



University of New Haven

Office of the President

Steven H. Kaplan, Ph.D.

President

**Testimony for the
Judiciary Committee**

Submitted by

Dr. Steven H. Kaplan, President

University of New Haven

March 15, 2021

On behalf of the University of New Haven, I am submitting testimony in strong support of **H.B. 5125: AN ACT CONCERNING THE PROVISION OF IMMUNITY FROM CIVIL LIABILITY FOR ENTITIES THAT HAVE OPERATED PURSUANT TO HEALTH AND SAFETY GUIDELINES DURING THE COVID-19 PANDEMIC.**

University of New Haven has worked diligently to implement the public health guidance that the state of Connecticut has issued to safely support the re-opening of higher education institutions over the past year. Beyond the Re-Opening Higher Education Report issued on May 6th by Governor Lamont, fourteen additional memorandums have been issued by the Department of Public Health for higher education along with DECD's various sector rules for operations.

To comply, University of New Haven has invested significantly in completing more than 25,000 COVID tests so far this academic year, and in costs associated with quarantine of more than 2,200 students. We invested in and implemented COVID-19 testing and quarantine compliance software to know the status of every community member, resulting in **one of the lowest COVID-19 positivity rates in the state: 1.9%**. We have operated an on-campus antigen testing facility 5 days a week and created and maintained isolation housing. Massive cleaning efforts were deployed across our facilities, each specific to the type of space and amount of use envisioned, and each effort was retooled with every change in guidance. The costs of testing and cleaning efforts, however, are merely the most obvious of a variety of others required to ensure compliance by the University.

The University of New Haven implemented in excess of \$1.3 million in capital improvements and \$2.1 million in additional operating expenses to comply with these memoranda and insure the safety and ongoing operation of the University during the COVID 19 pandemic. In addition to the isolation housing mentioned above, we invested in 10 additional classrooms with distance learning technology, to offset existing classroom capacity discounted through social distancing, and in the addition of a wireless access across open spaces to encourage students and faculty to move to acceptable and fresh-air ventilated spaces. All spaces indoors and outdoors were evaluated for proper social distancing, including not only classrooms but also dining spaces where seating and occupancy levels were adjusted to be no closer than six (6) feet apart. All campus HVAC systems were tested, preventative maintenance and filtration implemented, and in many cases used for 24-hour filtration not normally necessary. Furniture in most case was removed with floors or other markings provided to physically demonstrate proper furniture locations and permitted occupancy levels. Unprecedented amounts of signage were deployed across campus based on maps for safe navigation of campus facilities, and hand sanitizing and wipe stations were placed and filled in hundreds of locations.



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Recognizing the unusual potential for exposure on a college and university campus, the Governor's Reopen CT Higher Education Committee recommended the state offer an appropriate, limited, "safe harbor" from liability for those institutions that comply with the state guidance. The bill before you today aligns with this recommendation and is intended to allow for a temporary, targeted safe harbor for private entities, such as private, non-profit colleges, without shielding an institution from gross negligence or willful misconduct.

Some may argue that any institution that follows public health standards will prevail in litigation, and thus a safe harbor is not needed. However, the cost of successfully defending lawsuits will nonetheless be very high at a time when schools like the University of New Haven are already coping with a sudden increase in expenses and significant lost revenue.

University of New Haven has suffered losses totaling over \$29 million across the past twelve months. These come due to declining incoming and mid-year enrollment, declining intersession revenue, lower international graduate enrollment, reductions in room and board revenue, and new costs associated with re-opening, inclusive of the costs for specific COVID-related testing and quarantine costs identified above. Federal assistance has been immensely helpful, but it has not covered even one-third of these losses.

Moreover, insurance for pandemic risks is limited or unavailable, creating significant financial exposure.

For the reasons outlined above, we ask for the Committee's strong support of this bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Kaplan".

Steven H. Kaplan, Ph.D.

President