JAY INSLEE
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR
P.O. Box 40002 • Olympia, Washington 98504-0002 • (360) 902-4111 • www.governor.wa.gov

**PROCLAMATION BY THE GOVERNOR**
**AMENDING PROCLAMATIONS 20-05 AND 20-12**

**20-12.2**
**Higher Education**

**WHEREAS**, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

**WHEREAS,** as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations, including issuance of Proclamations 20-25, et seq., which prohibited all people in Washington State from leaving their homes except to participate in certain permitted activities, within the limitations therein; and

**WHEREAS,** the COVID-19 disease, caused by a virus that spreads easily from person to person, which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

**WHEREAS,** during early stages of the COVID-19 pandemic, health professionals and epidemiological modeling experts indicated that the spread of COVID-19, if left unchecked, threatened to overwhelm portions of Washington's public and private health-care system; and

**WHEREAS,** health professionals and epidemiological modeling experts indicated that continued normal operation of public and private universities, colleges, technical schools, apprenticeship programs, and similar schools and programs could increase the spread of COVID-19 throughout Washington and would increase the threat to our residents and our health system; and

**WHEREAS,** many public and private universities, colleges, technical schools, apprenticeship programs, and similar schools and programs recognized the risk of continued in-person classes and unilaterally moved to remote instruction or implemented alternative learning options to address physical distancing recommendations; and

**WHEREAS,** on March 13, 2020, I issued Proclamation 20-12 prohibiting public and private universities, colleges, technical schools, apprenticeship programs, and similar schools and programs from conducting in-person classroom instruction and lectures related to all educational and apprenticeship related programs; and

**WHEREAS,** the prohibitions in Proclamation 20-12 expired on April 24, 2020, but public and private universities, colleges, technical schools, apprenticeship programs, and similar schools and programs have remained in modified operation, including remote learning and certain programs for essential workers; and

**WHEREAS,** Washington's public and private universities, colleges, technical schools, apprenticeship programs, and similar schools and programs are an important part of our economy and are vital to the educational, social, and economic needs of Washingtonians; and

**WHEREAS,** using remote learning to replace most classroom instruction creates challenges to access for many Washingtonians; and

**WHEREAS**, the progression of COVID-19 in Washington State shows ethnic disparities in health impacts which are likely to increase ethnic disparities in access and success in post-secondary education requiring the State and all of our campuses and programs to understand how these challenges affect our students and to work to minimize these impacts; and

**WHEREAS,** although public and private universities, colleges, technical schools, apprenticeship programs, and similar schools and programs have made tremendous efforts to continue to function through remote learning, returning to campus and these facilities as soon as can be safely accomplished will benefit Washington; and

**WHEREAS**, although the Department of Health indicates that COVID-19 is an ongoing, present threat in Washington State, health professionals predict that we can safely return to campus at our public and private universities, colleges, technical schools, apprenticeship programs, and similar schools and programs in fall 2020 if appropriate safety measure are in place and if both students and personnel adhere to those measures; and

**WHEREAS,** the nature of COVID-19 viral transmission, including both asymptomatic and symptomatic spread as well as the relatively high infectious nature, suggests it is appropriate to physically return to campus and programs at public and private universities, colleges, technical schools, apprenticeship programs, and similar schools and programs only through a science-based approach the incorporates safety, sanitation, and physical distancing guidelines; and

**WHEREAS**, during the initial return to campus in the fall of 2020, there have been more than 35 COVID-19 outbreaks linked to public and private institutions of higher education, and some higher education institutions have seen a substantial increase in COVID-19 positive cases that are tied to both congregate living arrangements, including fraternities and sororities, and also large social gatherings of students, thereby triggering the need to increase safety measures to address these outbreaks; and

**WHEREAS**, public and private universities, colleges, technical schools, apprenticeship programs, and similar schools and programs will continue to need to prepare to be flexible to pivot in whole or in part to remote learning if there is an increase of COVID-19 in their county or within their educational community, or to impose or enforce additional safety measures when causes of outbreaks are identified; and

**WHEREAS,** the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

**WHEREAS**, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

**WHEREAS**, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

**NOW, THEREFORE**, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim and order that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as amended, and that, to help preserve and maintain life, health, property or the public peace pursuant to RCW 43.06.220(1)(h), Proclamations 20-05 and 20-25, et seq., continue in effect except as amended herein, to allow for a physical return in fall 2020 to campuses and programs at public and private universities, colleges, technical schools, apprenticeship programs, and similar schools and programs and continued housing in fraternities, sororities, and similar congregate student housing provided certain requirements are and continue to be satisfied.

**FURTHERMORE**, public and private universities, colleges, technical schools, apprenticeship programs, and similar schools and programs, in all phases of reopening, are prohibited from providing general instruction, to include in-person classroom instruction, lectures and similar educational gatherings, except when they implement, follow, and enforce the requirements specified below, subject to any directions, requirements, or exceptions issued by, in order of precedence, the Governor, the Secretary of Health, a local health officer, or a delegate of thereof**. Higher education facilities in counties in Phase 1 or modified Phase 1 are further prohibited from operating except as allowed by local health departments in consultation with the state health department.**

CAMPUS SAFETY

- Adhere to all federal, state and local public health and workplace safety requirements;
- Develop comprehensive plans ("Safe Back to School Plan") based on the Campus Reopening Guide prepared by the Higher Education Re-Opening Work Group. The plan must meet all standards for reopening in accordance with federal, state and local health requirements (to

include *Safe Start* proclamations and guidance), and make available a copy of these plans at each location on campus;

- Follow state return to work guidance to include allowing work from home for operations able to be performed remotely;
- Maintain minimum physical distancing whenever possible of six feet between all on-campus personnel, including with visitors, and where physical distancing cannot be maintained, implement administrative or engineering controls to minimize exposure;
- Implement and maintain frequent and adequate hand washing policies and include adequate maintenance of supplies;
- Use disposable gloves and other Personal Protective Equipment (PPE) where safe and applicable to prevent transmission on shared items;
- Implement and maintain adequate sanitization of high-touch surfaces and shared resources (e.g., doorknobs, elevators, vending machines, points of sales);
- Implement and maintain a self-certification program through which students and personnel are asked to self-certify that they have experienced no COVID-19 symptoms since last visit to campus facility;
- If students or personnel are experiencing any known COVID-19 symptoms, require that they stay home in isolation or, as provided below, in isolation or quarantine housing provided by the institution, and safely seek COVID-19 testing or medical assessment, being careful to wear a face covering while seeking medical care and minimizing close contact with others;
- Require that students and personnel self-quarantine or isolate per local public health guidelines if they are confirmed to have COVID-19 or have been exposed to a confirmed case;
    - Refer to guidance from the Washington State Department of Health (DOH): https://www.doh.wa.gov/Portals/1/Documents/1600/coronavirus/COVIDexposed.pdf;
- Develop response protocols for students, personnel, and visitors reporting symptoms and/or confirmed to have COVID-19;
- Avoid non-essential travel by school personnel and require school personnel to self-quarantine per local public health and worker safety guidelines after any high-risk travel as defined by the Centers for Disease Control and Prevention (CDC) or DOH (e.g., international travel);
- Follow state reopening guidelines for travel;
- Follow state guidelines for logging onsite personnel by, to the extent feasible, implementing a program to log students, personnel, and visitors;
- Provide contact information to all students/personnel to report concerns and/or potential violations of the Safe Back-to-School Plan;
- Regularly self-monitor and update the Safe Back-to-School Plan;
- Communicate the Safe Back-to-School Plan to all students and personnel including any future modifications;
- For institutions that operate residential facilities:
    - Limit the occupancy of bedrooms to no more than two residents. This limit does not apply to family members residing together. For purposes of this proclamation, "family member" means an aunt, child, cousin, domestic partner, grandchild, grandparent, parent, sibling, spouse, or uncle, whether biological, adoptive, step, foster, de facto, in loco parentis, or by guardianship. Those sharing a bedroom are not required to wear face coverings when they are in their bedroom, unless a visitor is present, and they are

not required to maintain physical distancing from one another in or out of their bedroom;

- Limit gatherings in residential facilities as follows:
  - A gathering in a bedroom must be limited to the two people who reside in the room and one visitor at a time;
  - A gathering in a residential unit, outside of a bedroom, must be limited to five people at a time, and only one such gathering may occur in a residential unit at a time;
  - A gathering in a residential facility, outside of a residential unit, must be limited to five people at a time in any one room;
  - A gathering in a residential facility, outside of a residential unit, may exceed the limit above if it is for educational purposes and is authorized by the institution, subject to any requirements imposed by the local health officer or DOH;
  - All people gathered must wear face coverings and maintain physical distancing of at least six feet, except as otherwise provided herein or in *Order of the Secretary of Health 20-03.1*, and any subsequent amendments thereto;
  - Furniture must be moved, gathering spaces must be modified, and attendance must be limited to accommodate the required physical distancing of those gathered. If a gathering space cannot accommodate physical distancing, it must not be used;
  - Family members who reside together are exempt from the above limits on gatherings in bedrooms, residential units, and residential facilities. Family members who reside together may gather anywhere in a residential facility with up to two visitors. Family members who reside together must maintain physical distancing of at least six feet from visitors, but not from one another, when gathered. They must also wear face coverings when gathered with visitors anywhere in a residential facility and when gathered outside the residential unit with or without visitors, except as otherwise provided in *Order of the Secretary of Health 20-03.1*, and any subsequent amendments thereto;
- Provide isolation and quarantine housing and support services as follows:
  - The institution must provide isolation and quarantine housing and support services to any campus personnel who live in institution-provided housing, any residential student, and any non-residential student who lives in shared housing in proximity to campus who needs to be isolated or quarantined pursuant to this proclamation and cannot be safely isolated or quarantined in their usual place of residence;
  - The institution must provide prompt access to isolation or quarantine housing and support services when informed by personnel or a student that they meet the above criteria for such housing;
  - The institution may charge students and personnel for the costs of providing housing and support services consistent with its policies on institutional aid for students demonstrating financial need and policies on fee waivers;
  - Isolation housing must be sufficiently separated from quarantine housing so that isolated individuals and quarantined individuals can avoid coming into close

contact or using the same spaces or facilities in the housing. Isolation housing must not share a ventilation system with quarantine housing;
        - Support services are those services required to meet the individual's daily needs, including, but not limited to, food and drink, basic supplies, health monitoring, and internet access and other appropriate means of communication;
        - The institution must inform all personnel and students of the availability of and directions for obtaining needed access to isolation and quarantine housing;
    - Make diligent efforts to monitor and enforce compliance with the requirements of this proclamation by students and personnel within the institution's disciplinary authority and procedures and any other applicable authority;
    - Make diligent efforts to arrange for local law enforcement agencies with appropriate jurisdiction to patrol the areas surrounding the campus and enforce the legal requirements imposed by state and local officials limiting the size of gatherings, requiring the wearing of face coverings, requiring physical distancing, and imposing other obligations intended to control and prevent the spread of COVID-19;
    - For institutions with police forces, undertake the patrol and enforcement activities described above in areas within the police force's jurisdiction; and
- For institutions that do not operate residential facilities, develop a plan with the relevant local health jurisdiction to address the isolation and quarantine needs of any personnel and students who have confirmed or suspected COVID-19 or exposure to an individual confirmed to have COVID-19 and are unable to isolate or quarantine in their usual place of residence.

STUDENT AND PERSONNEL SUPPORT

- Adhere to state and federal law for health and workplace safety during COVID-19 including state "Safe Start" guidance and State Department of Labor & Industries guidelines;
- Provide students and personnel with PPE such as gloves, goggles, face shields, and/or masks as appropriate or required for students/personnel not working alone (e.g. any public-facing job and/or those whose responsibility includes operating within physical distancing limits of six feet), and shut down or suspend any activity if PPE cannot be provided;
- Follow Washington State Department of Labor and Industries guidelines for masks: https://www.lni.wa.gov/forms-publications/F414-168-000.pdf;
- Require students, visitors, and other non-employees to wear face coverings on institution property as required by *Order of the Secretary of Health 20-03.1* and any subsequent amendments thereto;
- Identify available alternative arrangements for students and personnel upon requests or refusals to work due to concerns related to campus safety. Priority should be given for students/personnel who are considered high-risk or vulnerable as defined by public health officials; following state guidelines (to include *Safe Start* guidance) for COVID-19 scenarios and benefits; and
- Educate students and personnel on symptom detection, sources of high risk to COVID-19, prevention measures, and leave benefits/policies (e.g., UI for personnel that need to self-quarantine); following any education requirements for employers per state COVID-19 *Safe Start* plan.

VISITOR EXPECTATIONS

- Limit or prohibit visitors; and
- Post visible entry point signage for students, personnel, and visitors describing shared on-campus responsibilities, to include guidance regarding proper hygiene and sanitization, physical distancing and PPE guidance, staying home if feeling sick, information on how and when to report concerns, and other information as appropriate or required.

FOOD SERVICES

- Follow Washington State reopening guidelines for restaurants, except as provided below;
- Limit capacity of the dining area to no more than fifty percent and enforce such limit (e.g., enforced at point of entry with clickers);
- Allow only those who share a bedroom and family members who reside together to be within six feet of one another while dining. For purposes of this proclamation, "family member" means an aunt, child, cousin, domestic partner, grandchild, grandparent, parent, sibling, spouse, or uncle, whether biological, adoptive, step, foster, de facto, in loco parentis, or by guardianship. For purposes of this proclamation, members of a fraternity, sorority, or similar organization are not family members by virtue of their membership in the organization. An institution may provide authorization to the members of a university-sanctioned cohort of up to five persons to be within six feet of one another while dining, provided that the members are separated by physical barriers to prevent droplet spread. Those who share a bedroom and family members who reside together are not required to be separated by physical barriers;
- Implement floor markings to promote physical distancing;
- Post signs to remind students/personnel of physical distancing, PPE requirements, and to use hand sanitizer;
- Complete routine sanitization of high-touch surfaces and shared resources (e.g., door handles, points of sales);
- Restrict cash payments; allow payments only by card or contactless payment; and
- Require all patrons to wear cloth face coverings except while eating.

**FURTHERMORE**, because higher education student congregate living settings have experienced multiple outbreaks of COVID-19 and present an ongoing serious risk of subsequent outbreaks, fraternities, sororities, and other organizations that provide higher education student congregate housing that is similarly organized and administered are prohibited from providing housing to higher education students or any other individuals unless they implement, follow, and enforce the requirements specified below inside their houses and, for fraternities and sororities, require any members who live together in live-out, annex, or alternate properties outside of their main houses to implement, follow, and enforce such requirements in such properties, subject to any directions, requirements, or exceptions issued by, in order of precedence, the Governor, the Secretary of Health, a local health officer, or a delegate of thereof. Fraternities, sororities, and other organizations that provide higher education student congregate housing that is similarly organized and administered are exempt from the prohibition set out in Proclamation 20-19, et seq., including 20-19.4 *Evictions and Related Housing Practices*, to the extent it would preclude discontinuing providing housing to residents due to a violation of the requirements of this proclamation.

- Residents must always wear face coverings inside the house when they are outside their bedrooms and otherwise comply with *Order of the Secretary of Health 20-03.1,* and any subsequent amendments thereto;
- No more than five visitors may be on the premises, including in the house or on the outside grounds, at any given time, regardless of the Safe Start Phase of the county in which the residents are located. Subject to this limit of five visitors on the premises at a time, residents may gather with only the number of people per week authorized in the Safe Start Phase of the county in which they are located (currently five non-household members in Phase 2 and ten non-household members in Phase 3). A record of those visiting, including name, date, time in and out, and mobile phone number, must be maintained for 30 days from the date of visit, and is to be made available upon demand to public health officials for purposes of conducting outbreak investigations or case investigation and contact tracing. While on the premises, visitors must be required to wear face coverings in compliance with *Order of the Secretary of Health 20-03.1*, and any subsequent amendments thereto;
- Bedrooms or other sleeping quarters must be limited to an occupancy of no more than two residents of the house. Those sharing a bedroom or other sleeping quarters are not required to wear face coverings in their bedroom or other sleeping quarters, unless a visitor is present, and they are not required to maintain physical distancing from one another in or out of their bedroom or other sleeping quarters, but are required to wear a face covering, unless eating;
- No more than five people, whether residents, visitors, or a combination thereof, may gather in any one room in a house at a time. Groups of up to five people may gather in different rooms within a house. Gatherings in bedrooms or other sleeping quarters must be limited to the two people who reside in the room and one visitor. Those gathered must wear face coverings and maintain physical distancing of at least six feet;
- Sanitization of high-touch surfaces and shared resources must be completed daily;
- A person must always be on the premises who is responsible for actively monitoring compliance with and enforcing the requirements of this proclamation. The identity and contact information of this individual must be promptly and regularly reported to the associated higher education institution. The fraternity, sorority, organization, and higher education institution must promptly provide this person's information to public health officials upon demand;
- A disciplinary process must be implemented for those who refuse to comply or are repeat offenders; and
- Residents who are confirmed or suspected of being infected with COVID-19 or are close contacts of someone who is infected with COVID-19 must not be automatically required to leave the house. Plans must be made and implemented to safely quarantine those who are close contacts and safely isolate those who are confirmed or suspected of being infected with COVID-19. Residents must be isolated or quarantined in the house, unless it would be unsafe to do so. If safe quarantine or isolation is not possible in the house, the fraternity, sorority, or organization must make arrangements with the higher education institution with which it is associated to provide isolation and quarantine facilities and wraparound services for their residents.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support

implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5). A fraternity, sorority, or other organization that provides higher education student congregate housing that is similarly organized and administered that violates the requirements of this proclamation may be subject to adverse action by their governing body or associated higher education institution and may be ordered by a local health officer or the Secretary of Health to take corrective action or to close their house.

Signed and sealed with the official seal of the state of Washington on this 20th day of October, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/
Secretary of State