



MARICOPA
COMMUNITY COLLEGES

Office of the
General Counsel

TO: MCCC Faculty
FROM: The Office of General Counsel
DATE: June 15, 2020
RE: Guidance for faculty in responding to students who do not wear a face covering

Below is guidance to assist faculty in circumstances where a student is unwilling to wear a face covering. For questions or assistance, feel free to email David Bowman at david.bowman@domail.maricopa.edu or Melissa Flores at melissa.flores@domail.maricopa.edu.

Campus administration should ensure that face coverings are easily available to all faculty, staff, and students.

- Remind any student not wearing a face covering that District policy requires all individuals on campus to wear a face covering or mask. This policy protects the health and safety of the students, faculty and staff at college/District community during the COVID-19 pandemic. Research shows that wearing face coverings and masks may reduce the risk of spreading the disease. Since a person infected with COVID-19 may not exhibit symptoms for several days, he or she may unknowingly spread the virus when interacting with others.
- Some students may claim that they need an accommodation from wearing a face covering for religious, health-related reason or an existing disability.. Such requests will be evaluated on a case-by-case basis, depending on the facts of each specific circumstance. The goal of the evaluation process is to ensure the safety and health of the student requesting an accommodation, the other students in the class, faculty and staff. All available options will be considered in each case.
- Students who claim they need an accommodation from wearing a face covering for health-related reasons or existing disabilities should be reminded that accommodations are evaluated and granted by Disability Resources Services (DRS). They should be asked to call the DRS office to begin the interactive process for requesting an accommodation. Until such time as they receive an accommodation, they must either wear a face covering

or leave class. Note that faculty have the discretion to excuse the absence and do not have to modify their attendance requirements unless an official accommodation is granted to the student. It is important to remind the student that time is of the essence in calling DRS as accommodations take time to approve. DRS will inform relevant faculty regarding students who have accommodations that excuse wearing a face covering.

- Students who claim they have a religious reason for not wearing a face covering should be directed to [file a request](#) for a religious accommodation with the Dean of Student's Office. Their request will be evaluated according to the [Religious Accommodation Procedure](#). Until such time as they receive an accommodation, they must either wear a face covering or leave class. Note that faculty have the discretion to excuse the absence and do not have to modify their attendance requirements unless an official accommodation is granted to the student.
- Students who are not wearing a face covering may be asked if they have an accommodation from either campus DRS or the Office of the Dean of Students that excuses them from wearing a face covering. They should not be asked to provide any information about the basis for the accommodation. DRS or the Office of the Dean of Students can verify whether a student has an accommodation from wearing a face covering, and if so, what the accommodation's parameters are, but should not reveal the basis for the accommodation.
- Students who refuse to wear a face covering to class (while the face covering requirement is in place) and who have no accommodation in place (due to religious, health-related reasons or an existing disability) and have not worked with their faculty member or school administration regarding moving to an online class may be referred for a code of conduct violation (failure to follow college policy/directives).
- Faculty may alert their Dean or Department Chair when they encounter a student who is unwilling to wear a face covering. If a student is asked to leave the classroom because of their refusal to wear a face covering, faculty should ensure the student understands the request to leave is being made as a measure to ensure the health and safety of all students. If the student refuses to leave, faculty or the Dean or supervisor may call their campus COVID 19 representative.
- Refusal to leave class after being told to leave by the instructor (due to refusal to wear the face covering) should be treated as are other classroom disruption cases, including calling Public Safety if necessary.
- As to individuals other than students, District staff and faculty may ask an individual who is not wearing a face covering if they have an accommodation that excuses them from wearing a face covering. Those who do not have such an accommodation should be directed to take action as described here or requested to leave. Those indicating they have an accommodation should not be asked to reveal the specific health conditions or religious reasons that justify their accommodation. District HR (if the individual is an employee) or Risk Management (if the individual is a visitor) can verify whether the individual has an accommodation from wearing a face covering, and if so what the accommodation's parameters are.