

Addendum to Testimony of March 13, 2019  
Susan Stitely, President, Association of Vermont Independent Colleges (AVIC)  
19-090961 (Postsecondary Educational Closings)

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As I mentioned in my testimony of March 13, 2019, AVIC cannot support the language requiring AVIC members to maintain an MOU regarding academic records with a closing college when the college is no longer a member of the Association. AVIC members are being asked to enter into an MOU whose terms we disagree agree with. Although the State may have the constitutional authority to force AVIC into a contract, generally speaking, under contract law a party cannot be coerced into signing an agreement.

Compelling AVIC and its members to enter into a MOU when it doesn't agree to the terms of the contract may be preventable. As an alternative, you may want to consider keeping the AVIC language as passed last year, but with the addition that any accredited nonprofit private college who is not a member of AVIC be required to maintain a \$50,000 bond.

AVIC members have worked diligently to prevent another situation like Burlington College by first proposing an MOU as a solution and second by adopting a record retention policy. We believe we are good partners with the State, not only in our \$1.1 billion economic impact, but by working together to solve problems.

Thank you for your consideration.

Susan Stitely  
President, AVIC