

Contact: Aimee Claeys

**BOARD POLICY ADOPTION –
COVID-19 EXEMPTION AND ACCOMMODATION**

Actions Requested:

1. Authorize the President of the Board of Regents to direct the Regent institutions to take action deemed necessary by the President to comply with the requirements of Federal Executive Order 14042, and any other applicable state or Federal law, regulation, regulatory guidance, or contract requirement regarding mask, physical distancing, and vaccination requirements to prevent or mitigate COVID-19. Any action taken by the President in accordance with this authorization shall be effective immediately on an interim basis, subject to ratification by the Board of Regents at the next regularly scheduled meeting.
2. Approve, as a first and final reading, new Board Policy Manual Chapter 4.16 – COVID-19 Exemption and Accommodation.

Executive Summary: On May 20, 2021, President Richards issued a declaration lifting the State of Emergency at the Board of Regents institutions and implementing guidelines governing the return to campus and mask, physical distancing, and vaccination requirements. These actions were ratified by the Board of Regents on June 3, 2021. The declaration provides that the guidelines are subject to change based on recommendations from the CDC, IDPH, Executive Orders, or further direction from the Board of Regents.

On September 9, President Biden issued an Executive Order 14042 on Ensuring Adequate COVID Safety Protocols for Federal Contractors. On September 24, the Safer Federal Taskforce issued guidance related to mask wearing, physical distancing, and vaccinations for federal contractors. On September 30, the Civilian Agency Acquisition Council issued a Federal Acquisition Regulations deviation clause for inclusion in federal contracts subject to the requirements of EO 14042, which requires covered Federal contractors to comply with all guidance, including that conveyed through Frequently Asked Questions, published by the Safer Federal Taskforce. Pursuant to Executive Order 14042, Federal agencies began incorporating the required contract clause into Federal contracts at the Regent institutions.

On October 29, Governor Reynolds signed into law HF902, including the following new Iowa Code section 94.2 which is applicable to the Regent institutions and their employees:

An employer that requires an employee to receive a COVID-19 vaccine shall waive the requirement if the employee, or, if the employee is a minor, the employee's parent or legal guardian, requests a waiver and submits either of the following to the employer:

1. A statement that receiving the vaccine would be injurious to the health and well-being of the employee or an individual residing with the employee.
2. A statement that receiving the vaccine would conflict with the tenets and practices of a religion of which the employee is an adherent or member.

In order to comply with the EO 14042 contract clause requirements, and any other applicable state or Federal executive order, law, regulation, regulatory guidance, or contract requirement, the Board of Regents is requested to authorize the President of the Board of Regents to take actions deemed necessary by the President with regard to mask, physical distancing, and vaccination requirements to prevent or mitigate COVID-19. Any actions taken by the President pursuant to this grant of authority are subject to ratification by the Board of Regents.

The Board is also requested to adopt the following new Board of Regents Policy Manual provision, which shall be binding on all institutions under the jurisdiction of the Board of Regents.

Chapter 4.16 – COVID-19 EXEMPTION AND ACCOMMODATION

- A. In addition to any other legally required exemption or accommodation, including, but not limited to those contained in Iowa Code section 94.2, an employee of an institution under the jurisdiction of the Board of Regents is legally entitled to an exemption or accommodation from any COVID-19 vaccine or face-covering requirement imposed or agreed to by a Regent institution based on a sincerely held religious belief, observance, or practice as provided under Title VII of the Civil Rights Act of 1964. In accordance with the Federal Equal Opportunity Commission Compliance Manual, this includes any non-theistic moral or ethical belief, observance or practice which is sincerely held with the strength of a religious view. An institution may decline to provide an accommodation or exemption for any face-covering requirement to an employee in any health care setting or operation, including but not limited to University of Iowa Health Care.
- B. An institution may require an employee to provide a written statement that the employee objects to receipt of a COVID-19 vaccine or face-covering employment requirement based on a moral or ethical belief, observance or practice which is sincerely held with the strength of a religious view.