



Testimony for the Judiciary Committee
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On behalf of Fairfield University, 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.**

Fairfield University has worked diligently to implement the robust 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 with initial guidance as well as subsequent requests from state and local public health officials, Fairfield will have spent more than \$10 million in response to the pandemic including but not limited to providing robust testing of students, purchasing necessary cleaning supplies and other apparatus, conducting our own contact tracing, increasing oversight of our students, housing and feeding students consistent with guidelines, quarantining students for significant periods and responding quickly to all requests for supplementary public health interventions. Additionally, our students, faculty, and staff have volunteered in various ways ranging from engineering PPE equipment to administering vaccines at clinics throughout the state. I reflect upon all of this and in addition to being humbled as president of Fairfield University by the dedication of our community to the public good, as a political scientist I would suggest we as university have become an vital cog in the state's COVID response apparatus.

Acknowledging that universities are taking on this essential role as well as 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 direct and indirect cost of successfully defending lawsuits will nonetheless be very high at a particularly fraught moment when time and resources across the sector have never been more strained. Moreover, insurance for pandemic risks is limited or unavailable, creating significant financial exposure.

Institutions of higher learning are already coping with a sudden increase in expenses as well as significant lost revenues. The lack of safe harbor only heightens the uncertainty and exacerbates the strain which detracts from our core mission of educating young men and women of purpose.

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