

GUIDANCE FOR IMPLEMENTING SOCIAL DISTANCING REQUIREMENTS/FACIAL COVERING DIRECTIVES ON CAMPUS

Updated August 26, 2020¹

SUMMARY: This guidance is provided to assist Colleges as they establish directives regarding being on campus during this health pandemic. As Colleges reopen campus operations, continued Social Distancing (six feet apart) is required statewide and facial coverings are required in some cases and highly encouraged in other cases (as more fully discussed below) to protect public health. College directives can be more restrictive, but at minimum must meet local, state and national orders and take into consideration student and employee needs.

WHAT IS REQUIRED BY LEGAL ORDERS?

Governor's Executive Order – Amending and Extending Executive Orders D 2020 039, D 2020 067, D 2020 092, and D 2020 110 Ordering Individuals in Colorado to Wear Non-Medical Face Coverings

This Executive Order requires all individuals over ten (10) years old to wear a face covering over their nose and mouth when entering or moving within any Public Indoor Space.

Applicable exceptions include:

- Individuals who cannot medically tolerate a face covering.

<https://drive.google.com/file/d/13S9bLuKZbMVmHPucQnekVyOY2k6gYRa9/view>

CDPHE Public Health Order, Eighth Amended Public Health Order 20-28 Safer at Home and in the Vast, Great Outdoors, June 30, 2020

Per this Order, Colleges are permitted to reopen on a limited basis, provided that the following directives are met:

Classroom Capacity: Programs and courses at postsecondary institutions may resume in-person classes at 50% of the occupancy limit not to exceed 50 people per room.

Social Distancing: This Order generally requires Social Distancing, which includes limited social interactions and maintaining at least a six-foot distance from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

Facial Coverings: Under this Order, postsecondary institutions must follow the requirements for indoor events as outlined in the Order and for all indoor events,

¹ This guidance is subject to change based on updates to federal, state and local orders regarding social distancing and facial coverings.

operators, employees, and attendees must wear face coverings unless doing so would inhibit the individual's health, in which case reasonable accommodations should be pursued to maintain the safety and health of all parties. "Attendees" is interpreted to include students and visitors on campus.

<https://drive.google.com/file/d/1SGpUbcOFI6W0gdkXntKtSW9pitGoBF6H/view>

Local Public Health Orders

Please check your county and/or city health order to determine what the provisions are regarding social distancing and facial coverings for each of your campuses.

WHAT TYPE OF FACIAL COVERINGS ARE PERMITTED AND HOW WILL THEY BE PROVIDED?

Due to limited resources, employees and students should be encouraged to bring their own facial covering, but Colleges should have some available. A face covering can be a cloth covering over the face and mouth, which can include a purchased or homemade mask.

Per the CDC, face coverings or masks with one-way valves or vents that allow air to be exhaled through a hole in the material can result in expelled respiratory droplets that can reach others. This type of mask does not prevent the person wearing the mask from transmitting COVID-19 to others. Therefore, CDC does not recommend using face coverings or masks for source control if they have an exhalation valve or vent.

As to face shields in lieu of cloth face coverings, the CDC and Colorado Department of Public Health and Environment do not recommend face shields as substitutes for face coverings or masks. The CDC guidance indicates that if face shields must be worn in lieu of a face covering or mask, the face shield should wrap around the sides of the wearer's face and extend to below the chin or be a hooded face shield. Disposable face shields should only be worn for a single use. Reusable face shields should be cleaned and disinfected after each use. See <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover-guidance.html>

If an employee does not have a face covering or forgets to bring one to work, they should contact Human Resources.

If a student does not have a face covering or forgets to bring one to school, they should contact the CSSO.

Additional CDC guidance on the ["Use of Cloth Face Coverings to Help Slow the Spread of COVID-19" is available online](#). This guidance discusses wearing, cleaning and removing face coverings. This document also has instructions on how to make your own face covering.

WHAT AND HOW WILL EXCEPTIONS BE GRANTED WITH REGARD TO HAVING TO WEAR FACE COVERINGS?

Individuals may be exempt from wearing facial coverings if they have a disability or health issue. CDC guidance states that an individual who has trouble breathing, is unconscious, incapacitated, or otherwise unable to remove the facial covering without assistance should not wear one. Requests for accommodations/exemptions from Social Distancing or Facial Covering directives should be handled using a similar process to ADA accommodation requests. HR and Student Affairs departments should have a process to coordinate accommodations that involve both students and employees.

Colleges may decide to create their own exemptions, such as not requiring facial coverings in situations where extreme social distancing (e.g., more than 12 feet) can be maintained. These exceptions should be included in the notices to the campus community and training.

WHAT TYPE OF NOTICE SHOULD BE PROVIDED?

It is recommended that Colleges broadly disseminate their Social Distancing and Facial Covering directives, through return-to-campus training, email, on their websites, and on posted signage on campus. Otherwise, there may be no basis for enforcement.

[EXAMPLE NOTICE STATEMENT REQUIRING FACIAL COVERINGS]

Effective on [DATE], pursuant to guidance from the Center for Disease Control (CDC) and state and local health officials, all members and guests of the [COLLEGE] community who are on campus property are required to maintain social distancing of six feet apart and wear a face covering over their nose and mouth. This includes any indoor space on campus, including lobbies, hallways, bathrooms, break rooms, and any open office space with multiple workstations, if there are other individuals present. Face coverings are also required in any outdoor space on campus where there is a potential to encounter another individual and social distancing cannot be maintained.

Face coverings help to slow the spread of the COVID-19 virus, but they should be the last line of defense. Other preventive measures, including frequent hand washing, social distancing of six feet or greater, and minimizing the duration of contact time with others, need to be maintained even while wearing a face covering.

Wearing facial coverings may have a negative health impact on certain individuals, so we ask that you please be respectful, inclusive and understanding as you see others who are not wearing a facial covering. Individuals who cannot wear a facial covering due to disability or health reasons should contact [CONTACT PERSON] to seek an exemption or accommodation.

Additional CDC guidance on the “Use of Cloth Face Coverings to Help Slow the Spread of COVID-19” is available online. This guidance discusses wearing, cleaning and removing face coverings. This document also has instructions on how to make your own face covering.

The College is monitoring applicable laws and guidance regarding social distancing and facial coverings, and this directive is subject to change as community knowledge about the virus and prevention methods grows.

ENFORCEMENT:

When enforcing noncompliance with Social Distancing or applicable Facial Covering directives, Colleges should discuss ahead of time their philosophy on enforcement and who will be responsible for addressing enforcement. Because some employees may be uncomfortable addressing noncompliance directly with members of the campus community, employees should be trained on where to report noncompliance issues. In general, noncompliance would be enforced as follows:

Consequences for students not wearing required facial coverings or refusing to social distance based on personal preference versus disability accommodation: Student code of conduct violation. Progressive discipline should be used.

Consequences for employees not wearing facial coverings or refusing to social distance based on personal preference versus disability accommodation: Written warning, corrective action, or other disciplinary action. Progressive discipline should be used.

Consequences for visitors not wearing facial coverings or refusing to social distance based on personal preference versus disability accommodation: Contact law enforcement/security/college designated authority to discuss directives with the visitor and escort visitor from campus, if necessary. Please contact legal should you be in a situation where this is applicable as there are minimal Due Process requirements the college must adhere to.

OTHER PREVENTATIVE MEASURES TO CONSIDER:

1. Assessment questions at College entry points:

- o Are you feeling sick?*
- o Do you have a family or household member who is sick?*
- o Have you been knowingly exposed to anyone with COVID-19?*

If yes, please refrain from coming on campus and contact [CONTACT NAME AND NUMBER] for assistance.

- 2. Installing plexiglass or physical barriers:** Where high instances of close contact may occur (such as at a cashier window or front desk).
- 3. Utilizing larger classrooms:** Faculty lecturing with masks on may prove challenging. If faculty can remain 12 feet from students while lecturing, allowing faculty not to wear mask may be considered.
- 4. Allowing curbside pickup/no contact delivery:** Certain items (such as books/supplies for students and work equipment for employees) may be made available for curbside pickup or delivery.
- 5. Clinical experiences:** Student participating in clinical experiences such as dental hygiene clinics must follow Public Health Order specific to that health field
- 6. Residence Halls:** Per CDE Guidance from June 2020, “A Bridge to the Next Normal,” students who share living spaces (e.g., share rooms and bathroom facilities) may be considered a family unit and College may consider not requiring masks in students’

living unit. Only when they leave the residence hall and interact with other students would mitigation requirements kick in.

- a. Residence hall students should be screened before returning.
 - b. Provision of waiver to be signed by students acknowledging risk of potential exposure to COVID-19 by returning to residence halls.
7. **Sports:** An assessment of the potential for COVID-19 transmission in each sport. Consult with NJCAA, regarding guidance and recommendations.

OTHER HELPFUL RESOURCES:

- **CDC Guidance on Cloth Face Covers** - <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>
- **The ADA and Face Mask Policies** - <https://www.adasoutheast.org/ada/publications/legal/ada-and-face-mask-policies.php>
- **Colorado Guidance for Wearing Masks** - <https://covid19.colorado.gov/mask-guidance>
- **Lip Reading Mask Sources** –
 - <https://www.theclearmask.com/product>
 - <https://safenclear.com>
 - <https://adcohearing.com/collections/all/adco-brand-masks>

**FREQUENTLY ASKED QUESTIONS REGARDING
SOCIAL DISTANCING REQUIREMENTS/FACIAL COVERING DIRECTIVES ON
CAMPUS**

Updated June 22, 2020²

What if someone refuses to abide by a directive to Socially Distance and/or wear required facial coverings?

- Front line staff may not be comfortable directly confronting individuals who are noncompliant, so Colleges should train employees on where to report issues. Employees should also be trained that individuals may have a health exemption/accommodation, so if employees will be addressing noncompliance directly, the first question should be, “Do you have an approved exception to wearing facial coverings?”
- Employee noncompliance should be reported to HR; Student noncompliance should be reported to the student conduct office, and visitor noncompliance should be reported to police/security/college designated official.
- Colleges should plan ahead of time what their enforcement philosophy will be. We encourage Colleges to engage in educational conversations with individuals who are noncompliant about the importance of compliance to public health. Colleges should use progressive discipline, when appropriate.
- If someone questions the basis or constitutionality of being required to wear a facial covering, the response can be something like:

The [College] adheres to the current Colorado Public Health Order that directs all postsecondary institutions in the State to require use of masks for the health and safety of those on campus during this COVID-19 pandemic. If an individual has legitimate reason for not wearing a mask, reasonable accommodations may be requested.

What if someone has a valid health reason not to wear a required facial covering? How can we protect the College community?

- Accommodations/exceptions can be approved similar to the ADA accommodation process (through HR for employees and Disability Services for students). Colleges may want to be a little more flexible and informal in the request/approval process (e.g., requiring a doctor’s note, but not completion of standard ADA paperwork may be sufficient). HR and Student Affairs departments should coordinate with each other when approving accommodations that may affect both employees and students.
- Depending on the individual’s presence on campus, Colleges may consider alternative means of protecting health of others in the absence of a facial covering. Ideas include: ensuring individuals are not experiencing symptoms, plexiglass/physical barriers, online/remote work, extra Social Distancing (12 feet or greater), offering a private office space, altering work schedules, additional cleaning/sanitization, etc.

² This guidance is subject to change based on updates to federal, state and local orders regarding social distancing and facial coverings.

If someone has been granted an accommodation to not wear a face covering because of a medical condition, can the College issue that person some type of card to carry that signifies the approved accommodation?

If an individual has been granted an accommodation to not wear a face covering because of a medical condition, the College can offer that individual the opportunity to carry a card signifying the approved accommodation. This should be a voluntary choice on the part of the accommodated individual. It is recommended that if cards are offered to accommodate individuals, the individuals carry them in the least obvious way so as not highlight that the individual has a disability. If the individual chooses to carry the card, it should not denote any medical information or the basis for the accommodation, but only that the individual has been accommodated to not wear a face covering while on campus. Additionally, individuals approved to not wear a face covering should also be educated about who to refer any questions they receive regarding the lack of a face covering, particularly if they choose not carry a card. The College may choose a representative in Human Resources and Student Affairs to whom questions can be referred.

How do we handle competing accommodation requests? For example, if one student cannot wear a facial covering and is in a class with a person who has anxiety/panic triggered by being around someone who is not wearing a facial covering.

- These circumstances will need to be resolved on a case by case basis through coordinated efforts between HR and Student Affairs departments, when applicable. The System legal team is also available to legally advise. Colleges should engage in an interactive process with both individuals to determine if one or both individuals is comfortable with a proposed accommodation.
- Possible accommodations may include: moving one person online, keeping extreme Social Distancing between the two individuals during class, installing a physical barrier, altering class schedules or changing sections for a student.
- If a mutually acceptable resolution cannot be reached, one student may decide to withdraw and they should be made whole on their tuition/fees.
- For employees, there may be circumstances where the employee cannot perform their job functions with or without accommodation, which may require the use of paid or unpaid leave or potentially separation of employment. Please consult System HR or Legal Affairs in this situations.

What information can be shared with others about an approved accommodation?

- If an individual is not wearing a required facial covering, it will be obvious to others and may be appropriate to proactively address the issue.
- For example, if an instructor cannot wear a facial covering, the instructor may want to explain to the class that they have an exemption and what additional measures have been put in place to protect the health of others, such as extra Social Distancing or physical barriers.

- If a student is approved for an accommodation, the instructor would be notified of such approval using the standard ADA accommodation process.
- This is certainly a risk area, as individuals who are not wearing required facial coverings may be subject to harassment. Colleges should provide proactive guidance ahead of time to those individuals on where to report any concerns. Additionally, Colleges should inform individuals who have an accommodation that they may be asked about it and should respond that they have been approved for an exception through the College. This is similar to a situation where an individual has a dog on campus and may be asked if the dog is necessary for a disability.