

Higher Education Institutions and COVID-19: Guidance and Resources for Colleges and Universities

April 3, 2020

The coronavirus (COVID-19) pandemic has dramatically impacted colleges and universities of all sizes. In the past month, most colleges and universities across the country have moved to remote learning in an effort to reduce the spread of the virus and ensure the safety of their campus communities. More recently, some colleges and universities have also taken various other steps, such as providing students with pro-rata refunds for housing, meals and other fees, extending spring break, shifting to a Pass/Fail grading system, extending remote instruction throughout the spring semester and into the summer, and cancelling or postponing all in-person events, including commencement and athletic events as well prospective and admitted students' days and tours.

At the same time, institutions are being inundated with federal, state, and local laws, regulations and, executive orders that are constantly evolving and being distributed daily. Various federal and state agencies as well as other membership organizations have provided information and guidelines to assist higher education institutions during this unprecedented time. Below are links to these new laws, orders, guidance and informational sites.

Federal Laws: The federal government has enacted various new laws and directives, including but not limited to:

- [Families First Coronavirus Response Act](#) (March 18, 2020)
 - The law addresses three main issues: emergency family and medical leave, emergency paid sick leave, and refundable tax credits.
- [Coronavirus Aid, Relief, and Economic Security \(CARES\) Act](#) (March 27, 2020)

New York State: Governor Cuomo has issued numerous [Executive Orders](#) and has enacted [legislation](#), setting forth various new rules that New Yorkers must follow during the pandemic, including but not limited to:

- [Executive Order No. 202.8](#) (March 20, 2020)
 - Requiring that all non-essential businesses and not-for-profits must telecommute or work from home to the safest highest possible extent. The in-person workforce for any non-essential business or not-for profit at any location must be reduced to 0% by March 22 at 8 p.m.

- [Executive Order No. 202.10](#) (March 23, 2020)
 - Prohibiting all “non-essential gatherings of individuals of any size for any reason (e.g. parties, celebrations or other social events)” at this time.
- [Executive Order No. 202.11](#) (March 27, 2020)
 - Permitting nursing graduates to practice under required supervision for 180 days following graduation. The Order also suspends the 30-day requirement for submission of certificates of residence to community colleges in New York State, and allows for electronic mail and mail by post applications for certificates of residence in every county for the duration of the COVID-19 emergency. The Order further allows pharmacists to practice at alternative locations.
- [NY COVID-19 Sick Leave Law](#) (March 18, 2020)
 - Setting forth immediate requirements for employers regarding benefits for eligible employees who are subject to mandatory or precautionary order of quarantine or isolation.

The Centers for Disease and Control (CDC): Since the beginning of March, the CDC has provided specific guidance for institutions of higher education to help stop the spread of COVID-19:

- [Guidance for Institutions of Higher Education with Students Participating in International Travel or Study Abroad Programs](#) (last reviewed on March 9, 2020)
- [Interim Guidance for Administrators of U.S. Institutions of Higher Education](#) (last updated on March 18, 2020)
- [Guidance for Institutions of Higher Education](#) (last reviewed on March 21, 2020)
- [Cleaning and Disinfection for Community Facilities](#) (last reviewed March 28, 2020)

The U.S. Department of Education (U.S. DOE): The U.S. DOE has established a website completely dedicated to guidance and other resources for all educational institutions, including institutions of higher education: [U.S. DOE: COVID-19 \(“Coronavirus”\) Information and Resources for Schools and School Personnel](#). Other sites include,

- Federal Student Aid [Coronavirus Information for Students, Borrowers, and Parents](#) (updated March 25, 2020)
- The Office of Postsecondary Education [COVID-19 FAQ and Guidance for interruptions of study related to Coronavirus \(COVID-19\)](#) (updated March 20, 2020)
- The Office of Postsecondary Education [Information for Accrediting Agencies Regarding Temporary Flexibilities Provided to Coronavirus Impacted Institutions or Accrediting Agencies](#) (March 17, 2020)
- U.S. Immigration and Customs Enforcement (ICE) guidance on [Coronavirus Disease 2019 \(COVID-19\) and Potential Procedural Adaptations for F and M Nonimmigrant Students](#) (March 9, 2020)
- OCR Coronavirus Statement: Letter to Education Leaders on Preventing and Addressing Potential Discrimination Associated with COVID-19 (March 4, 2020)

New York State Education Department (NYSED): Like the U.S. DOE, NYSED has created a website to provided information and guidance for institutions of higher education: [NYSED: Information and Guidance for Colleges and Universities In Response to the COVID-19 Emergency](#). Other sites include,

- [Guidance for Educator Preparation Programs on Clinical Experiences and Certification Impacted by the COVID-19 Public Health Emergency \(March 30, 2020\)](#)
- [DASA Training Online \(March 20, 2020\)](#)
- [Guidance for Colleges and Universities on Addressing the Needs of Students Impacted by the Coronavirus \(March 5, 2020\)](#)

U.S. Equal Employment Opportunity Commission (EEOC): The EEOC has provided guidance on how employers can prepare:

- [What You Should Know About the ADA, the Rehabilitation Act, and COVID-19 \(last updated March 19, 2020\)](#)
- [Pandemic Preparedness in the Workplace and the Americans with Disabilities Act \(last updated March 21, 2020\)](#)

Accreditors: various regional and programmatic accreditors have provided guidelines and helpful information:

- [Middle States Commission on Higher Education \(MSCHE\)](#)
- [Commission on Dental Accreditation, American Dental Association \(CODA\)](#)
- [Accrediting Bureau of Health Education Schools \(ABHES\)](#)
- [Commission on Collegiate Nursing Education \(CCNE\)](#)
- [American Bar Association \(ABA\)](#)
- [Council for the Accreditation of Educator Preparation \(CAEP\)](#)
- [Council for Accreditation of Counseling and Related Education Programs \(CACREP\)](#)
- [Commission on Accreditation of Allied Health Education Programs \(CAAHEP\)](#)
- [American Psychological Association \(APA\)](#)
- [Council on Academic Accreditation in Audiology and Speech-Language Pathology \(CAA\) of the American Speech-Language Hearing Association](#)
- [Council on Social Work Education \(CSWE\)](#)
- [Association to Advance Collegiate Schools of Business \(AACSB International\)](#)
- [Commission on Accreditation for Respiratory Care \(CoARC\)](#)
- [American College Health Association \(ACHA\)](#)

Other Organizations: These organizations have also provided guidance and helpful information:

- [National Association of Independent Colleges and Universities \(NAICU\)](#)
- [Commission on Independent Colleges and Universities in New York \(CICU\)](#)
- [National Association of College and University Business Officers \(NACUBO\)](#)
- [American Council on Education \(ACE\)](#)

If you have questions regarding any aspects of higher education law and the implications of the COVID-19 pandemic to your college or university, please feel free to contact Dina L. Vespia at (516) 357-3726 or via email at DVespia@cullenllp.com or Hayley B. Dryer at (516) 357-3745 or via email at HDryer@cullenllp.com.

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Practices

- Higher Education

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