

EXH. 15
DECL. OF P. DENISE COBB
(SOUTHERN ILLINOIS UNIVERSITY EDWARDSVILLE)

**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 P. DENISE COBB,
SOUTHERN ILLINOIS UNIVERSITY EDWARDSVILLE

DECLARATION OF P. DENISE COBB

I, P. Denise Cobb, pursuant to 28 U.S.C. § 1746, hereby declare and affirm,

1. I am the Provost and Vice Chancellor for Academic Affairs at Southern Illinois University Edwardsville (SIUE) located in Edwardsville, Illinois. I earned a bachelor's degree from University of Arkansas Little Rock. I completed a master's at University of Central Arkansas. I earned a doctorate from Tulane University. I have been employed as Provost and Vice Chancellor for Academic Affairs since October 2015, inclusive of acting and interim appointments.

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 Southern Illinois University Edwardsville 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 Southern Illinois University Edwardsville.

[Background on College/University/System and International Student Population]

4. Southern Illinois University Edwardsville is a Professional Doctoral University (Carnegie Classification) that serves 10,400 undergraduate, 2,124 graduate, and 537 first professional doctoral students. One hundred and eleven degree programs and certificates are delivered fully on-ground, fully on-line or in hybrid modalities. The campus has a university-managed residential capacity of 3500 students and offers housing options for students, including those with families. The overall student population is culturally diverse and includes significant

international and active military and veteran populations. Edwardsville also administers the School of Dental Medicine at Alton and operates an Educational Center in East St. Louis.

5. SIUE is a public institution of the State of Illinois and receives an annual appropriation from the state. SIUE is part of the Southern Illinois University System. The President of Southern Illinois University is chief executive officer, reporting to the Board of Trustees. The Chancellors of SIUE and Southern Illinois University Carbondale report directly to the President and are responsible for the operation of their respective institutions.

6. As of Fall 2019, the University serves just over 13,000 students in 111 degree and certificate programs administered through The College of Arts and Sciences and seven schools including The Graduate School, The School of Business, The School of Dental Medicine, The School of Education, Health, and Human Behavior, The School of Engineering, The School of Nursing, and The School of Pharmacy. Overall, SIUE employs just over 2400 individuals including 992 full and part-time faculty and 1481 full and part-time staff. The university also supports 1400 student employees and 556 graduate students who assist with research and instruction. In the University's most recent economic impact statement, SIUE reports a regional economic impact of more than \$514 million. For every state dollar spent on the University, SIUE generates \$8.60 of economic impact in the local economy. SIUE is the second largest employer in the Madison-St. Clair County region. The total number of regional jobs generated by the University expanded to reach 9,200 in 2015. The same report noted SIUE generates more than \$24 million in state and local tax revenues annually.

7. SIUE enrolled 350 students with F-1 visas in Fall 2019, 370 students in Spring 2020, and 258 students in Summer 2020. In addition, SIUE is responsible for overseeing Optional Practical Training (OPT) for 138 students in Fall 2019, 51 students in Spring 2020, and

211 students in Summer 2020. These students come from 57 countries and they contribute approximately \$4.8 million in net tuition, mandatory fees, and room and board revenue to SIUE.

8. Of these students with F-1 visas, approximately 310 are currently in the United States and 52 departed to return to their home countries.

9. SIUE has 173 newly admitted students for enrollment in Fall 2020 who will require an F-1 visa. Approximately 15-20% of these students are currently in the United States and at least 142 are currently living outside the United States and require a visa to enter the country for study. These 173 students are expected to contribute \$2.4 million in net tuition and fees to SIUE over the next fiscal year.

10. SIUE has made significant investments in developing partnerships with international universities. These partnerships benefit international and domestic students and create collaborative research potential enhance discovery and innovation. These partnerships are built on trust and the positive experiences of students, while in the U.S., and influence the impact they are able to make. Students in these partnerships enter with the expectation that they will be able to complete their degrees, if they make satisfactory academic progress and meet necessary requirements. Additionally, SIUE engages with multiple international partners to provide introductory Intensive English Program (IEP) training. Upon completion of IEP training, students are scheduled to enroll for multiple years of degree seeking coursework at the University. If those students do not enroll for Fall 2020, their future enrollment is unlikely. The University is likely to lose multiple years of tuition and fee revenue and severely damage our relationships with partner institutions. Our institution will produce fewer graduates in critical areas, including science, engineering and computer science, graduates who will contribute to employers throughout the region and nation. SIUE will also forfeit the considerable investments

to establish international partnerships. SIUE's domestic students will lose critical opportunities to gain knowledge from the rich cultural diversity that will enhance their abilities to solve problems and to gain understanding.

[Economic Harm to College/University/System]

11. SIUE's enrollment and tuition revenue for Fall 2020 will be adversely affected if a significant number of continuing international students are unable to be enrolled in on-ground courses. Furthermore, some prospective students may simply look to other countries or alternatives. SIUE has planned carefully, given the circumstances of COVID-19, but the need for physical distancing and prioritizing the safety and well-being of our community necessitates a reduction in the number of on-ground opportunities. As such, students may not be able to attend. Students may withdraw if they are prohibited from studying within the U.S. They may withdraw if they lose their F-1 visa or the ability to obtain CPT/OPT work visas. Additionally, for those who cannot safely relocate to their home country to study remotely, they may also cease their relationship with SIUE and pursue their degree elsewhere.

12. Currently, SIUE estimates that approximately 120 students admitted for the Fall semester will not be able to enroll under the new Rule. A majority of these students have indicated that they are not sure of their future plans. Although the university has offered to defer their admission to a future term, only about a quarter of the students have committed to this option. It is likely that a significant number may choose to study elsewhere. SIUE estimates a permanent loss of 50-60 of these students. This number will increase among continuing students if SIUE is unable to establish on-ground offerings that meet students' needs, as would be required under the Rule.

13. SIUE estimates that the institution will lose approximately \$845,378 in net tuition and fee revenue for the next fiscal year and on-going, if the 60 international students do not enroll. This effect will compound with losses from their absence in future academic years. If none of the 120 students enroll, SIUE will lose \$1.7 million dollars in one year. These estimates do not include spending in housing, dining, auxiliary services or the economic impact in the region.

14. Many international students pay tuition at 1.2 or, even 1.8, times the in-state tuition rate. These revenues help generate funds that help support operations and off-set institutional aid for other students.

15. Many units on campus (Student Affairs, Facilities, Information Technology Services) depend heavily on mandatory student fees in place of state support or to supplement support from the state. International students paid \$905,000 in mandatory student fees not associated with room board over this past fiscal year. A fee revenue reduction of \$905,000 will result in both drastically reduced services to students and potentially work force reductions. In addition, international students paid \$606,000 for on-campus housing rental, \$105,000 for food (i.e., board), and \$20,000 for parking.

16. International students contribute significantly to the SIUE student work force. They support research and teaching through graduate assistantship work. It is very difficult for international students to gain employment in the region. As a result, a large number of international students work on campus, and they are particularly critical contributors in high need areas like food service. SIUE also relies on international graduate students to assist with millions of dollars of faculty research projects, including those federally funded, and undergraduate instruction. They often work in STEM related fields and their support is critical in advancing the

discovery and innovation made possible by faculty research efforts. If international students do not enroll in significant numbers, SIUE is likely to experience worker shortages in a diverse area of need at the university.

17. SIUE will be limited in the number of on-ground and hybrid courses due, in large part, to space availability. Adding sections of on-ground courses would likely require opening smaller sections that could meet in smaller classrooms with limited capacity because of the physical distancing requirements and the need to keep the campus community safe. Each new section would require an investment in a lecturer, instructor or overload for a tenure-track faculty member and possibly additional laboratory, clinical or other equipment. Because these additional students would not be in addition to the current estimated enrollment, these would constitute new costs with no new revenue. Furthermore, if SIUE opens up classrooms that are currently unlikely to be used because of space capacity issues, then it will lead to additional cleaning costs.

[Administrative Burdens and Planning Disruptions]

18. SIUE made significant changes related to the COVID-19 pandemic and has continued to serve international students with the same commitment. SIUE completed the School Reporting Template for COVID-19 after receiving guidance in March about operational changes due to the pandemic. The plan was in effect from March 23 through August, 2020. The changes specified online instruction for students. Immigration support services were provided remotely to students with advisement through email, phone and video-conferencing. Immigration advisors frequently communicated with students, checked enrollments and maintained SEVIS records. Each student was required to check their SIUE email and Blackboard, update addresses and remain in contact with the Designated School Official (DSO).

DSO's provided student advisement and guidance, oversaw enrollment reporting, maintained records and complied with SEVP guidelines. The university also provided information about emergency operations planning with the full intent of maintaining appropriate compliance while supporting students during the pandemic. These changes added significantly to the workload and additional changes associated with the Rule will add to that complexity and necessitate further actions and planning.

19. The University is planning to begin classes on August 24th, 2020, following the model of "a low-density campus" and offering a mix of instructional methods, including delivering classes online (both synchronously and asynchronously), offering hybrid classes, with scheduled face-to-face meetings and additional meetings online, hyflex classes, when instruction is delivered simultaneously to a portion of the class face-to-face and to another portion, remotely at the same time, as well as traditional, face-to-face classes. All of these modalities will be planned and executed to maintain the quality of the curriculum and meet the differential needs of students, while promoting the health and well-being of the campus community. All scheduled classes will continue in their selected instructional method until the November break. After November 20, most classes will transition to a fully online modality until the end of the semester, December 18, 2020. Select courses will be allowed to continue on-ground or hybrid with pre-approval. For example, some deeply experiential classes, including labs, studios, clinical rotations, etc., will remain in their original selected format until the end of the term. When possible, final exams will be delivered virtually. Face-to-face classroom capacity has been re-accessed according to the guidance issued by the Illinois Board of Higher Education (IBHE) and seat capacity has been reduced to ensure the recommended physical distance of 6-feet. As a result, the university's largest traditional classroom now has a maximum capacity of 50 students

(previously holding 380 students), greatly reducing seat capacity for a given class session. Similarly, classrooms that have previously held 20 students now have reduced capacity of 6, rendering this space nearly unusable for on-ground instruction without adding significant expense for increasing instructional costs for additional sections.

The complexity of SIUE's Fall plan stems from the need to balance safety and quality of education while respecting faculty guidance concerning the quality of the education and providing students with key anchoring educational experiences. Most pressing challenges stem from the fact that while most courses can be delivered in a virtual format, some courses cannot be offered remotely either because of the discipline (required specific equipment and laboratory spaces, art and performance studios and practicum) or because of accreditation and licensure requirements (e.g. in professional schools like Nursing, Pharmacy, Dental Medicine).

Additionally, this plan requires that specific university-wide safety protocols are developed and implemented to ensure the safety of faculty and students returning to campus, including required mask-wearing on campus, appropriate physical distancing, installing of safety shields for high traffic areas, similar shields for the faculty in select classrooms, hiring additional building service workers to support the increasing cleaning and sanitizing requirements. The University has also added expenses with significant increases in information technology areas as well as cleaning supplies. Finally, instructors rely heavily on the assistance of teaching assistants, generally, and that need will be greater in Fall 2020. International students contribute to lab support and teaching support in significant and substantive ways. Those needs will likely be greater this Fall. Thus, the Rule will amplify all of the challenges above by adding expense and complexity while reducing the pool of experienced teaching, research, and lab assistants.

20. In next month, the University will be focused on converting over 4,000 courses into either fully online, hybrid, hyflex or face-to-face classes. The first wave of conversion of roughly 800 courses that will be offered fully online was completed and the next step include a room optimizing exercise to match course preference against available spaces and times slots at her COVID capacity. This step will be particularly challenging when considering our diminished classroom capacity. SIUE had 10,834 seats in classrooms, labs, studios, etc. under normal capacities. With social distancing and some additional space conversion, we have 4,408 seats in classrooms, labs, studios, etc, yielding 40.7% capacity. Yet, some of this capacity cannot be leveraged without significant additional expense because of the very small classroom capacities that would require additional instructional costs. Additionally, students' academic advisors are now managing questions and concerns and requests for changes from individual students they are advising in order to accommodate student individual learning preferences. The Center for Faculty Development and Innovation and the Instructional Design and Learning and Technology (IDLT) unit have been working on a series of summer workshops to help faculty prepare for improving teaching online as we transition from remote emergency teaching to planned online, with faculty and staff experts offering specific advice on critical areas such as group projects and student engagement online, class assessment techniques, teaching studios online, etc. IDLT has hired additional faculty consultants and a contract instructional designer to assist with the workload and the large conversion of online classes. Additionally, the University is providing safety guidance and precautions to students, faculty and staff, including distributing face masks, securing disinfectants, increasing cleaning, and posting signage reminding everyone of safety protocols in place. Additional ancillary services costs related to COVID protocols include those related to PPE acquisition, additional cleaning and sanitizing supplies, campus signage related to

physical distancing, hand washing, and face coverings. The University will have ongoing costs to adjust dining, housing, university center, campus recreation, health service operations to meet the requirements of the Restore IL and Illinois Board of Higher Education (IBHE) plan and support hybrid learning. Examples include converting serve ware from reusable to disposable to meet grab and go requirement and the addition of multiple pop-up dining locations to de-densify the university center traffic demands, additional staff hours to provide the level of cleaning and sanitization necessary in those facilities and the re-envisioning of student services and co-curricular activities in both remote and on-ground delivery methods. These additional expenses coincide with anticipated losses in revenue in auxiliary service areas due to a lower density campus.

21. Because of the new guidance, the following procedures for international students were put in place.

- Each international student's schedule will be reviewed by the immigration advisors to confirm that the student's schedule adheres to the guidance from Homeland Security. Students will be informed if their schedule conforms to the guidance.
- Schedule reviews will be coordinated with enrollment management as the university converts over 4000 courses for the Fall 2020 schedule to a combination of face-to-face, hybrid and online modalities.
- If a student's schedule does not adhere to the guidance, immigration advisors will reach out to the student and academic unit to determine if other course selections can be made to ensure timely progress toward the degree and adhere to the guidance. Adjustments will be made, if at all possible. For students where schedule adjustments seem impossible, students will meet with the immigration advisor to discuss options for continuing progress toward a degree.
- Frequent communication with international students, faculty, staff, program directors, deans and advisors will occur to fully inform them about the guidance and individual student issues.
- Surveys of both incoming new students and current students will be conducted to understand student intentions for Fall 2020 and where the student is located, i.e., domestically or internationally.
- Webinars with incoming new students will be held to fully inform students about options and address concerns about visas, travel, graduate assistantships, deferral, housing, safety, etc.

- Student support for in terms of stress and concern will be addressed via international student dialogues and programming.
- New I-20's will be generated, signed and sent to approximately 315 continuing students.

22. The complexity of the task of reissuing I-20s is compounded by the challenges associated with the schedule change process. It will be difficult to fully assess each individual student's situation until the changes have been made to the course schedule. It will make the timing difficult to open new sections, identify additional, qualified faculty, and ensure that the courses meet University enrollment needs or standards.

23. Due to the new Rule and the date of its implementation, the University would anticipate a bulk cancellation of housing and meal plan contracts from international students between now and start of the academic school year. International students who are currently living in University-owned housing, but are unable to enroll for the Fall 2020 semester due to this Rule would be unable to remain in campus housing following the conclusion of the Summer term. The University can also anticipate the resignation of international students from student employment positions at a critically important time as the University begins its Fall semester start-up efforts. It also comes at a time when filling the student employment holes left by international students unable to continue their student employment would not be completed by the beginning of the term.

24. The following additional burdens from the Rule include:; added communication with international students, faculty, staff and administrators to assist in understanding new rules and procedures; by August 4, re-issuing I-20's with comments required for Fall 2020 (approximately 315 continuing students and 162 initial status students); an additional individual review of international student schedules to confirm each meets the new parameters; resolve individual student situations related to course schedule concerns as a result of the Rule; intensive and additional communication with students to properly advise them for Fall 2020 semester; addressing new course needs and incurring unanticipated

and unnecessary costs for instruction and immigration compliance, preparing impacted faculty and staff research grants and externally-sponsored to ensure that their grant-funded work is not adversely affected

[Harmful Impact on Educational Mission]

25. International students have made a significant investment and made major life changes by deciding to pursue their educational goals in the United States and at SIUE. Specifically, international graduate students offer critical support for faculty, particularly in the STEM disciplines, where they provide skill-specific assistance through collaboration with faculty on grant-funded projects, many of which lead to important innovations and discoveries. For many of these students, these opportunities serve as a launching pad for their own research careers and professional success that continue to benefit the U.S. economy and the U.S.' reputation of being leaders in education as well as cutting-edge research and innovation. Not only will the departure of international students potentially jeopardize progress on many grant-funded projects, for which time is of critical essence (i.e. when training a new student will not be possible to ensure successful and timely outcome of the project upon current international student departure), but can also adversely affect students' abilities to complete their education on time (e.g., either because of lack of comparable educational research opportunities and facilities, reliable internet to engage in online education, or securing safe and stable living arrangements, etc).

26. International students are an important segment of the SIUE student body. They contribute to many of our faculty's research agendas by collaborating as graduate assistants on their grant-funded projects and, in some cases, through offering specific skills connected to their country of origin (language proficiency, specific cultural competencies, etc.). They are essential participants in student life—for example, the annual International Festival is one of the biggest

attractions for the campus community. International students are also important in helping other students improve their foreign language skills and develop important cultural competencies and awareness of global diversity. Additionally, international students who participate in our existing dual diploma programs will be delayed or unable to complete their course of study at SIUE, which may adversely affect SIUE's ability to develop similar initiatives with international institutions.

[Impact on Health of Students, University Community, and Public Health]

27. There are significant health effects of this Rule on students, including students' ability to leave the country safely. Additionally, international students' health insurance does not cover students if they return to their home countries.

The Rule also creates concerns because of some students' inability to go home at all. Students have already struggled to find flights back to their home countries (e.g., Mexico, Vietnam); some students experienced lack of flights or extremely expensive flights; some students were required to quarantine upon arrival in their home countries, often at a hotel at the student's expense; some countries would not allow anyone to enter their countries, even their own citizens. Most international students need to have a job in order to cover the overall cost of their education in the U.S. Of those, the majority work on campus throughout their programs. Students have already been affected in myriad ways, and the new rule adds to those effects. For example, if international students are unable to have sufficient on-ground instruction, then they will need to return home. Travel will likely be complicated by current visa services and travel restrictions across the globe.

28. In planning for the Fall 2020 semester, SIUE has focused on the health and safety of the campus community and our role in helping to stop the spread of the virus in our local, state, national, and global communities while promoting ongoing educational excellence. The strategy has to be one of de-densification of the campus population through the use of multiple teaching modalities and the implementation of virtual and remote student service delivery when possible. The ability to deliver face-to-face instruction is restricted by availability of classroom space that meets CDC and Illinois Board of Higher Education requirements. By requiring face-to-face instruction, the Rule will cause SIUE to adjust Fall 2020 plans currently in place in instances where international students will no longer be able to enroll in an online section. This change will need to be accomplished by either opening an additional section or converting an existing online section to on-ground instruction, bringing a greater number of people to campus and offering some sections below capacity. In most instances, this creates greater expense and more opportunities for interaction and greater health risk of COVID-19 spread. International students with health conditions might be putting themselves at higher risk for infection by being required to attend classes face-to-face in order to meet the requirement of the Rule.

[Economic Harm to Students and the States]

29. Students who might lose their F-1 visa status because of the Rule will also lose the opportunity to pursue a CPT and OPT after completion of their degrees. Many students rely on these opportunities for temporary employment training, not only to gain valuable experience in their respective fields, but also to generate income through their salaries to compensate for expenses incurred during their course of study. Additionally, many of the international students will not be able to afford the increasing cost of airfare to return to their home countries due to


scarcity of available flights to their home counties and might be faced with additional economic hardship having to generate additional funds to secure short-term housing in their home countries.

30. When international students, particularly those in STEM fields, lose their educational and training opportunities in the U.S., it diminishes the talent pool in critical industries and fields that fuel the U.S. economy and advancements in emerging technologies, medicine, and other demanding fields.

31. On average, an international student spends more on non-tuition expenses than a domestic student. According to a 2000 study by the IBHE, the average IIE international students' expenditures were \$6,570. Even at the rates from 20 years ago, the loss of potential revenue is significant. As per data from the same study, international students in Illinois alone contributed \$189 million in FY 1999, about 5 percent of the total student spending.

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

Executed this 11th day of July, 2020

A handwritten signature in black ink, appearing to read "P. Denise Cobb", written over a horizontal line.

P. Denise Cobb
Provost and Vice Chancellor for Academic Affairs
Southern Illinois University Edwardsville