

WHAT TO CONSIDER WHEN IT COMES TO QUARANTINING SICK MEMBERS

Whether or not to quarantine sick members at the chapter house is up to each individual chapter and house corporation to decide based on their organization's guidance, their campus and local health department guidance, and the structure and layout of their individual facilities.

We have created some questions to consider in making the decision whether or not to quarantine sick individuals at the chapter house:

Exterior considerations

- + Universities may have a quarantine area, but it may likely be only for university-housed students
- + Campus health centers generally do not have overnight housing capabilities
- + Transporting a known infected individual exposes more of the population to the virus should the student be forced to go home
- + Students living in off-campus housing will likely self-quarantine
- + Hospitals only have capacity for the most ill individuals, so a quarantine elsewhere will be required

Individual considerations

- + The personal risk for serious illness from COVID-19 among the primary age-group of our student population is extremely low and those who do contract the illness are unlikely to need medical care
- + Our member residents likely will not want to leave the chapter house and/or campus

Sorority considerations

- + Does your housing agreement give you the permission to evict? Tenant laws are very liberal, so you may have trouble evicting a resident for non-compliance.
- + It is difficult to isolate a person in many of our chapter facilities because of the recommendation for private rooms, bathrooms, etc.
- + The delivery of food by employees poses an increased risk to our employees
- + Does potential exposure to the virus by our employees bring on more workers' compensation and employment practices liability exposure?



- + How would volunteers coming on to your property feel about a known infected person on the property?
- + If members know that they cannot stay at the house to be quarantined, are they more likely to be dishonest about their health?
- + With no current immunity offered to businesses trying to re-open (though this is currently being proposed at the federal level), as you increase your duty of care, so too do you increase your potential liability.
- + With enhanced education of best practices and close adherence to it, the isolation can be a low risk. The importance of education of your members remains one of the most critical parts of re-opening a chapter house and maintaining its operation.
- + Creative solutions being explored will be necessary to be able to react quickly should a member become ill with the virus. Some examples we have heard mentioned:
 - o All campus house corporations jointly renting a four-bedroom apartment to serve as a quarantine site
 - o All members should be urged to have a “crash bag” that can be grabbed if they take ill or they have to move because a roommate becomes ill.

RELATED FAQ: WHAT LEGAL LIABILITY DOES A CHAPTER/HOUSE CORPORATION HAVE IF A MEMBER IS DIAGNOSED WITH THE COVID-19 VIRUS AND IS ALLOWED TO LIVE IN THE CHAPTER HOUSE UNDER A QUARANTINE OR ISOLATION ROOM?

Legal liability exists when:

- + The wrongdoer (chapter house or corporation) is found guilty of “negligent conduct” meaning they breached a duty owed to the injured party
- + The injured party suffers actual damages such as getting ill with the virus
- + The wrongdoer's negligent conduct is the proximate cause of the injury or damage

What actions during the COVID-19 crisis could possibly lead to the insured (chapter and/or house corporation) being found legally liable for an injury from the virus? Before we lay out some examples it is always important to remember that society and the courts generally only require that a person or entity act “as a reasonable and prudent person” and using their best, and most informed, judgement act accordingly.

Examples might be:



- + Allowing an employee who is known to be infected with the virus to continue working
- + Forcing an employee to continue to work in a chapter house where there are resident members who are ill and isolated at the house
- + Failure to adhere to required health and prevention guidelines
- + No efforts to educate your employees and/or members on the health and prevention guidelines
- + Remaining open following an order by a civil authority to close
- + Indiscriminate application of rules and guidelines for the members of how to safely live in the chapter house to not expose your sisters to the virus

There are numerous other scenarios; however, the major point is that there will be advice from experts like the CDC on how to follow health and prevention guidelines to keep your chapter house safe from spreading COVID-19. The key is to follow the health and prevention guidelines, educate your employees and members on these guidelines, and put measures in place to ensure their compliance of these guidelines. Should someone get injured or ill and allege they did so on your property, you will be able to confidently defend your position by having followed these best practices.