

Practice Update

# Higher Education Institutions Take Precautions Amid Coronavirus Concern

March 12, 2020

The rapid spread of Coronavirus Disease 2019 (COVID-19), now detected in over 100 locations internationally, caused the World Health Organization to declare a “public health pandemic” as of March 11, 2020. Higher education institutions across the nation have employed differing approaches and responses to the looming threat of COVID-19’s continuous transmission at their respective institutions. Below is an overview of some measures that institutions have implemented.

- **Suspension of In-Person Instruction and Moving Classes to On-Line Format:** Many institutions are migrating classes to online format, asking professors to consider how to conduct class via video conference (e.g. Zoom).
- **Closing or Severely Limiting Access to Campus:** Many institutions are instructing students to not return to campus after spring break, including a prohibition of returning to on-campus dorms. These institutions are offering limited exceptions to students who must remain on campus for extenuating reasons (e.g. international students).
- **Cancelling Faculty Travel and Study Abroad Programs:** Many institutions are cancelling both ongoing and upcoming study abroad programs, as well as faculty attendance at meetings and conferences.

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Jamel A.R. Greer

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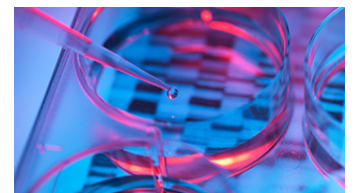
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## Coronavirus Resource Center

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- **Limiting Group Gatherings:** While some institutions are cancelling such gatherings all together, others are capping the number of attendees at such gatherings (e.g. capping group gatherings to no more than 120 persons). This includes concerts and student performances.
- **Cancelling Athletic Events:** At the time of this publication, the NCAA's "Power 5" leagues (the ACC, Big Ten, Big 12, SEC and Pac-12) have canceled their men's basketball conference tournaments. In addition to games, some institutions are also choosing to cancel practice as well. Other institutions are keeping their scheduled athletic events and instead choosing to play these events in a spectator free environment, limiting access to events to essential personnel (e.g. trainers, medical personnel, game officials).
- **Limiting Dining Operations:** Many institutions are creating protocols to reduce the number of people who may be present in campus dining halls.
- **Student and Faculty Education:** Many institutions are staffing campus posts with health education personnel, who are not only sharing best practices for hand washing and sanitizing, but also disseminating resources for the campus community to adhere to best practices (e.g. sanitizing clothes, cell phones and keys).

As the aforementioned measures are being implemented, the unanticipated impact and reactions still leave many questions to be answered and potential issues for higher education institutions to consider. For example:

- When delivering instruction via an on-line format, what accommodations will be made for students lacking access to personal computers or internet access? Are institutions obligated to provide the necessary equipment to students?
- When closing or severely limiting access to campus, what policies and protocols are in place

for students and/or faculty who refuse to leave campus, or breach the institutionally imposed campus closure?

- For any staff, faculty, or even trustee meetings, which must be held in accordance with local Open Meetings Act regulations, how will potentially hosting such meetings via phone conference align with such regulations? Particularly where important votes must be cast, how will such be done telephonically, still in accordance with such regulations?
- When limiting group gatherings, are there any constitutional/free speech implications which must be accounted for? Are all institutional policies and procedures content neutral with regard to limiting group gatherings?
- When cancelling athletic events, is the institution's refund policy and mechanisms properly suited to accommodate large quantities of simultaneous refunds?

As higher education institutions prepare and implement their response to COVID-19, governmental agencies have released helpful guidance. The Centers for Disease Control and Prevention (CDC) issued its educational institution guidance titled "Interim Guidance for Administrators of US Institutions of Higher Education," which is available [here](#). Further, the Department of Education created a resource page titled "COVID-19 (Coronavirus) Information and Resources for Schools and School Personnel," which houses guidance from a multitude of governmental agencies on a myriad of topics, such as the impact of campus closures on institutional Title IV funding. This resource is available [here](#).

In developing your institution's COVID-19 response, it is imperative to develop and implement a plan of action that is in line with governmental guidance and specifically tailored to address the issues that affect your campus. It is also critical that representatives from your institution check in with

your accrediting bodies before making any programmatic changes to ensure that your accreditation status is not impacted. This includes institutions that house programs that include an experiential and/or laboratory component (e.g. nursing students).

Akerman's Higher Education and Collegiate Athletics team will stay abreast of updates related to COVID-19, including any new guidance, as well as best practices within the higher education industry in responding to COVID-19. Should you or your institution have any questions in the interim, we are here to help.

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