MEMORANDUM

TO: TBR Presidents
    TTC Directors

FROM: Charles W. Manning

SUBJECT: H1N1 FLU RELATED GUIDANCE – 2009

DATE: September 18, 2009

Please find attached the final version of the H1N1 flu guidance and information document. We discussed an earlier draft during yesterday’s conference call. Please note that the TBR encourages institutions to work with students who have been diagnosed with the flu or exhibit flu-like symptoms by offering reasonable flexibility when addressing classroom/academic issues, including classroom attendance requirements and the timing of completion of classroom assignments. If you have any questions, please contact the TBR Office of the General Counsel or your University Counsel.

Attachment

cc: TBR Senior Staff
    University Counsel
2009/10 Tennessee Board of Regents Flu Season Guidance and Information

September 17, 2009

Purpose

The purpose of this guidance is to help ensure workplace health and safety and the well-being of students, faculty, staff and family at, and visitors to, Tennessee Board of Regents (TBR) institutions and the TBR Central office by reducing the potential or actual exposure to the Novel Influenza A (H1N1) Virus or seasonal flu. The TBR will monitor guidance and recommendations from the Centers for Disease Control (CDC) and World Health Organization (WHO), as well as state and local health officials, and may revise its flu guidance as more information becomes available. Please also check emails issued by your institution and your respective institution’s website for additional campus-based H1N1 flu information.

General Information – H1N1 FLU

What is the H1N1 Flu - The seasonal flu affects millions of Americans each year. The H1N1 is a new flu virus causing illness in people. Its symptoms include fever, runny nose, body aches and chills. This virus is spreading person-to-person worldwide in the same manner that regular seasonal flu spreads each year. Human infections with the new H1N1 virus are ongoing in the United States. Importantly, most people who have become ill with this new virus have recovered without requiring medical treatment.

How Does the H1N1 Flu Spread and For How Long – The spread of the H1N1 flu is thought to occur in the same manner as the seasonal flu: mainly from person to person through coughing or sneezing by people with the flu. Sometimes people may become infected by touching something – such as a surface or object – with flu viruses on it and then touching their mouth, nose or eyes. People infected with seasonal and H1N1 flu shed virus and may be able to infect others from one day before getting sick to five to seven days after. Studies indicate the influenza virus can survive on environmental surfaces for 2-8 hours.

Symptoms – H1N1 flu (and generally, seasonal flu) symptoms include – fever, cough, sore throat, runny or stuff nose, body aches, headache, chills, fatigue, diarrhea and/or vomiting. Note: severe illnesses and death have occurred as a result of illnesses associated with the H1N1 flu virus.

Prevention and Treatment

Vaccines – Separate vaccines will be available to protect against seasonal flu and against H1N1. Both vaccines can be administered on the same day. Students and employees under twenty-five, and those employees and students with underlying conditions, including asthma, diabetes, heart disease, kidney disease and pregnancy, should give greater consideration to seeking an H1N1 vaccine and may benefit from early treatment and medical care.
Employee/Student Actions — employees and students should engage in the following prevention techniques: wash your hands often; cover your mouth and nose with a tissue when you cough, if you do not have a tissue, cough into your sleeve; avoid touching your eyes, nose or mouth; try to avoid close contact with sick people; and stay at home if you experience the symptoms referenced above. If possible, each person should routinely and frequently wipe his/her respective work area with alcohol-based germicide cleaners. Also, you should keep hand sanitizer dispensers and towelettes available in common areas.

Academic and Workplace Environments — Institutions shall take reasonable measures to ensure that academic and workplace environments are safe and healthy, including continuously cleaning door knobs, surfaces, and other items likely to encounter human contact, as well as coordinating with cleaning crews to underscore the importance of doing the same. Offices may also want to make available alcohol based hand cleaners in common areas so that employees and visitors may use as needed.

Actions to be taken by Faculty/Academic Administrators — Faculty members who come in regular contact with students should remind students on a continuous basis regarding the prevention measures referenced above and strongly encourage students to stay home if they have been diagnosed with the flu or exhibit flu-like symptoms. To the extent a plan is not already in place, faculty members shall develop a communication plan with students in order to inform students on an immediate basis about changes in class schedules and times and remind them about flu related advice offered by the institution, and, if possible, for students to notify the faculty member regarding anticipated absences, including absences related to the flu.

Actions to be taken by Supervisors — Supervisors should remind employees on a continuous basis regarding the prevention measures referenced above and strongly encourage employees to stay home if they have been diagnosed with the flu or exhibit flu-like symptoms.

If You Become Ill

If you become ill with flu-like symptoms, please take the following measures:

- STAY HOME for at least 24 hours after your fever is gone (your fever should be gone without the use of a fever reducing medicine; check the CDC website periodically to receive updates on recommended changes to the timeframe to stay home), except to get medical care if deemed necessary (see prevention and treatment section above for high risk individuals likely to be more in need of medical care);

- Avoid contact with other people and normal activities;

- If you are an employee, do not report to work for at least 24 hours after your fever is gone; and
If you are a student, do not attend class or participate in other academic activities for at least 24 hours after your fever is gone.

**Students - Flu Illness Attendance Information**

**Excused Absences** — Students shall be excused from class if they have been diagnosed with the flu or exhibit flu-like symptoms and want or need to stay home. Unless required by institutional policy, a student is not required to provide a note to be excused from class if the student has been diagnosed with the flu or exhibits flu-like symptoms. A faculty member may request a note from a student who is out sick for more than two weeks.

**Academic/Class Requirements — Flexibility** — Institutions shall be flexible in working with the students who have been diagnosed with the flu or exhibit flu-like symptoms. Areas of flexibility shall include, but not be limited to, classroom attendance requirements, the timing of completion of classroom assignments, modification of classroom assignments, and classroom participation. The institution must have in place plans and guidance on how faculty might accommodate a student's absences to minimize the loss of a semester’s progress toward graduation.

**Excused Absences involving Students at Tennessee Technology Centers (TTCs)** — Students who attend TTCs may be absent no more than 42 hours in the term in order to remain eligible for financial aid and comply with TBR policy 2:03:01:05. Absences for the flu shall constitute a medical leave of absence for purposes of continued eligibility for financial aid and the program. The institution shall determine the appropriate documentation needed to support a medical leave of absence under this section.

**Directing a Student to Stay Home** — Students who communicate with a faculty member or other academic related administrator that they have been diagnosed with the flu or communicate flu-like symptoms, but refuse to stay home, may, on a case by case basis, be directed or instructed to stay home. Faculty members shall confer with their respective department head, Dean or other academic supervisor prior to directing a student to stay home for reasons associated with the flu.

Factors to be considered by the faculty member and the academic supervisor in evaluating whether to direct a student to stay home include the nature of the student’s comments regarding being diagnosed with or exhibiting flu-like symptoms, the reasons given by the student for not wanting to stay home, personal observations of the student, concerns raised by other students, flu-like symptoms exhibited by other students in the class, the student’s current attendance record, and the overall health and safety to the campus.

**Dismissing the entire class** — In the event a pattern appears to be emerging involving the possible absence of several students from a particular class, the faculty member assigned to that class may, in consultation with his/her academic supervisor and after considering the factors identified above, dismiss the entire class for one or more days.
Employees - Flu Illness Leave Information

Flu Related Leave Issues – Employees shall utilize their leave if they have been diagnosed with the flu or exhibit flu-like symptoms and want or need to stay home. Employees shall follow normal reporting procedures when taking leave for flu related reasons. TBR’s annual leave, sick leave, and FMLA policies will apply. Because federal and state authorities are advising people with flu-like symptoms to stay home and not go to the emergency room or a doctor (unless absolutely necessary), institutions should be flexible regarding requiring doctor’s statements because healthcare facilities may be overwhelmed.

Directing an Employee to Stay Home – Employees who communicate with supervisors that they have been diagnosed with the flu or exhibit flu-like symptoms, but refuse to stay home, may, on a case by case basis, be directed or instructed to stay home. Supervisors shall confer with their respective HR departments prior to directing an employee to stay home for reasons associated with the flu. Factors to be considered by a supervisor in evaluating whether to direct an employee to stay home include the nature of the employee’s comments regarding being diagnosed with or exhibiting flu-like symptoms, opportunities for the employee to telecommute, the reasons given by the employee for not wanting to stay home, personal observations of the employee, concerns raised by other staff, flu-like symptoms exhibited by other staff members, the employee’s current leave record, and the overall health and safety to the department and office or campus. An employee directed to stay home shall use his/her available leave. If an employee has exhausted all available leave (paid and unpaid annual, sick and FMLA leave), the granting of additional unpaid leave shall be considered (see below).

Unpaid Leave - The approval of unpaid leave for any flu related issues, including illness and childcare, shall be coordinated with the Office of Human Resources and evaluated under TBR Policy 5:01:01:03.

Telecommuting – The approval of telecommuting shall be subject to TBR Policy 5:01:01:20 on Telecommuting and coordinated with the Office of Human Resources.

Confidentiality

The health status of an employee is confidential. Supervisors shall not disclose to anyone health information pertaining to individual employees, except to persons in a need to know position. Discussions regarding an employee’s health status or that of an employee’s family member should be primarily between the employee and Human Resources Department. Please refer employees accordingly. In cases of emergency, FERPA permits release of certain confidential student information. Please consult with legal counsel.

References/Important Links - the following documents/website information can be found on the TBR website: www.tbr.edu
1. U.S. Department of Education Guidance on Flexibility Waivers for SEAs, LEAs, Postsecondary Institutions and Other Grantee and Program Participants in Response to Pandemic Influenza - www.ed.gov/admins/lead/safety/emergencyplan/pandemic/index.html
   -Federal student aid and other post-secondary issues
   -Grant administration
   -FERPA issues
   -Distribution of flu vaccine at school facilities

2. CDC Guidance for Responses to Influenza for Institutions of Higher Education during the 2009/10 Academic Year (www.cdc.gov/h1n1flu/).

3. CDC Guidance for Businesses and Employers to Plan and Respond to the 2009-2010 Influenza Season (www.cdc.gov/h1n1flu/business/guidance/)

4. Tennessee Department of Health - H1N1 Swine Flu Information for Tennessee Residents (http://health.state.tn.us/H1N1.htm#whattodo)