



LEGAL UPDATE

WSSSC – Winter Meeting
March 11, 2021
H. Bruce Marvin, AAG

Overview

- ▶ COVID update
 - ▶ Reopening plans
 - ▶ Return to work
 - ▶ Return to classroom
- ▶ Title IX update

COVID - Generally

- ▶ Fluid situation - monitor proclamations and health regulatory agencies (CDC, DOH, local Health Departments)
- ▶ Re-review guidance – Higher Education, Governor's Proclamation 20.12.2 and Campus Reopening Guide
- ▶ Anticipate changes; be prepared to adopt, adapt, pivot
- ▶ Standard of care will change as situation evolves
- ▶ Justify and tailor policies using current regulatory guidance applicable to particular institution
- ▶ Manage expectations in marketing, outreach, and notice materials
 - ▶ Remove statements that unequivocally promise in-person education
 - ▶ Inform and educate staff, instructors, and students about safety plans and protocols

COVID – Vaccines

- ▶ Mandatory or Encouraged?
 - ▶ Are vaccines available? Within what time frame?
 - ▶ How effective? What about variants?
 - ▶ How long are vaccines effective?
 - ▶ Accommodations
 - ▶ medical disability
 - ▶ sincerely held religious beliefs
- ▶ Vaccines are only one of many available tools for risk mitigation
- ▶ Other tools include testing, monitoring, contact tracing, cleaning, social distancing, PPE, ventilation

COVID – Return to Work

- ▶ Return to Work Plan
 - ▶ Engage with workforce early about returning
 - ▶ Mandatory or voluntary return?
 - ▶ Vaccine policy – may need to be bargained
 - ▶ Essential Workers?
 - ▶ Can work be performed from home?
 - ▶ Why is presence on campus required?
 - ▶ Does worker qualify for vaccine? If so, is vaccine available?
 - ▶ What other tools can be used to reduce risk?
 - ▶ ADA concerns?
 - ▶ “Increased risk” under CDC Guidance?
 - ▶ “May be at increased risk” under CDC Guidance?
 - ▶ Reasonable accommodation process

COVID – Return to Classroom

- ▶ Is vaccine available?
- ▶ Some or all students?
- ▶ Prepare for COVID-19 disability accommodations
- ▶ Prepare for student religious accommodation requests
- ▶ Monitor public health developments and proclamations
- ▶ Be prepared to revise and update policies and procedures as necessary
- ▶ Have plan if restrictions are reimposed

Title IX Update

- ▶ Title IX administrator trainings completed
- ▶ MOU with Office of Administrative Hearings (OAH)
 - ▶ Terms and conditions for retaining Administrative Law Judge (ALJ) to serve as presiding officer
 - ▶ CTCs to supply OAH with contact info and applicable rules, procedures, and WACs
- ▶ Grand River Solutions – consortium contract approved through LWIT.

Title IX Update (cont.)

New Executive Order issued by President Biden on March 8, 2021

- ▶ Policy statements: “[A]ll students should be guaranteed an educational environment free from discrimination on the basis of sex, including discrimination in the form of sexual harassment, which encompasses sexual violence, and including discrimination on the basis of sexual orientation or gender identity.”
- ▶ 100-day review of ED regulations, orders, guidance documents – including Title IX Rule
- ▶ DOE ordered to issue new guidance as needed on the implementation of Title IX Rule
- ▶ DOE ordered to consider suspending, revising, rescinding rules inconsistent with policy, including the Title IX Rule

QUESTIONS?