

**GUIDANCE ON INSTRUCTOR, RESEARCHER, AND
FACULTY MEMBER VIOLATIONS OF PENN STATE'S
REQUIREMENTS AND EXPECTATIONS TO REDUCE THE
RISK OF COVID-19
August 31, 2021**

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 **full- and part-time** instructors, researchers, and faculty members to adhere to Penn State's requirements and expectations for reducing the risk of COVID-19; describes the process for reviewing allegations of failure to abide by expectations; describes sanctions that may be imposed; and delineates the appeals process.

EXPECTATION

Due to the increase in COVID-19 cases across the Commonwealth of Pennsylvania, the University implemented measures to support the health and safety of our workforce, students, and community and to minimize spread of the virus. Per policy [AD101](#) (COVID-19) all employees are required to adhere to these requirements. Instructors, researchers, and faculty members are overwhelmingly committed to the health and safety of the University community. Nevertheless, in those rare circumstances when an instructor, researcher, or faculty member may willfully refuse or choose to not adhere to Penn State's requirements and expectations for reducing the risk of COVID-19 (e.g., not wearing a face mask indoors in instructional or research settings, refusing to participate in required testing, encouraging others to not follow university requirements) the process **described below** will occur.

Anyone who witnesses an instructor, researcher, or faculty member who is not following Penn State's guidance on masking or COVID-19 health and safety requirements or is encouraging others to not follow Penn State's guidance on masking or COVID-19 health and safety requirements may contact the academic unit head (chief academic officer, dean, department head, director of academic affairs, school director, division head, institute director, ARL director, or associate dean for academic affairs) or the Office of Ethics and Compliance. Please note that these guidelines are not intended to be applied to instructors or researchers whose lack of compliance with Penn State's guidance on mask-wearing or other COVID-19 health and safety requirements is unintentional.

Expectations, process, and sanctions for all graduate students, including graduate students serving as TAs or instructors-of-record, will be consistent with Graduate Council policies; details can be found in ["Guidance for Graduate Student Violations of Penn State's COVID Requirements and Expectations."](#)

PROCESS

1. **When a unit executive (i.e., dean/chancellor) or academic unit head (i.e., department**

head, director of academic affairs, school director, division head, institute director) is notified that an instructor, researcher, or faculty member is not adhering to Penn State's health and safety requirements relating to testing or masking, the unit executive, academic unit head, or their designee must determine whether the allegation is credible, by verifying or corroborating the allegation with additional information, within two business days. If the allegation is found to be credible, the unit executive, academic unit head, or their designee will make reasonable efforts to have a constructive conversation with the instructor, researcher, or faculty member to remind them of the applicable policy, offer to provide any needed assistance to comply with Penn State's COVID-19 mitigation strategies, and be reminded of the process (see below) that will occur as a result of continued non-compliance with Penn State's health and safety requirements. The meeting will be documented in an email to the instructor, researcher, or faculty member including links to the relevant policies and guidance documents. The unit executive will determine who is made aware of the incident, who corroborates the allegation, and who conducts the constructive conversation.

2. If the instructor, researcher, or faculty member does not agree to comply with the guidance and/or continues the non-compliant behavior, the unit executive or academic unit head, or their designee will again verify the allegation within two business days. The unit executive and the academic unit head will discuss the situation with the respective human resources strategic partner to decide how best to address the noncompliance. The Vice Provost for Faculty Affairs may be consulted as appropriate. The unit executive, academic unit head, or their designee will again make reasonable efforts to meet with the instructor, researcher, or faculty member and to assist them with meeting Penn State's health and safety requirements. Sanctions may be imposed on an instructor, researcher, or faculty member, including, but not limited to not approving and/or rescinding approved sabbatical or professional leave requests; delay in sabbatical eligibility; loss of professional development/travel funds; not approving and/or rescinding professional leave without pay requests; a letter of discipline, removal of on-campus laboratory privileges; or other appropriate sanctions applicable to the individual's position. Refusal to follow University COVID-19 safety requirements may also be factored into annual performance reviews, contract renewals, and relevant GSI and salary decisions. The unit executive will determine who is made aware of the incident, who corroborates the allegation, and who conducts the constructive conversation. The meeting will be documented in an email to the instructor, researcher, or faculty member including any sanctions as well as links to the relevant policies and guidance documents.
3. If the instructor, researcher, or faculty member persists in their refusal to comply with the guidance, the unit executive, academic unit head, or their designee will verify the allegation within two business days. The unit executive will determine who corroborates the allegation. The unit executive will discuss the situation with the human resources strategic partner and the Vice Provost for Faculty Affairs, and determine next steps, including who will notify the instructor, researcher, or faculty member. In cases where staff are teaching a course in addition to their full-time position, the employee's supervisor will also be consulted. The instructor, researcher, or faculty member in question will be removed from all their courses and/or their lab and, subject to the review process described below, placed on unpaid leave and prohibited from working on campus for the duration of the leave. Instructors who are also staff will be relieved of their teaching responsibilities and no longer paid for any course; the human resources strategic partner for their unit will be notified to determine whether additional measures will be taken in the unit. Efforts will be made to identify and alternate instructor for the courses. 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 composed of two faculty members and one administrator charged by the Vice Provost for Faculty Affairs. The review must include an opportunity for the individual to

meet with the committee and explain their position (see [Process Guidelines for the Faculty Review Committee](#)). The individual will remain in paid status pending the recommendation by the review sub-committee.

For full-time instructors, researchers, or faculty members, substantial non-compliance (e.g., active defiance and disruption of educational mission) may lead to disciplinary action up to and including initiating termination proceedings consistent with AC70 or contract termination.

APPEAL PROCESS

Policy AC76 Faculty Rights and Responsibilities provides full-time faculty members with an avenue to appeal any sanctions imposed that violate academic freedom, professional ethics, or procedural fairness. 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.

COMMITTEE MEMBERS

Anthony Atchley, Senior Associate Dean, College of Engineering
Kathy Bieschke, Vice Provost for Faculty Affairs
Rick Brazier, Senior Associate Dean for Faculty and Research
Ralph Ford, Chancellor and Dean, Penn State Erie, The Behrend College
Marie Hardin, Dean, Donald P. Bellisario College of Communications
Bonj Szczygiel, Chair, University Faculty Senate
Josh Wede, Chair, Faculty Affairs Committee of the University Faculty Senate