

https://www.breezejmu.org/news/330-violations-and-counting-jmu-says-no-warning-required/article_7aead674-0bfc-11eb-8d14-630f54841331.html

330 violations and counting: JMU says no warning required

Brice Estes | The Breeze

Oct 11, 2020



Miller said on Twitter that students would receive a warning from police if they held a large gathering. However, OSARP's code of conduct doesn't give students that luxury.

Breeze file photo

When a group of girls' small get-together of 10 people spiraled into an unruly crowd, they never imagined it'd lead to facing suspension from JMU.

Especially not after Vice President for Student Affairs Tim Miller wrote that students were entitled to a warning before being referred to the Office of Student Accountability and Restorative Practices (OSARP) in [a tweet on Aug. 21](#).

"Dear @JMU, please be smart and safe tonight," Miller wrote. "Be aware, if you host a large party you will receive a warning and if we have to return, all lease holders will be suspended from JMU immediately. The health of this community is too important to risk."



Dr. Tim Miller
@JMUtimMiller



Dear @JMU , please be smart and safe tonight. Be aware, if you host a large party you will receive a warning and if we have to return, all lease holders will be suspended from JMU immediately. The health of this community is too important to risk.

9:18 PM · Aug 21, 2020



761 218 people are Tweeting about this

This differs from OSARP's code of conduct.

Director of OSARP Wendy Lushbaugh said OSARP has no policy that states a student must receive a warning before they stand trial for an alleged violation of the [Stop the Spread Agreement](#) — which asserts, among other things, that students won't host or attend social gatherings larger than 10 people.

Miller said he tweeted this information after he conducted a ride along with a Harrisonburg Police Department (HPD) officer who explained their enforcement strategies. HPD employs an ordinance that requires [officers to dish out warnings](#) before writing students up and turning them in to OSARP.

Sam Fairbanks, a senior geology major and director of Student Defenders, said the police who reprimanded the girls who "lost control of their house" wrote up the group without a warning because their house was a fraternity house last year that police had been called to.

[Student Defenders](#) counsels students navigating OSARP's "obscure" process. Fairbanks said the organization currently represents 10 students who are accused of violating JMU's Stop the Spread agreement.

“Students are expecting this one warning and instead [are] getting suspended,” Fairbanks said. “They shouldn’t be gathering in the first place, but that doesn’t change the fact that JMU is backhanding their students.”

Interim Police Chief Gabriel Camacho said HPD has only charged one group with hosting a gathering larger than 50 people, and those students were issued a warning. Camacho said it’s not HPD protocol to discern JMU students from permanent Harrisonburg residents.

“We’re not treating one group of people over someone else,” Camacho said. “They’re all residents.”

Mary-Hope Vass, JMU’s deputy spokesperson and assistant director of media relations, said the JMU Police Department has received a total of 1,627 COVID-related complaints since students’ return in August. Each of those complaints were forwarded to OSARP, though many of those complaints weren’t specific and couldn’t be followed up.

According to [JMU’s daily crime log](#), authorities issued 35 total warnings to students hosting mass gatherings — with 13 issued in August, 20 in September and two in October. The log doesn’t detail the actions taken on 19 additional mass gatherings reports. Six mass gatherings were dispersed and one arrest was made in relation to mass gatherings between August and October, according to the documents. The crime log also details that 91 additional mass gathering complaints were unfounded. These numbers exclude all calls related to noise violations.

Vass said OSARP was investigating 330 cases of Stop the Spread violations with 164 students found responsible as of Wednesday. Lushbaugh said sanctions for students found responsible range from a semester of probation to expulsion depending on the severity of the offense.

“Our goal is to have students at school and protect the local community,” Lushbaugh said. “Anytime there’s a concern of safety, it’s important to hold students accountable.”

OSARP's process begins when a case manager receives a write up from either an officer or a resident assistant (RA). If the case manager determines that a JMU policy was violated, the student is emailed their charge three days in advance of their hearing — a one-on-one meeting with the case manager. Fairbanks said case managers are typically "overzealous about punishments" in these meetings.

Students can either accept or reject the consequence the case manager assigns. If the student rejects the decision, their case is ordinarily heard in front of a four person board of faculty, staff and students. Fairbanks said OSARP has told students their board review this semester will instead be conducted by one person and a chairperson rather than four board members.

The last line of defense a student has is to appeal the board's decision, but students can only take advantage of this option if there was a procedural error or if new information on their case arises.



OFFICE OF
STUDENT ACCOUNTABILITY
&
RESTORATIVE PRACTICES

Fairbanks said Student Defenders is currently representing 10 students who are being accused of violating JMU's Stop the Spread agreement.

Breeze file photo

Lushbaugh said typically sanctions are issued by a case manager within one to two weeks. If the student elects to meet with the board, decisions are normally reached within five weeks, and if the student appeals that decision, it can take six to seven weeks.

Fairbanks said she disagrees with the accuracy of this timeline. She said OSARP has been charging students three weeks after their offenses and board reviews are scheduled three weeks out from the time students reject their case manager's chosen sanction.

"They're holding our students in limbo for months wondering what will happen to them," Fairbanks said.

Lushbaugh said the added volume of Stop the Spread violations on top of OSARP's regular array of cases leaves her office with up to two-thirds more work. She also said OSARP is down two full-time staff members because of "normal vacancies," exacerbating the pressure to comb through the violations in a timely fashion.

One student who was working with Student Defenders has already been suspended. Fairbanks said the group is writing an appeal with the student who expected a warning that never came, although categorically that doesn't fall under the grounds of appealing due to a procedural error or new information.

Fairbanks said partygoers have become the scapegoat for JMU's failures in August, but she said the blame belongs on the shoulders of the administration at JMU.

"Administration didn't do what they were supposed to do," Fairbanks said. "They're doing more harm than the students."

Contact Brice Estes at estes2ba@dukes.jmu.edu. For more coverage of JMU and Harrisonburg news, follow the news desk on Twitter @BreezeNewsJMU.

MORE INFORMATION



JMU adjusts operations to combat the spread of COVID-19 as students return

Investigations | CARES Act funds support school and students in need

B breezejmu.org/news/investigations-cares-act-funds-support-school-and-students-in-need/article_03955fe6-cf9c-11ea-b316-3fbb95d17491.html

Brice Estes | The Breeze

July 27, 2020

The coronavirus has drained an estimated \$33 million from JMU, but Congress deposited \$12,080,658 back into the university's hands.

The Coronavirus Aid, Relief and Economic Security (CARES) Act, passed by Congress in late March, included more than \$12 billion in relief for higher education institutions.

JMU issues federal emergency student aid

Half of the funding went directly to students.

JMU has distributed over \$6 million in emergency financial aid grants to 6,099 students in the wake of COVID-19. One-thousand dollar aid packages were given to thousands of students whose families are expected to contribute less than \$15,000 to their university bill. The expected family contribution threshold was later increased to \$21,500 because so many students declined their CARES Act offer.

Brad Barnett, JMU's director of financial aid, said his department developed several proposals for allocating the \$6,040,329 in student emergency aid. Then, midway through the process, the Department of Education eliminated 40% of JMU's student body from consideration for funds by requiring that students meet the eligibility criteria in Section 484 of the Title IV Higher Education Act.

With over 20,000 students enrolled at JMU, 11,658 students met the Title IV Section 484 requirements. These standards include maintaining satisfactory academic progress, being a U.S. citizen or an eligible noncitizen and not having a federal or state conviction for drug possession or sale.

On May 7, students were formally notified about the opportunity for emergency funding. JMU originally offered 5,148 students emergency aid, and 4,358 — or 85% of — students accepted.

Aid forfeited by students will be used to help others in need who have filed appeals to be considered for aid, as students could appeal for any amount up to \$1,000 for expenses related to the campus disruption because of COVID-19. Barnett said he believes students are declining the aid because they recognize that someone else may need it more.

“It’s a true testament to how students are looking out for each other and a pleasure to see,” Barnett said. “I have been immensely impressed with what I have seen from our JMU community, and it makes me proud to be a part of it.”

As of June 3, all CARES Act aid had been awarded, and JMU stopped accepting additional appeals. Of the 731 students who appealed, 515 were granted aid.

“The ones appealing are laying their hearts out,” Barnett said. “Getting to help them is the most rewarding part of this process.”

When one out-of-state senior at JMU, who requested anonymity, read that the university was offering emergency aid, she rushed to her computer to see if she qualified. The senior was working two on-campus jobs and relied on the on-campus food pantry for groceries before the unexpected closure of the school. Her parents also lost their jobs in the wake of the pandemic. The senior picked up side jobs — like working for Instacart, a grocery delivery company — to pay rent on an empty apartment in Harrisonburg she was forced to abandon.

Then, the senior discovered she made the cut for emergency aid. She said she put her aid package toward tuition and paying for her vacant apartment.

“It’s been so tough watching my family go through this,” the senior said. “I’m just so grateful for this little bit of help. It’s made all the difference.”

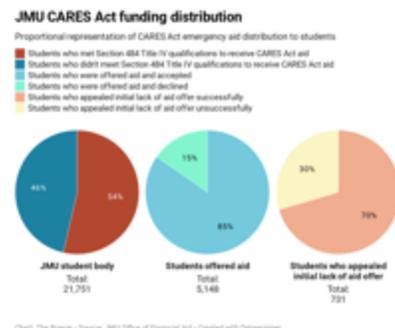
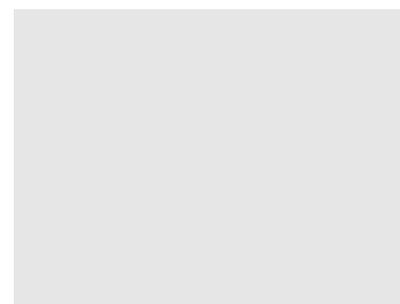
Federal support boosts the university

The other half of the CARES Act funding was exhausted on institutional support.

After JMU closed its physical doors and transitioned to remote learning in the spring, the university yielded \$12,885,530 in refunds — \$6,051,709 in housing refunds, \$6,445,928 in dining refunds and \$387,893 in parking refunds. The remaining \$6,040,329 of CARES Act funding was used to partially reimburse the university for those refunds.

Though, the federal funding didn’t propel the university out of the red. Assistant Vice President of Finance Mark Angel said JMU reduced spending in its housing, dining and parking departments to mitigate the effects of the refunds.

The result is less money in JMU’s reserves. Senior Vice President of Administration and Finance Charles King said the auxiliary reserve was reduced by approximately \$6.5 million because of room and board refunds.



Visualization of where student support money from the CARES Act ended up
Graphic by Jake Conley

Donors sponsor student aid

In an attempt to further assist students financially burdened by the pandemic, JMU has revitalized the Madison for Keeps scholarship, which allowed 108 students to remain at the university after the 2009 Great Recession. Now, Barnett said, JMU hopes to help at least 150 students affected by COVID-19. The scholarship's goal is to "help Dukes stay Dukes."

The scholarship's original goal of \$500,000 was met and raised to \$750,000 after excessive support on Giving Tuesday, a global donation initiative on May 5 in response to the financial need caused by COVID-19. A group of patrons — which, among others, includes every Board of Visitors member — agreed to match contributions to Madison for Keeps up to \$250,000. Donors hit the target within a day.

The Madison for Keeps Scholarship has raised \$759,012 with 1,304 donors, putting the average donation at \$582. This surpasses the 2009 total of \$400,000 that was raised by over 3,800 donors.

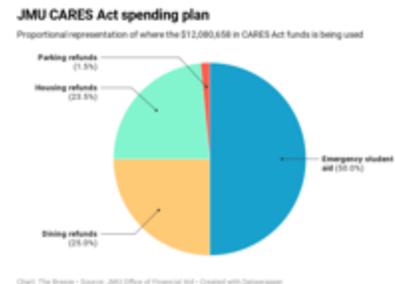
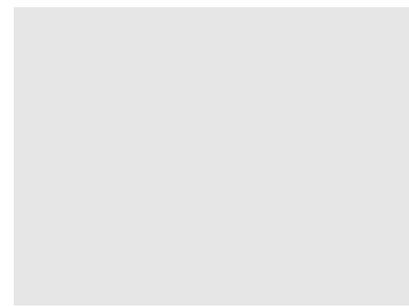
Barnett said the financial aid department will commence the process of selecting award recipients on July 1.

"Many of us at JMU are working more hours than we ever have to support our students and families," Barnett said. "No one has ever been through anything like this, and people are hurting and scared, but we're stronger when we work together."

This is the fourth article in a series by The Breeze's investigations desk examining the financial impact of COVID-19 on JMU. The next article in this series, covering what it looks like to be a JMU adjunct professor right now, will be published Wednesday.

Contact Brice Estes at estes2ba@dukes.jmu.edu.

Contact Jake Conley, investigations editor, at breezeinvestigations@gmail.com. For more coverage of JMU and Harrisonburg news, follow the news desk on Twitter @BreezeNewsJMU.



Visualization of CARES Act funds broken down by use
Graphic by Jake Conley

https://www.breezejmu.org/news/jmu-community-largely-split-on-decision-to-come-back-to-campus/article_65e5e3c4-0376-11eb-b63c-8f5c0fb35d77.html

JMU community largely split on decision to come back to campus

Brice Estes | The Breeze
Sep 30, 2020



83 people commented during the BoV meeting that they feared for students' welfare.

Breeze file photo

The public submitted a stack of 650 comments gauging JMU and the Board of Visitors' (BOV) COVID-19 response to the university's input form prior to the BOV meeting Sept. 18.

[Download PDF file](#)

JMU Board of Visitors meeting public comments | September 18, 2020 | breezejmu.org

Dining **Testing** **Isolation/Quarantine** **Classes/RTCC** **Concern for impacted group** **Residence Halls**
Spring Semester **Finance** **Consequences** **Off-campus behavior** **Other**

Dining change, you can't have hundreds of kids at the same time, either grab and go, or reservations,. When I brought my freshman son down I wanted to eat lunch at DHall to see what they were doing, and I was shocked. First thing I said to him was well, this isn't going to last long. As an alumni, I am so disappointed and angry at how little is being done. No preventative testing, sewage testing, just masks and hope. I am also outraged at all the asynchronous classes, online interactive I get, I deferred my son for the semester due to all the canceled and asynchronous classes. I love JMU and do not understand how you are doing so poorly both in online learning and preventing cases. Please do better

PLEASE continue to care for our community, and stay with your current plan of doing online classes, and keeping students away from the community as much as possible. H'burg was in really good shape until JMU chose to go forward with bringing students back. We have skyrocketed back into a hotspot, because of this decision. PLEASE do your part, and do NOT bring students back, at this point. Perhaps reevaluate in December (for spring semester). Thank you!

I think that trust is already broken between JMU, Harrisonburg, between the administration, and faculty and students. To come back without having dramatically different infrastructure of testing at the very least, will take us to the same place, only this time it will be even worse. We cannot come back in person. In the spring, if we even want to try, we need to ramp up testing, isolation beds, not make faculty pivot in a weekend, but have any large class on-line from the get go. We need to have more transparency and the admin needs to really listen to faculty and students or else we face a worse disaster. We all deserve an apology, as well, for the way that this has been mishandled. I was told to teach in person then given two days to pivot to on-line. Thank you for considering these thoughts.

The beginning of the fall semester was an unmitigated disaster, but a very predictable one that faculty had voiced concerns about throughout the summer. 50% classroom capacity was insufficient for social distancing. It was impossible to ensure compliance in dining services, academic building hallways, and residence halls. Off-campus behavior - impossible to monitor - was a major factor in spreading infection. The University Health Center did not have capacity (testing or otherwise) to handle this, and it took only 10 days or so for our supply of quarantine space to be almost completely exhausted. I'm not sure any of these issues have been addressed. Some (like behavior off-campus) are impossible to control. If we "return" to campus, it's practically a guarantee that we will go through the same embarrassing failure we did at the beginning of September. The sensible approach is to remain online for the fall and consider mandating that all classes above 20 students be online for the spring (or until a vaccine is widely available). Beyond that, faculty should have complete authority to make decisions about taking classes of 20 students or less online for health, safety, or pedagogical reasons.\

There is no viable plan to protect the health and safety of students, faculty, or staff as evidenced by the massive spike in cases that happened with only 1 week of students on campus at the

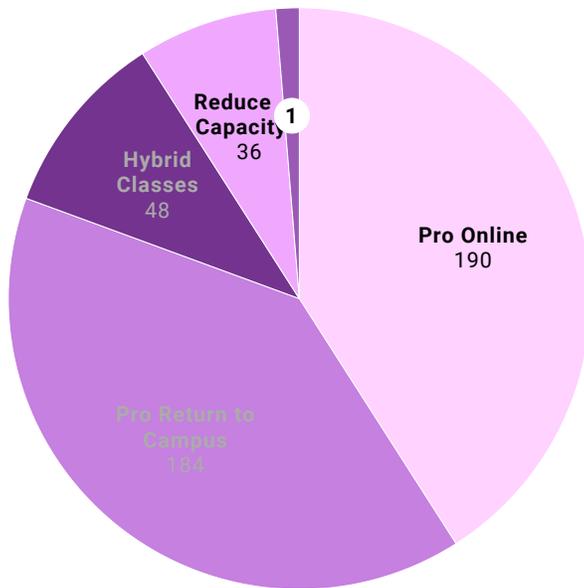
Of the 650 comments, 190 individuals explicitly stated that they believed JMU should remain online this fall, and 184 said the university should return to on-campus operations — a near even rift in opinion.



Proposals for classroom operations

In total, 464 commenters mentioned reforms they'd like to see in classroom procedures — ranging from demands for reduced capacity in classrooms, hybrid classes and no asynchronous classes to their opinions on whether to return to in-person learning.

Return to Campus: The breakdown of comments submitted to the JMU Board of Visitors prior to the September 18th meeting pertaining to return to campus:



1 Anti Asynchronous

Chart: Ivan Jackson • Source: The Breeze JMU • [Get the data](#) • Created with [Datawrapper](#)

One commenter said there's "no viable plan to protect the health and safety of students, faculty or staff," evidenced by the "massive spike" in cases within a week of students on campus. Instead, they wrote, resources should be focused on supporting faculty in developing "highly effective online courses" and not

on “wasteful ideas of a doomed return.”

An out-of-state parent wrote that their freshman daughter started showing symptoms of COVID-19 on Sept. 4. She tested positive at an off-campus care facility. Because freshmen without an exemption were required to move out by Sept. 7, the commenter drove from upstate New York to scoop their daughter and return home. The pair rode with masks on the entire seven-hour drive, and the daughter lived in complete isolation from her family upon return. Still, on Sept. 12, the survey commenter lost their sense of taste and smell and experienced sinus congestion. A positive test result forced the commenter to take time off work.

“All of this could have been avoided if [there was] proper infection control and prevention strategies, prior testing and [allowance for] our students to remain on campus to quarantine if needed,” the respondent said.

On the flip side, a commenter in favor of returning to campus said that the only way the virus will be eradicated is by “mass immunity.”

“Let the kids return,” they wrote. “... To delay this could change their lives.”

Another out-of-state parent said they’d prefer a return to campus because they think JMU’s online learning experience should improve. They said that many of their student’s lectures feature no “live” contact.

“We can go to the University of Phoenix for that,” the parent said. “... It’s time to get back to educating because if it continues down this path we will honestly revisit our choice. We are investing a good amount of money as an OOS student for a little reward.”

Changes to life on campus

Outside opinions about the classroom, commenters were most concerned with testing and dining hall procedures.

On the testing front, 200 people verbalized concerns: 64 respondents demanded entry testing, 40 advocated for random or surveillance testing, 18 implored about sewage testing, nine favored contact tracing technology, four mentioned pool testing, three prescribed an increase in testing at the University Health Center (UHC) and 62 recommended general testing reform.

Testing: The number of comments submitted to the JMU Board of Visitors prior to the September 18th meeting pertaining to testing.

Return to Campus Testing	64
General Testing Reform	62
Random Testing	40
Sewage Testing	18
Contact Tracing	9
Pool testing	4
Increase UHC Testing	3

Chart: Ivan Jackson • Source: The Breeze JMU • [Get the data](#) • Created with [Datawrapper](#)

Vice President for Student Affairs Tim Miller said at the BOV meeting that UHC will implement surveillance testing. The health center will randomly sample 300 students per week — or about 5% of the on-campus population — to monitor the state of the pandemic at JMU. Miller did maintain the university's position not to conduct entry testing, citing CDC recommendations.

The survey also laid clear that the dining halls are overcrowded. Of the 196 individuals who commented on campus dining operations, 85 called on the university to reduce capacity in the restaurants. Grab-and-go meals were the next most popular response, with 77 people requesting the option. Seventeen respondents championed the idea of students phoning in reservations for dining times “like a cruise ship,” 16 called for no in-person dining and one person proposed hiring student dining monitors to hunt mask and social distancing violators.

Dining: The number of comments submitted to the JMU Board of Visitors prior to the September 18th meeting pertaining to return to dining.

Reduce Capacity	85
Grab and Go	77
Reservations	17
No In-person Dining	16
Hire Student Dining Monitors	1

Chart: Ivan Jackson • Source: The Breeze JMU • [Get the data](#) • Created with [Datawrapper](#)

At the BOV meeting, Towana Moore, associate vice president of business services, said students are now required to flash their green check from the LiveSafe app to cashiers when paying for their food. Additionally, the dining administration has reconfigured lines of popular dining areas to increase social distancing space in line. Dining services also reduced seating in D-Hall from 1,100 seats to 600.

Forty-four comments advised JMU to fortify its isolation and quarantine capacity. At the BOV meeting, the board discussed JMU's plan to expand its sick bed volume from 143 to over 430 by “essentially buying out” the Sleep Inn on Evelyn Byrd Avenue. JMU has also bolstered its quarantine-in-place capability to accommodate over 1,430 students whose bedrooms and bathrooms aren't communal.

Consequences for the JMU community

As of Tuesday, the Office of Student Accountability and Restorative Practices (OSARP) was pursuing 309 sanctions against students who violated the Stop the Spread Agreement. However, 86 commenters urged harsher consequences for students. Off-campus behavior was targeted by 26 respondents as a catalyst for contagion.

Two commenters noted that it's a "bad business decision" to resume full in-person operations. They wrote that alumni and benefactors will be hesitant to donate, and high schoolers will be wary to choose JMU.

Budget cuts loom in the wake of campus' closure. Five people who filled out the survey said the first round of cuts should target "full-time administrators who helmed this Fall's Titanic." One commenter wrote that administrators making more than \$150,000 a year should face a pay cut of 5-10%. Another suggested that since adjunct professors' salary was cut an average 25%, a "comparable or greater reduction in compensation is more than fair" for administrative and professional faculty earning more than six figures. One participant wrote that an administrative pay cut would demonstrate the administration's "up-to-now calculated avoidance of admitting fault."

"I'd like to see the fault of galactically mismanaging reopening fall squarely on the people who so dramatically insulated themselves from the faculty, rather than to let the inevitable budget cuts land on the faculty," the commenter wrote.

Also laden throughout the public remarks was concern for impacted groups' safety: 83 commenters said they feared for students' welfare and six said they were cognizant of the at-risk populations' jeopardy.

Concern for Impacted Group: The number of comments submitted to the JMU Board of Visitors prior to the September 18th meeting pertaining to return to campus.

Students	83
Local Community	65
Faculty/Staff	44
At-risk Individuals	6

Chart: Ivan Jackson • Source: The Breeze JMU • [Get the data](#) • Created with [Datawrapper](#)

One commenter said their daughter has spent more time in quarantine because of potential exposures than she's spent in class.

"The concern about where is and is not safe to go on campus has turned JMU from a center of learning into a gauntlet of mistrust and concern," they wrote.

Conversely, another survey responder called on the board to reopen for students' safety, citing that isolation has led to an increase in suicides and mental health declines.

Forty-four members of the public said they worried over the safety of JMU's faculty and staff. One professor said his contract won't be renewed because of budget constraints. They said if they're denied the ability to continue teaching online, they'll quit or pursue legal options.

"I loved JMU as a student and cannot say the same as a faculty," they said. "It is not all about the students. It is not about the faculty and taking care of your staff. It is about the money."

On the other hand, another faculty member said they "feel safe on campus" because students are effectively wearing their masks and infections are linked to off-campus spread.

"I think that we on a philosophical level need to accept that cases will occur here in Harrisonburg and get back to the business of educating our students via in-person experiences," the commenter said.

Sixty-five respondents expressed their anxiety because of the "egregious" disrespect for the Harrisonburg community shown by JMU.

One community member pleaded that JMU continue virtual learning so that local children can return to in-person learning.

"Please if you care at all about the Harrisonburg or Rockingham County communities and the children and adults who live here, DO NOT bring your students back in person," the participant wrote. "... College students are more than capable of learning virtually. Young children, ELL, and those with special needs are not!!! Please make your decisions based on science and morality and not MONEY!!!!"

Another member of the community said they're pregnant with their fourth child and was exposed to COVID-19 because of a JMU student.

Effect of public comments on BOV

Some commenters wondered how their input would factor into the BOV's decision making. One faculty member said they weren't convinced that their input would amount to anything because the form was obscurely located — only accessible at the bottom of the BOV meeting notice.

"It doesn't matter what my feedback is here," the professor wrote. "This is all for show ... This survey was buried."

Director of Communications and University Spokeswoman Caitlyn Read said this survey wasn't the only opportunity the public had to disclose their opinions and that "meetings aren't the only time the board is engaged." Read said offices across campus and board members have received thousands of emails from concerned JMU community members detailing their fears.

"This [survey] was helpful," Read said. "... I hope the public feels like they have a voice."

The Breeze asked Read when the BOV obtained access to the survey three times but never received an answer. The Breeze also reached out to 10 members of the BOV to inquire when they accessed the comments and if the comments informed their decisions before the Sept. 18 BOV meeting but only received an answer from Student Representative to the Board of Visitors Norman Jones III. Jones wasn't in attendance at the meeting, but he said he was never offered access to the comments and wasn't aware of the public comments survey at all.

One commenter said they hope the university will continue to receive and take into account the public's input on this unprecedented event.

"Faculty, staff and students spend quite a bit of time exceptionally concerned and desperate to contribute to the conversations," the commenter wrote. "... Many of us have faithfully and thoughtfully engaged in every single one of these requests but have never heard a word about how our investment in this process has been honored."

Download all 650 comments below.

Ivan Jackson contributed to this report.

Contact Brice Estes at estes2ba@dukes.jmu.edu. For more coverage of JMU and Harrisonburg news, follow the news desk on Twitter @BreezeNewsJMU.

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