

Faculty Health & Safety Acknowledgement and Disciplinary Action Guidance for Academic Administrators

The Office of Faculty Affairs has developed guidance designed to inform faculty members of their responsibilities in adhering to health and safety expectations established by the University during the COVID-19 pandemic and articulated in:

1. The Employee Guidebook [Working Through COVID-19: Returning to Campus](#).
2. The [Community Responsibility Pledge](#).
3. The [Returning to Campus Employee Overview](#) summary.
4. The [Keep Terps Safe](#) portal, which includes a required video that each employee must view, and includes the Community Responsibility Pledge by which all employees agree to abide.

It is the University's expectation that every faculty member will comply with the established health and safety protocols, and it is every faculty member's responsibility to do so. Unit heads and faculty members should review periodically the above resources, as health and safety expectations may change over time as conditions related to the pandemic warrant.

This document sets forth a compliance approach to address the conduct of faculty members that deviates from the health and safety practices and protocols outlined in the above Community Responsibility Pledge and other published campus safety guidance.

Overall Compliance Approach

The health and safety of our University community relies on community compliance with all University health and safety procedures. Each faculty member is expected to take the Community Responsibility Pledge and adhere to the health and safety expectations and practices articulated in our *published* guidelines. Campus administrators are expected to participate in all health and safety measures and explain to other faculty members the mutual safety benefits of participation. Campus administrators should work proactively with faculty members to identify and resolve barriers to participation, and use positive reinforcement to address deviations from the established protocols and practices.

When a faculty member deviates significantly from the health and safety practices and protocols set forth in the Community Responsibility Pledge and University guidance, the unit head (typically a Chair, Director, or Dean) should address the deviation by following the process below.

Significant Deviation from Protocols/Guidance

For the purpose of this guidance, *significant deviation* is defined as any behavior that fails to comply with the University's COVID-related health and safety practices and protocols for the workplace, which, if continued, could threaten the health and safety of others in the University community. *Significant deviation* does not include inadvertent or isolated deviations from the established health and safety practices and protocols.

Unit Head Intervention

When a unit head is made aware of a significant deviation from the health and safety practices and protocols either through direct observation or a witness report, the unit head, in consultation with their local human resources representative and Associate Dean for Faculty Affairs, should notify verbally and via e-mail (see sample e-mail in Appendix A) the faculty member of the observed or reported deviation. In addition, the unit head should:

1. Provide the faculty member an opportunity to verify the accuracy of the reported deviation and a reason(s) for the deviation.
2. Ask the faculty member if they have any questions about the relevant safety standard(s) that they violated.
3. Ask the faculty member whether the University can assist with improving future compliance (e.g., "How can we help you comply with the safety practice or protocol?").
4. Remind the faculty member that adherence to the health and safety practices and protocols helps to ensure the safety of all members of the campus community as well as their families and friends.
5. Review the faculty member's Community Responsibility Pledge, with particular attention paid to the language relevant to the health and safety protocols and expectations.

Subsequent Occurrences. When a unit head is made aware of subsequent significant deviations by the same faculty member, they should meet with the faculty member and repeat the above five steps again. In addition, the unit head should ask the faculty member whether there are any questions regarding the Community Responsibility Pledge and expected compliance.

The unit head should also follow up the discussion with an e-mail (see sample e-mail in Appendix B) that reinforces the discussion and the need for adherence to health and safety expectations. The unit head should copy the relevant Dean (or Deans in the case of joint appointments) and Office of Faculty Affairs on the e-mail sent to the faculty member.

Implementation of Corrective Action

Faculty members are expected to abide by established University protocols, procedures, and policies as a condition of their employment. A significant deviation from the safety practices

and protocols may be interpreted as a violation of those requirements. Corrective action will be used to address significant deviations that are clearly:

1. Intentional and repeated, or
2. Intentional and egregious.

All corrective action for significant deviations from safety practices and protocols must be coordinated, approved, and conducted in concert with the appropriate Dean(s) and the University Office of Faculty Affairs.

Intentional and Repeated Deviations. When a faculty member continues to demonstrate significant deviations after two attempts to achieve their voluntary compliance, the unit head should notify the relevant Dean (or Deans in the case of joint appointments) and the Office of Faculty Affairs in writing (e.g., letter, e-mail). A review of the matter by the unit head, dean(s), and the Office of Faculty Affairs will determine any next steps and/or disciplinary action. At the sole discretion of the University, the faculty member may be suspended without pay for a minimum 30 calendar days and a maximum of one calendar year.

Intentional Egregious Deviations. When a faculty member engages in a significant deviation that is both intentional and egregious, the unit head should notify the Dean and the Office of Faculty Affairs. Upon review of the matter by the unit head, dean(s), and the Office of Faculty Affairs, immediate disciplinary action may be taken to ensure the health and safety of its community. Disciplinary action can include, but is not limited to, immediate removal of the non-complying faculty member from the workplace, denial of access to University resources and facilities, suspension without pay for a minimum of 30 calendar days and a maximum of one calendar year, and/or termination.

For the purpose of this guidance, *intentional egregious deviation* is defined as any intentional behavior that fails to comply with the University's COVID-Related safety standards for the workplace and poses a substantial and imminent danger to the health and safety of the University community.

Reporting of Deviations. Any member of the University community may report deviations from safety practices and protocols. Reports should be directed to the appropriate unit head. Reports may also be submitted to the University's [compliance hotline](#).

No Retaliation. There shall be no retaliation against any member of the University community for good faith reporting of perceived significant deviations by University faculty members.

Enforcement Principles. This guidance is intended to ensure the health and safety of the University community through securing the engagement and participation of faculty members

in adhering to articulated health and safety practices and protocols. Achieving sustained compliance with health and safety standards will help to slow the spread of COVID-19.

Any questions or concerns regarding this guidance should be directed to John Bertot (jbortot@umd.edu), Associate Provost for Faculty Affairs.

Appendix A: Initial Non-Compliance Sample E-mail

Dear (Employee Name):

As we discussed on [insert date], protecting the health and safety of the University community during the COVID-19 pandemic outbreak is essential to stop the spread of the virus. COVID-19 is a novel virus that spreads rapidly and easily. A single individual can easily spread the virus to many others before they even realize that they have been infected. While we know that symptoms may include fever, fatigue, coughing, and acute respiratory distress, the full spectrum of symptoms and health effects are only just beginning to be cataloged. It is therefore essential that we all do our part in keeping our campus safe. As a responsible member of our University community, you are expected to comply with the health and safety protocols instituted by the University in response to best practices and guidance from the Centers for Disease Control and Prevention (CDC) and state, local, and University health officials.

These protocols include:

- Completing the daily symptom screening;
- Wearing a face covering while on campus;
- Wearing any job-specific personal protective equipment;
- Washing your hands for at least 20 seconds frequently (if soap and water are not available, use a hand sanitizer that contains at least 60% alcohol);
- Staying at least 6 feet apart from others; and,
- Staying home and resting if you are sick.

As we discussed, you were found to not be in compliance with the University's requirement(s) to [insert non-compliant behavior, e.g., not wearing a face covering, not maintaining social distance].

Please also note that as a faculty member, you serve as a role model to others within our community. As such, it is important to demonstrate compliance with established health and safety protocols at all times. In addition, non-compliance on campus can jeopardize the health and safety of others with whom you interact off campus.

The University takes the safety of its community very seriously. It is important for you to know that further non-compliance will lead to disciplinary action. It is my hope that this will not become necessary. Please contact me if you have any questions about the content of this letter.

Appendix B: Second Non-Compliance Sample E-mail

Dear (Employee Name):

As we discussed on [insert date] and again on [date], protecting the health and safety of the University community during the COVID-19 pandemic outbreak is essential to stop the spread of the virus. Your continued violation of expected compliance with the health and safety protocols established by the Centers for Disease Control and Prevention (CDC) and state, local, and University health officials endangers the health and safety of our entire University community.

As a reminder, these protocols include:

- Completing the daily symptom screening;
- Wearing a face covering while on campus;
- Wearing any job-specific personal protective equipment;
- Washing your hands for at least 20 seconds frequently (if soap and water are not available, use a hand sanitizer that contains at least 60% alcohol);
- Staying at least 6 feet apart from others; and,
- Staying home and resting if you are sick.

As we discussed, you were found to not be in compliance with the University's requirement(s) to [insert non-compliant behavior, e.g., not wearing a face covering, not maintaining social distance].

The University takes the safety of its community very seriously. I have informed the Dean and the Office of Faculty Affairs so that they are aware of your continued non-compliance. If you are unable to follow the University's health and safety guidance, the University has the right to take disciplinary action. It is my hope that this will not become necessary, but another instance of non-compliance will result in disciplinary action, which can include immediate removal from the workplace, denial of access to University resources and facilities, suspension without pay, and/or termination.