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# Higher Education Institutions Prepare for Coronavirus

With over 87,000 confirmed cases of coronavirus across the globe and experts warning of further spreading, U.S. colleges and universities face myriad concerns about the health and safety of their faculty, students, and staff and must continue to prepare for the impact on their campus communities.

Below are some practical and legal considerations for higher education institutions developing and implementing response plans to the Coronavirus Disease 2019 (COVID-19).

## 1. **Widely communicate risk warnings and prevention methods.**

Utilize campus emergency alert systems, communicate to faculty, students, and staff the Centers for Disease Control and Prevention (CDC) and World Health Organization (WHO) risk warnings and prevention methods, including encouraging frequent hand washing and keeping at least 3-feet/1 meter distance from individuals coughing or sneezing, and taking appropriate measures to avoid the spread of illness. Institutions should make alcohol-based hand sanitizers available across campus, including in classrooms, dormitories, and other communal spaces. If students, staff, or faculty have travel plans or are studying in an affected region, we encourage institutions to consider the appropriate duty of care and warn them of the potential risks. Should students, staff, or faculty wish to travel to or remain in an affected area against institutions' advice, institutions might consider obtaining a voluntary written waiver of liability detailing the potential risks.

## 2. **Educate constituents about coronavirus symptoms and available medical care.**

Actively encourage community members to monitor their personal health. Identify whom to contact if exposure or illness is suspected and where individuals may seek appropriate medical care on or near campus. Ensure campus medical centers are adequately staffed and have the inventory available to test for the virus, and to treat coronavirus patients. If appropriate, develop a plan with local

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hospitals and clinics to transport patients to a local medical center for treatment. To the extent possible, institutions should make mental health services available for community members who have family abroad and in an impacted area.

### **3. Mitigate exposure and spread of the virus.**

Develop a strategy for alerting the community, while protecting the privacy of any student, staff, or faculty member diagnosed with the virus. Work with the community member to identify their recent whereabouts and individuals with whom they were in contact, in order to mitigate the risk and encourage those exposed to self-quarantine for 14 days to prevent additional exposure and spreading. Develop a strategy for appropriately handling a campus-wide quarantine, including how to deliver food and essentials safely to students in quarantine.

### **4. Provide academic continuity.**

While campuses make efforts to maintain a safe and healthy environment, institutions should explore alternatives to in-person meetings and classes. With the many technological advances available, faculty, and staff should explore ways to educate students virtually or remotely to keep them on track academically.

### **5. Review attendance and sick leave policies.**

Attendance policies for students and employees might need to be revisited and adjusted to accommodate the unique need to protect students and faculty from the coronavirus.

For a discussion of additional legal considerations and concerns, please review our update for employers.

### **6. Prepare for constituents returning from abroad.**

Institutions are taking measures to return home any students, faculty, or staff currently studying or working abroad in regions affected by the coronavirus. To the extent possible, institutions should develop a plan to protect their constituents' health and accommodate their needs. Institutions should follow any CDC recommendations for those returning from "high-risk" areas, including the possibility of quarantine.

### **7. Promote a campus free from discrimination and exclusion.**

Institutions should reiterate their commitments to maintaining a campus community free from discrimination and set expectations for community members' behavior. Institutions also should ensure that preventive measures instituted to curtail the outbreak of coronavirus are not discriminatory or exclusionary. Rather, institutions should promote a culture of awareness and vigilance that is universal, and not specific to any nationality, race, or other protected category.

### **8. Maintain privacy protections.**

In the face of any public health crisis, panic can lead to the inadvertent disclosure of personal health and private information. Higher education institutions must continue to protect student privacy under FERPA, and should encourage staff and faculty to avoid disclosing personal information about any student without their consent. All constituents' privacy should be protected, with HIPAA and any federal, state, or local privacy and biometric laws in mind.

Given the fast-breaking developments and evolving issues related to coronavirus, we suggest forming working groups, including key emergency preparedness and communications experts, dedicated to addressing the full range of specific issues. By meeting continually throughout the coronavirus outbreak, such groups can ensure the institution addresses the legal and other risks coronavirus presents.

For more information on coronavirus, please refer to the CDC's and WHO's guidelines.

For assistance with the legal and other issues coronavirus raises for colleges and universities, please contact one of the authors or another Michael Best attorney.

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