

## **GUIDANCE ON ENFORCEMENT OF FAU COVID-19 SAFETY PLAN**

Florida Atlantic University's Department of Emergency Management, through its Emergency Operations Team (EOT), and in collaboration with EH&S<sup>1</sup>, has developed a [Health and Safety Plan](#) in preparation for returning to campus through a phased re-entry process when the public health situation allows. As the University begins the implementation of this plan, we anticipate questions regarding enforcement of certain safety precautions including social distancing, hand-washing, disinfecting work-spaces and the individual use of face coverings. This guidance document is meant to provide a framework of University enforcement mechanisms for students and faculty/staff.

**Compliance with FAU's health and safety plan will be a binding responsibility of all students, faculty and staff, and compliance will be enforced consistent with existing FAU Regulations and Policies and the Collective Bargaining Agreement, including but not limited to, the following:**

### **FAU Students**

Regulation 4.007, the Student Code of Conduct, identifies several violations that may be applicable when a student fails or refuses to comply with mandatory provisions of the [FAU Health and Safety Plan](#). Potential sanctions could range from a conduct warning up to suspension or expulsion from the University.

- Disruptive Conduct - Any action that impairs, interferes with or obstructs the mission, purposes, order, academic atmosphere, operations, processes and/or functions of the University;
- Endangering Health, Safety or Welfare - Endangering the health, safety or welfare of members or guests of the University;
- Housing and Residential Education Policy Violation - Violation of any Housing and Residential Education policy or procedure, as outlined in either the Housing Contract or The Community Guide;
- Interference with the Rights of Others - Interference with the rights of others to carry out their activities or duties at or on behalf of the University;
- Noncompliance with Written or Oral Requests - Noncompliance with written or oral requests or orders of authorized University officials or law enforcement officers in the performance of their duties;
- Violation of Policy or Regulation - Violation of any University Policy or Regulation.

### **Reporting Student Non-Compliance**

#### **Classroom/Laboratory Setting**

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- Faculty must direct a non-compliant student to leave the class and report the non-compliant behavior to the Dean of Students Office via the [Student COVID Non-Compliance Form](#).
- Should a non-compliant student be unwilling to follow FAU's public health guidelines and refuse to exit the classroom, the faculty member must immediately end the class and dismiss students. The incident must be reported to the Dean of Students via the [Student COVID Non-Compliance Form](#).
- The Faculty must also report any such incidents to their Department Chair/Director, and submit a plan for how the lost instructional time will be made up within a week.
- If a non-compliant student becomes disruptive to the point of the faculty member or fellow students feeling threatened, the faculty member should call University Police by dialing 561.297.3500.

### **Non-Classroom Settings**

- Employees are urged to remind the students not following FAU's public health guidelines of their infraction and the need to correct their behavior. If faculty or staff encounter a situation where a student continues to refuse to comply with a mandatory provision of the University Safety Plan, the incident should be reported to the Dean of Students Office by filing a report via the [Student COVID Non-Compliance Form](#).

**As always, if any student's conduct constitutes an emergency, an imminent threat or a substantial disruption to university operations, contact University Police by calling 561.297.3500.**

### **FAU Employees and Faculty**

- Regulation 5.012, Employee Standards and Disciplinary Procedures, identifies the following standards of conduct and disciplinary action:
  - Employees shall respect the rights of others;
  - Insubordination - A deliberate and inexcusable refusal or failure to obey a reasonable order given by the supervisor or other authorized University personnel in the performance of their official duties. Such orders may include orders given by authorized University Administrators or University Police to vacate campus premises;
  - Endangering the health, safety and welfare of members or guests of the University;
  - Violation of safety practices.
- The UFF-FAU Collective Bargaining Agreement includes the following provisions relevant to in-unit faculty:

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- Article 5 - Faculty shall contribute to the orderly and effective functioning of the academic unit and the University;
  - Article 16 - Faculty may be disciplined for misconduct;
  - Article 17.10 - Employees who pose a health risk to the University may be placed on compulsory leave and required to undergo an assessment to determine whether they are able to work, unable to work or able to work with restrictions such as behavioral adjustments that enable the employee to perform their duties effectively and contribute to the safe, orderly and effective function of the University;
  - Article 21.3 - Employees should report conditions which the employee feels may violate a safety or health rule or regulation or which is an unreasonable hazard to persons or property, and those concerns shall be promptly investigated.
- Employees are encouraged to remind the employees not following FAU's public health guidelines of their infraction and the need to correct their behavior. Incidents involving an employee who refuses to comply should be reported directly with the employee's supervisor. All supervisors are responsible for promptly addressing safety plan compliance issues within their areas of operations. If supervisors have questions or concerns related to a specific situation, contact Human Resources at [HRCovid19@fau.edu](mailto:HRCovid19@fau.edu).
  - If the supervisor of the employee is not known, an [Employee COVID Non-Compliance Form](#) can be completed and submitted.

**As always, if any employee's conduct constitutes an emergency, an imminent threat or a substantial disruption to university operations, contact University Police by calling 561.297.3500.**

### **Reporting Faculty or Employee Non-Compliance**

- Students, faculty, or staff have the right to remind faculty or employees not following FAU's public health guidelines of their infraction and the need to correct their behavior.
- If the faculty or employee does not comply following the reminder and this occurs *inside* the classroom environment, students may exit the classroom and report the infraction immediately to the Chair of the Faculty member or complete an [Employee COVID Non-Compliance Form](#).
- If the faculty or employee does not comply following the reminder and this occurs *outside* the classroom environment, students may report the infraction immediately by submitting an [Employee COVID Non-Compliance Form](#).
- If students encounter a situation where a faculty member continues to refuse to comply with a mandatory provision of the University Safety Plan, the incident should be reported to the department Chair/Director or they may anonymously file a report via the [Employee COVID Non-Compliance Form](#).

### **Student Intervention Team and the Workplace Threat Assessment Team**

In addition to the provisions outlined above, the University has Regulations and Policies to guide the prompt and coordinate a response to potential threats to the University community. **All members of our community should remember that threats or behaviors that pose an immediate concern for safety should be referred without delay to the University Police Department by dialing 561.297.3500.**

- [Regulation 4.014](#) establishes the University's Student Intervention Team (SIT), which is responsible for conducting evaluations and making recommendations when a student's presence or continued presence on campus may constitute a direct threat to other individuals or the University Community, or in cases where the student poses a risk of substantial self-harm such that the student cannot safely continue participation in the University's educational programs.
- [University Policy 1.12](#) establishes the University's Workplace Threat Assessment Team (WTAT) for the evaluation of threats originating from individuals other than University students, including without limitation, faculty, staff, or individuals unaffiliated with the University. The WTAT is pre-emptive in nature with a focus on early identification and intervention when a person's behavior indicates that person may pose a threat to themselves or others.

The University's eventual return to traditional operations is dependent on all of us doing our part to follow the University's [Health and Safety Plan](#) and notifying appropriate University officials when concerns arise. Any general questions about the University's Health and Safety Plan should be referred to the Department of Emergency Management at [FAUCOVID19@fau.edu](mailto:FAUCOVID19@fau.edu).

<sup>1</sup>Consistent with Board of Governors Regulation 3.001, and pursuant to University Policy 4.1.2, Environmental Health & Safety (EH&S) is responsible for the development and operation of Public Health programs such as infection control, medical monitoring programs, wildlife management on FAU campuses and any other programs as appropriate. Consistent with these responsibilities, EH&S is authorized to develop program documentation, educational materials, training requirements, guidance documents and standard operating procedures to ensure compliance with relevant environmental health and safety requirements, laws and regulations. Policy 4.1.2 specifically provides that "compliance with EH&S program procedures and guidelines and applicable laws and regulations is a shared responsibility of all members of the University," and "**all members of the University are responsible for compliance with applicable environmental health and safety laws, regulations and codes as well as applicable policies and procedures of the University.**"