU has been created on a non-precedent setting basis. Consequently, it does not establish any precedent with regard to how any future comparable situations may be addressed. This MOU will sunset at the close of the summer 2022 semester. All changes to the mandate will be assessed for impact upon this document and discussed for modifications.

Section 1. Health and Safety Implementation and Compliance

- a. Both parties recognize that the College's safety protocols and policies for the College in response to COVID may change with CDC, state and/or public health guidance.
- b. Enforcement of compliance with the governor's mandate shall include, but not be limited to:
 - Using the Cleared4 pass system to validate vaccination or testing status for all those entering campus buildings who are "in scope" of the governor's mandate.
 - New students who enroll in classes with a required face-to-face component will be advised to report their status in Cleared4.

- Faculty members may request names of known non-compliant students one time per week for classes that they teach with on-campus meeting components. Requests should be sent to the Office of the Vice President of Finance and Administration and responses will be provided in a timely manner (normally within one business day). While promotion of vaccination is encouraged, faculty members should not be seeking to determine the vaccination status of their students, and if students choose to divulge their status, faculty members should keep that information in the strictest confidence.
 - A faculty member who does not comply with the mandate for vaccination/testing or masking in the absence of exemptions or accommodations will receive written notification(s) of their non-compliance, which may be followed by an unpaid leave of absence until compliance is achieved.
- c. The College shall continue to include faculty representation in its regular advisory committee meetings with the Kane County Health Department (KCHD) and the Mandate Response Team or Health & Safety Committee, to the extent these teams are operational.
- d. The College will provide an opportunity for a full-time faculty member with demonstrable expertise in HVAC systems to work with Campus Operations to learn about the college's HVAC systems and to have questions related to COVID air quality mitigation strategies addressed.
- e. A Faculty Council representative will also be engaged in review and recommendation of substantive revisions to COVID guidelines specific to instructional environments.
- f. Meetings with the KCHD or any other committee shall be scheduled at a time and manner (with accommodations by request by either party) with a view to the faculty member's teaching and office hours schedule in alignment with the availability of KCHD personnel and other committee members. By mutual agreement, the College and the Faculty Council representative may cancel or reschedule a meeting.
- g. Covid response protocols are included in the College's incident response manual, which is available on mywcc.
- h. Upon request to their supervisory Dean or to Campus Operations by faculty teaching on campus, the College shall provide specialty face coverings including N-95 or KN-95 masks for employees and students, as needed and/or for the duration of the course's semester.
- i. The College shall not use any contact-tracing, tracking, self-assessment, notification reports to supervisors, quarantine reports, or other collected data for any purpose other than screening and monitoring for COVID related issues. Once the College as a whole is done using the information, all confidential data will be deleted unless otherwise mandated by municipal, county, state, or federal law.
- j. A process will be established by January 5, 2022 at each of the four campuses in order to ensure the Cleared4 pass system is being used to validate vaccination or testing status for all those entering campus buildings who are "in scope" of the governor's mandate.
- k. All current Waubensee mitigations will be mandated and enforced.

Sec. 2. COVID Testing and Vaccinations

- a. Any individual within the scope of Executive Order 2021-22 who is not fully vaccinated, including those who are exempted from the requirement due to medical or religious reasons, must undergo weekly COVID-19 testing to protect campus populations and slow COVID19 transmission in surrounding communities. The College will continue to promote vaccines and boosters through education/information-sharing and vaccine clinics.
- b. The College shall continue to provide weekly updates of positive COVID cases and positivity rates that impact College operations via the college's COVID webpage. For purposes of this provision, the term "positivity rates" shall be defined as the aggregate College positivity rate based upon the SHIELD testing facilitated by the College.
- c. The College shall continue to monitor vaccination rates and 7-day rolling average positivity rates in the district via appropriate data sources linked on the college's COVID webpage.

Sec. 3. Leave due to COVID, Faculty & Student Close Contact Protocols, Contact Tracing

- a. Faculty sick days for COVID will be subject to pending legislation.
- b. Upon any faculty or knowledge of a student in their class testing positive for COVID, the faculty member shall report the case to COVID19@waubonsee.edu for contact tracing. This e-mail address is also encouraged as the primary point of contact if COVID-related questions arise. All disclosures of COVID are confidential, and only close contacts will be notified.
- c. Faculty may request the identity of the COVID positive student but shall not disclose it elsewhere.
- d. Incident Response Protocols for what to do in the event of a report of a COVID infection are included in the College's COVID-19 Incident Response Manual. Updates to the manual are subject to notification before implementation of revised protocols, the current version of which is posted on mywcc.
- e. Faculty may request a free COVID test as desired at the on-campus testing centers at any time the testing centers are operating.

Section 4. Physical Distancing and Ventilation

- a. Class sizes shall be designated based on physical distancing parameters within each identified classroom or lab, as recommended by governing entities (i.e. IDPH, CDC, Governor's Executive Orders) where practical, not to exceed the course maximum caps.
- b. Faculty may request standard class caps in larger classrooms to accommodate physical distancing in consultation with their dean. (CBA ART. VII, Sec. C.).
- c. In instructional curriculum where physical distancing is not possible, all individuals must remain masked while in close contact of less than 6 feet regardless of vaccination status.
- d. Campus Operations has provided the Faculty Council the following data: Confirmation that the College has installed the highest MERV (Maximum Efficiency Reporting Value) rated filters each system can run.

e. The College and Faculty Council agreed to allow the Faculty Council to retain an industrial hygienist of its choice to conduct an indoor air quality assessment. All costs associated with this assessment were paid by the Council. This assessment was conducted on January 3, 2022, and the results were shared with the College.

f. The College will continue its current and prior air quality mitigation efforts as acknowledged and noted in the recommendations of the Council's consultant. In the spirit of continuous improvement and good faith, the College will continue its efforts in air quality testing and mitigation strategies. The College will provide bi-weekly updates to the Faculty Council when improvements are made in air exchanges per hour, CO2 testing, any upgrades in filtration and air quality, or upgrades to HVAC systems are made.

Section 5. Teaching Modalities and Remote Work for Spring 2022

a. COVID protocols for change in modalities, invocation of quarantines, etc., will follow College guidelines. In the event that a course or course section modality is altered, affected faculty member(s) will do so in collaboration with the Dean or appropriate supervisor to ensure continuity of teaching for students.

b. Changing modalities of a course or course section during the pandemic sets no precedent for that course being taught in that same modality in subsequent semesters. Deans, in consultation with faculty, maintain the ability to make determinations regarding course scheduling (See CBA, ART. VII, Sec. E.).

c. Faculty should continue to work with the Access Center for Disability Resources for students requesting accommodations, including those whose requests are due to COVID-related concerns.

d. If approved by the Dean, low enrolled classes shall be allowed to run in students' best interests to complete a certificate, program, or degree in a timely fashion. Consideration will be given to the feasibility of independent study in consultation with faculty, overload status, how soon the next cycle for which the course is scheduled, and whether the particular course is essential to students' fulfillment of a certificate, program, or degree or whether an appropriate substitution can be made in our course offerings (per current, established practices).

e. An online-only teaching load and hybrid meetings may be available for faculty with approved reasonable accommodations for COVID-related medical concerns.

f. Every effort will be made by the College to wait to schedule Summer and Fall 2022 courses and modalities and/or wait to open registration later in spring 2022 dependent on the evolving pandemic situation. The Faculty Council agrees to the modification of the working conditions in ART VII, Sec. F, #1, #3 in the interest of flexibility with regard to pandemic contingencies on regular operations for the life of this agreement.

g. Learning Assessment and Testing Services (LATS) will continue to find ways to accommodate student needs for make-up testing.

h. Data shall be made available to faculty including disaggregated enrollment data of modality. The report will be completed by March 31, 2022 and will include success rates and withdrawal rates for hybrid, online, sync online, flex, and traditional face-to-face, along with the total capacity for the courses for Fall 2020, Spring 2021, and Fall 2021.

- i. Faculty members shall be present on campus for all duties and responsibilities unless reasonable accommodations are required or unless approved by president or designee.
- j. The Faculty Council reserves the right to bargain payment for modality shifts when they first occur during spring 2022 semester

Section 6. Office Hours

Faculty will coordinate their regularly scheduled five (5) office hours per week with the modalities employed. When teaching courses with an in-person component, the faculty member will plan some in-person office hours, or when teaching online in some combination, the faculty member will plan virtual synchronous office hours with regard to student schedules. In multi-modal course offerings, throughout the semester faculty may combine in-person and virtual hours, dependent on class meetings, with a published schedule and/or reminders for students' knowledge. Faculty should designate on their teaching schedules, course syllabus, and Learning Management System: In-Person or Virtual Office Hours along with day, time, and week date if modality varies.

Section 7. Evaluation of Teaching

Non-tenured faculty will remain on the tenure track timeline and observations will be conducted in the modalities the faculty are teaching.

Section 8. Travel Expenses for Prepaid, Pre-Approved Professional Development

- a. The College shall not seek reimbursement from faculty for nonrefundable pre-paid conference or professional development travel expenses approved by the appropriate administrator if travel was cancelled due to COVID restrictions.
- b. If conference attendance is approved for AY2021-2022, and the conference is moved online, funds for the registration fee and other non-travel related aspects (e.g., pre-conference seminars or on-demand sessions or activities) shall be disbursed or adjusted if fees are changed. Any refunds will go to the College and credited to the balance of the faculty member's professional development funds.

Section 9. Remote-Location Online Learning Support

- a. With the pre-approval of the Dean or appropriate supervisor, items that are needed by faculty to alter their online course instruction due to the pandemic, such as purchasing equipment or materials for teaching effectiveness or curricular innovation, may qualify for reimbursement. Requests for such items will be considered for approval on a case-by-case basis. Any approved purchases must comply with all applicable rules and regulations and will be processed as provided in the College Procurement Manual. It is understood that some requests for requisitions or reimbursements may fall outside of the usual budgeting cycle but shall not be used as a basis for denial of a request.

Section 10. Technological and Intellectual Property

This section does not suggest any change, but rather reasserts the following specific Board Policies:

- Board Policy – Copyrights 3.300.00
- Board Policy – College Supported Inventions 4.080.02

Information Security Issues and Concerns may be addressed through existing board policies:

- Board Policy – Release of Personal and Private Information 3.050.02
- Board Policy – Information Security 3.050.04

Section 11. Faculty Rights of Refusal

a. If approved by the supervisory Dean, faculty shall be excused from required participation in indoor, on-campus events such as graduation, college nights, or any other event where faculty are expected to attend.

Sec. 12. Modifications to Regular Operations

- a. Administration will distribute this MOU to all Executive Deans, Deans, Assistant Deans or other supervisors for uniformity of application and compliance to the resolution of impacts agreed upon therein.
- b. The Faculty Council will distribute and instruct all full-time faculty of the sections contained in this MOU for uniformity of application and compliance to the resolution of impacts agreed upon therein.
- c. The College will continue to inform the Faculty Council leadership as it considers modifying regular operations. Whenever possible, the College will utilize best practices consistent with the appropriate CDC and State of Illinois guidelines or regulations in cleaning, hygiene, masking, and physical distancing with respect to COVID when closing, restricting, or reopening of campus facilities. In the event that there is a conflict between CDC guidelines, which are advisory, and regulations or mandates by the State of Illinois, Waubonsee shall follow the State of Illinois regulations and mandates. The Faculty Council retains the right to bargain any and all impacts of such decisions.

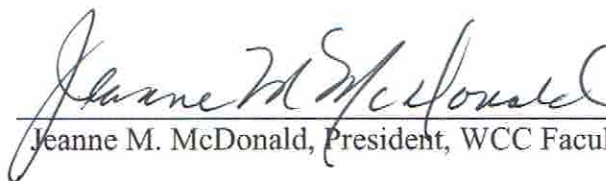
Date: March 11, 2022

College
Representative:



Douglas E. Minter, VP of Finance and Administration

Faculty Council
Representative:



Jeanne M. McDonald, President, WCC Faculty Council #604