

## **GUIDANCE ON INSTRUCTOR/RESEARCHER VIOLATION of FACE MASK REQUIREMENTS**

### **August 19, 2020**

*This document is ready for distribution and will be updated regularly as new information and guidance become available. Revisions will be highlighted in yellow.*

#### **PURPOSE:**

This document clarifies the expectations of instructors and researchers for the wearing of face masks in instructional and research settings; describes the process for reviewing allegations of failure to abide by expectations; describes sanctions that may be imposed; and delineates the appeals process.

#### **EXPECTATION:**

Overwhelmingly, instructors and researchers are committed to the health and safety of members of the University community. Nevertheless, in preparation for those rare circumstances when an instructor or researcher may willfully refuse or choose to not wear a face mask in instructional and research settings or may encourage students to not follow face mask wearing requirements, the following expectations apply. Through multiple communications, the University has informed and continues to inform everyone who returns to campus of the COVID-19 safety requirements for return to on-campus. Instructors have been provided the opportunity to remove themselves from in-person modes of instruction if they choose. By choosing to return to campus, instructors and researchers agree to follow and enforce safety requirements in all instructional and research settings.

Because of the current public health concerns, a first violation of requirements will be deemed sufficient to impose the sanctions described below. These guidelines are not intended to be applied to instructors or researchers who genuinely forget to wear a face mask.

#### **PROCESS:**

Anyone who witnesses, in a classroom or research setting, an instructor or researcher who is not wearing a face mask or encourages students to not wear face masks may contact their academic unit head (chief academic officer, department head, director of academic affairs, school director, division head, or associate dean for academic affairs). Other avenues for reporting a concern include the Office of Ethics and Compliance and Environmental Health and Safety. The instructor's or researcher's chancellor/dean will work with the instructor's or researcher's academic unit head to investigate the allegation within 24 hours of receipt of the allegation.

If the allegation is found to be credible, the chancellor/dean will impose an appropriate sanction in consultation with the Vice Provost for Faculty Affairs and the academic

unit head. Sanctions for offenses may include a warning letter, removal of an instructor from the course in which the offense occurred, removal of on-campus laboratory privileges, and/or reduction in salary. For full-time faculty members, repeat offenses may lead to disciplinary action up to and including initiating termination proceedings consistent with AC70 or contract termination. Sanctions for staff and graduate students will be consistent with Human Resources and Graduate School policies, respectively. Refusal to follow University COVID-19 safety requirements may also be factored into annual performance reviews

### **APPEAL PROCESS:**

Policy AC76 Faculty Rights and Responsibilities provides full-time faculty members with an avenue to appeal any sanctions imposed. As outlined in AC76, faculty members should consult with their Ombudsperson to attempt to resolve the dispute before filing a petition with the Committee on Faculty Rights and Responsibilities. Part-time faculty members with appointments of at least six months may also seek review of sanctions pursuant to the provisions of AC76. Faculty members who have appointments of less than 6 months or who are receiving supplemental pay may submit a written request for review of sanctions to the Vice Provost for Faculty Affairs.

Staff and graduate students may appeal sanctions via avenues currently afforded to the by Human Resources and Graduate School policies, respectively.

### **COMMITTEE MEMBERS:**

Anthony Atchley, co-chair, Senior Associate Dean, College of Engineering  
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 Renee Bishop-Pierce, Chair, Faculty Affairs Committee of the University Faculty Senate  
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