

FACT SHEET

ISSUE: President Biden issued Executive Order 14042 on September 9 directing federal government agency heads that administer federal contracts to modify the contract terms to include a vaccination requirement for “covered” employees working under/on or in connection with those contracts. Additionally, President Biden commissioned the Safe Federal Workforce Task Force to issue guidance for complying with the executive order, to include specific definitions of terms, explanations of protocols, and exceptions. This guidance from the Safe Federal Workforce Task Force was published on September 24.

RESPONSE: IHL and university legal staff reviewed the Safe Federal Workforce Task Force Guidance to ascertain any actions needed to ensure compliance by IHL universities. As a result of the federal Guidance and assessment of the potential impact of non-compliance with the executive order, the Board of Trustees of State Institutions of Higher Learning revised its prior directive (*issued* August 27 and *clarified* September 17) to refrain (except for clinical settings) from implementing COVID-19 vaccination mandates to allow universities to comply with President Bidens Executive Order.

Why did the Board take this action?

The Board took this action to ensure that public universities under its purview would not be denied the ability to maintain and compete for future federal contracts.

Why did the Board choose to not take a “wait and see” approach to President Biden’s Executive Order?

Although more time to vet this issue would have been ideal, affected university employees are facing vaccination deadlines of October 27 (1st Moderna), November 3 (1st Pfizer), and November 24 (Johnson and Johnson). Thus, the affected universities and employees need time to plan for complying with the deadline imposed by President Biden’s Executive Order.

Since President Biden’s Executive Order is not law and some question the constitutionality of the order, why did the Board take this action?

Although the executive order is not a federal statute, it is a type of federal regulation with the effect of law. Since there has been no extension by President Biden of the December 8th full compliance deadline and since neither Congress nor the courts have stayed, delayed, or revoked the executive order, the universities with federal contracts are forced to comply or risk losing access to federal contracts.

Why is access to federal contracts important to IHL?

The three major pillars of IHL universities are Teaching, Research and Service. Currently¹, IHL universities have 145 federal contracts totaling approximately \$276 million that are likely to meet the criteria requiring a vaccine mandate under President Biden’s Executive Order. These federal contracts fund 46% of research conducted at IHL universities and support approximately 1,049 direct and 853 indirect jobs that generate \$113 million in labor income.

¹The number, dollar amount and affected universities has changed since the Board action and press release on October 25, because additional government contracts affected by the executive order have been identified.

Are all IHL universities federal contractors?

No. Currently¹ JSU, MSU, UM, and USM are covered federal contractors and/or subcontractors and ASU, DSU, MUW, and MVSU are not covered federal contractors and/or subcontractors. This may change as existing federal contracts expire and new contracts are initiated.

Does this vote mean the IHL Board now supports vaccine mandates for universities?

No. The Board actions on August 27 and September 17 indicate the Board strongly encourages those eligible to get vaccinated against COVID-19 but does not support mandating the vaccine, except for clinical settings. However, the Board felt it had no choice, given non-compliance with President Biden’s Executive Order could adversely affect the ability of its universities to fulfill their research mission, cause a loss of federal revenue, and result in the elimination of many highly skilled jobs for Mississippians working at IHL universities.

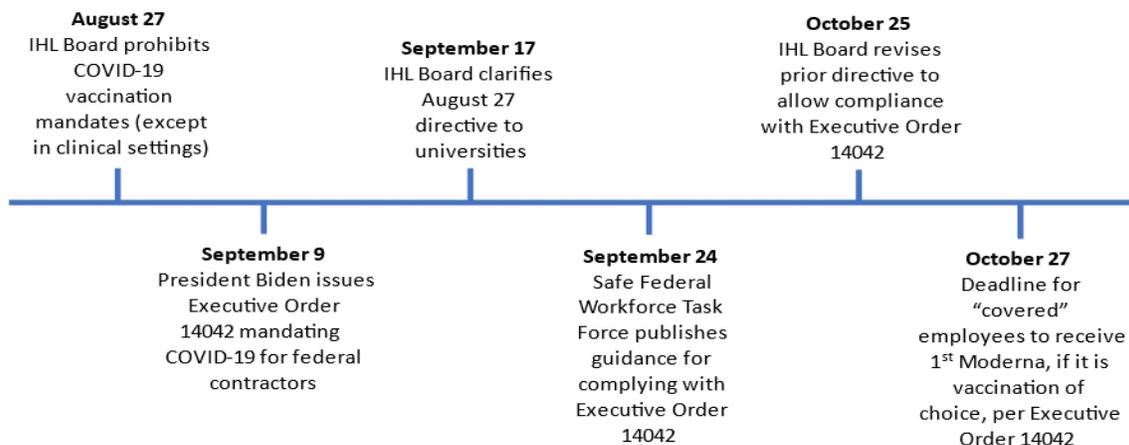
Do all university employees have to be vaccinated?

No. If a university is not a federal contractor or subcontractor within the parameters of President Biden’s Executive Order and the associated federal guidance, its employees do not have to be vaccinated (except for those employees in clinical settings that are required to be vaccinated by the university). Employees of those universities that are federal contractors/subcontractors under the federal executive order/guidance that do not work on or in connection with a federal contract/subcontract and that do not work on or come onto university property do not have to get the vaccine. Lastly, the exemptions from the vaccine mandate for employees set out in the federal executive order/guidance, such as an exemption due to medical condition, disability or sincerely held religious belief, may apply to some employees.

Do all students at IHL universities have to be vaccinated?

No. Only students who are employees subject to the terms described above.

Summary Timeline



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