

EXH. 10
DECL. OF DENNIS ROME, PH.D.
(NORTHEASTERN ILLINOIS UNIVERSITY)

**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 DENNIS ROME, PH.D.,
NORTHEASTERN ILLINOIS UNIVERSITY

DECLARATION OF DENNIS ROME, Ph.D

I, Dennis Rome, pursuant to 28 U.S.C. § 1746, hereby declare and affirm,

1. I am the Provost and Vice President for Academic Affairs at Northeastern Illinois University (NEIU) located in Chicago, Illinois. I have a Ph.D. from Washington State University, a master's degree from Howard University, and a bachelor's degree from Bradley University; all of my degrees are in Sociology. I have served NEIU as its Provost since July 2019, and currently serve as its Interim Vice President for Student Affairs as well.

2. I submit this declaration in support of Illinois' litigation challenging the policies announced on July 6, 2020 by "Broadcast Message" and 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 NEIU personnel who have assisted me in gathering this information from our institution. I have also familiarized myself with the Rule in order to understand its immediate impact on NEIU.

Northeastern Illinois University and its International Student Population

4. Northeastern Illinois University is a Masters Serving institution in the City of Chicago. Founded in 1867 as a teachers' college. Founded in 1867, NEIU is a vibrant public research and learning community. Over the past 151 years, the University has trained teachers and school administrators, produced leaders representing the Chicago metropolitan area in city, state, and national politics, and enriched the lives of our students by fostering their academic and professional excellence. NEIU provides a supportive learning environment which has a student-teacher ratio of 16-to-1 and supports mentoring relationships and experiential learning. Northeastern is regarded as the most diverse public comprehensive university in the Midwest and is designated by the U.D. Department of Education as a Hispanic Serving Institution. NEIU currently serves about 7,500 students; African-American, Hispanic, Asian and Native American students comprise roughly 60 percent of the student body. The university is accredited

by the Higher Learning Commission and many other accrediting bodies including the National Council for Accreditation of Teacher Education.

5. In accordance with its enabling statute, NEIU is an agency of the State of Illinois, with a primary focus on postsecondary instruction, research and public service, located in Chicago, Illinois. The governing body of the University is the Board of Trustees of Northeastern Illinois University, created in January 1996. 110 ILCS 680/25. In FY2021, the State of Illinois' current budget appropriates \$35,566,900 to NEIU in general appropriations. The University also benefits from the State's contribution to employee pension and health care expenses.

6. NEIU currently serves about 7,500 students with about 1000 employees. The University has 4 colleges, 45 undergraduate degree programs, 38 master's degree programs and 2 certificate programs.

7. NEIU currently has 133 enrolled students who have F-1 visas. These students come from 38 countries.

8. Of these students with F-1 visas, 116 are currently in the United States.

9. NEIU has 42 newly admitted students for enrollment in fall 2020 who will require F-1 status. Of these students, 8 are currently in the United States and 34 are currently living outside the United States and require a visa to enter the country for study.

10. Over the last several decades, the state of Illinois has invested in promoting its excellent educational system around the world. As a result, Illinois is 5th in the nation in the number of international students it enrolls in its private high schools, public, private and community colleges, and public and private colleges and universities. These international students, who pay out of state tuition rates, help subsidize the cost of operating Illinois' excellent public universities, easing the tax and tuition burden on Illinois' students and tax payers. International students contribute to the local economy during their studies, and continue this contribution after their matriculation by participating in increased trade relationships, joint

ventures, and research. An abrupt and arbitrary change in policy adversely affects international students, in the midst of the worst global pandemic in a century, and will have a lasting negative impact on the students and the institutions that host them. At a minimum, this policy damages the reputation of higher education in the US—while other countries are actively working to attract international students. US colleges and universities may never recover from the reputational harm.

Economic Harm to Northeastern Illinois University

11. Before this sudden policy change, the Rule, the COVID 19 pandemic had already caused economic harm to NEIU. In the absence of a consistent, effective national policy to fight the pandemic, and the resulting highest rates of infection in the world, NEIU saw all of its new exchange students who had applied for Fall 2020 either defer or cancel their enrollment. NEIU's exchange students pay tuition to their home universities, but contribute significantly to NEIU's fiscal health. Specifically, international students live in the Nest, NEIU's sole residence hall, and support the university's cafeteria. International students also participate in NEIU's English Language program as fee-paying students.

12. NEIU estimates that 90-95 percent of its new international admits will not actually enroll for Fall 2020. The university also fears that a majority of this student population may not ever enroll because of the uncertainty the Rule has injected into what is already a costly and complex process.

13. NEIU has experienced enrollment declines in recent years. Declines in international enrollments will further weaken the University's financial position. International students participate in all facets of the University, including residence life. Revenues from these units will be adversely impacted.

Administrative Burden on NEIU

14. The Rule announced July 6, 2020 departs significantly from the SEVP guidance universities received at the beginning of the COVID 19 pandemic. At that time, SEVP prioritized assisting international students and universities, whereas now the policy and its timeline are onerous. NEIU relied on SEVP guidance that permitted it to maintain student records active as the university transitioned to temporary online instruction, even if the students left the US and finished the semester in their home country. NEIU was not required to update student I-20s or file additional documents, other than to notify SVVP that NEIU had transitioned to remote instruction. On March 20, 2020 USCIS announced that universities could provide documents with reproduced signatures and submit I-20s electronically so long as NEIU retained the original document. Further, NEIU relied on SEVP when it relaxed the “Five Month Rule” for students on F-1 visa. The sudden policy change is onerous because it requires NEIU to generate a new I-20 for every international student. This effort entails accessing the SEVP system, coordinating with students and their academic advisors to ensure that each student is registered for face to face instruction courses. NEIU is finalizing its fall schedule based on the ever-evolving guidance from federal, state and local authorities—the schedule may not be set by August 4, 2020. NEIU anticipates that it will take 2 weeks of full time staff working to comply with the Rule now, and maintaining compliance will require significant additional time and effort that the university did not anticipate.

15. NEIU has devoted significant resources to planning for Fall 2020. In accordance with its current plan, the semester will begin on Aug. 24 and end on Dec. 12, as originally scheduled. NEIU will keep Fall 2020 semester face-to-face interaction at a minimum in accordance with federal, state and local guidelines. Fall instruction will comprise courses offered in remote, online, hybrid and, in some instances, face-to-face formats with appropriate safety precautions. For the purpose of Fall semester planning, the Office of the Provost has created a Provost’s Fall Transition Steering Committee and several working groups, including the Instructional, Lab, Studio, Experiential Learning Working Group (ILSE). The conversion of Fall 2020 courses to remote, online, or hybrid modes of delivery is less than fifty percent complete. Changing the mode of delivery is a manual process requiring multiple steps and the involvement of multiple individuals. Courses to be delivered in a face-to-face format will require a

recommendation for approval from ILSE and the approval of the relevant college. NEIU expects to have received updated course schedules with updated modes of delivery from all of its academic programs by July 13. Final scheduling decisions are to be made by July 23, when final schedule changes are decided upon, primarily based on enrollment; and online publication of the final Fall schedule is expected to occur by Aug. 1.

NEIU's Educational Mission is Harmed

16. NEIU's international students are a critical component of the life of the university, which prides itself on being the most diverse public institution in the Midwest.

17. International students are academically strong and contribute significantly to NEIU's classroom intellectual environment.

18. Cultural diversity contributes to the academic success of all NEIU students. International students come to the US to learn American culture and idioms of speech by immersing themselves into the fabric of American life. NEIU's students from the US are enhanced by their role in the exchange student experience.

Impact on Health of NEIU Students and the University Community

19. The Rule upends all of the careful work NEIU has thoughtfully done preparing for Fall 2020 instruction consistent with federal, state and local public health guidelines.

20. By scrambling to provide instruction to enable international students to stay in compliance with Rule, NEIU is forced to choose between its plans for safe continuity of education and preserving its international student population.

21. NEIU faculty and staff compelled to provide and enable in-person instruction may be exposed to the pandemic.

22. On-campus exposure may jeopardize the wider community of the City of Chicago when NEIU students, faculty and staff return to their respective homes.

Economic Harm to NEIU International Students

23. International students may be forced to leave the US if NEIU cannot provide in-person instruction in their academic program.

24. International students who are compelled led to leave the US may abandon their degree programs, and lose the value of the instruction they have already obtained. Students who do not complete degrees lose economic opportunities.

25. International students will incur economic hardship of relocation, including the cost of return to their home country, establishing replacement housing, and lost resources because of housing abandoned in the US.

26. I am aware that NEIU students have endured unimaginable challenges during this pandemic. In particular, international students have borne the weight of uncertainty about their status as well as concern for their safety and for the future of their educational opportunities.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 11th day of July, 2020



Dennis Rome, Ph.D.
Provost and Vice President for Academic Affairs, Interim
Vice President for Student Affairs
Northeastern Illinois University