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**Testimony for the
Judiciary Committee
Jennifer Widness, President
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On behalf of the Connecticut Conference of Independent Colleges (CCIC), 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** which seeks to provide immunity from civil liability to entities that have operated pursuant to health and safety guidelines during the COVID-19 pandemic.

The fifteen private non-profit colleges in Connecticut that comprise CCIC's membership have been strong partners to the state over the last year despite the significant challenges these institutions have faced. They have opened up their campuses to house first responders; they donated PPE when supplies were needed; they opened up their campuses as vaccine sites for the general public; they provided staff and student volunteers as vaccinators around the state; and they will have performed over 1 million tests on students, faculty and staff when the academic year ends in a few weeks.

These institutions worked diligently, along with their public counterparts, to implement the robust recommendations [from the Higher Education Subcommittee of Re-Open Connecticut](#) issued by Governor Lamont in May in addition to the [fourteen additional memorandum](#) issued by the state over the last year. These documents provided detailed guidance on how campuses should safely function, from testing to contact tracing, cleaning, transportation, etc. Classroom density was required to be reduced, dining halls had to be reconfigured and institutions were asked to set aside at least 10% of their dorm rooms for isolation space, all at a significant cost to the institutions.

While the institutions' efforts have been comprehensive, obviously they cannot control human behavior and guarantee that no student, faculty, staff, or visitor will be exposed to the virus. As a result, even institutions that strictly adhered to the robust public health standards the state provided, could face COVID-related lawsuits that would be costly to defend.

Recognizing this reality, the Governor's Higher Education Reopen Subcommittee recommended the state offer an appropriate, limited, "safe harbor" from liability for those institutions that comply with the state guidance, as this bill would do. The intent is to provide a temporary,

targeted safe harbor that would not shield an institution from gross negligence or willful misconduct.

There is some thought that an 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 is high and private, non-profit institutions of higher education have already suffered significant losses over the last year.

Between reductions in revenue and increased costs to comply with the state guidance, CCIC member institutions have collectively lost well over \$225 million since March. Federal relief has been helpful but will only cover about half of those institutional losses.

We would ask for the Committee's support of this bill today to limit frivolous lawsuits against private, non-profit colleges in Connecticut given their efforts to comply with robust state guidance to re-open safely in support of their students and the communities in which they are located.