

AGENDA
ARKANSAS STATE UNIVERSITY SYSTEM
BOARD OF TRUSTEES
Thursday, August 12, 2021
11:30 a.m.
By Telephone Conference Call
1-866-394-9513/Passcode 5773530#

I. Call to Order

Price Gardner, Chair

***II. Agenda**

- **Proposed ASU System Resolution**
 - **Resolution granting each campus Chancellor the authority to require face coverings to be used on their respective ASU System campus**

***III. Adjournment**

***Action Item**

EXECUTIVE SUMMARY

Contact: Jeff Hankins (501) 660-1000

ACTION ITEM: The Arkansas State University System seeks approval to grant each campus Chancellor the authority to require face coverings to be used on their respective campus.

ISSUE: The Board of Trustees is charged with establishing substantive institutional policies for the operation of the ASU System.

BACKGROUND:


- During the Regular Session of the 93rd General Assembly, the Arkansas Legislature passed Act 1002, which prohibited state government entities, including institutions of higher education, from mandating the use of face coverings.
- On August 7, 2021, Act 1002 was prohibited from taking effect, pursuant to a ruling in an Arkansas court of law.
- Each campus within the ASU System has developed plans and strategies to address the COVID-19 pandemic, based upon applicable state and federal guidance.
- The U.S. Centers for Disease Control and Prevention recommends the use of face coverings, along with other preventive measures, to aid in limiting the spread of COVID-19.
- Chancellors within the ASU System, after consulting with the ASU System President, are authorized to require students, faculty, staff, and guests in University-operated-and-controlled facilities to wear face coverings when it is determined that such face coverings are a necessary tool to aid in protecting the health and safety of the campus community. Face-covering requirements shall be set individually by each campus within the ASU System and shall be based on the current local public health data for that respective campus.
- Decisions to require face coverings shall be strategically implemented and regularly reviewed by each campus Chancellor in consultation with the ASU System President.
- In addition, each campus within the ASU System is authorized to require all students and faculty to wear face coverings during sessions of classroom instruction.
- Each campus Chancellor may develop exceptions to their respective face-covering policy if such exceptions are based on public health recommendations, intercollegiate athletics participation requirements, state or federal law, or other applicable state or federal regulatory guidance.
- This System authorization will remain in effect until the Board of Trustees rescinds this authorization, or if subsequent or ongoing legal, or other regulatory action, results in Act 1002 taking effect.

EXECUTIVE SUMMARY

Contact: Jeff Hankins (501) 660-1000

RECOMMENDATION/RESOLUTION:

Be it resolved that the Arkansas State University Board of Trustees grants each campus Chancellor the authority to require face coverings to be used on their respective ASU System campus, as outlined above.



Tim Langford, Secretary



Price Gardner, Chair

Arkansas State University System
Board of Trustees
August 12, 2021

The Arkansas State University System Board of Trustees met on Thursday, August 12, 2021, by teleconference. Price Gardner, Chair of the Board of Trustees, called the meeting to order at 11:30 a.m. A roll call of the Board confirmed that Price Gardner, Christy Clark, Niel Crowson, Steve Eddington, Robert Rudolph, and Paul Rowton were present by telephone. Tim Langford was unable to participate.

Arkansas State University System Resolution:

- Resolution 21-37 granting each campus Chancellor the authority to require face coverings to be used on their respective ASU System campus

Dr. Welch: We had a System-wide mask mandate that was in effect during the most recent academic year. However, you rescinded that mandate in our Board meeting in June, when we hoped we would not have to consider that option again. Unfortunately, things have changed with the arrival of the Delta variant. We are, once more, having significant health challenges in our communities. There was legislation passed during the recent legislative session that resulted in Act 1002, which prohibited state government entities, including our institutions, from mandating the use of face coverings. All of our institutions, all of our chancellors and myself, and almost all of the presidents and chancellors in the state, had actively requested to be a part of the special legislative session, in hopes that we would be given some flexibility to require face coverings. That was unsuccessful, but a judge has temporarily prohibited Act 1002 from taking effect. So right now, that law is not enforceable. While we certainly respect the legislation, and we respect the fact that that was passed, we also have significant concerns about the ability to operate our institutions; the safety of our students, our faculty, our staff, and the guests to our campuses; and the ability to be able to provide in-person instruction, which we feel is the best way of accommodating students in learning, and not having to move to online instruction, especially when we look at the contagion factor of the Delta variant. So, after consultation with our chancellors, and after this action was taken by a court of law, we made the determination that we would like to request from this Board the ability to be able to implement a face-coverings mandate on our individual campuses. You probably have seen in the media that similar actions have been taken by other higher

education institutions and systems in the last couple of days. Our approach is slightly different, in that we are asking you to grant authority to our chancellors (in consultation with me) to implement policies on their individual campuses. My rationale for doing that is because we feel that it is really important to be very strategic in our approach. Based on the conversations I've had with our chancellors, if this resolution is approved today, I would anticipate that all seven of our campuses would enact face-covering requirements to begin immediately, based on current data, and based on the situation that the communities, where our campuses are located, currently find themselves. This resolution gives our chancellors the flexibility they need to respond to specific situations in their geographic service areas. We know that moving forward, while the situation may remain dire in one part of our service area, it might improve in another area. We didn't want to implement a "one-size-fits-all" approach that prevented an institution from being able to pivot if they saw those improvements. Safety for our students and employees remains our top priority as we enter the fall semester. We know that there is no perfect solution to this pandemic, but we also know that vaccinations and indoor face coverings are critical to fighting this pandemic. We are not allowed by law to mandate vaccinations, but we do have the ability now, because of this action by a court, to require face coverings on our campuses. So, this resolution would allow each chancellor to work with me to implement face-covering policies on our campuses and to make those decisions based on their local situations and their local data. We would review those regularly and make sure that they are timely and make sure that they are responsive to what is happening at that particular time, in that particular location, and based on public health recommendations. The authorization would remain in effect until either you rescinded that, or if any other ongoing legal or other regulatory action results in Act 1002 taking effect. If this resolution is approved, our chancellors are prepared to send out additional information to each of our campuses with more specific details with regard to exactly how these requirements would be implemented on each campus.

Mr. Gardner: Each of us has received quite a bit of correspondence or outside contacts, encouraging us as a Board to take this type of action. I am pleased with the proposal that has been placed before us and the flexibility that it grants. I think protecting our students and our visitors at our campuses is one of our paramount concerns.

Upon a motion by Mr. Crowson, seconded by Mrs. Clark, ASU System Resolution 21-37 was approved.

Ayes: Gardner, Clark, Crowson, Eddington, Rudolph, Rowton

Nays: None

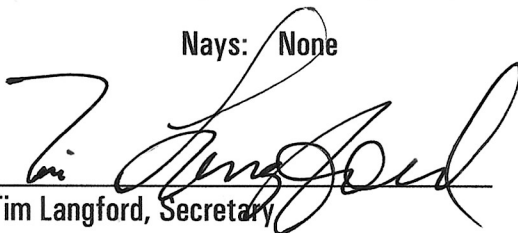
Dr. Welch: If I might add for the record, Dr. Langford had an unavoidable conflict today, and he wasn't able to be on the call. He did contact me directly, however, to say that he was fully supportive of this resolution and understands the need for it. He did not ask me to do this, but I think his opinion is important, as he is the only physician on our Board.

Adjournment


Upon a motion by Mr. Rowton, seconded by Mr. Eddington, the meeting was adjourned at 11:41 a.m.

Ayes: Gardner, Clark, Crowson, Eddington, Rudolph, Rowton

Nays: None



Tim Langford, Secretary



Price Gardner, Chair