

September 24, 2020

On March 10, 2020, the Governor of the State of Colorado issued an Executive Order declaring a state of disaster emergency due to the risk of spread of the novel coronavirus, now designated COVID-19.

On March 12, 2020, the Mayor of the City and County of Denver declared a state of local disaster emergency pursuant to C.R.S. § 24-33.5-701, *et seq.*, due to the risk of spread of COVID-19.

Since that time, the Executive Director of the Denver Department of Public Health & Environment (“DDPHE”), pursuant to section 24-16 of the Denver Revised Municipal Code, has issued numerous public health orders to mitigate the spread of COVID-19 within the City and County of Denver. These public health orders have restricted access to certain facilities; restricted mass gatherings of people; closed restaurants and bars to in-person services; and implemented stay at home requirements and critical business operations. In conjunction with steps taken by the Governor and the Colorado Department of Public Health and Environment, these measures all act in concert to minimize the spread of COVID-19 by reducing the exposure of individuals to the virus.

On September 15, 2020, the Executive Director of the Colorado Department of Public Health and Environment (“CDPHE”) issued Public Health Order 20-35 (“CDPHE PHO 20-35”). On September 17, 2020, DDPHE issued a public health order adopting CDPHE PHO 20-35. This authorizes DDPHE to enforce CDPHE PHO 20-35. CDPHE PHO 20-35 states, in relevant part, “gathering in groups of no more than 10 or 25, depending on the level for which the county is approved, are permitted. As we continue to combat COVID-19 in our communities, continuing restrictions to mitigate disease spread remain appropriate.”

DDPHE has been closely monitoring case counts among students, faculty, and staff associated with institutes of higher education. In recent weeks, DDPHE has observed an increase in positive COVID-19 cases resulting from activities at and around institutes of higher education. Many of these cases are a direct result of unsanctioned student gatherings that are in violation of the gathering limits established in CDPHE PHO 20-35, which is currently capped at 10 individuals in the City and County of Denver. Additionally, DDPHE has also observed cases that are a direct result of sanctioned student gatherings on campus.

In order to minimize the spread of COVID-19, this order hereby directs institutes of higher education to increase mitigation efforts. Specifically, institutes of higher education shall complete each of the following:

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- Conduct daily health screenings of students, faculty, staff, vendors, and all other campus guests such that any individual experiencing symptoms consistent with COVID-19 is restricted access to any building (other than their place of residence or to seek medical attention) and any practice or athletic event.
- Notify DDPHE as soon as possible, but not to exceed 24 hours, of all confirmed positive cases involving students, faculty, and staff.
- Implement effective efforts to ensure strict adherence to DDPHE's Face Covering Order by all students, faculty, staff, vendors, and campus guests.
- Require all student-athletes, coaches, athletic trainers, medical personnel, and any other individual attending indoor and outdoor athletic activities to wear face coverings during all indoor and outdoor athletic activities, including practices and games, except for outdoor athletic activities where participants strictly adhere to the Distancing Requirements in CDPHE PHO 20-35. Additionally, all student-athletes, coaches, athletic trainers, and medical personnel shall wear face coverings while travelling to and from all athletic activities when travelling in the same vehicle with another individual. All visiting teams must adhere to the same face covering requirements while in Denver.
- Upon receipt of one or more confirmed positive COVID-19 cases on a single athletic team, an institute of higher education shall notify DDPHE as soon as possible, but not to exceed 24 hours, and suspend all sports programming for that team until further notice. DDPHE will evaluate the need to impose a quarantine or isolation order on members of athletic teams.
- Develop and implement a written public health order compliance plan as soon as possible, but no later than Wednesday, September 30, 2020. The compliance plan should utilize campus security, campus police, and other necessary resources to ensure students are following existing public health orders, regardless of whether they reside on or off campus.
- Restrict visitor access to all on-campus housing except for students who reside at each of those venues and other essential personnel necessary for the maintenance and operation of the facilities.
- DDPHE has observed a surge in COVID-19 cases due to groups of students gathering in violation of the gathering limits established in CDPHE PHO 20-35. Accordingly, an institute of higher education shall take any actions available to them (such as enforcement of student ethics code violations) against any student, faculty, or staff

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member who the institute learns has failed to comply with any public health order or school policy related to the COVID-19 pandemic.

- DDPHE recommends that institutes of higher education voluntarily suspend all non-essential activities, including in-person extracurricular social activities sponsored or supported by the institute of higher education. Essential activities may include:
  - Education and classes as a part of a students required course work;
  - Training and other support for essential workforce activities;
  - Activities required for faculty to carry out distance-learning and other remote activities;
  - Essential research projects;
  - Activities required to maintain minimum basic operations; and
  - Any activities carried out as part of State or City COVID-19 response.

Pursuant to section 24-24 of the Denver Revised Municipal Code, it is unlawful for any person to fail to comply with this Order. Any person who fails to comply with this Order may also be subject to a civil penalty of up to nine hundred ninety-nine dollars (\$999.00) per violation. Enforcement actions are intended to be cumulative in nature and Denver may pursue one or more civil, criminal, and administrative actions, fees, fines, sentences, penalties, judgments, and remedies and may do so simultaneously or in succession.

It is DDPHE's intent to work in collaboration with institutes of higher education to help reduce the spread of COVID-19. If these measures do not help reduce the spread, additional measures, including but not limited to, imposing quarantine and isolation orders, requiring virtual classes, and imposing a Stay at Home Order may be considered by DDPHE.

This Order shall become effective immediately, and shall continue until further notice unless rescinded, superseded, or amended in writing by the Executive Director of the Denver Department of Public Health & Environment.

Issued by:



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Robert M. McDonald  
Public Health Administrator, City & County of Denver  
Executive Director, Denver Dept of Public Health & Environment

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