

EXH. 1
DECL. OF JANE MCBRIDE GATES
(CONNECTICUT STATE COLLEGES AND UNIVERSITIES)

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

COMMONWEALTH OF MASSACHUSETTS,
et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY, et al.,

Defendants.

Civil Action No.

DECLARATION OF JANE MCBRIDE GATES

DECLARATION OF
CONNECTICUT STATE COLLEGES AND UNIVERSITIES
PROVOST & SENIOR VICE PRESIDENT OF ACADEMIC & STUDENT AFFAIRS
JANE MCBRIDE GATES, Ph.D.

I, Jane McBride Gates, pursuant to 28 U.S.C. § 1746, hereby declare and affirm:

1. I am the Provost & Senior Vice President of Academic & Student Affairs at the Connecticut State Colleges and Universities (“CSCU”), a system of 17 accredited institutions of higher education, with a system office located in Hartford, Connecticut. I have worked in this capacity since 2015.

I hold a Bachelor of Arts degree in Political Science from Arkansas State University; a Master of Public Administration degree from the University of Arkansas-Fayetteville; a Doctor of Philosophy degree in Political Sciences with areas of concentration in Organizational Behavior, Public Policy Analysis, Legislative Process and Chinese Politics from Southern Illinois University. I completed the Harvard School of Education Management Development Program, Leadership America Forum, and the Harvard Graduate School Institute for Management and Leadership.

I have written on numerous aspects of public policy, including the effects of welfare-to-work programs, analysis of public service employment programs, “Bridging the Gap between Town and Gown: Local Government Expertise and the Role of the University”; several referenced articles and monographs. I am editor/contributor to the first edition of the book, Pathways to Success.

2. I submit this declaration in support of the State of Connecticut’s litigation challenging the Immigration and Customs Enforcement policies announced on July 6, 2020 by

“Broadcast Message,” which are to be published as a Temporary Final Rule to amend requirements of the Student and Exchange Visitor Program (the “Rule”).

3. I have compiled the information set forth below through personal knowledge and with the assistance of CSCU personnel who have gathered and presented me with relevant information. I have also familiarized myself with the Rule in order to understand its immediate impact on CSCU.

Background on College/University/System and International Student Population

4. The Connecticut State Colleges and Universities (CSCU) is a system of 17 public colleges and universities across Connecticut, under the governing authority of the Board of Regents for Higher Education (BOR). There are three constituent units of CSCU: the four Connecticut state universities (CSU), the 12 Connecticut community colleges (CCC), and Charter Oak State College (COSC) an online college. A single administrative system office provides overall administrative support to the 17 institutions.

5. The BOR has 21 members consisting of 15 voting members (9 appointed by the Governor, 4 by legislative leaders, and 2 by students) and six non-voting ex-officio members, including two representatives from the Faculty Advisory Committee. The CSCU President through the System Office provides oversight, support, and coordination of the 17 institutions. As a constituent unit of the State of Connecticut, for FY21 CSCU received \$637 million (\$315 million plus \$322 million for fringe benefits) in state appropriates.

6. There are approximately 85,000 students enrolled at the CSCU institutions

7. CSCU currently has about 541 enrolled students who come from many different countries and have either F-1 visas or M-1 visas. These students are responsible for payment of out of state tuition and fees and some also pay for room and board. Tuition and fees for

community college students is \$4,476.00 per year while tuition and fees for university undergraduates is about \$25,206 per year and graduate students may pay as much as \$26,382 per year. Room and Board is an additional \$13,664.

8. Of these students with F-1 and M-1 visas, almost all are currently in the United States.

**Institution’s Careful Planning for a Safe and Meaningful Learning Environment
for Fall 2020**

9. On March 10, 2020, in an effort to “limit the spread of the COVID-19 coronavirus and protect public safety,” Connecticut Governor Ned Lamont declared a “public health emergency and civil preparedness emergency” through the State. As a result, each CSCU, with the exception of COSC (the online institution), announced that it was moving all of its programs to an online-only model of learning for the remaining of the Spring 2020 semester, as a necessary means of reducing the number of people working or living in close quarters on our campuses. The decision was necessary to protect the CSCU campuses and the community at large. Further, it was the best way to continue our mission while providing the best possible education to CSCU’s students while limiting the spread of COVID-19.

10. Immediately after switching to a remote learning model for the spring 2020 semester, CSCU began planning for the fall. We spent weeks determining the course of action for the Fall 2020 semester that would most effectively balance the health and safety of the campus community and the educational experience of CSCU students. Our decisions, which continue to evolve, are the product of careful, time-consuming deliberation and consultation with experts in crisis management, and health care policy; state and local leaders; administrators and experts at other universities’ and experts around the country. Throughout the process, our goal

was to develop a response to COVID-19 that prioritizes the health and safety of CSCU and the greater Connecticut community while providing opportunities for students to continue their educational pursuits.

11. Based on our formal and informal meetings and collaborations, CSCU determined that it would not be possible to hold full in-person classes without a substantial likelihood that COVID-19 would spread rapidly and widely, endangering the health and lives of students, faculty, staff, and community members on and off campus. Despite use of lecture halls and other classrooms at partial capacity, there simply are not significant resources on ground when the implementation of social distancing requirements significantly reduce the density of the classrooms. We determined that it would be costly and time-prohibitive to install the necessary ventilation systems to prevent the spread of the virus, so we configured most classrooms to ensure safe distancing to limited avail.

12. Because the CSCU is a system of institutions each with its own configurations, the institutions will be offering a variety of options with some on-ground instruction with a synchronistic online broadcast known as “hyflex” delivery modality, so if there is another outbreak which forces campus closure, course instruction can seamlessly pivot to totally online. Some courses and some students will be limited to online learning due to limited space availability in compliance with the Centers of Disease Control guidance. Since our dormitories will be open it is important that those students living on campus be provided with as many on-ground courses as possible. Our dorms are expected to open no later than August 10 (to allow for 14 days of isolation for those traveling into Connecticut from COVID hotspots) with classes to start by August 24.

13. During the weeks of planning and in moving to an online model, CSCU relied upon the guidance issued by United States Immigration and Customs Enforcement (“ICE”) on March 13, 2020, titled “COVID-19 Guidance for Student and Exchange Visitor Program Stakeholders” (“March 13 Guidance”). As CSCU understood it, the March 13 Guidance authorized students in the United States holding F-1 or M-1 visas to “count online classes towards a full course of study” in the event their schools temporarily stopped in-person classes, regardless of whether the visa holders remained in the United States or departed the United States. ICE promised that the March 13 Guidance would remain “in effect for the duration of the emergency.”

14. Prior to July 6, 2020, CSCU was given no warning by ICE that it planned to reverse or alter the March 13 Guidance with the pandemic still surging throughout much of the country. CSCU institutions maintain an ongoing relationship with the federal government, including through a liaison to the Department of Homeland Security, of which ICE is a component department. At no time prior to July 6 did ICE or DHS advise any of the CSCU institutions, through that liaison or otherwise, that it contemplated reversing the March 13 Guidance.

15. Because ICE gave no notice that it was considering amending or withdrawing the March 13 Guidance, CSCU necessarily relied on the March 13 Guidance as it planned for the Fall 2020 semester. It had no choice as careful and thorough planning for a fall reopening necessarily began almost immediately after the University pivoted to an online-only model in March of this year.

Economic Harm to Institution as a Result of the Rule

16. The July 6 Directive will make it impracticable or even impossible for some of those international students to continue to study at CSCU institutions and make progress toward their degrees, while imposing academic and living conditions for others that will prompt them to take leaves from their programs—or drop out altogether.

17. We estimate that 541 students might disenroll if CSCU reverts to fully online due to pandemic- 322 students from community colleges and 219 from the CSUs.

18. If our international students disenroll and if we are not able to enroll new students, CSCU should anticipate a drop in revenue of about \$8.5 million dollars.

19. The COVID-19 pandemic has resulted in massive revenue shortfalls, and significant new expenses, for CSCU. On the revenue side, CSCU is braced for a loss of about \$30 million against expected revenues because of the pandemic. The new Rule threatens to compound those losses by chasing away, excluding, and removing international students, many of whom – ineligible for in-state tuition and some forms of financial aid – are significant sources of tuition revenues for CSCU.

Administrative Burdens and Planning Disruptions as a Result of the Rule

20. By threatening to force many F-1 visa holders to withdraw from CSCU institutions, the July 6 Directive strains the institutions ability to provide in-person learning. At this point in the pandemic, it is not be feasible for CSCU to safely implement System wide in-person learning for the Fall 2020 semester. The decision to continue remote learning through the Fall 2020 semester was due to, among other considerations, the time and expense of implementing safety measures in our classrooms and other campus facilities, and the difficulty of protecting the health and safety of our students, faculty, and staff. CSCU invested a substantial amount of time in devising, planning, and implementing the Fall 2020 semester that utilized all

available and appropriate resources, however, that still limits our ability to offer in-person learning. It would not be possible for the CSCU to implement the necessary safety measures required for system-wide in-person learning by August 24 (the first day of the Fall semester for CSCU's institution), particularly in light of our evolving understanding of COVID-19.

21. Further, re-issuing I-20s for each student by 8/4/20 will be an administrative burden. Each form takes a minimal of 20 minutes to process. As a result merely processing the forms will add 180 hours of work. That paperwork does not include the wait time for processing or the time it will take to individually advise each international student of their options for the limited on-ground modes of instruction.

Harmful Impact of the Rule on Educational Mission

22. CSCU and its students benefit enormously from the participation of international students. CSCU places great emphasis on a diverse student body, and international students offer perspectives that other students otherwise may never experience. The loss of international students from CSCU would deprive Connecticut students of one of the great benefits of their educational experience, preparing them to live and work in a globalized world.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 11th day of July, 2020



Jane McBride Gates, Ph.D.
Provost & Senior Vice Pres., Academic & Student Affairs
Connecticut State Colleges and Universities