



MARICOPA
COMMUNITY COLLEGES

Office of the
General Counsel

TO: MCCC Faculty
FROM: The Office of General Counsel
DATE: August 12, 2021
RE: Updated guidance 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 free 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 to wear a face covering or mask *when inside all Maricopa buildings*.** 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. In addition, fully vaccinated individuals may be capable of spreading the virus while exhibiting few or no symptoms themselves.
- **Under no circumstances should a student be asked whether they have received the COVID-19 vaccine**, because the District's mask requirement applies to all individuals regardless of vaccination status.
- **This current face covering/mask requirement applies to all employees and students regardless of vaccination status.** This face covering/mask requirement does not violate the Governor's Executive Order (2021-15) or Arizona Revised Statute 15.1650.05 (effective September 29, 2021) because both specifically prohibit colleges and universities from imposing a mask or vaccine mandate (or any other different treatment)

for those who choose not to be vaccinated or choose not to disclose their vaccination status.

- **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 the college 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. 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. *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 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 approved accommodation from either campus DRS or the Office of the Dean of Students.** 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 may be referred for a code of conduct violation (failure to follow college policy/directives)** if they refuse to wear a face covering to class (while the face covering requirement is in place), have no accommodation in place (due to religious, health-related reasons or an existing disability), and have not worked with their faculty member or college administration regarding moving to an online class.
- **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 faculty (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.