

**Summary: Senate HELP Committee Hearing
COVID-19: Going Back to College Safely
June 4, 2020**

Yesterday, the Senate Committee on Health, Education, Labor & Pensions held a full committee hearing, [COVID-19: Going Back to College Safely](#). The hearing focused on whether and how universities will reopen in the fall, their testing, tracing, distancing, and athletics plans, the financial impact of these plans, and the disparate impact of COVID-19 on students of color. Two of AAU's member presidents participated in the hearing, President Daniels of Purdue University and President Paxson of Brown University. Both spoke about their strategies for the fall, ways to support students disproportionately impacted by the pandemic, interruptions to research, and the financial impact on universities.

Chairman Alexander (R-TN) began his [opening statement](#) by suggesting that the question is not whether to reopen universities in August but rather how to reopen them safely. Senator Alexander recommended that colleges and universities integrate their school's testing plans into their state's testing plans. He said that colleges have four advantages in reopening: (1) younger people have been less physically harmed by COVID-19 exposure; (2) "colleges are notorious wasters of space" and according to former George Washington University President Stephen Trachtenberg, the typical college uses its facilities for academic purposes a little more than half the calendar year so they will have the capacity to enact social distancing policies; (3) tracking and tracing is easier to do at a college because we know where students live and attend classes; and (4) colleges can require the use of masks and make it part of the college culture. The two key challenges that universities face are that (1) college students do not always do what they are asked and (2) approximately 86 percent of college students do not live on campus and therefore can leave campus and infect others. Senator Alexander spoke about the role of the federal government in the reopening of college campuses. He said that it is the role of the federal government to do things such as providing advice from the CDC, funding innovations for tests, encouraging universities to work with states, providing supplies that states do not have, providing funding such as that in the [CARES Act](#), and perhaps providing some liability protections. Beyond that, he said, universities should make their own decisions. Finally, he noted that "already, the disruption of research projects has erased much of the funding Congress has given our research universities."

In her [opening statement](#), Ranking Member Patty Murray (D-WA) began by referencing the current protests and saying that institutions of higher education have the opportunity and responsibility to respond to racism. She emphasized the need to focus on students disproportionately affected by COVID-19, including students of color and students experiencing homelessness, and the resources those students may need such as advising, tutoring, mental health support, and childcare. She said colleges must not rush to return to campus and instead must develop detailed plans on how to safely return to campus and handle a potential outbreak. Finally, Senator Murray spoke to the administration and the need for leadership from Secretary DeVos (instead of the imposition of additional requirements and regulations, specifically, the newly released Title IX regulations), and the need to hear from Secretary of Labor Scalia on workers' protections and Health and Human Services Secretary Azar on the administration's response to this health crisis.

The following witnesses testified at yesterday's hearing:

- Mr. Mitchell Daniels, President Purdue University
- Dr. Christina Paxson, President, Brown University
- Dr. Logan Hampton, President, Lane College
- Georges Benjamin MD, MACP, FACEP(E), FNAPA, Hon FRSPH, Hon FFPH, Executive Director, American Public Health Association

Key Points:

[Mr. Mitchell Daniels, President Purdue University](#)

- Purdue's reopening plan is based on two strategies: (1) protection of the vulnerable and minimizing their risks (2) maximizing choice for students and professors in deciding whether to participate in classes in-person, online, or through a hybrid model
- To enforce protocols, Purdue hopes to develop a culture on campus which includes the "Purdue promise" pledge committing students to safe and courteous behavior
- Scholarship athletes who do not feel comfortable returning to campus will maintain their scholarship at Purdue. Purdue also plans to allow up to one-quarter of the capacity in their football stadium this fall to allow for appropriate social distancing. There is more uncertainty around spectators at indoor sports
- If students still do not feel safe with the protocols Purdue has put in place, they should not come to campus, and instead, take advantage of the many online courses Purdue offers.
- In the wake of this pandemic, there will likely be a push to make colleges and universities more affordable

[Dr. Christina Paxson, President, Brown University](#)

- There is a great need to provide additional financial aid to students whose parents have lost their jobs and who themselves may have lost their jobs
- The partnership between the federal government, states, and universities is especially important right now
- If colleges have to close permanently, it will be difficult for students to find another university to attend and complete their degree
- Non-COVID-19 research in the labs has been put on hold or delayed including critical research on energy and Alzheimer's disease
 - At least \$26 billion in research relief is needed to complete the activities in contractual research agreements between the federal government and universities. The long partnership between the federal government and research universities is critical to the country's innovation ecosystem and economic development
- The university has had to adjust their expectations of students' needs now that many students' parents have lost their jobs and students have not had summer jobs. For example, the university

is fielding increased requests for food assistance. The doubling of the Pell grant would also help support students.

- For temporary liability protections, universities are not seeking protection from being careless. However, we are in uncharted territory and many institutions are nervous that even if they play by the rules, they will be subject to class action lawsuits. Even if universities prevail, the cost of these lawsuits will take away money that could go towards supporting students.
- We need to support all students including DACA recipients and veterans – students who were excluded from receiving CARES Act higher education emergency relief funds.

[Dr. Logan Hampton, President, Lane College](#)

- Top two asks for HBCUs: (1) Congress provide \$1 billion for HBCUs, MSIs, and tribal-serving institutions (2) Double the maximum Pell grant
- Supportive of the expansion of the TIO program in order to encourage students to return to school to finish their degree
- Students filled out the FAFSA at the beginning of the year based on financial information that has now drastically changed for some students. Their families now have less means to help them afford their education.

[Georges Benjamin MD, MACP, FACEP\(E\), FNAPA, Hon FRSPH, Hon FFPH, Executive Director, American Public Health Association](#)

- Top five issues for universities: (1) maintaining alignment with university policies and standards without utilizing public health standards that are lower than the community the school is in (2) commuter schools have different difficulties to overcome (3) guidelines matter – must listen to CDC guidelines, Congress should require OSHA to protect all workers from COVID-19 (4) need for robust campus health program linked to state and local health agencies (5) adequate staffing and PPE
- One of the biggest obstacles that universities are facing is the supply chain issue for labs to have the supplies they need to conduct testing

Much of the questions and answers portion of the hearing was focused on institutional protocols for the re-opening of campuses, including plans for testing for faculty and staff.

In addition, Senator Warren noted that President Paxson is the vice chair of AAU's Board of Directors and referenced the ACE-led letter, signed by AAU, asking Congress to create a temporary and targeted safe harbor from liability for COVID-19-related exposure. Warren then asked President Paxson what message this sends to students, parents, and staff– and whether President Paxson supported this request – because, per Senator Warren, it signals that universities do not care about the welfare of their students and employees. Paxson replied that she supports such a safe harbor, because as of now the standard of care is unclear and, no matter what precautions universities take, it is impossible to guarantee protection from the virus. Paxson further said that speculative lawsuits that second guess universities' decision-making based on the best information available to them at the time divert resources away from things like student financial aid and support services. Paxson also emphasized that

she in no way advocates for a safe harbor that protects bad actors. Warren concluded by entering a number of statements – including one from the American Association for Justice – into the record.

Several Senators were critical of federal agency guidelines not providing enough detailed guidance for campuses. Senator Murray, in particular, made the point that the CDC and the Department of Education need to create more detailed plans for how to keep colleges safe.