
MEMORANDUM

May 27, 2020

To: Governors' Offices
From: National Governors Association
Re: Reopening Institutions of Higher Education

Background

Nearly all higher education institutions are at least partially closed and have shifted to online instruction during the spring semester. The residential and communal aspects of higher education pose considerable health risks that will require a nuanced approach to reopening. Reopening plans have come almost exclusively from colleges and universities themselves. According to the *Chronicle of Higher Education*, about 750 institutions have [announced plans](#) for the fall as of May 22, and 65 percent of those institutions are planning for in-person instruction this upcoming semester.

The status of colleges and universities will all but certainly continue to garner significant public attention. Governors should consider the following key issues when developing reopening strategies:

- A clear public health framework that can be implemented alongside campus reopening efforts
- Alignment with the public health metrics of the communities where these institutions are located
- An inclusive approach that acknowledges the diverse higher education sectors, different institutional planning needs, and the unpredictable nature of student behavior
- Clarity of guidelines to address liability concerns facing institutional leaders

Connecticut Governor Ned Lamont created the Reopen Connecticut Advisory Group last month to gather a wide variety of stakeholder input on broad state reopening processes. The group is comprised of local experts who work in health, business, workforce, and education. On May 6, 2020, members of the advisory group's Higher Education Committee released the nation's first [statewide framework](#) for reopening institutions of higher education.

“Our colleges and universities are the springboard for so many to launch their careers, and they are an economic engine of the state. It can't go without saying that Connecticut's great research universities are working to help bring an end to the current pandemic. Given the heterogeneity of our colleges and universities, one size won't fit all, which is why we need carefully tailored guidelines for differing parts of this sector. This framework to reopen our higher education institutions is a vital component of our overall plan to reopen Connecticut.”

-Connecticut Governor Ned Lamont

Connecticut's Framework

The Committee recommended that non-residential institutions follow the same guidelines as the state's businesses and that residential institutions employ more wide-ranging preventative measures. The Committee also called on institutions to develop individual reopening plans, laid out a set of recommendations for state policymakers, and outlined so-called "gating conditions" that should be met before students return to campus. Critically, the recommendations included a proposed "safe harbor" policy to protect institutions from litigation among its gating conditions.

The high risk of legal liability from individuals who contract COVID-19 on campus highlights the clear need for standards that institutions must meet to be protected from litigation. This will require comprehensive and explicit guidance in state plans. National reopening guidelines from the [American College Health Association](#) and the [Center for Disease Control](#) offer additional concepts that states can consider when developing this essential guidance for institutions. Draft language for an executive order on institutional protection from COVID-19-related litigation is included in the set of recommendations developed by the Committee.

Gating Conditions

Several of the gating conditions within the Committee recommendations cannot be met until the state provides institutions with adequate resources. This includes the capacity to administer diagnostic tests, conduct contact tracing, and provide sufficient personal protective equipment to students and staff. The report's authors also call for the state to issue public health guidelines on matters such as social distancing, travel, and the use of campus facilities.

Two of the gating conditions are entirely dependent upon surrounding communities' health trends and hospital capacity. The Committee recommended that the state put forth metrics on the number of new COVID-19 cases and or the rate of decline that must be reached for institutions to reopen. Moreover, the Committee called for collaboration between the state and public health officials to determine if there is enough capacity at neighboring health care facilities to admit students in the event of a campus outbreak.

Institutional Plans

The Committee recommended that Governor Lamont require institutions to devise their own reopening strategies, and that plans should be developed for full and partial reopening as well as online instruction only. The report outlines four primary elements that institutions' plans should address: repopulating campus, monitoring health conditions, containing the spread, and shutting down if necessary. Some of the suggested measures included in the report are listed below.

- **Repopulation:** consider repopulating in stages; assess if classrooms can handle the usual number of students with social distancing measures in place; provide virtual accommodations to vulnerable faculty and students; suspend extracurricular activities.
- **Monitoring:** administer diagnostic tests periodically; issue antibody tests to students when they are available; appoint a COVID-19 coordinator to collaborate with other institutions and share non-personally identifiable medical data with relevant stakeholders.
- **Containment:** isolate infected individuals for 14 days and consider quarantining those with whom they have come in close contact; establish protocols for meal services; allow for daily video calls with nurses for those who are infected.
- **Shutdown:** establish the circumstances that warrant a campus shutdown; make a contingency plan in case of a shutdown; consider the conditions in which it would be appropriate to keep students on campus during a shutdown, such as a campus-wide outbreak.



Additional Recommendations for State Government

The report's authors recommend that state policymakers provide continued flexibility for students and academic programs and increase the number of campus personnel responding to COVID-19.

- **Academic Flexibility:** The report's authors recommend that accrediting agencies and the Office of Higher Education allow institutions to continue delivering online instruction without receiving the otherwise necessary authorization. Moreover, the Committee recommended the creation of a working group to amend accreditation and state standards to ensure that students – especially those whose programs require field experiences – remain on track to completion.
- **Personnel Increases:** The group recommended extending the executive order that allows for out-of-state health care professionals to continue treating Connecticut students. Furthermore, the Committee called for an increase in personnel capacity by amending regulatory code to allow for institutional staff and students to be trained for tasks such as contact tracing.

Conclusion

Reopening higher education institutions will be a critically important and high-profile step for governors who are working to get their state economies back on track. This process will involve complex legal questions for which governors should provide clear guidance. Furthermore, governors will have to strike a balance between flexibility and caution for this crucial element of their broader reopening plans. Connecticut's framework illustrates the way in which governors can direct planning efforts and engage stakeholders to develop state-specific higher education strategies that provides the necessary clarity for institutions to safely reopen.

For questions or concerns related to the contents of this memo, please contact NGA staff:

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