

Goodwin Alerts

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Massachusetts Higher Education Working Group Issues Recommendations for Reopening Colleges and Universities

by Yvonne W. Chan, Emily Baxter

On May 22, 2020, the Massachusetts Higher Education Working Group (which includes college and university presidents from 14 Massachusetts institutions) submitted to Governor Baker's Reopening Advisory Board a set of [recommendations](#) for reopening colleges and universities in the Commonwealth. These recommendations aim to provide a framework that would allow colleges and universities to safely reopen, taking into account the unique considerations that colleges and universities face and the fact that there will be no "one size fits all" approach given the diversity of colleges and universities in Massachusetts.

The Working Group's recommended framework has four major phases.

- **Phase 1: Start** — The first phase focuses on reopening research laboratories, as well as medical, dental, veterinary, and other health-related services. This phase would rely on strict laboratory and clinical area density control, use of personal protective equipment (PPE) and other clinical protections, and protocols for testing patients and students, staff, and faculty who interact with patients. Phase 1 would also involve limited on-campus functions in preparation for students' return (e.g. allowing small numbers of staff to return to campus in order to "ramp up" campus operations that cannot be supported remotely).
- **Phase 2: Cautious** — Phase 2 would permit limited student programming on campus, as well as limited reopening of housing, dining, and classroom spaces. An adequate supply of tests and PPE, as well as an institution-specific physical distancing plan for proposed activities, would be required to enable Phase 2. Moving to Phase 2 would be dependent on meeting "applicable public health criteria."
- **Phase 3: Vigilant** — The third phase involves the careful repopulation of residence halls, dining halls, and classrooms. As with Phase 2, moving to this phase would be dependent on applicable public health criteria, testing and tracing protocols, and adequate PPE, tests, and cleaning supplies. Each institution would prepare a comprehensive reopening plan that includes symptom monitoring, social distancing, isolation/quarantine as needed, and contact tracing. The Working Group also noted a number of considerations for reopening residence halls, including the potential for flexible strategies such as organizing students into family-style households or clustering students with shared courses. Similarly, there are a number of considerations involved in reopening classrooms and dining areas, such as reorganizing spaces or using larger spaces, and dining in "shifts" or in a to-go format.
- **Phase 4: The New Normal** — The fourth and final phase would begin when there is public confidence that the pandemic crisis is over; for example, if a vaccine is developed or herd immunity is achieved.

The Working Group also recommended five ways in which the Commonwealth could assist the higher education community in these reopening efforts:

1. The Governor should call upon colleges and universities to develop their own reopening plans, including plans for a phased repopulation, and monitoring and potential containment plans.
2. The Commonwealth should assist with procuring testing, PPE, and cleaning supplies for colleges and universities, as well as providing "technical assistance" for the implementation of contact tracing.
3. The Commonwealth should continue to require Massachusetts insurers to cover the costs of COVID-19 testing that are not paid by the federal government.

4. The Commonwealth should continue to coordinate with licensing and regulatory agencies to enable ongoing professional licensure and certification.

5. The Commonwealth should “provide a safe harbor from liability” for institutions that “prepare comprehensive reopening plans.”

The Working Group also summarized its survey of college and university presidents in Massachusetts. Overall, the respondents were confident that they could create and implement safety mechanisms and protocols by the fall of 2020, and effectively provide for isolation, quarantine, and the “de-densifying” of classrooms and living spaces. However, the respondents were less confident in their ability to implement contact tracing and screening/testing protocols for all students, faculty, and staff.

Please contact Goodwin’s Higher Education Practice Chair, [Yvonne Chan](#), or another member of the firm’s [Higher Education Practice](#), to continue this discussion.

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