

BOARD OF REGENTS BRIEFING PAPER

1. AGENDA ITEM TITLE: Board Approval of Letter of Support for Student COVID-19 Vaccinations

MEETING DATE: January 14, 2022

2. BACKGROUND & POLICY CONTEXT OF ISSUE:

OVERVIEW AND BACKGROUND

On March 12, 2020, Nevada Governor Steve Sisolak declared a state of emergency for the State of Nevada due to the COVID-19 pandemic. On March 13, 2020, former President of the United States Donald Trump declared a state of emergency for the United States due to the COVID-19 pandemic. Since that time, residents of Nevada, including members of the Nevada System of Higher Education (NSHE) community, have experienced varying social distancing, capacity restriction, face covering, and lockdown protocols to mitigate the spread of the virus. On December 11, 2020, the first COVID-19 vaccine was issued an Emergency Use Authorization (EUA) by the United States Food and Drug Administration (FDA) and a tiered process of administration of the vaccine to members of the public began based on such factors as age, job, and high-risk health vulnerability. Additional COVID-19 vaccines were issued EUA approval by the FDA and a statewide and national effort occurred throughout the Spring 2021 to vaccinate members of the public. On April 5, 2021, the COVID-19 vaccine became available to all members of the public aged 16 years old and older. On June 1, 2021, Nevada had a 14-day average of 137 new COVID-19 cases and most COVID-19 mitigation restrictions were lifted throughout Nevada. With the spread of new COVID-19 variants, by August 1, 2021, Nevada's 14-day average of new COVID-19 cases increased to 1,056. On August 4, 2021, the NSHE COVID-19 Task Force unanimously recommended that NAC 441A.775 be amended by the State Board of Health to include a COVID-19 vaccine requirement for all NSHE students at all higher education institutions in Nevada.

On August 18, 2021, the NSHE COVID-19 Task Force unanimously recommended that either the State Board of Health or the Board of Regents impose a COVID-19 vaccine mandate for all NSHE students. On August 20, 2021, the health care professionals on the State Board of Health unanimously approved an emergency regulation holding that the COVID-19 vaccine was safe and necessary to include as a new vaccine requirement and amending NAC 441A.755 to impose a COVID-19 mandate for all NSHE students at all institutions. The emergency regulation would be effective for 120 days until such time as it presented a permanent regulation for approval by the Legislative Commission.

On December 21, 2021, notwithstanding the NSHE COVID-19 Task Force's recommendation, and the advice of medical experts regarding mandatory student COVID-19 vaccines well as the recommendation of the Nevada Board of Health, the Nevada Legislative Commission, in a split 6-6 vote, declined to approve a permanent regulation of the State Board of Health to impose a mandatory COVID-19 vaccination for all NSHE students at all institutions. Accordingly, NSHE students may now register for in-person classes at any NSHE institution, including for the Spring Semester, 2022, regardless of COVID-19 vaccination status.

Despite the lapse of the mandatory vaccination requirement for all NSHE students, the NSHE COVID-19 Task Force continues its support for student vaccinations as the best medically and scientifically proven way to reduce severe illness, hospitalizations and deaths from the virus and end the pandemic, and as necessary to maintain the health and safety for all students, employees, and members of the public to teach, learn, and research.

Furthermore, various administrative and academic faculty and other stakeholders have placed their reliance on a student vaccine mandate to address COVID-19 mitigation and safety efforts, including the following groups: COVID-19 Task Force; General Counsels; Human Resources Advisory Council; Faculty Senates and Classified Employees Council; Council of Presidents; Academic Officers; Business Officers; Public Information Officers; the Equity, Diversity and Inclusion Council; and Representatives of the Nevada Faculty Alliance (NFA).

During the December 30, 2021 Board Meeting, the Board acknowledged its support of student vaccinations at NSHE institutions and authorized the Chancellor, in consultation with Chair Pro Tempore Del Carlo, to issue a letter of support for student COVID-19 vaccinations on behalf of the Board of Regents to those governmental entities with jurisdiction to impose such requirements, including, without limitation, the Governor, the State Board of Health and the Nevada Legislature. The Board requested that this Letter of Support be brought back to the Board at its January 14, 2022 meeting for formal approval before issuance.

3. SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:

Approval of the Draft Letter of Support.

4. IMPETUS (WHY NOW?):

On December 21, 2021, in a split 6-6 vote, the Nevada Legislative Commission did not approve the proposed permanent regulation of the State Board of Health to mandate a COVID-19 vaccination for all NSHE Students. This decision eliminated the vaccine requirement for all students to register for classes at any NSHE institution for the Spring 2022 Semester, and the Chancellor directed all institutions to lift any existing hold on student registrations based upon their COVID-19 vaccination status. With the Spring 2022 Semester commencing within days after the Board's January 14, 2022 meeting, the Board expressed its support of student COVID-19 vaccinations and directed the preparation of this Letter of Support during its December 30, 2021 Meeting.

5. CHECK THE NSHE STRATEGIC PLAN GOAL THAT IS SUPPORTED BY THIS REQUEST:

- x Access (Increase participation in post-secondary education)
- x Success (Increase student success)
- x Close the Achievement Gap (Close the achievement gap among underserved student populations)
- x Workforce (Collaboratively address the challenges of the workforce and industry education needs of Nevada)
- x Research (Co-develop solutions to the critical issues facing 21st century Nevada and raise the overall research profile)

Not Applicable to NSHE Strategic Plan Goals

INDICATE HOW THE PROPOSAL SUPPORTS THE SPECIFIC STRATEGIC PLAN GOAL

The NSHE COVID-19 Task Force has consistently recommended that student COVID-19 vaccinations are necessary to maintain a healthy and safe campus and work environment for all students, employees, and members of the public to teach, learn, and research in support of every strategic goal; and that vaccinations will reduce the possibility of reintroduced classroom capacity restrictions, lockdowns, and increased remote instruction, which negatively impact all NSHE strategic goals. Support for student COVID-19 vaccinations would support each of the Board's strategic initiatives.

6. BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:

Some individuals support mandatory COVID-19 vaccination as follows:

- A COVID-19 vaccine is an act of community service and civic responsibility.
- A COVID-19 vaccine is the best medically and scientifically proven way to reduce hospitalizations and deaths from the virus and end the pandemic.
- A COVID-19 vaccine requirement for all NSHE students is necessary to maintain the health and safety for all students, employees, and members of the public to teach, learn, and research.
- A COVID-19 vaccine requirement is consistent with NSHE's strategic goals and core commitment to medicine, science, and research.
- A COVID-19 student vaccine requirement is consistent with NSHE's Policies and procedures in Title 2, Chapter 12 of the Code as applicable to employee COVID-19 vaccine mandates, which were drafted and approved by the Board with stakeholder feedback and honoring a shared governance commitment.
- Mandatory vaccination is reasonable and fair, and provides an opportunity for students to request a waiver due to a medical condition or religious belief.

7. POTENTIAL ARGUMENTS AGAINST *Maintaining Employee COVID-19 Vaccine Mandate:*

Some individuals dispute the medical and scientific data supporting the COVID-19 vaccine, and its safety and effectiveness.

Some individuals believe that the decision to receive a COVID-19 vaccine is a personal choice that should not be mandated by government.

Some individuals believe that students' decisions not to receive a COVID-19 vaccination are not necessary to protect the health and safety of the student, employees and public on campuses.

8. ALTERNATIVE(S) TO WHAT IS BEING REQUESTED/RECOMMENDED:

Decline to approve the Letter of Support.

9. RECOMMENDATION FROM THE CHANCELLOR'S OFFICE:

The Chancellor recommends approval based upon the advice and expertise of the NSHE COVID-19 Task Force and other stakeholders who are in support of a student COVID-19 vaccine mandate; and based upon the Direction of the Board during the December 30, 2021 Board meeting.

10. COMPLIANCE WITH BOARD POLICY:

Consistent With Current Board Policy:
 Amends Current Board Policy: N/A
 Amends Current Procedures & Guidelines Manual: N/A
 Other: _____
 Fiscal Impact: Yes ____ No X____
Explain: _

Nevada System of Higher Education

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January 14, 2022

Governor Sisolak
c/o Chief of Staff Yvanna Cancela
State Capitol Building
101 N. Carson Street
Carson City, NV 89701

State Board of Health
Division of Public and Behavioral Health
Department of Health and Human Services
c/o Administrator Lisa Sherych
4150 Technology Way, Suite 300
Carson City, NV 89706

Nevada Legislative Commission
c/o Chair, Assemblyman Steve Yeager
401 S. Carson Street
Carson City, NV 89701

Re: NSHE Board of Regents' Support of Mandatory Student Vaccinations

Dear Governor Sisolak, Members of the Board of Health and Members of the Legislative Commission:

On behalf of the Board of Regents of the Nevada System of Higher Education (NSHE), please accept this letter in support of student COVID-19 vaccinations for all NSHE institutions. As you are the entities with legal authority over this issue, the Board hereby respectfully requests your consideration to impose student COVID-19 vaccinations at all NSHE institutions. NSHE has remained steadfast in its dedication to protect the health and safety of all students, employees and members of the public who learn, teach, research and participate in NSHE-sponsored education and activities. As the COVID-19 virus produces new and unknown variants and a significant percentage of our student population remains unvaccinated against the virus, the Board of Regents finds itself at a critical inflection point in our COVID-19 response. The Board of Regents must address the realities of the ever-changing COVID-19 environment and its impacts on the health and safety of our campus populations while NSHE strives to deliver and train a skilled, educated work force and produce top-tier, world-changing research.

COVID-19 has the potential to significantly increase positive infection rates and impose isolations, quarantines, and hospitalizations. Inevitably, the Board of Regents may be asked to consider more restrictive mitigation strategies, including reintroducing classroom capacity restrictions, delaying or cancelling extracurricular activities, inflicting lockdowns, imposing on-going mask mandates, social distancing and/or testing, or returning to remote instruction, all of which negatively impact NSHE's students, educators, and staff and come with a steep price tag to our State. A student vaccine mandate would drastically reduce these potential outcomes and keep NSHE's institutions operating at full capacity.

NSHE's core commitment to medicine, science and research has driven the work of the NSHE COVID-19 Taskforce, which has consistently and unanimously recommended COVID-19 vaccines as safe, effective, and the best medically and scientifically proven way to reduce severe illness, hospitalizations and deaths from the virus and end the pandemic. Consistent therewith, the Board of Regents took bold action to impose an employee COVID-19 vaccine mandate which resulted in 97 percent of our employees becoming vaccinated.

As COVID-19 continues to threaten harm to our students, educators and staff, and further interrupt the provision of higher education through in-person participation on our NSHE campuses, the Board of Regents respectfully asks for your support in imposing appropriate student COVID-19 vaccinations at all NSHE institutions to keep our campuses and facilities safe and fully operational.

Please contact me at mrose@nshe.nevada.edu or Chief General Counsel Joe Reynolds at jreynolds@nshe.nevada.edu if you have any questions or would like additional information.

Best regards,

/S/ MELODY ROSE

MELODY ROSE, PH.D.
CHANCELLOR
Nevada System of Higher Education

Cc:
Board of Regents
Joe Reynolds, Chief General Counsel