STATE OF MINNESOTA
Executive Department

Governor Tim Walz

Emergency Executive Order 20-85

Authorizing and Directing Higher Education Institutions to Provide Safe and Effective Learning Environments to their Students

I, Tim Walz, Governor of the State of Minnesota, by the authority vested in me by the Constitution and applicable statutes, issue the following Executive Order:

The COVID-19 pandemic continues to present an unprecedented and rapidly evolving challenge to our State. Minnesota has taken extraordinary steps to prevent and respond to the pandemic. On March 13, 2020, I issued Executive Order 20-01 and declared a peacetime emergency because this pandemic, an act of nature, threatens the lives of Minnesotans, and local resources are inadequate to address the threat. On April 13, 2020, May 13, 2020, June 12, 2020, July 13, 2020, and August 12, 2020, I extended the peacetime emergency.

Certain environments—including those in which people gather and linger, those with communal facilities, and those in which close physical contact is expected—pose a public health risk due to the pandemic. Our efforts to slow the community spread of COVID-19 and our preparedness to treat those most vulnerable to the disease have allowed us to continue to slowly and safely reopen such environments in accordance with guidance from Minnesota Department of Health ("MDH"), the Department of Employment and Economic Development, and the Department of Labor and Industry. As part of this reopening, higher education institutions have had the opportunity to increasingly resume activities while ensuring compliance with the Minnesota Occupational Safety and Health Act of 1973, Minnesota Statutes 2019, Chapter 182 ("Minnesota OSHA Standards"), in addition to guidelines related to COVID-19 set forth by MDH ("MDH Guidelines") and guidelines from the Centers for Disease Control and Prevention (collectively "MDH and CDC Guidelines").

On June 5, 2020, I issued Executive Order 20-74, which continued to safely reopen Minnesota's economy and ensure safe nonwork activities. Executive Order 20-74 provided higher education institutions opportunities to resume activities through preparation and planning to comply with the Minnesota OSHA Standards and MDH and CDC Guidelines. Executive Order 20-74 required higher education institutions to develop and implement a COVID-19 Preparedness Plan ("Higher Ed Plan"). Executive Order 20-74 also permitted the Governor to issue necessary clarifications.

To support students returning to higher education institutions, and allow consistency with the reopening of other sectors, I recently authorized the Office of Higher Education ("OHE") and MDH to issue clarifying guidance regarding the total classroom occupancy allowed in higher education settings. This Executive Order incorporates and formalizes that guidance.

In Minnesota Statutes 2019, section 12.02, the Minnesota Legislature recognized the "existing and increasing possibility of the occurrence of natural and other disasters of major size and destructiveness" and conferred upon the Governor emergency powers to "(1) ensure that preparations of this state will be adequate to deal with disasters, (2) generally protect the public peace, health, and safety, and (3) preserve the lives and property of the people of the state." Pursuant to Minnesota Statutes 2019, section 12.21, subdivision 1, the Governor has general authority to control the state's emergency management as well as carry out the provisions of Minnesota's Emergency Management Act.

Minnesota Statutes 2019, section 12.21, subdivision 3(7), authorizes the Governor to cooperate with federal and state agencies in "matters pertaining to the emergency management of the state and nation." This includes "the direction or control of . . . the conduct of persons in the state, including entrance or exit from any stricken or threatened public place, occupancy of facilities, and . . . public meetings or gatherings." Pursuant to subdivision 3 of that same section, the Governor may "make, amend, and rescind the necessary orders and rules to carry out the provisions" of Minnesota Statutes 2019, Chapter 12. When approved by the Executive Council and filed in the Office of the Secretary of State, such orders and rules have the force and effect of law during the peacetime emergency. Any inconsistent rules or ordinances of any agency or political subdivision are suspended during the pendency of the emergency.

For these reasons, I order as follows:

1. Paragraph 7.i of Executive Order 20-74 is rescinded. Executive Order 20-74 otherwise remains in effect until the peacetime emergency declared in Executive Order 20-01 is terminated or rescinded by proper authority.

2. **Definitions**. For the purposes of this Executive Order:

    a. "Higher education institution" means the Minnesota State Colleges and Universities, the University of Minnesota, private colleges and universities, and all other post-secondary institutions, including but not limited to institutions licensed and registered with OHE, with a physical campus in Minnesota.

    b. "Staff and instructors" means all employees, contractors, and volunteers of a higher education institution, including but not limited to janitorial and cleaning professionals, secretarial and administrative professionals, instructors, instructor assistants, researchers, research assistants, graduate assistants, faculty, and administrators.

    c. "Student" means any person enrolled at a higher education institution.

d. "Activities" includes, but is not limited to, testing, short-term training programs, student services, advising, clinical rotations or placements, customized training, internships, campus visits, programs, credit and non-credit classes, and all research activities and functions.

3. Higher education institutions, in consultation with their governing boards, may offer in-person classes or activities consistent with MDH Guidelines for offering in-person or on-site activities and programming at higher education institutions. Education and training programs not registered or licensed with OHE or part of the Minnesota State Colleges and Universities or University of Minnesota systems must follow the guidance provided by the state agency or governing board under which they are authorized to operate. In the absence of an applicable state agency or governing board, higher education institutions must follow MDH Guidelines.

4. **Requirements for higher education institutions**. Higher education institutions must continue to establish and implement a Higher Ed Plan. Each Higher Ed Plan must provide for implementation of Minnesota OSHA Standards and MDH and CDC Guidelines in classrooms, labs, or other areas where students and staff may visit. Such requirements, which are adaptable to higher education institutions, are set forth in the general guidance available at the Stay Safe Minnesota website (https://staysafe.mn.gov) and other applicable guidelines.

5. **Required Higher Ed Plan content**. At a minimum, each Higher Ed Plan must adequately address the following areas:

    a. **Follow OHE and MDH guidance**. All in-person activities must be subject to limitations set forth in relevant OHE and MDH guidance (https://www.health.state.mn.us/diseases/coronavirus/schools/ihe.html).

    b. **Ensure that sick students and institution staff and instructors stay home**. Each Higher Ed Plan must establish policies and procedures, including health screenings, intended to prevent sick students or institution staff and instructors from entering the institution for in-person or on-site activities.

    c. **Require social distancing and face-coverings**. Each Higher Ed Plan must implement social distancing policies and procedures set forth by the CDC and MDH. Higher Ed Plans must also include signage in common areas to discourage gathering. Each Higher Ed Plan must ensure compliance with the applicable face-covering requirements set forth in Executive Order 20-81.

    d. **Implement cleaning and disinfection protocols**. Each Higher Ed Plan must establish cleaning and disinfection protocols for areas within the institution where students, staff, and instructors may visit and provide an enhanced sanitizing, cleaning, and disinfecting regimen consistent with Minnesota OSHA Standards, and MDH and CDC Guidelines for common areas.

6. **Certification and signature**. Institutional leadership responsible for implementing the Higher Ed Plan must sign and certify such Higher Ed Plan, affirming their commitment to implement and follow the Higher Ed Plan.

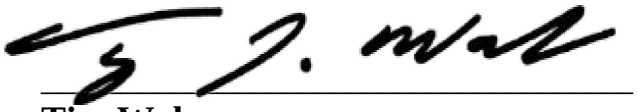
7. **Dissemination and posting**. Higher education institutions must make their Higher Ed Plans available according to applicable guidance.

8. **Training**. Higher education institutions must ensure that staff and instructors are trained on the contents of their Higher Ed Plan according to applicable guidance.

Pursuant to Minnesota Statutes 2019, section 4.035, subdivision 2, and section 12.32, this Executive Order is effective upon approval by the Executive Council. It remains in effect until the peacetime emergency declared in Executive Order 20-01 is terminated or until it is rescinded by proper authority.

A determination that any provision of this Executive Order is invalid will not affect the enforceability of any other provision of this Executive Order. Rather, the invalid provision will be modified to the extent necessary so that it is enforceable.

Signed on August 26, 2020.



Tim Walz
Governor

Filed According to Law:

Steve Simon
Secretary of State

Approved by the Executive Council on August 26, 2020:

Alice Roberts-Davis
Secretary, Executive Council

Filed on August 26, 2020
Office of the Minnesota
Secretary of State,
Steve Simon