Faculty/Staff Vaccine Noncompliance & Discipline

The health and safety of our University community depends on everyone complying with all health and safety rules. Compliance with the vaccine mandate and rules related to COVID-19, are our greatest tools to help reduce the spread of COVID-19 on our campus. The guidance below is intended to provide further details and compliance expectations associated with the vaccine mandate, and to assist departments in managing compliance for faculty/staff.

The University expects everyone to comply with established health and safety requirements, and it must be understood that compliance is significantly different for those who are not vaccinated. Also note that this guidance is subject to change in accordance with University System of Maryland (USM) directives and/or decisions by University administration in association with Federal, State, or local guidance.

Please consult with your assigned HR Partner for questions regarding conduct related to compliance with applicable health/safety requirements. Any questions or concerns regarding this guidance or monitoring/enforcement may be directed to OHRcompliance@towson.edu.

Requirements and Consequences for Faculty/Staff Who are Not Vaccinated

All faculty and staff who are unvaccinated or partially vaccinated following the August 9 deadline and have been notified accordingly are required to follow these health and safety requirements:

1. wear a mask indoors at all times and in all other areas designated for mask wearing;
2. complete testing for COVID-19 twice per week beginning August 23 on the schedule established by the University Health Center (Mon/Wed or Tues/Thurs);
3. complete the daily QuickScan symptom monitoring screen.

In addition to mandatory compliance with the noted health/safety protocols, a faculty or staff member who does not have a valid medical or religious exemption and who has not complied with the vaccine requirement following the deadline will also be subject to the following:

- Unvaccinated faculty/staff will not be approved for institution-sponsored travel.
- Unvaccinated faculty/staff will not be granted the privilege of submitting a telework request.
- Faculty/Staff who are not granted an exemption and who remain unvaccinated following the deadline, will receive a written reprimand (Staff) or Letter of Censure (Faculty) for failure to follow institution policy. This action is in recognition of failure to comply with the mandate, but will not be used as a basis for subsequent discipline unless there is additional failure to comply with the required health/safety protocols. The University will rescind this action upon proof of full vaccination.

Health and Safety Noncompliance for Faculty/Staff

While all health/safety protocols are important and will be enforced, compliance with the testing protocol will be strictly monitored by daily report provided to OHR. Accordingly, faculty/staff can expect any failure to schedule a test or missed test to be considered an occurrence of noncompliance. Quicksan and masking compliance will be monitored concurrently and supervisors/managers must consult with their appropriate OHR contact to determine if individual QuickScan or masking infractions will constitute an occurrence of noncompliance.

For the purpose of this guidance, noncompliance is further defined as any behavior that fails to comply with the University’s COVID-related health and safety requirements for the workplace (i.e. masking, QuickScan, testing), which, if continued, could undermine the University’s ability to safeguard the health and safety of the University community.

Noncompliance does not include inadvertent or isolated deviations from the established rules, unless failing to schedule or missing a scheduled test. In the case of inadvertent or isolated instances, the supervisor should first listen to the staff member’s reasoning for not complying. The supervisor should re-state the health and safety requirement and the consequences for noncompliance.
Schedule of Progressive Discipline

For continued occurrences of noncompliance, the schedule of disciplinary action below will be followed:

Non-Exempt staff

1. First occurrence:
   • Valid Vaccine Exemption - Employee is reprimanded
   • No Valid Vaccine Exemption – Employee is suspended without pay for one day.

2. Second occurrence:
   • Valid Vaccine Exemption - Employee is suspended without pay for one day
   • No Valid Vaccine Exemption - Employee is suspended without pay for three days.

3. Third occurrence:
   • Valid Vaccine Exemption - Employee is suspended without pay for three days
   • No Valid Vaccine Exemption – Employee is suspended without pay for five days

4. Fourth occurrence:
   • Valid Vaccine Exemption - Employee is suspended without pay for five days
   • No Valid Vaccine Exemption – Employee is terminated

5. Fifth occurrence: Employee with valid vaccine exemption is terminated.

Exempt staff

1. First occurrence:
   • Valid Vaccine Exemption - Employee is reprimanded
   • No Valid Vaccine Exemption – Employee is suspended without pay for five days

2. Second occurrence:
   • Valid Vaccine Exemption - Employee is suspended without pay for five days
   • No Valid Vaccine Exemption – Employee is suspended without pay for ten days

3. Third occurrence:
   • Valid Vaccine Exemption - Employee is suspended without pay for ten days
   • No Valid Vaccine Exemption – Employee is suspended without pay for fifteen days

4. Fourth occurrence:
   • Valid Vaccine Exemption - Employee is suspended without pay for fifteen days
   • No Valid Vaccine Exemption – Employee is terminated

5. Fifth Occurrence: Employee with valid vaccine exemption is terminated

Faculty

1. First Occurrence:
   • Valid Vaccine Exemption – Faculty member receives a letter of censure
   • No Valid Vaccine Exemption – Faculty member is suspended without pay for five days

2. Second occurrence:
   • Valid Vaccine Exemption - Employee is suspended without pay for five days
   • No Valid Vaccine Exemption – Employee is suspended without pay for ten days

3. Third occurrence:
   • Valid Vaccine Exemption - Employee is suspended without pay for ten days
   • No Valid Vaccine Exemption – Employee is suspended without pay for fifteen days

4. Fourth occurrence:
   • Valid Vaccine Exemption - Employee is suspended without pay for fifteen days
   • No Valid Vaccine Exemption – Employee is terminated

5. Fifth Occurrence: Employee with valid vaccine exemption is terminated

**Note that the University reserves the right to bypass steps in this progressive disciplinary schedule in the event of severe noncompliance, including, but not limited to failure to complete consecutive required tests**
OHR will centrally administer and enforce the noncompliance directives, but department managers and supervisors should also work with appropriate OHR personnel to address noncompliance. Supervisors should remind their teams that following health and safety rules helps to ensure the safety of all members of the campus community as well as their families and friends, and will assist with implementing progressive discipline.

OHR will assist departments with drafting disciplinary action documents for issuance to employees and otherwise reviewing cases of noncompliance.

Any disciplinary action taken may be reviewed through the relevant grievance/appeal or review procedure.

**Reporting of Noncompliance**

Any member of the University community may report deviations from safety practices. Reports should be directed to the appropriate supervisor or department contact for follow up. If an employee prefers to make an anonymous report, they may access the university's SpeakTU Reporting System, which is available 24/7.

**No Retaliation**

There will be no retaliation against any member of the University community for good faith reporting of perceived noncompliance by University staff members.