

# US universities and colleges appeal for legal immunity from coronavirus lawsuits as campuses plan to reopen in fall

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In a letter to Congress, the American Council on Education, a policy group for universities and colleges in the US, pleaded on Thursday for legal liability protections ahead of potential lawsuits brought by students, faculty and staff as campuses plan to reopen in the fall in the midst of the coronavirus pandemic. The letter was co-signed by 70 other higher education associations.

The move comes as over a dozen campuses currently face class action lawsuits from students demanding a partial reimbursement in tuition costs as schools moved instruction online due to campus closures in response to the pandemic.

The onset of the coronavirus pandemic has had a major financial impact on higher education institutions. Some schools estimate losses in the millions for the portion of the spring semester under lockdown, with predicted losses of up to \$1 billion this coming year. According to *Inside Higher Ed*, schools anticipate at least a 15 percent drop in enrollment nationwide for the 2020–21 school year, amounting to a \$23 billion revenue loss.

Likewise, state funding for education has been slashed substantially in several states as tax revenues have fallen as a result of mass unemployment, decreased consumer spending and a lack of federal aid during the pandemic. The largest budget shortfalls have been reported in California and New York, where cuts in education have been reported at \$18 billion and \$15 billion, respectively.

Universities and colleges depend on state funds for a portion of their revenue, but have become increasingly reliant on revenue streams coming from student enrollment in tuition costs, residence fees, sports

revenue and dining. As a result of years of budget cuts in education, the business model of the university requires the in-person attendance of students, faculty and staff.

Over the past several weeks, a large number of higher education institutions have declared that in-person instruction, residency and dining will be opened in the fall with varying social distancing measures. In making these plans, administrators are juggling between fully in-person instruction, fully online instruction or, in most cases, a hybrid of the two for the upcoming fall sessions.

*The Chronicle of Higher Education* recently outlined a number of measures being planned by schools for in-person instruction in the fall, ostensibly meant to ensure social distancing protocols at campuses. Plans for instruction vary but revolve around measures such as the mandatory use of masks on campus and a 6ft distance from other students and faculty. Cartoon images in *The Chronicle* article illustrate the measures, for example showing students spaced out in classrooms and one-way entrances and exits to buildings. Other measures include a reduction in class sizes and a reorganization of class schedules to accommodate for longer times between classes and deep cleaning of classrooms.

Likewise, universities are reconsidering the number of students living in dormitories and eating in dining halls at the same time. For example, these include reducing three-person rooms to two-person rooms and designating some housing to quarantine any students infected with COVID-19.

While it may be the case in certain instances that such measures are being proposed by well-meaning

individuals, the plans are wildly inadequate and will do little to nothing to stop a major outbreak of the virus on their own.

University and college campuses have thousands to tens of thousands of people passing through their grounds per day, including students, faculty and staff, visitors, guest speakers, and parents and family. These individuals come from both local areas and far-flung states and countries.

There is no doubt that if campuses open up under the current conditions, they will become new hotspots for the disease. This phenomenon is already occurring in meat packaging, auto and other industries, which are forcing workers to return to their jobs despite the unsafe conditions. In fact, without a national plan for testing and contact tracing now there will most likely be a deadly second wave of the pandemic in the fall and winter.

Adequate testing and contact tracing require funds that neither the Trump administration nor any state government has provided. The vast majority of schools have no plans to divert more funds into the infrastructure necessary for a safe return to campus.

The school plans for reopening also expose a host of issues concerning the deteriorating quality of higher education, including larger class sizes and the firing of tenured faculty who are replaced with lower paid adjunct lecturers. The reduction of class sizes to ensure social distancing measures raises the necessity for more classrooms and faculty in order to provide the same quality of education.

Likewise, the deep cleaning required to keep classrooms and study spaces virus-free would also require additional cleaning staff be hired. Although no schools have announced tuition raises so far, increases are inevitable, not only to meet the new needs posed by campus-wide physical distancing measures but also in light of the cuts in state spending and an absence of federal assistance.

Students, who are grappling with the health and financial consequences of returning to school, may opt to forego attendance altogether for the upcoming school year. Schools are already anticipating a significant 15 percent reduction in enrollment, which is bound up with the continuation of high tuition costs for what amounts to an online degree as well as the dangers of living and studying on a campus with

thousands of others in the midst of the pandemic.

Student debt in the US stands at over \$1.5 trillion, primarily due to rising costs of tuition, residency, books and more, which have raised the cost of a university degree to unaffordable levels for the vast majority of students. State budgets for education were cut across the board in 2008 following the financial crash and have never been raised back to previous levels. The costs for students to obtain a higher education will only continue to increase so long as schools are starved of resources and carved up by private interests.

The decline of the education system and the failure of the state and federal governments to prepare and effectively deal with the pandemic without causing mass infection and death lie solely with the incapability of the capitalist system to meet the health and social needs of the population. For public education and higher education to survive requires the mobilization of society's resources to meet human needs, not private profit.

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