

## Returning to Campus

Barnes & Thornburg recognizes that the COVID-19 pandemic has affected colleges and universities in a wide variety of ways – ranging from reported cases on your campuses, transitioning to e-learning, remote work for some or all of your employees, temporary layoffs, furloughs, and financial uncertainty.

States are beginning the “reopening” process on a limited basis, with more guidance expected in the coming weeks. The Barnes & Thornburg Higher Education team has prepared a comprehensive review of employer considerations important to colleges and universities. As you prepare for returning to campus and restarting operations, let us help you “check the boxes” to facilitate a smooth restart process.

Have you considered and addressed the following topics?

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## Higher Education Considerations Checklist

### STUDENT, FACULTY AND STAFF SAFETY ISSUES

- Infectious Disease Response Plan
- Physical plant preparation/startup process
- Physical distancing preparedness and evaluation
- PPE or face coverings
- Screening and testing of all on campus
- Contact tracing
- Criteria for return to work
- Cleaning and disinfection
- Employee training, especially for HR staff handling a high volume of return-to-work issues
- Conducting classes in person while following distancing guidelines
- Campus transportation
- Food service
- Protocols for sending employees home and permitting return to work
- Third-party access and limitations
- Protocols in the event of positive cases on campus
  - OSHA/workers’ compensation notification (if applicable)
  - Communication plan for campus community
  - Communication plan for third parties, such as parents
  - Disinfection of affected campus areas
- Protocols in the event of future widespread outbreaks

### BUSINESS RISK MANAGEMENT/LITIGATION PREPARATION

- Contract review/adjustment – insurance and vendors
- Analysis of risks – potential civil claims, workers’ compensation, whistleblower claims, OSHA compliance
- Documentation and retention of processes, communication, policies and training
- Documentation/evidence required for contact tracing
- Documentation evidencing compliance with federal, state guidelines/orders

- Documentation evidencing certain medical needs and accommodations
- Review of complaints to employee helplines/code of ethics helplines
- Insurance coverage for potential litigation

- Managing HIPAA, FERPA, and other privacy considerations while assessing medical need, screening and testing, and contact tracing
- Data security and risk while moving more operations and student data online

### STUDENT-SPECIFIC ENROLLMENT ISSUES

- Financial aid and FSA
- Living situations (on-campus dormitories and off-campus student housing)
- Impact of legal developments on foreign students in relation to immigration and global mobility

- Remote study for students who wish to stay enrolled but not return in person
- Remote participation flexibility for students with significant time differences
- Study abroad programs and travel

### INSTITUTIONAL FINANCIAL WELL-BEING

- CARES Act opportunities available to college campuses
- CARES Act compliance requirements and documentation
- Insurance coverage for lost revenue and unexpected expenses
- Enrollment challenges

- Employee layoffs
- Recruiting difficulties as high schools face return-to-school issues
- Fundraising – creating new opportunities while complying with laws and regulations

### STUDENT, FACULTY AND STAFF RELATIONS

- Restructuring/reduction-in-force analysis/severance decisions
- WARN Act considerations
- Employee transition back to work – how to re-engage workforce
- Changes to work processes – remote work/work sharing efficiencies
- Communicating return-to-work plan and expectations
- Contingent workforce evaluation
- ADA accommodation process
- Returning from layoff/furlough process (especially if phasing in more slowly)
- Process for handling protected concerted activity or protests

- Compensation decisions – incentive pay, bonuses, and high-salary personnel
- Process for disciplinary decisions relating to COVID-19 employee absences
- Student grading or requirements for attendance and COVID-19 absences
- Changes to benefits/policies to address COVID-19 issues
- Compliance with evolving federal, state, and local laws
- Sick leave/time-off considerations and tracking (such as employer-provided FMLA, FFCRA, state and local laws)
- Initiatives to address faculty, staff, and student mental health needs
- Community-building events

## ATHLETICS

- Following the relevant authorities (state, local, NCAA/NAIA, conference)
- Revenue shortfalls
- Risk to enrollment if a season is cancelled or a program is suspended
- Addressing return to work, furlough considerations, etc. for athletics staff
- Title IX compliance and litigation risk
- Fundraising and alumni engagement
- Public relations – extra scrutiny on athletics while academic budgets are pinched
- Sports medicine – continuing obligations to ensure student-athlete physical and mental health

## LONG-TERM PREPARATION (LESSONS LEARNED)

- Evaluation of successes, challenges, and process changes needed
- Changes to workforce model/use of contingent workers/outsourcing
- Policy changes needed
- Revisions to Infectious Disease Response Plan
- Contract modifications
- Process for compliance with evolving legal requirements – including assessing and potential long-term enhancements to your compliance program

### Learn More

A number of these issues require careful consideration of legal implications, as well as the human resources/employee relations considerations. We stand ready to assist you as you navigate these uncharted waters.

Visit our [Barnes & Thornburg COVID-19 Resources](#) page for more insights about COVID-19.

*This checklist may not be all-inclusive.*