

In Brief

RECENTLY PUBLISHED COVID-19 GUIDANCE FOR ILLINOIS COLLEGES AND UNIVERSITIES

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As the state enters Phase 4 of Governor Pritzker’s Restore Illinois plan, guidance for returning to in-person instruction has been released by both ICCB and IBHE. The June 23, 2020 publications - largely mirror each other while also relying on guidance and directives from the Center for Disease Control and Prevention (“CDC”), Illinois Department of Public Health (“IDPH”), and the Governor’s office. As noted by ICCB, the guidance is not a mandate for institutions of higher education (“IHEs”) to return to in-person instruction—ICCB leaves the decisions of if, when, and how to return to each IHE—but it is intended to assist in ensuring students’ health, safety, and support while providing high-quality instruction.

Per the guidance, IHEs are required to follow certain IDPH guidelines when engaging in in-person instruction during Phases 2–4 of the Governor’s Restore Illinois plan. Those mandatory guidelines are:

1. Providing employees with appropriate face coverings.
2. Requiring students to wear appropriate face coverings.
3. Ensuring students and faculty comply with social distancing requirements including limitations on the size of groups gathered.
4. Designating six-foot distances in areas where lines are formed, or people are required to gather.
5. Having hand sanitizer and sanitizing products readily available for use and requiring students and employees to engage in proper hand hygiene before and after use of common spaces or materials.
6. Where possible, establishing separate on campus service hours for students at high risk of contracting COVID-19.
7. Following all appropriate IDPH and CDC guidelines to minimize in-person interaction and maximize safety protocols.
8. Continuing to comply with legal requirements associations with accommodations and services provided.

Beyond these mandatory items, the publications provide additional guidance designed to assist IHEs in developing plans for maintaining health and safety.

Medical Considerations

IHEs should conduct health screenings of employees, students and visitors in accordance with IDPH Guidelines. Individuals exhibiting symptoms related to COVID-19 should be required to remain home or, if the individual is present on campus, to promptly leave the

facility. Any medical information obtained by an IHE stemming from a pre-entry screening should be maintained confidentiality.

Where an individual is at higher risk for severe illness (vulnerable population) from COVID-19—as defined by the CDC—an IHE should consider reasonable and appropriate accommodations for remote work whenever possible. In the case of an employee, such accommodations may include remote working, where possible. Likewise, students at higher risk could potentially be accommodated through remote learning.

Furthermore, IHEs should regularly monitor COVID-19 guidance from their local health department, the IDPH, and the CDC to ensure their mitigate and response efforts are up to date. In particular, IHEs should be aware of quarantine/isolation recommendations and/or requirements. Plans for returning to in person instruction should also include procedures for quarantine/isolation of COVID-19 positive employees and students on campus.

Administrative Considerations

ICCB and IBHE also provide administrative considerations which IHEs can use to mitigate the spread of COVID-19 in their facilities. The implementation of these administrative controls may vary depending on which phase of the Restore Illinois plan an IHE falls within. As part of these variable considerations, the guidance contains extensive discussion regarding IHEs' provision of in-person instruction; particularly, for courses which are require in-person instruction (e.g., labs and clinicals).

Furthermore, the guidance recommends implementing measures to control the flow of pedestrian traffic within facilities, including potential student and employee schedule alterations and limiting or prohibiting visitor access. IHEs should implement cleaning and disinfecting protocols in accordance with CDC and IDPH guidance. Further, IHEs should conduct training and develop robust communication methods to inform students and staff of the institution's COVID-19 response as well related expectations and/or requirements.

For assistance with interpreting ICCB or IBHE's guidance at your institution, please contact your Robbins Schwartz attorney.