PROCESS GUIDELINES FOR THE FACULTY REVIEW COMMITTEE FOR “GUIDANCE OF INSTRUCTOR, RESEARCHER, AND FACULTY MEMBER VIOLATIONS OF PENN STATE’S REQUIREMENTS AND EXPECTATIONS TO REDUCE THE RISK OF COVID-19”

(UPDATED AUGUST 31, 2021)

Per “Guidance on instructor, researcher, and faculty member violations of Penn State’s requirements and expectations to reduce the risk of COVID-19,” if the instructor, researcher, or faculty member persists in their refusal to comply with guidance after two constructive conversations, the unit executive will take the following steps.

1. Discuss the situation with their respective human resources strategic partner and consult with the Vice Provost for Faculty Affairs. In cases where staff are teaching a course in addition to their full-time position, the employee’s supervisor will also be consulted.

2. The instructor, researcher, or faculty member in question will be removed from all courses and labs and, subject to the review process described below, placed on unpaid leave and prohibited from working on campus for the duration of the leave. Alternate instructors will be identified. Instructors who are also staff will be relieved of their teaching responsibilities and no longer paid for the course they are teaching; the human resources strategic partner for their until will be notified to determine whether additional measures will be taken in the unit.

3. Any decision to place an instructor, researcher, or faculty member on unpaid leave must be reviewed within seven days by a sub-committee of the Faculty Affairs Advisory Council (FAAC) composed of two faculty members and one administrator charged by the Vice Provost for Faculty Affairs. The individual will remain in paid status pending the recommendation by the review sub-committee.

4. The review must include an opportunity for the individual to meet with the committee and explain their position.

Charge to the review committee by the VPFA

1. The review committee will be selected by the VPFA and will be chosen from the then-current members of the FAAC and include an alternate list of faculty members identified via consultation with the chair of the University Faculty Senate. The faculty members and the administrator may not be from the faculty member’s home academic unit.

1 If the University Faculty Senators serving on FAAC are unable to serve, replacements will be selected from a small group of alternates including the past chair of the University Faculty Senate, the Vice-chair for Faculty Affairs, the Vice-chair for Intra-University Relations, and the Chair and Vice-chair for Educational Equity and Campus Environment.
2. The VPFA will charge the committee to determine whether the process outlined in the “Guidance on instructor, researcher, and faculty member violations of Penn State’s requirements and expectations to reduce the risk of COVID-19” was followed and whether the individual in question violated such requirements and expectations.

3. The committee will provide the instructor/researcher/faculty member with an opportunity to meet with the committee, provide any relevant documentation, and explain their position. The faculty member may choose to invite the academic unit or university’s Ombudsperson to the meeting.

4. The committee will review any materials provided by administration in support of their decision. Documentation should describe the allegations in detail, including how the allegation was verified.

5. The committee may decide to meet with the relevant administrator to pose additional questions, and to consult with the Office of Human Resources or Office of General Counsel.

6. Questions that may be pertinent to the committee’s decision include, but are not limited to the following:
   a. Were the allegations verified? How were they verified?
   b. Were meetings held with the instructor to address the allegations?
   c. Was the faculty member sent links to the relevant policy (AD101 COVID-19) and the “Guidance on instructor, researcher, and faculty member violations of Penn State’s requirements and expectations to reduce the risk of COVID-19”?
   d. Were the meetings documented in writing to the faculty member?

7. The unpaid leave will be applied if a majority of the committee agrees that the process outlined in “Guidance on instructor, researcher, and faculty member violations of Penn State’s requirements and expectations to reduce the risk of COVID-19” was followed and that the person in question violated such requirements and expectations.