



SOUTHEASTERN LEGAL FOUNDATION
Rebuilding the American Republic®

September 16, 2020

VIA EMAIL

Dr. Ronald L. Mitchelson
Interim Chancellor
East Carolina University
mitchelsonr@ecu.edu

Re: Unconstitutional First Amendment Violations: Campus COVID-19 Policies

Dear Dr. Mitchelson:

We are writing to you on behalf of concerned students regarding certain COVID-19 policies at East Carolina University. These students fear that the COVID policies are unconstitutionally vague and will be used to censor student speech. Thus, the students seek clarification about the policies and the University's plans to enforce them.

Southeastern Legal Foundation (SLF) is a nonprofit public interest law firm and policy center dedicated to advocating limited government, protecting American freedom, and defending individual liberties. Through our 1A Project, we educate the public about students' First Amendment rights on college campuses. This letter seeks to inform the University about the dangerous, unconstitutional precedent its COVID policies will set because it could be used to stifle free speech.

Factual Background

On August 23, 2020, ECU announced significant changes in the fall semester due to COVID-19.¹ However, many students remain on campus, and the University has indicated that it plans to reopen in the spring.² On its COVID website, ECU states that gatherings of 50 or more people—on or off campus—are banned until further notice.³ The University requires members of the community to observe social distancing of at least six feet.⁴ ECU provides a detailed description of the procedures that will be taken when students are reported for violating COVID policies and a list of "possible sanctions," though it does not indicate when specific sanctions will

¹ Exhibit A.

² Exhibit B.

³ Exhibit C.

⁴ Exhibit D.

apply.⁵ Finally, the University permits students to report their COVID symptoms and the symptoms of others, but it warns that misuse of the Reporting Form could result in disciplinary action.⁶

On September 11, 2020, the ECU Police Captain reported that 17 students had been referred to the Office of Student Rights and Responsibilities “for violations of rules against large gatherings in off-campus locations.”⁷ However, on August 31, 2020, members of the campus community—including athletes, coaches, and administrators—protested in an outdoor area of campus.⁸ Photographs show these individuals standing less than six feet apart.⁹

Analysis

It is well-settled that a college campus is the “marketplace of ideas” where students are exposed “to that robust exchange of ideas which discovers truth.”¹⁰ Indeed, freedom of speech and academic inquiry are “vital” on college campuses, because only through thoughtful debate and discourse can real education occur.¹¹ Colleges have a duty to protect student health and safety, especially during uncertain times like these. However, even in unprecedented times, students’ First Amendment rights remain unchanged. That means colleges and universities cannot engage in viewpoint or content-based discrimination, cannot enact vague and overbroad policies, and cannot chill student expression.

A. ECU’s COVID policies are unconstitutionally vague and overbroad.

A policy violates the Constitution when it is so broad that it infringes on constitutionally protected activity. Similarly, a law or policy is unconstitutionally vague when it establishes a requirement or punishment without specifying what is required or what conduct is punishable. Students cannot be expected to comply with a vague school policy when they have no way of knowing exactly what is required or prohibited. Although ECU lists the protocol for large gatherings and failure to wear masks, it does not state which consequences accompany which conduct. Finally, it does not appear the ECU has a hearing and appeals process in place for students who are accused of violating COVID policies. Without clear guidelines about punishable conduct in place, and without adequate procedures for disciplining students, ECU’s policies are vague and open the door to due process violations.

B. ECU has engaged in viewpoint and content-based discrimination.

Viewpoint discrimination occurs when a university either promotes or discourages speech based on beliefs or ideologies. Viewpoint-based restrictions are never constitutional. When a

⁵ Exhibit E.

⁶ Exhibit F. SLF recognizes that the University seeks to prevent students from abusing the Reporting Form, and it advises the University to continue to take potential abuses seriously.

⁷ Exhibit B.

⁸ Exhibit G.

⁹ *Id.*

¹⁰ *Keyishian v. Board of Regents*, 385 U.S. 589, 603 (1967).

¹¹ *Healy v. James*, 408 U.S. 169, 180 (1972).

public university bans discussion of certain topics or prohibits certain speech activities from occurring, the restriction is considered content-based. Unless a university can demonstrate a compelling government interest, content-based restrictions cannot survive judicial review. A university must show that its speech restriction is content-neutral and only restricts the time, place, or manner of speech. Furthermore, the United States Supreme Court has held that schools should adhere “to a rule of viewpoint neutrality” when it comes to student organizations.¹²

At ECU, like at all universities, students want to engage in an assortment of activities including sports, volunteer organizations, Greek life, and leadership opportunities. And like all universities, ECU has no doubt faced difficult decisions regarding these activities in light of COVID-19. However, even in a global pandemic, a university must treat all student activities and organizations neutrally. A university can only regulate the time, place, and manner of student activities, and it must apply these restrictions to all students equally. Thus, while it may be allowable for ECU to ban all student activities from occurring inside or from taking place less than six feet apart, it is unlawful to ban some student activities while allowing others to move forward.

ECU prohibits gatherings of 50 or more people on and off campus. But recently the University allowed—and even encouraged—hundreds of members of the community to gather for an on-campus protest without maintaining social distancing. The University has denied that right to other students and student organizations, disciplining as many as 17 students for violating its COVID policies. In doing so, the University has effectively elevated the views and goals of the student athletes and fellow protesters over other student organizations. This amounts to viewpoint and content-based discrimination in violation of students’ First Amendment rights.

C. The actions of ECU administrators will have an unconstitutional chilling effect on student speech.

Speech is chilled when a speaker objectively fears that speaking will result in discipline, and as a result censors her speech altogether. The Supreme Court repeatedly writes that the danger of chilling speech “is especially real in the University setting, where the State acts against a background and tradition of thought and experiment that is at the center of our intellectual and philosophic tradition.”¹³ Any action taken by university authorities that has a chilling effect on student speech is unconstitutional.¹⁴

Although students should *always* be encouraged to exercise their First Amendment rights, universities must do so neutrally. By participating in, applauding, and encouraging the student athlete protest on campus, ECU has taken a position in favor of specific topics and viewpoints. This will have a chilling effect on student speech, particularly when the student body returns to campus. The University has shown that it values the student athlete protest over the planned events and gatherings of other students. Students will no doubt be deterred from hosting events in the future—regardless of the number of people—for fear of backlash from administrators. For

¹² *Board of Regents v. Southworth*, 529 U.S. 217, 223 (2000).

¹³ *Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819, 835 (1995).

¹⁴ *Id.*

example, if students had engaged in a counter-protest to the student athletes, would the University have allowed them to proceed? Or would it have shut the counter-protestors down? In this way, students are concerned that they cannot engage in speech activities because the University has positioned itself in favor of specific views and actions.

Request

SLF recognizes that colleges and universities must navigate these unprecedented times with student safety as a priority. However, ECU's policies leave students questioning why some groups can gather under social distancing guidelines but not others. SLF respectfully requests that you provide clarification regarding these policies. SLF requests that you clarify when specific consequences will apply to specific conduct, what procedures and appeals processes are in place for students who are accused of violating a COVID policy, and whether all students will be encouraged to engage in free speech activities.

SLF requests that the University permit all students to engage in free speech activities, subject to reasonable time, place, and manner restrictions. It is especially during times of uncertainty that students must be able to gather and engage in discourse without fear of reprisal. We hope the University agrees.

Yours in Freedom,



Kimberly S. Hermann
General Counsel
Southeastern Legal Foundation

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EXHIBIT A



ECU adjusting fall semester because of COVID-19

PUBLISHED AUG 23, 2020 BY [ECU NEWS SERVICES](#)

FILED UNDER: [CORONAVIRUS NEWS AND UPDATES](#), [NEWS](#), [UNIVERSITY NEWS](#)

To the ECU Community:

Throughout the summer, we planned and prepared our campus for the Return of Pirate Nation, and more than two weeks ago, we welcomed Pirates back to campus. We've completed two weeks of classes in our first eight-week block for the fall semester. However, during the last week we have experienced a rapid acceleration of COVID-19 cases, including multiple clusters.

For this reason, University leadership has worked with UNC System President Peter Hans to determine what is best for the health and safety of our Pirates moving forward. We are appreciative of the ongoing support and approval of our plan by President Hans to move our undergraduate classes to online instruction beginning Wednesday, Aug. 26. Please read this message in full for additional details.

Message from Chancellor 8.23.2020



00:00

01:51

[Visit YouTube for the closed-captioned version of this video.](#)

This decision to move online for the fall semester was not taken lightly. After all, we achieve our mission – student and regional success – at much higher levels when we can operate in person, with the face-to-face environment providing engagement that we know is critical to our students.

I am grateful for the health care providers at Student Health Services who are testing and caring for our students.

We owe much gratitude to our staff and faculty who tirelessly worked on the return to campus plan – developing and rolling it out, from building hand sanitizing stands to adapting to teaching with masks and social distancing.

We also owe thanks to those Pirates who actively protected one another by following the safety protocol – three Ws and the gathering guidelines. We sincerely thank you for your care, your thoughtfulness and your efforts.

To these Pirates, I too am deeply disappointed. With thousands of students returning to campus, we expected cases but we've unfortunately seen a greater spike than anticipated.

To best protect the health and safety of the campus community, we have made the difficult decisions to implement the following changes to campus operations:

- Undergraduate courses will move to online Wednesday, Aug. 26. Undergraduate classes are suspended Monday, Aug. 24 and Tuesday, Aug. 25. Faculty should follow the guidance provided in the [Interim Regulation on Making Up Missed Instructional Time Due to Suspension of Instruction](#). According to the regulation, individual faculty will determine how the subject matter will be covered and how the students will satisfy the requirements (much like our experiences under this regulation with weather events).
- The university will extend the deadline for withdrawal from academic courses for the first 8-week block of classes to 5 p.m. Friday, Aug. 28. The last day for withdrawal for 15-week courses remains Sept. 4.
- Professional and graduate courses will continue as they are currently operating.
- For students residing in on-campus housing, Student Affairs will send you information today that details the plans for [prorated Housing and Dining refunds](#) and for [residence hall move-out](#).
- For students in experiential learning courses, fall semester plans include the process that allows those programs to continue.

ECU must show compassion for students and their need to return home. Many students may begin [moving out of the residence halls](#) as early as Monday, August 24. Therefore, we ask faculty to be flexible during the move-out period, which will extend to August 30.

I realize that for some this news is not what you wanted or expected for your fall semester. Whether or not you welcome this change, I know these are difficult times for all, and we have resources ready to help you. The Counseling Center, 252-328-6661, is available for virtual appointments; Student Health Services is available at 252-328-6841 and gotquestions@ecu.edu; and the [Dean of Students Office](#) is available at 252-328-9297. The Call Center, 252-737-5100, will be open starting Monday, Aug. 24, from 9 a.m. to 4 p.m. and will operate until Aug. 28.

It's critical now more than ever that we – and let me be clear, I mean all of us ... administration, faculty, staff, students – come together, even while many of us are apart, to tackle yet another challenge this pandemic has brought. Let's do it with the grit and determination that I know we Pirates possess, and let's do it with patience and kindness for one another.

–Interim Chancellor Ron Mitchelson



[STUDENT FAQS >](#)



[MOVE-OUT INFO >](#)



[HOUSING/DINING REFUNDS >](#)



[PARKING INFO/REFUNDS >](#)

[Coronavirus Updates](#)

[Return of Pirate Nation](#)

East Carolina University

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EXHIBIT B



Q | ≡

News Services



East Carolina University Board of Trustees Chair Vern Davenport speaks with board members at the Main Campus Student Center. (Photos by Cliff Hollis)

THE BOARD IS BACK

Board of Trustees discusses enrollment, coronavirus, future

PUBLISHED SEP 11, 2020 BY [ECU NEWS SERVICES](#)

FILED UNDER: [CORONAVIRUS NEWS AND UPDATES](#), [NEWS](#), [UNIVERSITY NEWS](#)

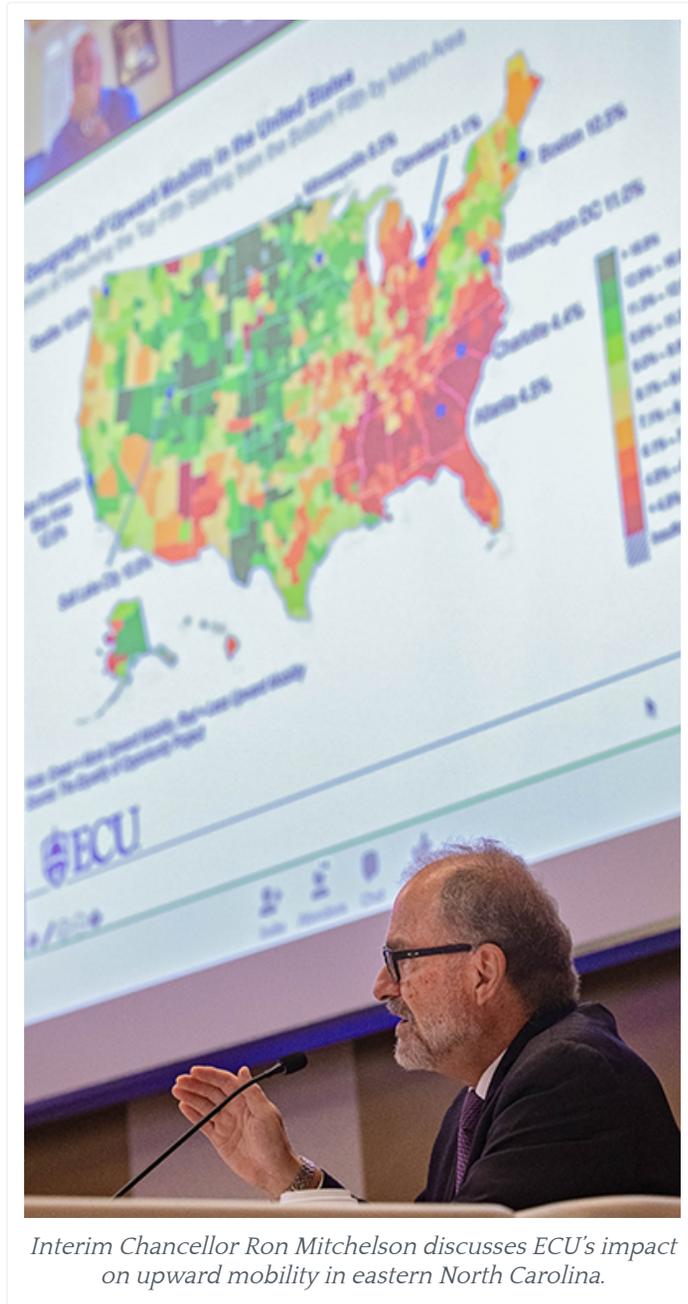
East Carolina University's Board of Trustees met on campus Thursday and Friday for the first time since the start of the COVID-19 pandemic, with some members spaced out in the Main Campus Student Center ballroom and others joining online.

Much of the meeting centered on the university's response to the spread of the coronavirus, which resulted in a pivot to online instruction in August.

Interim Chancellor Ron Mitchelson provided an update on the university's positive test results as well as the global outlook.

"If we hadn't done what we did with the pivot, I don't know where we'd be today," he said. Plans for the spring have not yet been finalized, he added, but it's clear that "we're not going to bring people back here at the same level of intensity, at least not on campus, that we have had previously. But we're going to be open for business; that's not going to change."

Student



Government Association President Tucker Robbins, Faculty Chair Purificación Martínez and Staff Chair Todd Inman also presented remarks to the board from their respective constituencies.

Sara Thorndike, vice chancellor for administration and finance, updated members on budget matters during the finance and facilities committee meeting.

"We're being very disciplined in how we're spending our money," she said.

Thorndike said reductions in expenses since the spring have been beneficial, and CARES Act funding has resulted in an additional \$9 million for the unrestricted fund balance. She anticipates about \$14

million in lost revenue from housing and dining refunds this fall, contributing to an overall estimated loss of \$25 million in revenue, almost exclusively from auxiliary services.

The use of unrestricted fund balance money will be used to help offset the losses.

“It’s going to be a tight year but very doable,” Thorndike said.

In other business, the board approved the renaming of Spilman 203, a conference room in the administration building, in memory of Steve Showfety of Greensboro, former chair of the Board of Trustees and the ECU Foundation.

During Thursday’s committee meetings:

University Affairs

Acting Provost Grant Hayes reported positive news on [enrollment for the fall 2020 semester](#). Following a record-breaking year in freshman applications, total enrollment is up from last year with a head count of 28,798, marking the third-highest enrollment in ECU history.

Stephanie Whaley, director of undergraduate admissions, updated the committee on the university’s recruitment efforts and adaptations to limitations on in-person recruiting.

The No. 1 worry among high school students, she said, is the financial impact on their families, leading many to consider attending college closer to home. The admissions office has ramped up its virtual recruiting efforts using a variety of software platforms that allow direct communication between potential students and ECU staff and faculty, as well as virtual tours, open houses, college fairs, and high school and community college visits.

Because many students have faced challenges in taking standardized tests, the UNC System has approved a one-year waiver for requiring test scores, and ECU will take a “test blind” approach to admissions, which means “a test score will not negatively or positively affect a student’s admission,” she said. Each student’s application, essay and official high school transcript will be considered during the admissions process.

For transfer students, ECU has adopted a 2.0 minimum GPA requirement, bringing the university in line with other institutions in the UNC System.

Athletics and Advancement

Athletics Director Jon Gilbert said he considers this a “year of survival” from a financial standpoint. He said he is expecting additional departmental furloughs soon and is exploring loss of revenue insurance.

He added that 18 student-athletes are currently in isolation for COVID-19. The football team is being tested once a week, but that will increase to three times a week once the season begins.

Vice Chancellor for University Advancement Chris Dyba reported that the university has received several formal requests to rename buildings on campus. Board of Trustees Chair Vern Davenport recommended Dyba form an ad hoc committee to comprehensively examine all building names to determine any that may be offensive and what further action may be needed. He referenced the renaming of Aycock Residence Hall in 2015 and the university’s use of Heritage Hall as a place to preserve the university’s history.

Interim Chancellor Ron Mitchelson said on the matter, “This is one of the most sensitive issues we can collaborate on. It’s crucial to the institution that we stay close together in this process.”

Finance and Facilities

Bill Bagnell, associate vice chancellor for campus operations, said the steam line replacement on College Hill Drive should be completed by the end of the month.

Joshua Puckett, parking supervisor, updated members on the implementation of the License Plate Recognition System, which uses a camera mounted on a vehicle to read license plates of vehicles parked on campus. Equipment is expected to be installed beginning in November, followed by testing, training and implementation by May. The system is expected to save about \$85,500 with the elimination of expenses such as contracted parking security staff and printed decal costs.

Capt. Chris Sutton of the ECU Police Department said 17 students have been referred to the Office of Student Rights and Responsibilities for violations of rules against large gatherings in off-campus locations. He said the Responsible Behavior Initiative, which places an emphasis on individual behavior and ECU’s core values, is designed to educate students rather than punish them. He noted a decrease in the number calls for possible violations by the third weekend of the fall semester.

“We have by far experienced more cooperation than we have experienced non-cooperation,” Sutton said.

Health Sciences

Dr. Mark Stacy, vice chancellor of ECU’s Division of Health Sciences,

Faculty Chair Purificación Martínez shares her report with the ECU Board of Trustees.

outlined the impact of the [\\$15 million in CARES Act funding](#) that the Brody School of Medicine received from the North Carolina General Assembly.

“We are looking within our mission. We’re targeting prevention, improving testing and improving treatment, but it is all to better understand the residents of eastern North Carolina because residents of eastern North Carolina may differ a little bit from people elsewhere on Earth and we are responsible for the care of the people in eastern North Carolina – we take that seriously,” Stacy said before identifying [specific initiatives](#) the funding would support.

Stacy also emphasized the importance of the public continuing to follow the COVID-19 precautions to keep the rest of the university community safe and to keep the colleges and schools in operation.

“The process and procedures the division leaders developed to ensure the safety of our faculty, staff and learners have been highly effective so far. We’ve seen no disease transmission on the health sciences campus. ... We have not seen a single case where we would say it is a transmission in the clinical setting. So, PPE works,” said Stacy, adding this success helped the division’s colleges and schools graduate all of their students who were scheduled to graduate in May.

Dr. Sylvia Brown, dean of ECU’s College of Nursing, told the committee about some of the [recent achievements](#) that the college is celebrating, including:

- Record fall enrollment
- The college’s 60th anniversary
- Having multiple specialty areas being ranked in the Top 10 nationally

- Being named a Center of Excellence for Outstanding Achievements in Student Learning and Professional Development for a fourth time.

Nurse anesthesia student Lisa Lashley told the committee about what inspired her to pursue a career in nursing and why she chose ECU's College of Nursing.

"After rigorously looking at every respectable program in the United States, I further realized how exceptional ECU's program truly is and applied hoping to experience the remarkable didactic and clinical opportunities that ECU offers," she said. "I began the nurse anesthesia program in January 2019, and I have been consistently impressed and amazed with the truly world-class program that it is."

Lashley also discussed what taking part in clinical instruction during the pandemic has been like.

"Overall, I feel very safe – as do my classmates – coming to clinical and class. And I am confident we are doing everything we can to be safe during these times," she said. "I assure that we in the nursing graduate programs are progressing responsibly. And one day if you or your loved ones need an anesthetic, you can rest assured you will be in expert hands if you have a Pirate anesthetist at the head of your bed."

The next scheduled meeting of the ECU Board of Trustees will be held Nov. 5-6.

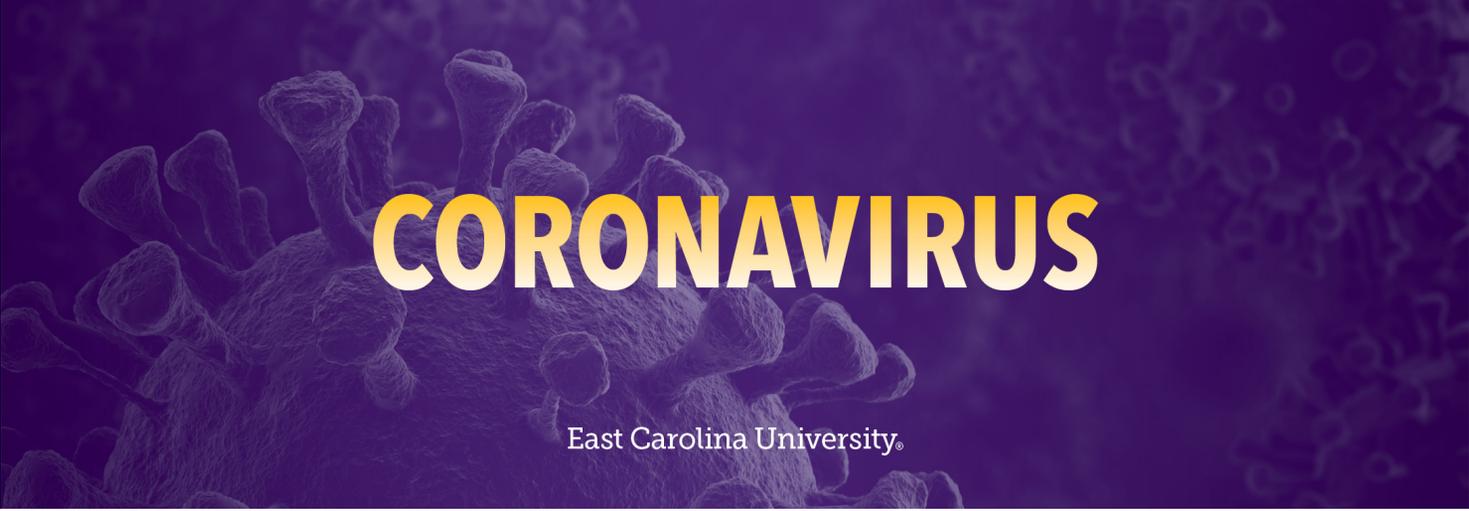
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COVID-19 Q&A

FRANK CONVERSATIONS

EXHIBIT C



CORONAVIRUS

East Carolina University

CORONAVIRUS UPDATES

What You Need to Know

LATEST INFO

NEW: [Department of Greek Life Statement on COVID Clusters in Specific Fraternities, Sororities](#)

NEW: [Freshman Residency Policy Suspension for Spring 2021 Semester](#)

[Pass/Fail Option for Fall 2020](#)

[Message to Students Leaving Campus](#)

[Parking Information and Refund Details for Students](#)

[Message from Interim Chancellor Mitchelson on Transition to Remote Instruction](#)

[Housing/Dining Refund Info and FAQs](#)

[Adjusting Fall 2020: Student FAQs](#)

[ECU adjusting fall semester due to COVID-19](#)

[**ALL NEWS/UPDATES >**](#)



Cases on Campus

View weekly information regarding the numbers of ECU faculty, staff and students who have confirmed cases of COVID-19, have been present on campus in recent weeks, and could have presented a risk of exposure to other members of the University community.

[CONFIRMED CASES >](#)

Emergency Notifications

[Sept. 10: Additional clusters identified on campus](#)

[Aug. 27: Additional clusters identified on campus](#)

[Aug. 24: Additional clusters identified on campus](#)

[Aug. 22: Additional clusters identified on campus](#)

[Aug. 20: Additional clusters identified on campus](#)

[Aug. 17: Cluster of cases in Gateway-West Residence Hall](#)

East Carolina University moved undergraduate courses online on Wednesday, Aug. 26 for the remainder of fall semester. [Get more information about the changes to fall semester.](#)

[ECU ADJUSTS FALL SEMESTER >](#)

As of July 1, faculty, staff, students and visitors on campus are expected to [wear a face covering](#) when in public places and face-to-face meetings, including classrooms and labs. This follows UNC System guidance for all campuses. Wearing a face covering is an expression of care, an acknowledgment of our community, and a vital part of our plan to make ECU as safe as possible for everyone.

ECU continues to monitor the coronavirus pandemic, receiving regular updates from the CDC, U.S. State Department and N.C. Division of Public Health.

This website will continue to be updated with guidance and news about the COVID-19 pandemic as it relates to our campus. Please



News Services



[SIGNUP >](#)

[FORM >](#)



ECU moved undergraduate courses online on Wednesday, Aug. 26 for the remainder of fall semester. Undergraduate classes were suspended Monday, Aug. 24 and Tuesday, Aug. 25 for students and faculty to adjust to the change in the semester schedule. [Get more information about the changes to fall semester.](#)

Professional and graduate courses will continue as they are currently operating. For students in experiential learning courses, fall semester plans include the process that allows those programs to continue.

The university has extended the deadline for withdrawal with a partial refund from academic courses for the first 8-week block of classes to 5 p.m. Friday, Aug. 28. The last day for withdrawal with a partial refund for 15-week courses remains Sept. 4. For more information, please review the [Fall 2020 Refund Schedule](#). Students may withdraw from classes beyond the refund deadline. Please see [the academic calendar](#) for specific dates for each block.

ECU remains open with adjusted campus operations, although many ECU employees are teleworking. Please visit the Return of Pirate Nation site for details about campus safety guidelines.

Fall 2020

Resources

- ▶ [Fall Semester Adjustments](#)
- ▶ [Return of Pirate Nation](#)
- ▶ [Course scheduling for 2020-21](#)
- ▶ [Tips for Online Learning](#)
- ▶ [WiFi for K-12, college students](#)
- ▶ [Student Emergency Funds](#)

Residence Halls

ECU resumed classes on campus for the fall 2020 semester on Aug. 10. On Aug. 23, ECU announced it would move undergraduate courses online for the remainder of the semester. University residence halls will begin move-out Aug. 24 with the conclusion on Aug. 30.

The university will work with international students, student athletes and hardship cases who apply to continue to live on campus. The university will offer [prorated refunds for students for campus housing and dining](#). Students will receive detailed information regarding this process in messages to their email accounts.

An information session was held live Sunday, Aug. 23, on the official [ECU Facebook](#) and [ECU Instagram](#) accounts. That session can be viewed, along with more information, on our [Fall 2020 Move-Out Information](#) page.

Faculty and Staff

The UNC System grants institutions the authority to use telework, to identify mandatory employees needed for continued operations and to exercise discretion for granting paid administrative leave, when



appropriate.

ECU seeks to maximize teleworking opportunities to the extent possible for employees whose physical presence is not deemed mandatory to university operations. Employees need to coordinate work arrangements with their supervisor. In all cases, teleworking is strongly encouraged.

Updates

- ▶ Extension of COVID-19 Administrative Leave Provisions
- ▶ FAQs for Employees
- ▶ Student and Temp Employees Guidance

Resources

- ▶ Faculty and Staff COVID-19 Resources
- ▶ Instructional Continuity
- ▶ ComPsych COVID-19 Resources

Events, Meetings, Travel

- ECU is restricted from hosting gatherings with expected attendance of 50 or more people taking place on or off campus until further notice.
- All university-sponsored domestic travel, regardless of destination and size of gathering, is suspended until further notice. Any exceptions must be approved by the respective vice chancellor. This includes student organizations.
- All university-sponsored international travel is suspended until further notice.
- Personal travel on public forms of transportation and gatherings of 10 or more inside or 25 or more outside are strongly discouraged and should be reported to your supervisor for assessment. Return to work after such travel requires a clinical assessment.

Contact Us

ECU community members with other questions related to COVID-19 can email COVID19@ecu.edu.



Faculty/Staff

- ▶ Return of Pirate Nation
- ▶ Instructional Continuity
- ▶ Administrative Leave Provisions



Students

- ▶ Return of Pirate Nation
- ▶ Fall Academic Calendar
- ▶ Twitter Moment





Media

- › Latest News and Updates
- › COVID-19 Experts
- › Contact News Services



Town Hall Meetings

Virtual town hall-style meetings offer a chance to connect and directly address concerns and questions. Get information about upcoming meetings; watch recordings of previous meetings.

[LEARN MORE ›](#)

Pirates Stepping Up

As the pandemic makes its way across North Carolina, members of the Pirate community have stepped up to exemplify East Carolina University's motto *Servire, to serve*.

Faculty, staff, students and alumni have found ways to help their communities. From making personal protective equipment and hand sanitizer to training health care workers, Pirates are stepping up to help in unique ways.

SOURCING SANITIZER

COMMITMENT TO
COMMUNITY

PRINTING PROTECTION



| | | |
|-------------------------|--------------------------|-----------------------------|
| A FAMILIAR FACE | SAFETY SKILLS | STUDENT EMERGENCY FUNDS |
| SOUND INSTRUCTION | EXPANDING VIRTUAL VISITS | BETTER THAN A BANDANA |
| 'WE ARE FIGHTING' | FACE MASK WARRIORS | COVID-19 ANTIBODY TREATMENT |
| COVID-19 SURVEY PROJECT | DENTAL ALUMNI RESPOND | ADDRESSING NURSING SHORTAGE |

Frequently Asked Questions

Find answers to frequently asked ECU-related questions pertaining to COVID-19.



FIND ANSWERS >

News and Updates

Visit ECU's Coronavirus News and Updates archive to read all university-related messaging.

READ UPDATES >

Resources and Guidance

What ECU is Doing

Closely monitoring the situation: University personnel receive regular updates from the CDC, U.S. State Department and the N.C. Division of Public Health. ECU is prepared to act quickly in the event there are reports of symptoms of or exposure to the virus by our faculty, staff or students.

Implementing extra steps in dining facilities: Additional cleaning and sanitization of dining facilities is occurring.

Screening in the health center: The Student Health Center remains open for routine health care needs as well as for individuals who may have been exposed to or show symptoms of the virus. Contact the [Student Health Center](#) at 252-328-6841.

What You Can Do

Observe social distancing: The CDC recommends that gatherings have no more than 10 people and that you maintain a distance of 6-8 feet from others.



Practice good hygiene: [Wash your hands](#), sneeze and cough into your sleeve (not hand), and avoid sharing food, cups or utensils. Avoid people who are sick. Get a flu shot if you haven't already. This helps prevent the spread of influenza and colds.

Be informed: Review the CDC's information about coronavirus and continue to check this page for further updates that relate to the campus community.



Centers for Disease Control

- Steps to prevent illness
- What to do when sick
- Common questions
- Situation updates

[CDC RESOURCES >](#)

World Health Organization

- When and how to use masks
- Myth-busters
- Advice for health workers
- Getting workplace ready

[WHO RESOURCES >](#)

East Carolina University
1001 E. 5th Street Greenville, NC 27858-4353
(252) 328-6131 | [Contact Us](#)



EXHIBIT D



Return of
**Pirate
Nation™**

GUIDELINES FOR SAFETY ON CAMPUS

Rev. 8/31/2020



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Return of Pirate Nation™



PIRATE PRINCIPLES

With health and safety as our top priorities at East Carolina University®, our ability to offer a residential, in-person educational experience hinges on the willingness of our campus community to come together in support of these priorities. Each of us has a responsibility to know and act on these standards and policies in a way that maximizes a safe and healthy environment for us to teach, work, learn and live.

To this end, we are developing a set of community standards and policies for ECU's employees, students, faculty and visitors. We are all in this together, and we believe that together, we can face the challenges presented by COVID-19 with resilience, determination and great support for the Pirate community.

Communication Is Key

These community standards have been established to promote the health of our students, faculty, staff and visitors. We fully expect that everyone on campus will understand and appreciate the critical impact of the COVID-19 pandemic and follow these standards. Our first and preferred approach to assure compliance with these standards will be through public health education and communication. If necessary, however, ECU and other governmental authorities will institute applicable enforcement measures (including disciplinary, legal or other appropriate actions) to address certain violations. As we prioritize safety, we will need your help to return to normal on-campus operations. We all have a role to play in this process, and we need your help to make this phased reentry as safe and successful as possible.

Universal Campus Expectations

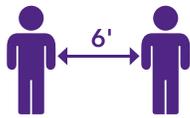


1 Effective July 1 and throughout at least the fall 2020 semester, face coverings will be required to be worn by students, faculty, staff and visitors in all ECU buildings and in all university programs held in non-university buildings. This includes face coverings being worn at all times in classrooms and laboratories.

Face coverings will also be required in outdoor spaces on campus property where appropriate physical distancing cannot be guaranteed.

Face covering exceptions include private offices and residence hall rooms when alone or with a roommate. Individuals are also not required to wear a face covering when they are not in close contact with someone else, such as walking alone in an uncrowded outdoor location.

Everyone on campus is expected to carry a face covering at all times, in case they encounter an unforeseen situation where at least 6 feet of physical distance cannot be maintained. Such situations are likely to occur in hallways, stairwells, elevators, restrooms, kitchens and break rooms.



2 Require social distancing of at least 6 feet whenever possible while on campus.



3 Wash your hands often! Everyone should practice regular hand hygiene following the CDC guidelines.

Universal Campus Expectations ...continued



4

Complete the daily health screening using the CDC's COVID-19 symptoms list available at go.ecu.edu/screening. If you are experiencing symptoms, you should not report to work or class and should contact your health care provider. Individuals should watch for emergency symptoms and seek emergency medical care immediately if experiencing any of these symptoms:

- ▶ Trouble breathing
- ▶ Persistent pain or pressure in the chest
- ▶ New confusion
- ▶ Inability to wake or stay awake
- ▶ Bluish lips or face

This list is not all possible symptoms. Please call your medical provider for any other symptoms that are severe or concerning to you.

Call 911 or call ahead to your local emergency facility: Notify the operator that you are seeking care for someone who has or may have COVID-19.



5

If you test positive for COVID-19, or if a health care provider tells you that you are presumed positive, you should notify the university by completing the self-reporting form on PiratePort.



PROTECTING OUR PIRATES

The best way to prevent illness is to avoid being exposed to someone with the virus. According to the Centers for Disease Control and Prevention, the primary way the virus spreads is through respiratory droplets produced when an infected person coughs, sneezes or talks. Research studies have demonstrated that COVID-19 may be spread by people who are not showing symptoms (asymptomatic). There is currently no vaccine available, so understanding how to prevent infection, particularly for those with increased risk of complications, is critical.



Accommodations for Students Testing Positive

Students with a confirmed case of the COVID-19 infection, suspected infection or exposure are required to report status on a self-reporting form through Student Health Services, found on PiratePort.

Residential students required to quarantine will be assigned ECU-provided off-campus housing. A small inventory of rooms off-campus will be reserved for residential students who need quarantining or isolation. Food delivery will be made available to quarantined residential students. ECU will provide alternative delivery of instruction for students in quarantine or isolation.

The self-reporting form will be used to notify administrators and instructors of expected absences, and Student Health will be in touch with you to offer additional resources. Faculty require illness verification PRIOR to students missing exams or assignments in order to reschedule exams or provide arrangements for making up missed work. This self-reporting form does not supersede any academic policy within a course syllabus.

Please fill out this form if:

- ▶ You have been diagnosed by a medical provider with COVID-19
OR
- ▶ You are under instructions to self-isolate for suspected COVID-19 infection
OR
- ▶ You have been advised to self-quarantine due to an exposure to COVID-19



This process is intended to:

- ▶ Help you report your illness and to notify your instructors of expected absences.
- ▶ Generate an email confirmation for you showing that you have reported your illness.
- ▶ Reduce exposure to well students, faculty and staff.
- ▶ Help the university keep track of ill students.
- ▶ Provide a link to the ECU Student Health website for additional COVID-19 information.

If you are sick with COVID-19 or think you might have COVID-19, follow the steps below to help protect other people in your home and community.

- ▶ Stay home except to get medical care. Most people with COVID-19 have mild illness and are able to recover at home without medical care. Do not visit public areas. Call your doctor before you go to their office for care. Avoid public transportation, ride-sharing or taxis.
- ▶ Take care of yourself. Get rest and stay hydrated.
- ▶ As much as possible, stay in a specific room and away from other people and pets in your home. Also, you should use a separate bathroom, if available.
- ▶ Wash hands frequently. Cover coughs and sneezes or use a cloth face covering if you must be around others. Discard used tissues. Do not share household items. Clean frequently touched surfaces with CDC-approved disinfectants.

People with COVID-19 who have stayed home can stop home isolation under the following conditions:

- ▶ You have had no fever for at least 72 hours (three full days of no fever without the use of medicine to reduce fever),
AND
- ▶ other symptoms have improved (for example, when cough and shortness of breath have improved),
AND
- ▶ at least 10 days have passed since your symptoms first appeared.

In all cases, follow the guidance of your health care provider and local health department. The decision to stop home isolation should be made in consultation with your health care provider or state/local health department representative.

TAKING CARE: IT'S A PIRATE'S LIFE

When leaving your residence hall room or home, and especially when returning from your class or work, you are strongly encouraged to follow the **"Know your W's"** guidance from the North Carolina Department of Health and Human Services.

KNOW YOUR W'S

WEAR

a cloth face covering any time you are with other people.



WAIT

6 feet apart. Avoid close contact.



WASH

your hands often with soap and water for at least 20 seconds or use hand sanitizer.



Clean and Disinfect Spaces

Regularly clean and disinfect frequently touched surfaces you interact with and touch with CDC-approved disinfectants. Cleaning and disinfecting supplies will be provided in each workplace, classroom, residence hall, dining facility and other campus facility.



Keep to Small Groups and Virtual Settings

Individuals and groups, including student and community organizations, should limit in-person programs, events and social gatherings to the number of individuals specified by national, state and local guidance. On-campus space reservations will be limited to those individuals and groups that abide by this guidance.



Follow Immunization Recommendations

Individuals are encouraged to remain current on their recommended immunizations which are covered by most health plans, including the annual flu shot. Stay up-to-date on upcoming flu shot clinics and other health resources available to ECU students, faculty and staff by regularly visiting the Student Health Services website.

By getting an annual flu shot you are less likely to get sick from influenza, thereby reducing the burden on the health care system.

All new and transfer students are required to submit documentation of state-required immunizations to Student Health Services.

Students who were previously enrolled at ECU are not required to resubmit immunization documentation; however, they may be required to submit updated information for any immunizations that have expired.



Self-check for Symptoms Daily

Complete the daily COVID-19 self-screening using the CDC's list of symptoms. Learn more and link to the screening website at returnofpiratenation.ecu.edu.

If you are experiencing symptoms, you should not report to class or work and should contact your health care provider. At this time, [COVID-19 symptoms](#) include the following:

- ▶ Fever or chills
- ▶ Cough
- ▶ Shortness of breath or difficulty breathing
- ▶ Muscle or body aches
- ▶ Loss of taste or smell
- ▶ Sore throat
- ▶ Congestion or runny nose
- ▶ Nausea or vomiting

This list of possible symptoms is not comprehensive.

Anyone who is experiencing any symptom(s) indicated on the screening checklist must not go to class or work and should contact their health care provider.

Individuals should watch for emergency symptoms and seek emergency medical care immediately if experiencing any of these symptoms:

- ▶ Trouble breathing
- ▶ Persistent pain or pressure in the chest
- ▶ New confusion
- ▶ Inability to wake or stay awake
- ▶ Bluish lips or face

This list is not all possible symptoms. Please call your medical provider for any other symptoms that are severe or concerning to you.

Call 911 or call ahead to your local emergency facility: Notify the operator that you are seeking care for someone who has or may have COVID-19.



Seek Medical Care

Individuals with COVID-19 symptoms, or knowledge of exposure, should contact their health care professional and not report to classes or come to campus (unless your primary residence is on-campus) until you receive clearance to do so.



Provide Medical Clearance for Return

Students who receive a positive COVID-19 test should provide a statement from their medical professional that they are clear to return before attending in-person classes.



Participate in Medical Monitoring and/or Contact Tracing

If identified as a potential close contact of a COVID-19 positive person or if determined to be an asymptomatic COVID-19 positive person, individuals will wear a cloth face coverings, if they are able; quarantine in their living quarters or a designated housing location; and self-monitor for symptoms for 14 days. Individuals may also be required to participate in testing when directed to do so by a medical professional or public health official.



Stay Active

Get outside, exercise and take breaks regularly, and connect appropriately with family or friends.



Manage Your Mental Well-being

You should reach out for support if you or someone you know needs help coping with or navigating concerns around mental health and well-being. You can contact the [Center for Counseling and Student Development](#).



Social Distancing Does Not Mean Isolation

Physical distancing should not mean social isolation. Seek opportunities to connect appropriately with small groups and student organizations, and take advantage of the virtual programs and services that can keep you engaged as a proud Pirate.



Travel

Travel increases the chances of getting infected and spreading COVID 19 and non-essential travel should be limited to the maximum extent possible. As such, students are encouraged to remain on campus for the duration of the semester and only travel when it is essential. CDC recommends a 14 day quarantine period for international travel and awareness of domestic travel concerns is highly warranted.



Public Transportation

Students who use public transportation or ride sharing are encouraged to use forms of transportation that minimize close contact with others (e.g., biking, walking, driving or riding by car either alone or with household members). Further, students who use public transportation or ride share should follow CDC guidance on how to [protect yourself when using transportation](#). Additionally, students are encouraged to commute during less busy times and [clean their hands](#) as soon as possible after their trip.

ACADEMICS

This fall semester will look and feel different from the past. The plan for delivery of instruction and the academic calendar will remain flexible and we will modify our strategy if conditions change and the situation warrants.



Calendars

For the academic year 2020-21, ECU will move to block scheduling (8-week blocks) within the semester framework (15 weeks). ECU will begin fall semester earlier than normal and will begin spring semester later than normal. Opportunities for extended departures from campus (fall break, spring break) are removed from the calendar.

Given the uncertainties of the current public health climate, the case for transitioning to the block schedule is strong. Transitioning to a block schedule provides the university with flexibility in deciding when students return to campus, allows the university to pivot in the instance of a resurgence of a public health dilemma, reduces student-to-student contact and reduces faculty-to-student contact in a given term.

Two broad sets of expectations are highlighted with regard to block scheduling and the adjustment to semester start and finish dates.

- 1** Fall 2020 and spring 2021 will each be organized into two 8-week blocks. Normal student class loads (15 credit hours) will be distributed across the two blocks, e.g., two courses in the first block and three courses in the second or vice versa.
- 2** Course design will include online (hybrid) components in all 8-week classes.
- 3** Most large courses will migrate to online formats (and be coded as DE) with the threshold being 50 students.
- 4** ECU's Office of Faculty Excellence will continue to support faculty with superior professional development opportunities throughout the summer to assist with improved online approaches and course design.
- 5** The resulting modifications to fall and spring semesters are summarized on the next page.

Fall Semester 2020 Calendar

| Fall 2020 | AUGUST | | | | SEPTEMBER | | | | OCTOBER | | | | NOVEMBER | | | | |
|---|-----------------|----|----|----|----------------------------------|----|-----------------|--|--|----|------------------|----|-----------------|----|---------------------------------------|---|--|
| | 10 | 17 | 24 | 31 | 7 | 14 | 21 | 28 | 5 | 12 | 19 | 26 | 2 | 9 | 16 | 23 | |
| Full Session (15 weeks) (8/10-11/25) | 1 FDOC 08/10 | 2 | 3 | 4 | 5 State Holiday 09/07 | 6 | 7 | 8 FALL FESTIVAL 09/30 | 9 | 10 | 11 LDWD 10/19 | 12 | 13 | 14 | 15 LDOC 11/17 EXAMS start 11/19 | EXAMS end 11/25 | |
| 1st 8-week Block (8W1) (08/10-9/29) | 1 FDOC 08/10 | 2 | 3 | 4 | 5 Holiday 09/07 LDWD 09/09 | 6 | 7 LDOC 09/25 | 8 7.5W1 EXAMS 09/28-29 FALL FESTIVAL 09/30 | | | | | | | | | |
| 2nd 8-week Block (8W2) (10/1-11/18) | | | | | | | | | 1 FALL FESTIVAL 09/30 FDOC 10/01 | 2 | 3 | 4 | 5 LDWD 10/30 | 6 | 7 | 8 LDOC 11/16 7.5W2 EXAMS 11/17-18 | |

Spring Semester 2021 Calendar

| Spring 2021 | FEBRUARY | | | | MARCH | | | | APRIL | | | | MAY | | | | |
|--|--|----|---|---|-----------------|----|---|---|--|----|------------------|--------------------------|-----------------|---------------------------|--|---|--|
| | 18 | 25 | 1 | 8 | 15 | 22 | 1 | 8 | 15 | 22 | 29 | 5 | 12 | 19 | 26 | 3 | |
| Full Session (15 weeks) (01/19-05/06) | 1 State Holiday 01/18 FDOC 01/19 | 2 | 3 | 4 | 5 | 6 | 7 | 8 SPRING FESTIVAL 03/10 | 9 | 10 | 11 LDWD 03/25 | 12 | 13 | 14 State Holiday 04/02 | 15 LDOC 04/27 READING DAY 04/28 EXAMS start 04/29 | EXAMS end 05/06 | |
| 1st 8-week Block (8W3) (01/19-03/09) | 1 State Holiday 01/18 FDOC 01/19 | 2 | 3 | 4 | 5 LDWD 02/17 | 6 | 7 | 8 LDOC 36/05 or 03/08 7.5W3 EXAMS 03/08-09 SPRING FESTIVAL 03/10 | | | | | | | | | |
| 2nd 8-week Block (8W4) (03/11-04/30) | | | | | | | | | 1 SPRING FESTIVAL 03/10 FDOC 03/11 | 2 | 3 | 4 State Holiday 04/02 | 5 LDWD 04/12 | 6 | 7 | 8 LDOC 04/27 7.5W4 EXAMS 04/29-30 | |

Note for fall and spring terms:

| | |
|---------------------|-----------------------------|
| Full Session | FDOC = First Day of Classes |
| First 8-week block | LDWD = Last Day to Withdraw |
| Second 8-week block | LDOC = Last Day of Class |



Expectations Within Academic Spaces

Academic facilities on campus comprise varied educational spaces including typical lecture halls and classrooms, clinical teaching labs, basic science labs, computer labs, library resources, health care clinics with student providers, offices, reception areas and conference rooms. For academic buildings that also serve clinical functions, each clinic should defer to clinical professional practice management guidelines. Facilities that are involved in these dual functions must follow the same guidelines and should refer to the Brody School of Medicine's Reopening Guidelines and CDC Guidelines.



Class Delivery

In order to meet the required social distancing within classrooms, all courses with enrollments of 50 students or greater will normally be delivered online. Hybrid modes of instruction will be developed in all other cases when physical presence is not required. In hybrid (face-to-face and online) designs, online delivery should be less than 50% of the class time. Assigned seating and attendance records will be kept in order to facilitate contact tracing when needed.

When possible, paths of entrance and exit will be designated to minimize physical contact. For instance, when classrooms have two or more access points, the areas for entrance and exit will be separate.

Departments and faculty will develop attendance and absence policies that acknowledge and support students who become ill without creating barriers or requiring unnecessary visits to health facilities for documentation of illness.

ECU will provide alternative delivery of instruction for students in quarantine or isolation. Faculty, staff and students are encouraged to wipe spaces clean before and after their own uses of those spaces (desks, tables, chairs, keyboards).



Experiential Learning

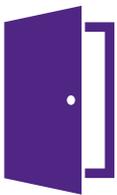
For the purpose of coping with the COVID-19 pandemic, experiential learning refers to academic program requirements which bridge the classroom and professional work environments, and that cannot be easily met through virtual or alternative means of instruction. Examples of experiential learning include but are not limited to:

- ▶ laboratory and simulation exercises
- ▶ clinical rotations
- ▶ internships
- ▶ field experiences

Experiential learning occurs on campus in the form of laboratory and simulation exercises, internships with campus agencies and clinical experiences in patient care clinics. In the off-campus setting, experiential learning occurs when students participate in field experiences, internships and clinical placements. ECU provides an abundance of programs with experiential learning requirements. While these programs share many commonalities, there are considerable variations in the resources needed to continue meeting educational and professional requirements. Experiential learning can be categorized two ways: 1) activity that cannot be completed virtually and that is a program requirement with no alternative mode of completion; 2) if the activity is not completed, either a) graduation will be delayed or b) the next cohort of students will be delayed. In addition, this set of criteria allows for participation in on-campus patient care clinics.

Programs must satisfy various return requirements and receive approval by the department chair, dean and Facilities Services. The return requirements were derived from CDC, UNC System and ACHA guidance. Examples of return procedures include health screening, use of personal protective equipment, social distancing measures and COVID-19 student training.

Please check with your program director about your on- or off-campus experiential learning requirements.



Capacity Restrictions

Room capacity is being revised based on social distancing guidance. Classroom capacity is determined by a minimum of 3-6 feet of physical distancing where possible. Signs will be posted with the new occupancy limitations.



PIRATE HEALTH

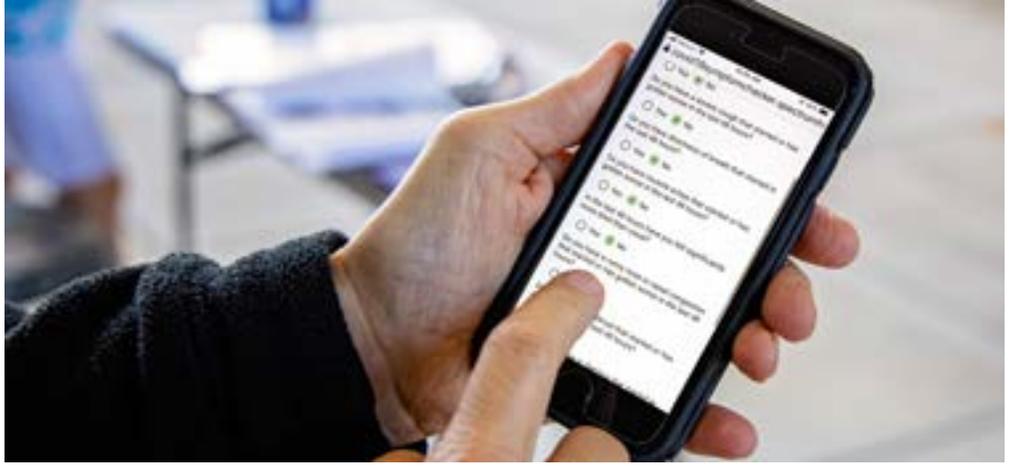
Personal Protective Equipment (PPE)

The outbreak of COVID-19 presents a constantly shifting landscape of risk assessment for higher education. The community expectations presented below are informed by guidelines from the CDC and the Occupational Safety and Health Administration (OSHA), as well as N.C. governmental guidance.

While these organizations and agencies already enforce regulations, new and proposed guidelines are implemented to further help universities open our doors again.

Persons who do not follow ECU's policy will be 1) advised of the face covering requirement by the person in charge of the event/course/activity, 2) informed of where/how to obtain a face covering if they do not have one, and 3) possibly deemed ineligible to participate in campus activities if they do not comply.

- 1** Face coverings are to be worn in public spaces and in face-to-face meetings while on campus, including classrooms and labs.
- 2** Face coverings are required when using the ECU Transit System.
- 3** Clinical spaces will follow their own infection control policies for the clinics (not limited to but including ECU Physicians, Student Health Services, College of Allied Health Sciences clinics, Dental Medicine).
- 4** A limited supply of disposable masks will be provided by ECU to employees, students and visitors, if needed. Students, employees and visitors may provide their own cloth face covering. Disposable masks will be available on campus from a variety of sources.



Testing and Tracing

Students and faculty involved in health care will comply with the COVID-19 safety guidance, including diagnostic testing, for their clinical setting unless the unit, division or university guidance is for a higher level of testing or more frequent testing.

- 1** If practical, students are encouraged to have a COVID-19 test for active virus either before arriving on campus or before engaging in activities on campus. If tested positive, students should isolate for 10 days and/or in accordance with your health care provider's recommendations. Students who are unable to or choose not to have a test for the active virus may still attend class and participate in activities.
- 2** Regular health screening is required through the use of screening questions. Complete the daily health screening using the CDC's COVID-19 symptoms list available at go.ecu.edu/screening. If you are experiencing symptoms, you should not report to class or work and should contact your health care provider.
- 3** The university will collaborate with the local health department to conduct contact tracing for every individual diagnosed with COVID-19 who is a part of the campus community. Infected individuals should be isolated, and exposed individuals should be quarantined.
- 4** Prior to the start of the term, the university will identify, review and, if possible, mitigate exposure risk from internal and external close contact for planned campus activities.
- 5** The university will require those on campus to receive training on the risks of COVID-19, including the risks of disease transmission in close contact, testing and interpreting test results and the details of and rationale for isolation and quarantine.
- 6** The university is working to develop a protocol for voluntary COVID-19 random testing. The information gathered from this testing will assist in monitoring the prevalence of COVID-19 on our campus. Details about this program will be available soon.



INTERNATIONAL STUDENT ACTIVITY



Guidance and restrictions from the University of North Carolina System Office and/or the state of North Carolina supersede the policy described herein. At the time of this writing, the CDC has a blanket Level 3 travel health alert in effect for all international travel. Under REG02.30.01 no university-affiliated international travel is currently permitted by ECU students. These restrictions will remain in place until the CDC travel alert levels and UNCISO guidance change.

- 1** ECU has suspended all university-related international travel including study abroad activities for fall semester and until further notice.
- 2** Once reinstated, the Office of Global Affairs (OGA) will require students, regardless of destination, to participate in online or face-to-face training on general public health practices, with a module provided by Student Health Services or the Office of Prospective Health.
- 3** OGA will also provide prospective study-abroad students, and prospective directors of proposed faculty-led programs with a list of items to consider when deciding to and preparing to study abroad. These items will include the current status of the local recovery, travel considerations, local health system capacity and public infrastructure and economic conditions in the destination country.
- 4** Furthermore, for outgoing semester exchange students, ECU will work with the partner university to inform students of local living conditions, emergency response policies, online capabilities, refund policies and the university's health policies and infrastructure.



HOUSING AND DINING

Residence Hall Expectations and Policies

- 1** Campus Living will operate at normal capacity and will work with students who have special housing needs as best possible for the coming year to meet their unique requests.
- 2** Move-in process will be completed earlier and staged properly to accommodate fewer people in each residence hall per floor per day. This will operate on a reservation system.
- 3** Room configurations will be adjusted to allow for maximum social distance of furniture, especially beds. Students will receive examples of floor plans for their respective halls to determine how they can move furniture to optimize social distancing within the room.
- 4** There will be no in-person residential hall programming for large groups.
- 5** Roommates are considered to be the equivalent of a household, and face coverings are not required in the room. Residents are encouraged not to share items, such as dishes, office supplies, clothing, etc.
- 6** Visitation in campus housing will be limited only to residents of other on-campus residence halls for the coming year to minimize risk for on-campus residents. Nonresidents of campus housing will not be permitted to enter the residence halls.
- 7** If you test positive for COVID-19, or if a health care provider tells you that you are presumed positive, you should notify the university by completing the self-reporting form on PiratePort. Any residential student required to isolate is expected to do so at home or in designated, ECU-provided off-campus housing.
- 8** Students in suites with shared bathrooms and/or living areas must follow university recommended cleaning guidelines and furniture/appliance usage. Personal bins and labeling are recommended.

- 9 While housekeeping will increase cleaning throughout the day, students will be encouraged to clean their rooms more often.
- 10 Hand-sanitizing stations will be available on every floor, in every main lobby, and in computer labs.
- 11 Capacity in laundry rooms, recreational areas and other gathering areas will be restricted. Proper sanitation supplies will be provided in these spaces.
- 12 Outdoor (Campus Living Sports Court by Gateway) and indoor housing recreation policies and procedures will be aligned to be consistent with Campus Recreation and Wellness.
- 13 Shared bathroom spaces will include proper signage for entry/exit as well as proper handwashing, overall safety/health messaging and contact information for when supplies are limited or out.
- 14 A small inventory of rooms off-campus will be reserved for residential students who need quarantining or isolation.



Move-in

The university has announced that the first day of classes this fall will be Aug. 10, 2020. The acceleration of this date into early August has resulted in significant changes to the move-in process for students and families. Holding a traditional move-in experience is further complicated by the ongoing pandemic which requires that the university make social distancing accommodations in order to maximize the safety of students and their families.

- ▶ Arrival locations will be in designated areas and near the student's hall to lower the impact of needing extensive staffing and other support infrastructure.
- ▶ Students will be able to select an "arrival for classes" window to return to campus. The number of students returning in specific time periods may be limited to maintain social distancing and parking management. Following these guidelines are essential to providing an atmosphere honoring the principle of social distancing.

[A process has been created](#) so that you can begin to make plans to come to campus safely during move-in and for the start of fall classes. All students will receive a link to sign up for their drop-off date with their room assignment prior to July 1, 2020.

Continue to watch for further messages concerning room assignments, drop-off logistics, and move-in procedures at your ECU email account. Students participating in a Living Learning Community (LLC) or other university programs – such as athletics or ECU Marching Band – may receive additional and different instructions from their respective programs in the near future.



Campus Dining Expectations and Policies

- 1 Meal plan parameters will be modified to maximize efficiency while maintaining social distancing.
- 2 Seating capacity will be reduced in West End and Todd dining halls between 25-50% of occupancy with clearly defined 6-foot distancing among tables.
- 3 A mobile app will allow advance ordering and pick-up for retail food orders in the Main Campus Student Center, Wright Place and The Croatan.
- 4 One dining option and Starbucks® will be open for grab-and-go in the Health Sciences Student Center.
- 5 In the Main Campus Student Center, seating options for dining will be expanded including into the second-floor ballrooms to promote social distancing.
- 6 Takeout and/or prepackaged food options will always be available at all retail operations.
- 7 All self-serve areas in the dining system, including but not limited to salad bars, cereal, drink and other stations will be eliminated.
- 8 Food delivery will be made available to isolated and quarantined residential students.
- 9 Silverware and plates/bowls will be individually handed out to each student in the dining halls to minimize the risk of contamination.

Available Dining Outlets

The latest information on dining options and hours of operation are available on the [Dining website](#).



CAMPUS LIFE



Recreation

- 1 Schedule personal training by appointments through the ECUREC app.
- 2 Social distancing will be the minimal spacing applied to both indoor and outdoor activities, on courts and on fields.
- 3 Club sports, intramurals and services (i.e., towel service and equipment) with direct body contact will be suspended.
- 4 Group fitness classes, workouts and activities will require advance registration through the ECUREC app.
- 5 Patrons will be required to assist in the sanitizing of equipment and areas before and after each use with provided supplies.
- 6 Virtual recreation classes will be offered through the ECUREC app.
- 7 Locker rooms will be restricted to restroom use; no showering or overnight locker use will be permitted.



Theaters and Large Outdoor Spaces

- 1 Fixed seating will be reduced to ensure social distancing.
- 2 Equipment or markings will be used to indicate appropriate distancing in large outdoor spaces.
- 3 Signs will be placed to create entry/exit access and walking paths to limit contact.



Student Organizations, Activities and Events

- 1 Indoor programs are limited to 50 people or less based on new room capacities. For more information, contact the Central Reservations Office.
- 2 Student organization travel will be suspended for the fall 2020 semester.
- 3 For the most up-to-date information on student organization events and activities, please visit engage.ecu.edu and/or download the CORQ app.



Athletics

We will work closely with state health officials, the UNC System, the American Athletic Conference and the NCAA on plans for fall athletics. No decisions have been made yet on any adjustments to schedules or formats.



PARKING AND TRANSIT

The following are changes to expect on ECU Transit and SafeRide as we return to campus this fall.

- 1 Face coverings are required on all transit vehicles.
- 2 All buses and vans will operate with limited capacity – 50% normal load. Charter usage and occupancy will vary depending on the groups and the individually approved plans for rider safety developed by each group.
- 3 Passengers are encouraged to ride at least 40 minutes to 1 hour early due to reduced capacity.
- 4 Passengers will board using the front door and exit using the rear door. On buses with only one door, all exiting passengers should be allowed to exit before boarding occurs.
- 5 Hand sanitizer stations will be available on each bus.
- 6 Passengers should practice physical distancing while waiting for the bus and while onboard transit vehicles. Passengers should adhere to all decals/signage/operator instructions.
- 7 Bus service will end by midnight nightly.
- 8 Buses will not serve College Hill weekdays during daytime hours. Bus service will resume to College Hill at 6:30 p.m. on weeknights.
- 9 Pirate Express service to the Uptown area is suspended for fall 2020 and spring 2021.
- 10 Bus service to off-campus shopping will be limited and operate with reduced hours.
- 11 Halloween bus service will not be provided in 2020.
- 12 Cleaning/disinfecting will take place nightly on every vehicle used that day.
- 13 Operator barriers will be installed on all transit vehicles.
- 14 SafeRide will complete single/group reservations before picking up additional passengers. Grouping trips will be significantly minimized. This could lead to longer wait times at peak times.
- 15 Pirate Access service will operate utilizing one vehicle. Priority scheduling will be reserved for qualifying ADA customers. Customers with temporary mobility impairments will be accommodated as space/schedule permits.

[**Click here**](#) for up-to-date information on the coronavirus from East Carolina University.



EXHIBIT E

Pirates™ Protecting Pirates

Response to Face Covering Violations

Report #1

- Warning Letter

Report #2

- Letter
- \$50 fine

Report #3

- Meeting with OSRR Conduct Administrator
- Sanctions may include:
 - Probation
 - \$100 Fine
 - Educational Sanction

Report #4

- Meeting with OSRR Conduct Administrator
- Sanctions may include:
 - Probation
 - \$100 Fine
 - Educational Sanction
- Case will be reviewed for possible separation from ECU.



For More Information &
to Report an Incident:
<https://osrr.ecu.edu/>

OSRR's response may vary based on the nature of the report and the student's conduct history.

PIRATES™ PROTECTING PIRATES



Responsible Behavior Initiative

Guidelines for gatherings

ECU Police: Be Responsible

CONTACT POLICE OR FILE REPORT

Contact [ECU Police](#)

Report Incident/Concern



252-328-6787



[Email Now](#)

FILE REPORT >

East Carolina University and ECU Police expect that all students and student organizations will adhere to all state mandates regarding gatherings. The current mandate allows for gatherings of no more than



News Services



of an incident and/or past conduct history.

[Gathering Guidelines](#)

[Police Response Protocol](#)

[Possible Sanctions](#)



GUIDELINES FOR GATHERINGS

Outside: 50 people or fewer | Inside: 25 people or fewer

First contact

(Before a complaint is received)

Officer makes initial contact and reminds tenant of guidelines in place for safety.

Second contact

(Or if a complaint is received)

Officer will seek voluntary compliance from the tenant to end the gathering. The tenant may receive a referral to the Office of Student Rights and Responsibilities.

Third contact

If the gathering has not dispersed or has grown larger, the officer will end the gathering and may issue charges against the tenant.



RESPONSE PROTOCOL FOR OFF-CAMPUS PARTIES EXCEEDING COVID-19 MANDATES

FIRST REPORT

Option 1

- Up to 50 people in attendance or the report does not list the number of people present and/or the report does not indicate that 50 or more people were present
- **AND** tenants and guests were cooperative
- **AND** no additional Student Code of Conduct violations were detailed in the report

Response:

1. OSRR will send a letter to the students involved



2. If a **Greek Organization**: Greek Life will contact chapter leaders, chapter advisors and national office.
3. If any other **Student Organization or Club Sport**: OSRR will contact the appropriate campus administrators.
4. ECU Police will be notified.

Option 2

- Over 50 people in attendance
- **AND/OR** tenants and guests were uncooperative
- **AND/OR** additional Student Code of Conduct violations are detailed in the report

Response:

SAME RESPONSE AS SECOND REPORT

SECOND REPORT

Regardless of how many people are in attendance

Response:

1. OSRR will investigate to determine if the incident involves individual and/or student organization conduct. OSRR will initiate the student conduct process.
2. If a **Greek Organization**:
 - If event at recognized chapter house or if it is determined that the event was sponsored by a Greek organization, a cease and desist order for social events will be issued.
 - Greek Life will contact chapter leaders, chapter advisors and national office.
 - ECU Police and/or Student Affairs will visit off-campus residence to review expectations with residents.
 - Greek Life/Student Affairs will meet with organization leadership and members.
 - Greek Life will send letter to parents.
3. If any other **Student Organization or Club Sport**:
 - OSRR will contact the appropriate campus administrators.
 - A cease and desist order for social events will be issued.
4. ECU Police will be notify landlord.
5. ECU Police will consider filing charges.

THIRD REPORT

Regardless of how many people are in attendance

Response:

1. OSRR will investigate to determine if the incident involves individual and/or student organization conduct. OSRR will initiate the student conduct process.



2. If a **Greek Organization**:
 - If event at recognized chapter house or if it is determined that the event was sponsored by a Greek organization, a cease and desist order for social events will be issued.
 - Greek Life will contact chapter leaders, chapter advisors and national office.
3. If any other **Student Organization or Club Sport**:
 - OSRR will contact the appropriate campus administrators.
 - A cease and desist order for social events will be issued.
4. ECU Police will be notify landlord.
5. ECU Police will consider filing charges.

POSSIBLE SANCTIONS FOR INDIVIDUALS AND/OR ORGANIZATIONS

| | | |
|---------------------|------------|-----------------------|
| Warning | Suspension | Educational Sanctions |
| Probation | Expulsion | Restitution |
| Deferred Suspension | | |

[Coronavirus Updates](#)

[Return of Pirate Nation](#)

East Carolina University

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EXHIBIT F



ECU COVID-19 Self-Reporting Form

PUBLISHED JUL 01, 2020 BY [ECU NEWS SERVICES](#)

FILED UNDER: [CORONAVIRUS NEWS AND UPDATES](#)

ECU Student Health Services has initiated a “COVID-19 Self-Reporting Form” for [current ECU students](#) via PiratePort.

The form, when submitted by the student, notifies ECU Student Health Services to enable follow up.

We are asking that [currently enrolled ECU students](#) submit the “COVID-19 Self-Reporting Form” if they meet **any** of the following in the last 14 days:

- **Have been diagnosed by a medical provider with COVID-19**
- **Are under instructions to self-isolate for suspected COVID-19 infection**
- **Have been advised to self-quarantine due to an exposure to COVID-19**

This process is intended to:

- Help students report illness/monitoring/exposure and to notify instructors
- Generate an email confirmation of the report of illness/monitoring/exposure
- Reduce exposure to well students, faculty, and staff
- Help assess the scope of COVID-19 infection among current ECU students
- Help the university track ill students and provide follow up care if needed
- Provide additional information on COVID-19 and a link to the [ECU Student Health Website](#)

This process was developed for the reporting of COVID-19 illness/monitoring/exposure. In order to preserve the integrity of, and confidence in this system, it may not be used to report any other types of illness or injury.

Students filling out this form will be contacted by a member of ECU Student Health Services to discuss details and follow up regarding the report of COVID-19 illness/monitoring/exposure.

NOTE: Misuse of the reporting site may violate the Code of Student Conduct and could result in university disciplinary action.

[Coronavirus Updates](#)

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EXHIBIT G



VC Student Affairs
@ECUDrHardy



So proud to be with [@ECUCoachHouston](#) and our coaches and student athletes in a peaceful protest on our campus. Make your voices heard and create positive change [@EastCarolina](#) and around the world.



4:26 PM · Aug 31, 2020 · Twitter for iPhone

22 Retweets 11 Quote Tweets 155 Likes

← Tweet



Erik Kneubuehl
@erik_kneubuehl



Proud of @EastCarolina Student Athletes for exercising their voice for #SocialJustice - #PirateStrong !
@ECUInnerPirate @ECUDrHardy @ECUChancellor
@ECUAthletics



4:27 PM - Aug 31, 2020 - Twitter for iPhone

2 Retweets 26 Likes



← **Tweet**



Ron Mitchelson
@ECUChancellor



Student athletes represent what's good in being Pirate Nation. Thank you students for leading!!

VC Student Affairs @ECUDrHardy · Aug 31

So proud to be with @ECUCoachHouston and our coaches and student athletes in a peaceful protest on our campus. Make your voices heard and create positive change @EastCarolina and around the world.



5:57 PM · Aug 31, 2020 · Twitter for iPhone

11 Retweets 120 Likes



Katie Walsh Flanagan @katieFlanAT · Aug 31
Replying to @ECUChancellor



Thank YOU @ECUChancellor for setting the right tone and leading us all on the right path 🙌 @EastCarolina



👍 3



