Sanctions for Noncompliance with COVID-19 Health and Safety Directives
UA-21

About This Policy

Effective Dates:
08-05-2020

Last Updated:
08-05-2020

Responsible University Administrator:
Executive Vice President for University Academic Affairs
Vice President for Human Resources

Scope

All employees of Indiana University, including academic appointees, student academic appointees, Staff and Temporary employees.

Policy Statement

1. Failure to comply with the health and safety directives adopted by the university to combat the spread of COVID-19 will subject employees to corrective action, which can result in termination of employment. Deliberate refusal to comply with health and safety guidance and directions as required in Paragraph 2. below will result in immediate termination.

2. In order to promote the health and safety of our entire campus community while continuing to provide educational services, conduct research, provide clinical services, and perform other aspects of the IU mission, all employees are required to:
   a. Comply with the measures described in the Community Responsibility Acknowledgement, IU’s Return to Campus Guidelines, and all other applicable university and campus guidance or directions related to the COVID-19 pandemic, as amended and updated (found at https://fall2020.iu.edu/return-to-campus/).
   b. Wear a face mask approved by Indiana University Environmental Health and Safety so that it covers both your nose and your mouth at all times while inside an Indiana University building (except while alone in a private office with the door closed, or during eating or drinking as long as adequate physical distancing is possible), on campus transportation, and in outdoor spaces when physical distancing is difficult. Information on approved masks can be found at https://protect.iu.edu/environmental-health/public-health/communicable-diseases/coronavirus.html.
   c. Practice physical distancing.
   d. Practice good personal hygiene (washing hands frequently with soap and water, or a hand sanitizer with at least 60% alcohol if soap is unavailable).
   e. Be screened or tested for COVID-19 as required.
   f. Stay home and not come to work if you are sick, have a fever, or are experiencing symptoms of COVID-19.
   g. Self-quarantine or self-isolate in accordance with instructions from a physician and/or pursuant to university guidance.
   h. Cooperate fully with contact tracing conducted by the university and/or public health officials.

3. Because knowledge and understanding of COVID-19, as well as applicable guidelines from the Centers for Disease Control and Prevention, and federal, state and local authorities, continue to evolve, this policy is subject to update as further information becomes available. Indiana University will continue to adjust policy and guidance based upon the latest public health information, regulatory guidance, and peer best practices.
Reason For Policy

Indiana University is taking actions in light of COVID-19 with the goal of promoting a safe working and learning environment for our students, employees, and community. Compliance with health and safety directives by university employees is critical to achieving this goal.

Sanctions

Depending on the nature and occurrence of the violation, campus officials may impose sanctions that range from a warning, a final warning (which may include suspension pursuant to the applicable corrective action or disciplinary policy) or termination of employment. Given the risk of transmission and importance of strict compliance, no individual who has failed to comply with this policy three (3) times, for any reason, should expect to continue to remain employed or affiliated with the university.

1. Staff and Temporary Employees
   a. For Staff and Temporary employee violations of this policy, units will consult with their respective Senior HR Director and IU HR Employee Relations. In light of the public health emergency presented by the COVID-19 pandemic and, most importantly, in order to protect the health of the entire university community, the following sanctions will apply to violations of this policy:
      1. The first step in the disciplinary process will be a written warning.
      2. The second step in the disciplinary process will result in a final written warning with a three-day suspension without pay.
      3. A third instance will result in the termination of employment.
      4. Deliberate refusal to comply with health and safety guidance and directions will result in immediate termination.
   b. This policy does not revoke the existing corrective actions or policies that the university’s unionized employees have negotiated for disciplinary actions unrelated to COVID-19.
   c. This policy does not revoke existing corrective actions or policies for non-union Staff and Temporary employees unrelated to COVID-19.
   d. These sanctions apply only during the period of the pandemic, after which time this policy will be rescinded.

2. Academic Appointees
   a. Failure or deliberate refusal to comply with the health and safety guidance and directions adopted by the university to combat the spread of COVID-19, including failure or deliberate refusal to wear a mask in compliance with this policy, shall constitute an act of “serious personal and professional misconduct” that may result in sanctions, including termination, pursuant to ACA-52. Disciplinary proceedings will be referred to the campus academic affairs office.
   b. ACA-52 states: “Possible sanctions include the following: reprimand, consideration in establishing annual salary, consideration in promotion decisions, consideration in tenure decisions, retention of salary, termination of employment, and immediate dismissal.” Sanctions for academic appointees will follow as closely as possible the sanctions for other employees.
   c. In the case of students who are acting in their role as Student Academic Appointees, failure or deliberate refusal to comply with the health and safety directives adopted by the university to combat the spread of COVID-19, including failure or deliberate refusal to wear a mask in compliance with this policy, can subject the SAA to early removal from their academic appointment pursuant to campus-specific policies and procedures. Deliberate refusal to comply with the health and safety guidance and directions will result in immediate termination.

History
This policy was adopted on August 5, 2020.