January 1, 2021

Dear UNC Law Administration, Faculty, and Staff,

In the wake of the recent surge in cases of the Omicron variant, we are writing to demand that at least two weeks of classes for the Spring 2022 semester be conducted virtually across the entire law school. Case numbers in North Carolina and Orange County are at a record high and are not expected to peak until later in the month, with community spread reported even among vaccinated, boosted, and masked community members.

Postponing the start of in-person classes by only a few weeks could make a dramatic difference in preventing transmission both in the law school and in the community at large. Statistically speaking, many law school students will be returning to campus having been exposed to COVID-19 and, with no testing requirement in place for most of us, may not know they carry the virus. Especially given UNC’s decision to limit asymptomatic testing, it is incredibly irresponsible to allow in-person classes at this time.

Other schools both in the area and across the country are starting the semester remotely. Duke, our neighbor of just a few miles, recently announced that all classes will be remote until January 18. In its email to students, Duke cited that “[o]n Thursday, the state of North Carolina reported the highest daily number of new COVID-19 cases since the beginning of the pandemic, representing a 60% increase over the previous one-day record.” Therefore, “in order to protect the health of [its] campus and community and to ensure the continuity of campus operations,” Duke decided to extend its remote period. Meanwhile, Harvard, UCLA, and at least 24 other private and public law schools will hold the first few weeks of classes remotely. We should follow the leadership of our peer law schools to reduce risk of transmission for our communities, not only in Chapel Hill, but across the Triangle.

An email from University administration Friday morning gave individual deans the discretion to “temporarily modify modes of instruction.” We are asking for the law school deans to use this discretion to make a more protective choice than main campus by starting the semester remotely as we did last spring when case numbers were lower than they are now. The decision to do otherwise, and to shift the responsibility for risk mitigation to individual professors, is unacceptable and will create piece-meal policies that endanger our entire community.

Allowing professors to hold classes in person will create scheduling and attendance chaos for students, who have not been offered practicable expectations for the semester starting in four days. We registered for classes more than six months ago. However, professors may not share with us whether they will teach remotely until Monday. This means that students who are unable to safely attend classes in person—for any one among various reasons—will be left with just two days to rearrange their schedules accordingly. Further, students who cannot switch into fully remote classes will be faced with different instruction styles in classes that are scheduled back to back, and thus forced to attend their virtual classes in the UNC Law library. This defeats the purpose of remote instruction even for those
professors who make the prudent choice to hold virtual classes. Ultimately, students who must remain enrolled in in-person classes should be able to opt to attend remotely without it affecting their attendance.

Leaving this much discretion to individual professors also forces UNC Law students to choose between their studies and the physical and emotional wellbeing of themselves and their families. Many UNC Law students (and faculty) are parents or caregivers of young children who are not yet able to be vaccinated. Many students also share homes with people who are immunocompromised and/or are immunocompromised themselves. Some students have lost family members to the virus over the last two years, a trauma that many of us cannot understand if we have not gone through it. The inflexible expectation that these students must attend in-person classes as the Omicron variant spreads like wildfire will exacerbate the traumas this pandemic has inflicted upon them and undermine our institution’s capacity to foster an effective learning environment.

While we trust that all students and administrators have good intentions, the law school has not changed its policies which currently allow students to be unmasked to eat in certain classrooms, classrooms that are then immediately used for class instruction. This alarmingly heightens the risk of exposure for students who attend class in those rooms and for any vulnerable family members in their homes. It is frankly irresponsible for UNC to rely on data and protocols from last semester, before the arrival of Omicron, given that Omicron has proven throughout the winter break to be much more contagious than previous variants.

The benefits of protecting our community from another deadly COVID-19 outbreak far outweigh the meager benefits of conducting in-person classes while requiring masking. We no longer have the same access to comprehensive testing services on campus, and many students will be forced to come to class despite the danger of exposing themselves and their loved ones to a virus that has taken almost a million lives nationwide and which continues mutating in forms we do not yet understand.

Please, immediately reverse the decision to continue with in-person classes per instructor preference and implement remote class instruction policies across the law school for at least the first two weeks of class. By that time, there will be more available data about the true impact of Omicron and the decision may be reassessed.

Respectfully,

UNC National Lawyers Guild (NLG)
UNC Black Law Students Association (BLSA)
UNC Lambda Law Students Association
UNC Hispanic/Latino Law Students’ Association (HLLSA)
UNC Asian American Law Students Association (AALSA)