



Written Testimony on Senate Bill 308

Senate Judiciary Committee

June 3 2020

Chairman Eklund, Vice Chair Manning, Ranking Member Thomas and members of the Senate Judiciary Committee, thank you for the opportunity to submit written testimony today on Senate Bill 308 (SB 308). I am Jack Hershey, President of the Ohio Association of Community Colleges, which represents the presidents and trustees of all twenty-three of Ohio's public two-year institutions. On behalf of Ohio's public two-year institutions, I would like to thank the bill sponsor, Senator Matt Huffman, and your committee for including public colleges and universities in this legislation.

As we are all well aware, the Covid-19 pandemic has caused major disruption to virtual every aspect of our lives – from health care to the economy to higher education. Since March, Ohio's community colleges have responded rapidly to this ongoing crisis by transitioning our courses to remote learning and working environments. Despite moving the vast majority of our courses online, because of the essential function that our community colleges have in workforce training, our institutions never fully “shut down” in order to provide limited technical or lab instruction in adherence with all federal and state social distancing requirements.

SB 308 is a balanced approach to provide reasonable protections to both public and private entities during this emergency. The legislation does not provide unlimited immunity to simply dismiss the need for accountability. Rather, SB 308 provides balanced protections for those entities that made a good-faith effort to provide necessary precautions while denying immunity if the entity acted with willful or wanton misconduct.

As our colleges universities begin to phase-in back to normal operations, one of the greatest challenges we face is the uncertainty that has been created. Despite best-faith efforts, policies and plans that adhere to health requirements and guidance aimed at preventing Covid-19 infections, our public colleges and universities face the risk of civil lawsuit for damages resulting from circumstances often beyond our control. Unfortunately, the reality with this virus is that despite implementing appropriate safeguards and policies, it is simply not possible to know for certain that all of our safety measures will prevent infections.

Including public institutions of higher education in the legislation will mitigate unforeseen risk as we seek to return to normal operations. By providing limited protections to our public institutions of higher education, this language will help our community colleges determine how to best serve our students, faculty and staff while responding to the workforce and academic needs of our partners.

Chairman Eklund and members of the committee, once again thank you for including our public colleges and universities in SB 308. Please know that as Ohio's community colleges move toward returning to normal operations, the health and safety of our campus community, visitors and industry partners has been, and will continue to be, our top priority.