



June 3, 2020

The Honorable Lamar Alexander
Chairman
Committee on Health, Education,
Labor and Pensions
U.S. Senate
Washington, DC 20510

The Honorable Patty Murray
Ranking Member
Committee on Health, Education,
Labor and Pensions
U.S. Senate
Washington, DC 20510

Dear Chairman Alexander and Ranking Member Murray,

On behalf of the American Council on Education and the undersigned higher education associations, I am writing to thank you for holding today's hearing examining the important issue of how U.S. colleges and universities can reopen their physical campuses in the fall as the nation seeks to recover from the COVID-19 pandemic and begin returning to normal.

The issues involved with safely welcoming students, faculty, and staff back to campuses are complicated; there is no one-size-fits-all solution. Every institution is developing plans appropriate for their own circumstances and the needs of their campus community, based on the guidance and resources available from federal, state, and local public health officials. For example, while residential campuses need to carefully consider protocols to minimize the risks for students living in close proximity to one another, commuter campuses must be cognizant of students who move between campus, home, and work on a daily basis—and some campuses must address both sets of issues. Every campus wants to offer as full a range as possible of academic, housing, social, athletic, and other programs and services, and to do so in a way that ensures as best as possible the safety and health of students and all other members of the campus and surrounding community. In addition to these challenges, we know that students will be coming back to campus with significant financial challenges as they and their families are not immune from the broader economic conditions facing our nation. Colleges and universities, while under financial strain themselves, will redouble their efforts to support students who are most in need.

Effectively and safely reopening campuses is constrained by the large revenue losses and significant new expenses that colleges and universities have already experienced and will continue to face. These expenses include the costs associated with moving instruction online, serving students remotely, and implementing new health protections and safety precautions. Estimates by ACE and other organizations have repeatedly concluded that institutions of higher education have already lost tens of billions of dollars via diminished revenues and increased costs in the current academic year. Surveys and data indicate that

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the next academic year will be far worse. In addition, some states have already substantially cut funding to public universities and to student grant programs at all institutions, while for others, the cuts are looming.

Understandably, implementing widespread testing, contact tracing, and quarantine and treatment facilities will impose substantial ongoing expenses, beyond the already sizable challenges in procuring and providing the extensive amounts of physical protective equipment and making the physical modifications to campus buildings that will be necessary to ensure the health and safety of our students, staff, and visitors. We are happy to share with the committee a list examples of individual institutional losses, based on public reports, demonstrating the enormous range and variations in circumstances that will dramatically complicate the ability of many campuses to reopen. Institutions are not asking for the federal government to make them whole, but they need support if they are to have any chance at returning to something resembling normal operations.

While institutions will be taking extensive measures such as those noted above in combination with campus-specific public health education programs and outreach—encouraging safety measures such as the wearing of masks, hand washing, and social distancing and expecting shared responsibility for behavior—it will be impossible to completely eliminate the transmission of this highly contagious virus. It is not only possible, but perhaps even likely, that any campus reopening will result in some COVID-19 infections within the campus community.

As a result, institutions are facing enormous uncertainty about COVID-19-related standards of care and corresponding fears of possible litigation, even when they have employed reasonable decision-making and done everything within their power to keep students, employees, and visitors as safe as possible. In addition to providing critical financial support for institutions that have been hard-hit during this crisis, we believe Congress should pass legislation providing a timely, temporary, and targeted federal safe harbor from liability for illness or the spread of illness when good faith efforts are made to comply with applicable local, state, and federal public health standards. These protections should preserve recourse for those harmed by truly bad actors who engage in egregious misconduct or gross negligence.

Thank you again for your willingness to examine these important issues during today's hearing. We look forward to working with you and your colleagues on this urgent matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Ted Mitchell". The signature is written in a cursive, slightly slanted style.

Ted Mitchell
President

On behalf of:

Accrediting Commission for Community and Junior Colleges
ACPA-College Student Educators International
American Association of Collegiate Registrars and Admissions Officers
American Association of Community Colleges
American Association of State Colleges and Universities
American College Health Association
American Council on Education
American Dental Education Association
American Indian Higher Education Consortium
Association of American Universities
Association of Catholic Colleges and Universities
Association of Community College Trustees
Association of Governing Boards of Universities and Colleges
Association of Jesuit Colleges and Universities
Association of Public and Land-grant Universities
Association of Research Libraries
Coalition of Urban and Metropolitan Universities
College and University Professional Association for Human Resources
Council for Advancement and Support of Education
Council for Christian Colleges & Universities
Council for Higher Education Accreditation
EDUCAUSE
Higher Learning Commission
Hispanic Association of Colleges and Universities
NASPA - Student Affairs Administrators in Higher Education
National Association of College and University Business Officers
National Association of Independent Colleges and Universities
National Association of Student Financial Aid Administrators
National Association of System Heads
New England Commission of Higher Education
Northwest Commission on Colleges and Universities
Rebuilding America's Middle Class
Southern Association of Colleges and Schools Commission on Colleges
State Higher Education Executive Officers Association
TMCf
UNCF (United Negro College Fund, Inc.)