

# Employee Guidance for Responding to Non-Compliance with the Campus Face Covering Requirement

**This guidance is provided to help university employees who may interact with fellow employees, students, and campus visitors.**

During this extraordinary public health situation, preserving the health of the campus community will be a broadly shared responsibility. Students, faculty, staff, and campus visitors will be asked to adhere to a set of actions that protects their health and, even more importantly, protects the health of others on campus.

In accordance with both the University of Wisconsin–Madison COVID-19 Workplace Safety Policy and the campus public health protocols, all members of the UW-Madison community—including visitors to our facilities—must wear a face covering when they are:

- In any area within university-owned and operated buildings unless they are working alone in a private space (e.g., office, lab, mechanical space, etc.);
- In a university vehicle with any other person;
- On campus buses; and
- In outdoor spaces when physical distancing is not possible.

We anticipate that most people will be able to comply with this requirement and will voluntarily do so. It is important to note that some members of our community will not be able to wear a face covering due to occupational, religious, or medical reasons. It is not your responsibility to evaluate someone's accommodation needs or ask for proof of an accommodation.

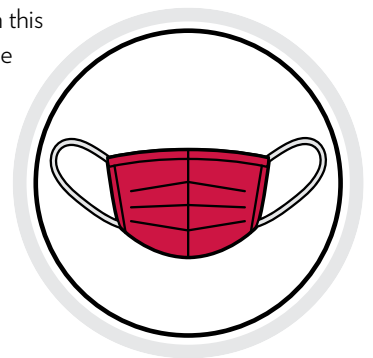
In rare circumstances a coworker, student, or visitor to your building or work area may express an unwillingness or an inability to wear a face covering.

As staff members who will be interacting with the campus community and with visitors to our facilities statewide, you will often be the people who must ask others to comply with public health guidelines and [the Chancellor's executive order](#). Our approach to this

challenge is based on a “planned persistence” method or repeated requests in a calm tone, for adherence. This approach is simple – we ask you to gently tell people to (for example) put on a face covering. You do not need to provide the reason(s) nor argue the point.

## What to do when you see someone who is not wearing a face covering?

- 1. Remind** them about the face covering requirement. Using language such as, “I notice you aren't wearing a mask” is a good place to start. Remember that not everyone is able to wear a face covering, and it is not your responsibility to evaluate their accommodation needs.
- 2. Offer** them a face covering if you have extra and they need one. Campus is providing disposable face coverings and other PPE to all departments and units. Speak with your supervisor if you have questions about where to find extra supplies.
- 3. Respond** using your best judgment in the situation. If you are dealing with a visitor to your space who refuses to put on a face covering, you may ask them to leave. If they continue to refuse to comply, do whatever you need to do in order to de-escalate the situation including walking away. You are not expected to jeopardize your personal health and safety to enforce the campus health protocols. You may also provide them with information about requesting an accommodation (see FAQs below for more information on this potential situation). Please note that only supervisors, managers, and HR representatives can direct employees to leave the workplace. Any concerns about a coworker should be directed to one of these resources.



More resources and information on special situations (including those who have accommodations that may exempt them from the face-covering requirement) are below.

## FAQs

### What do I do if someone claims that they have a medical exemption (under the Americans with Disabilities Act, or ADA) and thus do not need to comply?

It is important to be aware that some members of our community, whether students or guests, will not be able to wear a face covering due to disability. It is important that we strive to be calm, respectful, and inclusive at all times. Here are some tips to follow:

**Students who are approved** for a reasonable accommodation to the face covering requirement will have their “Faculty Notification Letter” to confirm their approved accommodation

**Employees who are approved** for a reasonable accommodation to the face covering requirement may have a letter from their Divisional Disability Representative

#### Visitors and guests:

- Ask them to leave any interior space and engage with them safely outside, or provide them with a phone number to call, to discuss a reasonable accommodation.
- If the individual can suggest a reasonable accommodation you can immediately provide, feel free to do so.
- If the individual requests an accommodation you cannot immediately provide, give them the contact information for your supervisor or manager and ask the individual to discuss the situation with them.
- Some potential reasonable accommodations may include:
  - Access to the interior space but with enforced additional physical distancing;
  - Access to the event or program in an alternate format such as a virtual offering;
  - Moving a meeting or event from inside to outside and asking the individual to stay physically distanced;
  - “Curbside” pick-up for any items the individual wants to purchase or check out (e.g., library materials).

### It is very important to **avoid** the following:

- Ask for any form of medical documentation. If the individual provides you with any medical documentation, return it back to them. This also includes any “ADA Face Covering Exemption” cards which are not valid.
- While you may exclude a guest or visitor from your program, it is extremely important that you give them the contact information for a supervisor/manager with whom the individual can discuss their situation and reasonable accommodations. Only supervisors, managers, and HR representatives can direct employees to leave the workplace. Any concerns about a coworker should be directed to one of these resources.

### If you have any questions or concerns, contact:

#### Visitors and Guests to UW-Madison campus sites:

Ruben Mota, ADA Coordinator, Office of Compliance

Telephone: (608) 265-4508

Email: [ruben.mota@wisc.edu](mailto:ruben.mota@wisc.edu)

#### UW-Madison students with disabilities:

McBurney Disability Resource Center

Telephone: (608) 263-2741

Email: [mcburney@studentlife.wisc.edu](mailto:mcburney@studentlife.wisc.edu)

#### UW-Madison Employees with disabilities:

##### [Divisional Disability Representative](#)

Employee Disability Resources Office


Telephone: (608) 263-2407

Email: [employee.disabilities@cdo.wisc.edu](mailto:employee.disabilities@cdo.wisc.edu)

### What happens if a person becomes combative, angry, or aggressive when asked to comply?

Our first (and always best) response is to de-escalate the situation. Do your best to calm them and offer them a disposable mask. Be clear that this is a condition of entering into or remaining in the building.

University of Wisconsin-Madison Police (UWPD) should not be contacted to enforce face covering compliance. UWPD should



be contacted when someone's behavior is threatening toward any person (including themselves), if they engage in dangerous behavior, behavior that may be criminal or in violation of UW Administrative Codes, or that creates a significant disruption placing others' safety at risk.

For more information about verbally de-escalating a situation, review [these techniques](#) from the Dean of Students Office.

## **What happens if a student refuses to comply with this request?**

If a UW-Madison student refuses to comply with the requirement to wear a face covering and is causing a disruption, you can report incidents of non-compliance to the [Office of Student and Community Standards](#). Reports will require a student's name and (where known) ID number.

The Office of Student Conduct and Community Standards (OSCCS) will review each situation reported to the office. Consequences will depend on multiple factors such as the intentionality and impact of the behavior, prior conduct history, and willingness to engage in changes to behavior.

## **What happens if a co-worker or another employee refuses to comply with this request?**

If a UW-Madison employee refuses to comply with the requirement to wear a face covering, you should contact your own supervisor or HR representative for help in managing this situation. They will be able to engage the employee's supervisor and ensure that the person complies with the guidance.

There is additional guidance for supervisors, managers, and local HR representatives here: <https://hr.wisc.edu/docs/covid19/employee-hesitancy-to-use-a-face-covering.pdf>.