

INSTITUTIONAL POLICY AND PLANNING COMMITTEE
MEETING MINUTES
July 19, 2021

PRESENT: Mary Lou Bates; Joerg Bibow, Vice Chair; Marta Brunner; Marc C. Conner, Chair; Gail Cummings-Danson; Michelle Hubbs; Carolyn Lundy; Issy Mejia '23; Donna Ng; Diane O'Connor; Jason Ohlberg; Michael Orr; Joe Porter; Mark Rye; Casey Schofield; Kurt Smemo; Joseph Stankovich; Dwane Sterling; Smriti Tiwari; Joshua Woodfork; Mark Youndt; and Carey Anne Zucca.

ABSENT: Jina Mao; Feryaz Ocakli, and Amy Tweedy.

GUESTS: Associate Professor and Chair of Classics and Chair of the Committee on Academic Freedom and Rights (CAFR) Daniel Curley.

The meeting was held via Zoom and called to order at 9:31 a.m. by Chair President Conner.

President Conner welcomed new IPPC members and guests and thanked everyone for their effort to attend **this mid-summer IPPC meeting, scheduled to discuss the COVID-19 Logistics Working Group's recommendation of a COVID-19 vaccination mandate for all employees.**

The President stated that the guiding principles for making a decision about a vaccination mandate would remain the same as they have been for other COVID-related decision making: what is in the best interest for the health and safety of our entire community in the short- and long-term and continuing to deliver our mission driven fully in-person education to our students. He reminded everyone that the discussion regarding the COVID-19 vaccination requirement is one of great importance and that the feedback gleaned from IPPC is vital in order to hear voices across campus constituencies. He asked for open discussion from IPPC members on their perspectives related to the recommendation.

Vice President for Finance and Administration and Treasurer Donna Ng and Co-Chair of the COVID-19 Logistics Working Group presented an overview of the COVID-19 Logistics Working Group's employee vaccination mandate recommendation. She reviewed the current student vaccination requirement, the current legal and Equal Employment Opportunity Commission (EEOC) guidance, benchmark information, and the pros and cons of mandates.

Co-Chair of the COVID-19 Logistics Working Group and Interim Dean of Students and Vice President for Student Affairs Gail Cummings-Danson reminded IPPC that in late spring the decision was made and communicated that all students are required to be fully vaccinated before coming back to campus this fall. Student Affairs is aware that international students who do not have access to vaccines may have to quarantine when they return to campus. This includes students who may have studied abroad this Spring or summer, as well as other populations. Student Affairs will work with these students when they arrive on campus to ensure vaccines are available to them. Interim Dean Cummings-Danson stated that there is a process in place for any student that chooses to apply for medical or religious vaccination exemptions. There have been

very few student vaccine exemption applications thus far, but there are still a considerable number of students that still need to report in on their vaccination status.

VP Ng stated that the current legal federal guidance supports mandating vaccinations for employees. Several lawsuits have been filed challenging employer's ability to mandate, mostly in response to the COVID -19's vaccine emergency use authorization, and these lawsuits have been unsuccessful. Skidmore's outside legal counsel has indicated that it is within Skidmore's authority to require the COVID-19 vaccination for all employees. For Skidmore's unionized employees, we would need to bargain with unions on this matter. VP Ng stated that the EEOC guidance supports mandating vaccinations for all employees as well, and also includes protocols to follow for medical and religious vaccination exemptions. She stated the Human Resources (HR) currently has a process in place to evaluate this criteria. VP Ng referenced vaccination policies at other New York institutions, including New York Six schools, that are consistent with New York State guidelines and regulations.

Explaining some of the Working Group's rationale behind the recommendation, VP Ng shared that vaccines have been proven to help protect the health and safety of communities. A vaccine requirement for faculty, staff, and students addresses issues of equity, which was a concern expressed by students in late spring. A mandated vaccine for everyone would assist in allowing us to return to campus by resuming full operations and an open campus life. Conversely, vaccines are not perfectly effective, there are legal complexities, overcoming vaccine hesitations, union bargaining and disruptions, and ongoing compliance issues and requirements with moving forward with a vaccine mandate. Specifically, booster shots, if required by the CDC, could potentially create an administrative burden. She stated that Skidmore's current unverified vaccine data based upon voluntary information submitted to HR indicates that approximately 84% of 1,000 employees have received at least one dose of the vaccine. Skidmore has received notice from approximately 58 employees (5%) stating that they do not plan on getting vaccinated.

VP Ng added that, under the vaccine mandate, by August 13 staff would need to provide proof of full vaccination, proof of a first dose and appointment of a second dose, apply for a medical or religious exception through HR, or apply for an unpaid leave of absence until fully vaccinated that would extend through no later than January 2, 2022. Failure to return to work by January 2, 2022 would be considered job abandonment and the College would terminate the employee. The deadline for submission of evidence for all doses would be September 3. Non-union staff that do not meet these deadlines would have the option of voluntarily resigning, applying for an unpaid leave of absence until vaccinated or until January 1, 2022, whichever is sooner, otherwise the College would issue an involuntary termination notice.

Dean of the Faculty and Vice President for Academic Affairs Michael Orr stated that by August 13 faculty would need to provide proof of full vaccination, proof of a first dose and appointment of a second dose, apply for a medical or religious exception through HR, or apply for an unpaid leave of absence in accordance with the *Faculty Handbook* provisions (Part 1, IX, C). The deadline for submission of evidence for all doses for faculty would also be September 3. Faculty that do not meet the September 3 deadline could apply for an unpaid leave of absence in accordance with the *Faculty Handbook* provisions (Part1, IX, C), otherwise the College would

initiate disciplinary action, up to and including suspension and/or dismissal, in accordance with *Faculty Handbook* procedures (Part 1, X1) as violation of College policy is considered professional misconduct. He added that the provisions referenced in the *Faculty Handbook* are in place to ensure the protection of academic freedoms and prevent institutions from imposing sanctions on faculty resulting from a dislike of faculty research outcomes or the content/subject matter of what is taught. Dear Orr referenced the appeal process available to faculty should they choose to initiate those proceedings.

IPPC members sought additional information and clarification on a number of issues. It was asked if there was any additional information regarding the 58 employees who responded that they are not planning on getting vaccinated. VP Ng responded that of the approximate 58 employees who indicated they are not planning on getting vaccinated, the majority of these employees are union staff. She cautioned that all information that has been submitted to HR thus far has been voluntary and that there are still a number of employees who have not submitted complete vaccine information. She stated that any union negotiations would deal directly with and focus on the terms of enforcement of the vaccine mandate policy and not the policy itself. Skidmore has kept the union apprised of all COVID-19 related issues and does not have any indications from the union at this time that they are unwilling to try and negotiate.

It was asked what would prevent an employee who is anti-vaccine from seeking an exception under the guise of a medical or religious exemption. VP Ng replied that there are a number of safeguards built into the medical exemption that require specific medical documentation to be submitted and then verified by HR before a medical exception would be granted. Verification of the religious exception would follow some of the same safeguards, but most likely would not require documentation from an outside agency. President Conner commented that he is hearing from other college presidents whose institutions have recently adopted an all-employee vaccine mandate policy that they are experiencing a very limited number of applications for medical and religious exceptions.

An IPPC member expressed concern over the potential creation of a negative campus culture as a result of stereotyping those who continue to mask for safety reasons and how we can be sensitive to this issue. President Conner responded that clear and concise messaging of the vaccine mandate protocols would assist in enabling everyone in the community to conduct themselves with fairness. VP Ng added that we will face a population of both vaccinated and unvaccinated individuals. As a community, we will need to work hard to ensure that unvaccinated individuals are not stigmatized and that all messaging and space planning is thoughtful and responsible. Faculty Executive Committee (FEC) Chair and Associate Professor of Psychology Casey Schofield asked that messaging sent to students include processes for engagement if they feel their rights are being violated and ways for students to advocate for themselves and their peers when deemed appropriate. The channels that students need to follow need to be clear and uniform. Interim Student Government Association (SGA) President Issy Mejia'23 suggested streamlining student processes to prevent students having to engage with multiple offices.

Concern over staffing was raised in relation to termination of those employees who choose not to receive the vaccine without granting of exemption and the resulting impact of employee loss on units, especially considering the planned downsizing of faculty and staff. President Conner

commented that if an employee departs due to non-compliance of the vaccine mandate that this is a separate issue and does not enter into the discussions centering on the downsizing. VP Ng added that service levels could potentially change in some areas and we will need to move quickly to fill those voids. Dean Orr expressed concern over the timeline for any potential faculty suspensions and the challenge of finding teaching replacements before the start of classes.

Dean Orr spoke to an IPPC member's concern over faculty teaching accommodations for those faculty who meet the religious or medical exemption. Dean Orr stated he is aware of a few faculty who are interested in pursuing an exemption and permission to teach remotely is one of the options they will be exploring. Interim Student Government Association (SGA) President Issy Mejia'23 expressed concern over equity issues with faculty having the possible option of teaching remotely and students not being given the option of studying remotely. Vice President for Strategic Planning and Institutional Diversity Joshua Woodfork remarked that as a community we need to share in a sense of honor and trust around accommodations and recognize the power dynamics between students and faculty. Associate Professor and Chair of Classics and Chair of the Committee on Academic Freedom and Rights (CAFR) Daniel Curley commented that there is a distinction between college policy and academic freedom. The crucial distinction is being able to teach and talk about contentious issues and what the framework for that is in the classroom. SGA President Mejia added that students do not always feel that faculty are aware of the consequences of not following college policy and that IPPC should be cognizant of this issue.

It was asked if students did need to quarantine, would faculty be expected to provide some form of hybrid teaching? Dean Orr replied that if there are students that need to quarantine, Skidmore would handle the situation as we did pre-COVID-19 with faculty having the ability to make the appropriate accommodations that are needed in order for the student to make up the missed work. SGA President Mejia sought clarification on how Skidmore would be assisting quarantined students in their learning as some students did not feel supported last year. Dean Orr replied that his office in coordination with the Office of Academic Advising would be working with faculty to ensure that affected students were accommodated.

SGA President Mejia spoke to the issue of unvaccinated faculty and staff being held to the same standards as unvaccinated students. VP Ng replied that the COVID-19 Working Group is aware that clear communication surrounding employee conduct and standards will need to be in place for unvaccinated individuals, while also focusing on an environment that is safe and welcoming. VP Woodfork remarked that we need to think about our communal responsibility to protect our most vulnerable and what that looks like for the Skidmore community. An IPPC member expressed the need for supervisors and department chairs to receive training and ongoing support for best practices in supporting unvaccinated employees who have qualified for exemption. President Conner remarked that the vaccine mandate policy would include provisions giving the right for an employee to ask another employee if they are vaccinated or unvaccinated. It was asked if contact tracing would continue this fall for unvaccinated students, faculty, and staff. VP Ng replied that CDC contact tracing guidance has changed and contact tracing is no longer required in the same ways. Interim Dean Cummings-Danson added that they are prepared to have a small group work on contact tracing if it was deemed necessary, but not nearly to the extent of this past year.

President Conner thanked everyone for their honest and open feedback. The President remarked on the importance of respect and our collective responsibility to care for one another. We are a community of individuals with differing opinions and perspectives and we need to allow each other the room to feel safe and appreciated.

A motion was made to recommend the COVID-19 employee vaccine mandate policy. **IPPC unanimously approved the motion to approve the COVID-19 employee vaccine mandate policy.**

Meeting adjourned at 11:09 a.m.

Please inform the President's Office of any changes to these minutes.