

## MEMORANDUM OF AGREEMENT

This MEMORANDUM OF AGREEMENT (“the Agreement”) 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, on August 26, 2021, the Parties entered into an agreement regarding a mandatory mask requirement based upon COVID-19 health and safety concerns; and

WHEREAS, the Parties recognize that COVID-19 variants continue to present health and safety concerns; and

WHEREAS, the Parties met to discuss the aforementioned August 26, 2021 agreement regarding a mandatory mask requirement;

NOW, THEREFORE, the Parties agree as follows:

1. This Agreement shall supersede or otherwise replace the agreement entered into on August 26, 2021, regarding the State Universities’ implementation of a policy regarding mandatory mask requirements on their campuses. This Agreement shall be effective as of the full execution thereof.
2. It is understood and agreed that a State University retains the sole discretion to keep in place or institute a mask requirement. It is also understood and agreed that, should a State University have in place or institute a mask requirement for unit members, all or appropriately designated 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, university transportation, and in such other places as may be specifically designated by the State University.
3. Pursuant to this Agreement, should a State University decide to implement a mask requirement, and/or expand or retract a mask requirement previously implemented or implemented subsequent to the execution of this Agreement, the State University shall provide five (5) days’ notice of such change to the unit members and the Union.
4. Unit members seeking an exemption from a mask requirement policy for medical reasons shall seek accommodation through their State University’s ADA process.
5. At a State University that has in place or 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.

6. The Association agrees that when a State University has in place or institutes a mask requirement, the State University, following a review, will progressively impose discipline upon a unit member who has not received an exemption from a mask requirement and who does not comply with the mask requirement in place.
  - For a first violation of a State 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 a State 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 a State 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 a State 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 a State University's policy, following a review and determination of any non-compliance, the unit member will be subject to further discipline.
7. A State University shall notify a member of any allegation of a violation of the State University's policy that has been raised against them.
8. This Agreement shall constitute the full agreement between the Parties regarding the State Universities' discretion to implement a mask requirement and shall only be modified by subsequent agreement in writing. This Agreement shall terminate on August 31, 2023.

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

BOARD OF HIGHER EDUCATION

MASSACHUSETTS STATE COLLEGE  
ASSOCIATION/MTA/NEA

By: \_\_\_\_\_  
Michael Murray, Esq.  
Director of Employee and Labor Relations  
Massachusetts Department of Higher Education  
Date: \_\_\_\_\_

By: \_\_\_\_\_  
Maria Hegbloom  
President  
Massachusetts State College Association  
Date: \_\_\_\_\_

By: \_\_\_\_\_  
John D. Keenan  
Chair  
Council of Presidents  
Date: \_\_\_\_\_