

MEMORANDUM OF AGREEMENT

This MEMORANDUM OF AGREEMENT (“MOA”) is entered into by and between the Board of Higher Education (the “Board”) and the Massachusetts State College Association /MTA/NEA (the “Association”) (collectively, the “Parties”).

WHEREAS, the Parties recognize that the global coronavirus pandemic has led to unprecedented health and safety concerns; and

WHEREAS, the Parties met to discuss the impact of a mandatory mask requirement to be implemented at the nine State Universities;

NOW, THEREFORE, the Parties agree as follows:

1. At a state university that institutes a mask-wearing policy, all unit members, regardless of vaccination status, shall wear a mask that complies with CDC guidelines over their mouth and nose in non-private spaces inside campus buildings, indoor facilities and university transportation. Should circumstances change that result in the expansion or reduction of a mandatory mask requirements at a university, that university shall provide five (5) days’ notice of such change to the unit members at that university and to the Association, and shall provide the Association the opportunity to ask questions regarding such changes.
2. Unit members seeking an exemption from a University mask requirement policy due to medical reasons shall seek accommodation through the University’s ADA process.
3. All State Universities that have instituted a mask-wearing policy shall have masks available for unit members who have forgotten or lost their masks, or whose masks have been damaged. These masks shall comply with the CDC guidelines, shall be available in locations across campus and, where practicable, in academic departments and libraries.
4. At a state university that institutes a mask-wearing policy, unit members are requested to inform students that they are required to wear masks, but shall not be required to enforce the mask-wearing mandate. Unless a student has a documented accommodation for a mask exemption, students must wear masks in class. If a student without a mask exemption refuses to wear a mask after being informed of this requirement by the unit member, the unit member has the right to dismiss that student from the class and to instruct that student to leave the immediate area. If the student continually refuses to leave the teaching area while refusing to wear a mask, the unit member shall have the right to dismiss the class and shall report the incident to the university’s student conduct officer. Student refusal to wear a mask shall be treated as a student conduct violation and addressed through the code of conduct mechanisms at the university. Students seeking such an exemption shall be expected to do so through the disability resources office if they will be attending any in-person class or will be in the library, and the instructor/librarians shall be provided official documentation of the exemption and the health protocols that will be followed.
5. Unit members shall work with their Department Chair, Library Director or Library Program Area Chair, as the case may be, should they need resources to overcome challenges relative to providing instruction while wearing a mask. Unit members may include in their personnel action


narrative their concerns regarding the impact that mask wearing had on in-person instruction, and an evaluator may take into consideration such impact.


6. Acknowledging the importance of wearing a mask, the Association agrees that at a state university that institutes a mask-wearing policy, the employer, following a review, will progressively impose discipline upon a unit member who is not exempted and who refuses to comply with this mask mandate.
 - For a first violation of the university's policy, following a review and determination of non-compliance, an oral warning will be imposed by the Provost or their designee in consultation with Human Resources.
 - For a second violation of the university's policy, following a review and determination of non-compliance, a written warning through the issuance of Official Personnel Correspondence will be imposed by the Provost or their designee in consultation with Human Resources.
 - For a third violation of the university's policy, following a review and determination of non-compliance, a one-day suspension without pay through the issuance of Official Personnel Correspondence will be imposed by the Provost or their designee in consultation with Human Resources.
 - For a fourth violation of the university's policy, following a review and determination of non-compliance, a two-day suspension without pay through the issuance of Official Personnel Correspondence will be imposed by the Provost or their designee in consultation with Human Resources.
 - For additional violations of the university's policy, following a review and determination of any non-compliance, the unit member will be subject to further discipline.
7. The University shall notify a member of any allegation of a violation of the university's policy that has been raised against them.
8. This MOA shall terminate on August 31, 2022.

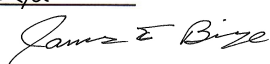
WHEREFORE the Parties hereto hereunder set their signs and seals as follows:

BOARD OF HIGHER EDUCATION

MASSACHUSETTS STATE COLLEGE
ASSOCIATION/MTA/NEA

By: 
Thomas Simard
Deputy Commissioner for Administration and Finance
Massachusetts Department of Higher Education
Date: 8/26/21

By: 
Christopher J. O'Donnell
President
Massachusetts State College Association
Date: August 26, 2021

By: 
James F. Birge
Chair
Council of Presidents
Date: August 26, 2021