

PROCEDURES MEMORANDUM

TO: MCC Staff and Students

FROM: Office of the President

SUBJECT: Procedures Relating to Communicable Diseases Affecting Students and Staff

DATE: July 26, 2021

PURPOSE: To establish procedures relating to students and employees who acquire a communicable disease which may affect their health, safety and welfare, and others with whom they come in contact.

SCOPE: These procedures apply to all classifications of College students and employees.

1. Summary Background

In view of the nationwide concern relating to the rise of communicable diseases, appropriate procedures must be in place should the College community be faced with incidents of these illnesses which would require an institutional response. It is the intent of the College, by means of this Procedures Memorandum (PM), to strike a balance between the right of a student, or employee, having a communicable disease to an education, or continued and uninterrupted employment, and the right of students and College employees to be free from the risk of exposure to a communicable disease which may affect their health, safety or welfare. It is also the intent of the College to provide due process to students or employees affected by these procedures.

2. Definition of Communicable Disease

Communicable Disease means an illness due to an infectious or malignant agent which is capable of being transmitted directly or indirectly to a person from an infected person or animal through the agency of an intermediate animal, host or vector, or through the inanimate environment.

A list of communicable diseases maintained by the State of Nebraska Department of Health and Human Services can be found at

<http://dhhs.ne.gov/Pages/Diseases-And-Conditions.aspx>

A. College Health Advisory Committee defined: the Committee is comprised of the Vice President for Planning and Operations; Assistant Director of Facilities Management-Operations; Associate VP for Marketing, Brand and Communication; Vice President of Human Resources; Associate VP for Compliance and General Counsel; Chief of

Police; Assistant Director of Campus Planning and Sustainability and the College Health Advisory Officer. The Committee may also draw on other College employees/resources as necessary.

3. General Guidelines

- A. Metropolitan Community College is committed to preventing the spread of communicable disease at all of its facilities and activities. The College is further committed to educating faculty, staff and students about precautions necessary to prevent the transmission of such diseases. The intention of this PM is to promote the health, welfare and regular attendance of College students, faculty and staff.
- B. Each incident of a contagious communicable disease, and the determination of the appropriate course of action to be taken by the College, shall be dealt with on an individual case-by-case basis. Except as otherwise provided herein, the identity of a student or employee who has a contagious communicable disease, or who is suspected of having such a disease, shall not be released without the permission of the affected student or employee, except as permitted or required by law.
- C. If the College has reasonable cause to believe that a student or employee has a contagious communicable disease, and that he or she may pose a health risk to others, the College may request the individual to submit to an appropriate medical evaluation to determine what course of action, if any, should be taken by the College.

4. Procedures Relating to Students

- A. The College shall respect the right to privacy of any student who has a contagious communicable disease. The student's medical condition shall be disclosed only to the extent necessary to minimize the health risks to the student and others. Only College personnel deemed to have a "direct need to know" regarding a student's medical condition will be provided with the necessary information by the College Health Advisory Committee. College personnel shall not disclose student health information except as may be permitted or required by law.
- B. Any course of action taken by the College with regard to this Procedures Memorandum will take into consideration: (1) the physical condition of the student; (2) the expected type of interaction the student will have with others in the College setting; (3) the potential risk factors for the student and others in the College setting; (4) the current available public health department guidelines concerning the particular disease in question; and (5) all other appropriate factors.

NOTE: In determining an appropriate course of action, the College Health Advisory Committee will contact the Epidemiology Office of the Douglas County Department of Health to obtain current available guidelines concerning the particular communicable disease in question.

- C. If it is the decision of the College President, or his/her designee, in consultation with the College Health Advisory Committee and other individuals that he or she may deem appropriate, that a student with a contagious communicable disease is not to be permitted to attend classes or participate in College activities with other students because he or she poses a serious health risk to others, the President, or his/her designee, shall notify the student in writing of the intended action.
- D. Before a student who has been determined to pose a serious health risk to others may resume College classes and activities, a notification that the student no longer poses such a risk must be received from a private physician, clinic or the Department of Health to the College Health Advisory Committee.
- E. Any student who is excluded from attending classes or participating in College activities under this PM may request a hearing before the College President, or his/her designee, regarding his or her continuing exclusion. Such hearing may be held telephonically, by video conference, or by any other means available. The decision of the President, or his/her designee, will be final and not subject to appeal. Any student who is excluded from attending classes or participating in College activities under this PM may pursue appropriate legal action in a court of competent jurisdiction per state or federal law.

5. Procedures Relating to Employees

- A. The College shall respect the right to privacy of any employee who has a contagious communicable disease. The employee's medical condition shall be disclosed only to the extent necessary to minimize the health risks to the employee and others. Only College personnel deemed to have a "direct need to know" regarding an employee's medical condition will be provided with the necessary information by the College Health Advisory Committee. College personnel shall not disclose employee health information except as may be permitted or required by law.
- B. Any course of action taken by the College with regard to this Procedures Memorandum will take into consideration: (1) the physical condition of the employee; (2) the expected type of interaction the employee will have with others in the College setting; (3) the potential risk factors for the employee and others in the College setting; (4) the current available public health department guidelines concerning the particular disease in question; and (5) all other appropriate factors.

NOTE: In determining an appropriate course of action, the College Health Advisory Committee will contact the Epidemiology Office of the Douglas County Department of Health to obtain current available guidelines concerning the particular communicable disease in question.

- C. If it is the decision of the College President, in consultation with the College Health Advisory Committee and other individuals that he or she may deem appropriate, that the attendance at work or at College activities of an employee who has a contagious communicable disease is not to be permitted because he or she poses a serious health

risk to others, the President, or his/her designee, shall notify the employee in writing of the intended action. Before an employee determined to pose a serious health risk to others may return to work, he or she must provide a notification that the employee no longer poses such a risk from a private physician, clinic or the Department of Health to the College Health Advisory Committee. During the period that an employee is absent from work pursuant to this PM the College shall deduct from the employee's sick leave balance to cover time missed. If the employee exhausts their accrued sick leave during their absence the College will deduct additional time missed from the employee's annual leave balance. If the employee exhausts all sick and annual leave prior to returning to work, the remainder of his or her time off shall be without pay.

- D. Any employee who is excluded from attending work or participating in College activities under this PM may file an official grievance per PM VI-4 or their Collective Bargaining Agreement, whichever is applicable. Any employee who is excluded from attending work or participating in College activities under this PM who disagrees with the outcome of the grievance process may pursue appropriate legal action in a court of competent jurisdiction per state or federal law.

#### 6. Responsibilities for Infectious Disease Education and Prevention

- A. Student Services - The College Health Advisory Committee will endeavor to provide communicable disease educational outreach programs developed to provide College students with appropriate factual material regarding disease matters and precautions concerned therewith, and to provide specialized guidelines to educate Health and Public Services students regarding communicable diseases and their prevention in the health care setting. Should the College become aware of any student who is infected with a contagious communicable disease, the College Health Advisory Committee will be responsible for reporting to appropriate health authorities, as required, and will recommend the appropriate course of action to the College President.
- B. Personnel and Employee Relations - The College Health Advisory Committee will endeavor to provide the College workforce with appropriate factual material regarding communicable disease matters and precautions concerned therewith. Should the College become aware of any employee who is infected with a contagious communicable disease, the College Health Advisory Committee will be responsible for reporting to appropriate health authorities, as required, and will recommend the appropriate course of action to the College President.
- C. College Facilities and Services - The Director of Facilities Management, Planning and Construction, or his or her designee, along with the College Health Advisory Committee, will ensure that appropriate facilities management and College service practices are implemented to minimize the risk of the spread of communicable diseases. These will include attention to custodial and public safety practices to eliminate potential health hazards.

D. Marketing, Brand, and Communications Office - All outside inquiries regarding a communicable disease matter at the College will be referred to the Associate VP for Marketing, Brand, and Communication.

Adopted 11/2/87; Revised 1/1/00; 6/6/05; 6/5/06 (title changes only); 8/23/06; 08/25/09; 8/7/14; 2/27/20; 12/1/20; 7/26/21 (title changes only)