

**Memorandum of Understanding
between
Eastern Washington University and United Faculty of Eastern
for
Provision of Safe Instruction and Evaluation for Summer and Fall 2020**

This Memorandum of Understanding (MOU) between Eastern Washington University (EWU) and the United Faculty of Eastern (UFE) memorializes an agreement regarding the instructional and evaluation procedures to be adopted for Academic Year 2020-2021 in response to the novel coronavirus and COVID-19 disease. A previous MOU was entered on March 20, 2020 regarding an adopted and modified course schedule and final exam schedule for Winter Quarter 2020, Spring Quarter 2020, and Spring Semester 2020.

Recitals

The public health threat posed by the novel coronavirus necessitated that all higher education institutions in the state of Washington transition their teaching to online platforms. On March 13, 2020, Governor Jay Inslee prohibited all such institutions “from conducting in-person classroom instruction and lectures related to all educational and apprenticeship related programs” until April 24, 2020 (Proclamation 20-12). On May 4, 2020 Governor Inslee extended the Stay Home Stay Healthy order through May 31, 2020. Along with the extension, Governor Inslee detailed a four-phase process for reopening Washington State (Proclamation 20-25.3). Pursuant to the proclamation, there will be continuing social distancing requirements and limitations on gatherings depending on the ongoing impacts of COVID-19 and the ability to respond to those impacts. The health and well-being of students, faculty and staff being of utmost importance, in response while following the lead of public health officials, and after consulting with EWU faculty experts in public health and sciences, EWU has adopted a plan for summer 2020 and fall 2020 term which is designed to provide maximum flexibility. The plan offers most classes online, while allowing the opportunity to identify classes that cannot be offered online, such as some labs, to be approved for face-to-face instruction in compliance with public health restrictions. The plan allows for the flexibility of online offerings to be switched to face-to-face or a hybrid if public health restrictions ease or the ability to be online if health concerns increase.

Agreement

In light of this continuing and unprecedented situation, the parties agree as follows:

- (1) To cancel nearly all face-to-face (“f2f”) classes and teach nearly all courses during summer and fall quarter/semester 2020 as online courses. Exceptions may be made for some courses that cannot be offered online. If faculty believe a course cannot be offered online, they will complete the f2f application process which has been adopted by the University. The faculty will complete the application and submit to their Department chair. Applications will be processed on a first-come, first-served basis with some priority given to those applications with an earlier start date (e.g. semester programs). The recommendation process is Submitter → Department Chair → College Dean → AFFLAC Committee → IRB Committee (for research only) → Risk Management → Provost for approval. If the status of the pandemic in Washington, Spokane County and at EWU changes, the AFFLAC Committee will reflect on the

approvals given and provide additional guidance to the Provost about what is in the best interest of the health and well-being of the EWU community and may include revisions to the application process or to the process for any additional approvals. It may also include revision to the f2f model. The Chief Academic Officer will review the request and plan and make all final decisions regarding approval of classes for face-to-face instruction. <https://inside.ewu.edu/academic-affairs/application-process/>.

- (2) As provided in Article 17.4 of the Collective Bargaining Agreement (CBA), the online courses that faculty develop for the periods identified in (1) are faculty-owned intellectual property.
- (3) The timeline for probationary faculty to address identified shortcomings in their last review, which normally is three quarters (Article 5.3.4) will be extended to six quarters with the timeframe beginning spring quarter/semester 2020.
- (4) The timeline for assistant professors who would have otherwise been eligible to apply for tenure and promotion (Article 4.1.2.) during spring or fall quarter/semester 2020 will be extended from six years to seven years, unless faculty would prefer the six-year timeline. In the latter case, faculty will not be subject to early tenure requirements under Article 4.1.2(b).
- (5) Student Evaluation data collected from online classes in Summer and Fall 2020 will be used only *formatively* (i.e. to identify strengths and weaknesses and to aid instructional development) and not *summatively* (i.e. as a decisive evaluation of instructional quality). Specifically, student evaluation data from online classes in Summer and Fall 2020 will not be used to justify non-retaining a faculty member or denying them promotion. The University would not be precluded from addressing allegations of misconduct (e.g. discrimination, sexual misconduct, etc.) identified in student evaluations. Such matters would be managed consistent with the CBA and relevant University Policy, rules and regulations.
- (6) Quarterly faculty or full –time faculty teaching overload will be compensated for their courses that have moved to virtual delivery as a result of the pandemic crisis at the rate originally planned, regardless of Article 8.5.4.
- (7) Presentations that were accepted at academic conferences but were not delivered during the summer and/or fall quarter/semester because the conference was cancelled in response to the novel coronavirus will be considered to have been delivered for purposes of promotion and tenure under Article 5.
- (8) Manuscripts that were accepted for publication during 2020-2021 but were delayed due to impacts of Coronavirus will be considered as having been published for purposes of promotion and tenure under Article 5.
- (9) Faculty who are at high risk for severe illness from COVID-19 will be allowed to maintain their courses online for summer and fall quarter/semester. For these purposes high risk for severe illness from COVID-19 will meet the Centers for Disease Control and prevention (CDC) definition which includes:

- People 65 years and older
- People who live in a nursing home or long-term care facility
- People of all ages with underlying medical conditions, particularly if not well controlled, including:
 - People with chronic lung disease or moderate to severe asthma
 - People who have serious heart conditions
 - People who are immunocompromised:

Many conditions can cause a person to be immunocompromised, including cancer treatment, smoking, bone marrow or organ transplantation, immune deficiencies, poorly controlled HIV or AIDS, and prolonged use of corticosteroids and other immune weakening medications

- People with severe obesity (body mass index [BMI] of 40 or higher)
- People with diabetes
- People with chronic kidney disease undergoing dialysis
- People with liver disease

(10) Faculty may apply to teach F2F, but will not be compelled to teach F2F through Fall 2020.

(11) Traditionally many students and employees travel during the Thanksgiving/Native American Heritage Day break and spend times with groups of people including family members and friends. Due to COVID-19 these activities may create increased safety risks. To mitigate these risks, the parties agree that all face-to-face educational activities shall be completed prior to the 2020 Thanksgiving/Native American Heritage Day break. It is further agreed that classes, labs, exams or other activities through the remaining portion of the fall 2020 quarter/semester shall be conducted on-line.

(12) No other provisions of the CBA are being altered by this MOU.

Approved and effective on the date last signed below.

FOR EASTERN WASHINGTON UNIVERSITY

FOR UNITED FACULTY OF EASTERN

 Dr. David May
 EWU Provost

 Date

 Dr. Michael Conlin
 UFE President

 Date