

New York Health Department Releases Reopening Guidance for Higher Education Institutions

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June 29, 2020

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The New York State Department of Health (DOH) has released its “NY Forward Interim Guidance for Higher Education” for in-person attendance. Similar to other industry guidance issued by the DOH, the Higher Education guidance contains detailed guidelines every higher education institution in New York must comply with before they reopen. However, unlike other DOH industry guidance issued to date, the Higher Education guidance does not contain a template or model safety plan. Instead, the guidance requires higher education institutions to create a “reopening plan” that must be approved by the DOH before operations can resume.

Reopening Plans: Required Elements

Each higher education institution’s reopening plan must contain policies and protocols to address the following:

1. Reopening of the campus;
2. Monitoring of health conditions;
3. Containment of potential transmission of COVID-19 and
4. Potential shut down of in-person operations on the campus if necessitated by widespread COVID-19 transmission.

The DOH details extensive requirements that each of the four plan sections must cover. For example, when considering policies and protocols related to the reopening of campus, institutions must consider:

- The phasing and number of students, faculty, and staff that will be on campus;
- Personal protective equipment requirements;
- Screening and diagnostic testing practices;
- Residential living protocols;
- How classes, shared spaces, and activities will need to be adapted;
- Plans to safely reopen buildings and restart operations;
- How the institution will handle extracurricular activities;
- Vulnerable population accommodations; and
- Hygiene, cleaning, and disinfection protocols.

The DOH also advises institutions to consider the various industry operations that occur on their campuses beyond educational programs. These include food service, research, office-based work, public transportation, and retail activities. The DOH directs higher education institutions to review the NY Forward industry guidance materials for these industries. Higher education institutions will be required to operate each of these campus activities in accordance with the applicable NY DOH interim guidance and the institutions’ reopening plans must address each of the mandatory requirements.

Reopening Plans: Approval

The most significant deviation from other industry guidance issued to date is the requirement that all private and other non-public higher education institutions submit their reopening plans to the DOH for approval, in addition to affirming compliance with the industry guidance. If the DOH does not find an institution's plan acceptable, it can request that the institution modify the plan as needed to comply with the guidance.

The State University of New York and the City University of New York institutions must submit their plans to the chancellor for approval.

Upon completion, all reopening plans must be conspicuously posted for employees and students to access.

Next

Higher education institutions should review the guidance and update their policies, practices, and communications to comply with the guidance.

Jackson Lewis attorneys are available to answer inquiries about the new guidance and assist higher education institutions in their efforts.

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