

EXH. 17
DECL. OF TIMOTHY L. KILLEEN
(UNIVERSITY OF ILLINOIS SYSTEM)

**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 TIMOTHY L. KILLEEN,
UNIVERSITY OF ILLINOIS SYSTEM

DECLARATION OF TIMOTHY L. KILLEEN

I, Timothy L. Killeen, pursuant to 28 U.S.C. § 1746, hereby declare and affirm,

1. I am the president of the University of Illinois System (“System”). In this role, I serve as the chief executive for the System, working closely with the chancellors and provosts of the University of Illinois at Urbana-Champaign (“UIUC”), the University of Illinois at Chicago (“UIC”) and the University of Illinois at Springfield (“UIS”), collectively referred to herein as the “Universities.” The president is selected and appointed by the University of Illinois Board of Trustees. As president, I act with freedom within the lines of general policy approved by the Board to oversee all operations of the System and its Universities, including coordinating planning and budgeting, recommending suitable persons for appointment to certain administrative leadership positions, enforcing rules and regulations, facilitating issuance of diplomas and conferral of degrees, defining and shaping strategic academic priorities, spearheading system-wide academic initiatives and other duties.

2. I submit this Declaration in support of the State of Illinois’ litigation challenging the policies announced on July 6, 2020 by “Broadcast Message” and to be published as a Temporary Final Rule (the “Rule”) to amend requirements of the Student and Exchange Visitor Program (“SEVP”).

3. Various employees throughout the System who have responsibilities in the areas addressed in this Declaration have assisted me in gathering this information. I have also familiarized myself with the Rule in order to understand its immediate impact on the System and each of our Universities.

4. The System is governed by the Board of Trustees of the University of Illinois consistent with the authorities granted by various state statutes, including the University of Illinois Act, 110 ILCS 305/1, *et seq.* The Board of Trustees is a body corporate and politic of the State of

Illinois. The University of Illinois was founded as a land-grant university on February 28, 1867, as the Illinois Industrial University. Today, the University of Illinois System is made up of three universities, located in Urbana-Champaign, Chicago and Springfield. UIUC and UIC are classified as doctoral universities with very high research activity that offer a variety of degrees at the bachelors, masters and doctoral levels. UIS is a comparatively smaller yet influential institution classified as a master’s degree college/university. UI Health, a part of UIC, is a clinical enterprise that includes a 462-bed tertiary care hospital, 21 outpatient clinics and 11 federally qualified locations owned or operated by Mile Square Health Center. UI Health is affiliated with or employs nearly 1,000 physicians and serves over 485,000 outpatient visits per year (see following table).

Location	Total Number of students	Number of faculty (FTE*)	Number of staff (FTE)	Degrees offered	Number of schools/colleges
UIUC	51,605 (UG** 34,120)	3,222	8,602	250+	17
UIC	33,390 (UG 21,641)	2,949	9,744	260+	16
UIS	4,275 (UG 2,674)	241	523	52	4
System Offices	N/A	3	401	N/A	N/A
Total	89,270 (UG 58,435)	6,415	19,270	560+	37

*FTE = “full-time equivalent employee”

**UG = “undergraduate student”

5. All three Universities have a mix of on-campus and off-campus housing. On-campus housing includes residence halls and other university-operated housing, such as living-learning communities and graduate housing. Students who live off campus may live in certified private residence halls or other private housing. Prior to the COVID-19 pandemic, the numbers of students living on campus were as follows:

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- UIUC: 9,900
- UIC: 3,385
- UIS: 1,020

6. In March of 2020, each university migrated to an online education delivery model in response to the COVID-19 crisis. While planning for the Fall 2020 semester, the System has carefully considered guidance from the Centers for Disease Control and Prevention, State of Illinois public health officials, local health departments, healthcare professionals and especially our own talented faculty and epidemiological experts. Like other institutions across the country, the System has assessed, and will continue to assess, potential or necessary modifications to educational activities to minimize the spread of COVID-19.

7. The System, through each of its Universities, plans to adopt a “hybrid” approach to instruction for the Fall 2020 semester. On-campus educational activities will resume, with a mixture of in-person and online classes. This collective decision assumes that the State of Illinois stays on track to meet requirements established by Governor J.B. Pritzker’s “Restore Illinois” plan. Because the COVID-19 pandemic continues to evolve, plans are designed to be flexible and nimble. The System and each of its Universities will monitor campus safety and the latest guidance on the virus, and will adjust plans as needed to protect the well-being of our students, faculty, staff and surrounding communities.

8. The planned hybrid approach should limit the Rule’s adverse impact on the System’s international students. However, the Rule has generated substantial anxiety and concern among international students and stakeholders across the System, including significant uncertainty about the Rule’s potential application should the planned hybrid approach need to be modified at some point during the semester in response to the pandemic.

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9. Although the extent of the Rule's immediate and direct adverse impact on the System is an evolving assessment, it could be devastating to peer institutions that have already elected to rely solely on online academic instruction for the Fall. This could have a ripple effect across higher education in the United States. In support of these institutions and as a means to illustrate the critical importance of international students in higher education, I have included in this Declaration data and anecdotal evidence relating to the potential adverse impact that would be realized by the System if international students were not permitted to join our Universities as anticipated.

10. The three Universities in the System collectively enroll over 13,500 students who have F-1 visas, with approximately 9,900 at UIUC, 2,900 at UIC and 720 at UIS.

11. M-1 visas are not commonly used within the System.

12. In addition to over 10,000 returning international students, the System will welcome thousands of new international undergraduates and graduate students in the Fall of 2020 who will require visas to enter the United States. For example:

- The System has at least 2,200 newly admitted international students who attended high school in the United States and remained in the United States during the COVID-19 pandemic.
- At UIUC, there are 1,661 newly admitted international graduate students who will require a visa. There are also 1,386 new undergraduates (1,167 freshmen accepted, 219 transfers accepted) and 668 new graduate students who attended high school in the United States and remained in the United States during the COVID-19 pandemic. In addition, there are 983 freshmen and 204 undergraduate

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transfers from high schools outside of the United States, 184 freshmen and 15 transfers who are international students who attended high school within the United States. UIUC has 825 freshmen and 140 transfers from high schools outside of the United States who have a “Certificate of Eligibility for Nonimmigrant Student Status – For Academic and Language Students,” commonly referred to as “I-20.”

- UIC has 725 newly admitted international students who will need a visa to enter the United States.
- At UIS, approximately 250 international students have been newly admitted. Of these, 93 have received an I-20 form; 16 of the 93, mostly deferrals from admission during the previous semester, have received visas.

13. The System contributes \$17.5 billion annually to the state’s economy through research, healthcare, entrepreneurial and other activities. Studies estimate the System’s impact supports more than 171,300 jobs, meaning one out of every 46 jobs in the state of Illinois is supported by the activities of the Universities and their students.

14. If 100% of all international students who are expected to enroll in the upcoming academic year were not allowed to attend our Universities, then the System, the surrounding university communities and the entire state of Illinois would experience significant harm.

15. The System would experience substantial negative financial impact without tuition paid by international students. At UIUC, international students account for \$236 million in tuition, roughly 31% of the total tuition received. Based on current projections, UIC would stand to lose an estimated \$37 million in tuition revenue without its international students. These

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UIUC and UIC estimates are exclusive of housing and fees. UIS would lose approximately \$4.6 million in gross tuition and \$1.3 million in fees, for a total of \$5.9 million.

16. Without international students, the three Universities and their surrounding communities would also experience significant revenue loss related to fees, housing, dining, activities and other expenditures. The full potential negative financial impact to local businesses in Springfield, Chicago, and east central Illinois would be incalculable. Examples of acute negative financial impact include:

- Because international students comprise 16% of the student body at UIC, the campus would lose \$356,000 in commission revenue to UIC Dining Services and \$2.88 million in revenue to UIC's primary food service vendor partner. Based on current projections, UIC would stand to lose an estimated \$4.5 million in revenue for housing and fees.
- At UIUC, international students contribute approximately \$537 million and over 7,000 jobs to the surrounding area. Because 21% of student enrollment consists of international students, and based on fiscal year 2019 revenue, UIUC projects revenue losses of over \$9.2 million in university housing, \$6.1 million related to private certified housing and over \$80 million related to private off-campus housing in the surrounding community. Dining services revenue loss, including University Dining and vendor partners, could exceed \$5 million. Fee losses could exceed \$24 million.
- UIS would also experience significant losses, including lost revenue from on-campus housing, dining services and other fees paid by the approximately 600

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international students on campus. This would include and exceed the aforementioned \$1.3 million in fees.

17. Generally speaking, funding lost from one source must be made up from other funding sources or expenditure reductions. Any budget modification required by the loss of international students has the potential to negatively affect students through higher tuition and reduced services and programs. The impact of any such revenue loss may be more far reaching than readily discernible. For example, as previously stated, approximately 31% (\$236 million) of UIUC's tuition revenue derives from international students. Approximately 8% of UIUC's unrestricted budget is dedicated to financial aid. If international students were to leave, it would result in the loss of approximately \$18.9 million in aid, the bulk of which goes to state of Illinois residents. Currently, three colleges at UIUC are required to spend 50% of their international tuition differential on financial aid for domestic students. If those talented students were to leave the UIUC, it would result in a reduction of \$5.3 million in those three colleges alone.

18. Diminution of the international student body and attendant decreases in revenue could necessitate workforce reductions in areas such as student housing, dining services, various student service operations and other sectors. Any workforce reduction could adversely affect other student-facing operations, such as academic programming.

19. The System is renowned for world-class research. Faculty scholars and researchers across the three Universities are awarded grants and contracts that range from tens of thousands of dollars to multi-year, multi-million dollar projects. The System's annual research expenditures exceed \$650 million. In fiscal year 2017, the System's research spending generated \$1.2 billion in added income for the Illinois economy. The System and its Universities

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collectively and individually contribute an extraordinary breadth of research expertise, with world-renowned strengths in healthcare, engineering, the natural and physical sciences, agriculture, business, the humanities, the arts, the social sciences and more.

20. International students are crucial contributors to the research enterprise, and their loss would be extremely injurious to the System's critical research mission, university finances and the state economy. During fiscal year 2019, there were 1,405 sponsored research projects at UIUC. UIC currently has a total of 3,504 active and under review research protocols of which 429 protocols have international students listed as personnel in different roles. The possibility that international undergraduate and graduate research assistants working on projects would be required to leave campus without completing deliverables would put at risk approximately two-thirds of UIUC's sponsored research portfolio and create reputational risk with federal funding agencies, private and corporate research sponsors and research partners at other institutions. UIC and UIS would experience similar risks and proportionate losses.

21. The diminution of our Universities' international student research workforce would also have a negative impact on cost recovery of tuition from sponsored research programs, on total expenditures and on our Universities' rankings in numerous key metrics.

22. A reduction in our Universities' abilities to train international researchers would damage the U.S. and global workforce, including and especially for U.S. companies operating overseas that are reliant on a workforce trained in the U.S.

23. Dilution of the international student presence at our Universities would result in immeasurable damage to curricular and co-curricular activities. As an institution with a long history of global engagement, the System's commitment to continued world-class excellence in

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teaching, learning, research and public engagement mandates openness to the most thoughtful and creative minds, regardless of country of origin. Our Universities promise that students will experience a truly global education that demonstrates the interconnectedness of technology, health, innovation, commerce and culture around the world. Student life and our international students' roles in shaping this transformational education are key components of this mandate.

For example:

- UIC is committed to global engagement and strives to serve the citizens of Chicago and the world by being an international leader in research, scholarship, and innovation, and by creating a globally connected campus community which supports faculty, staff, and students as they address the challenges and opportunities of the 21st century. There are 460 student organizations at UIC, many of which include highly engaged international students as leaders and participants. Approximately 1,800 organization members, or 40% of total membership, are international students who are vital to successful programming, events, initiatives and projects. UIC's seven Centers for Cultural Understanding and Social Change strive to make UIC a welcoming and inclusive place for all students, faculty and staff. The Centers are committed to student success, intercultural engagement, vibrant scholarship and dynamic community partnerships.
- At UIS, the Diversity Center fosters a supportive environment for students to live, learn and grow as active members of the academic community and as individuals.

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It is dedicated to developing an understanding of differences through educational, cultural and social programming activities.

- For more than a century at UIUC, the best and brightest international students and scholars have brought new educational opportunities to all students as they have contributed enormously to innovations and discoveries that have led to new jobs, new industries and dramatic economic growth for our state and nation. The Intensive English Institute and Global Education and Training programs offer short- and long-term academic and training programs to international students and private industry personnel. The non-degree programs provide an avenue for Illinois faculty and staff to teach, train, and learn from global partners. Programs generate further revenue for the university and build relationships with more than 60 public and private sector institutions worldwide, including national and local companies, organizations and institutions.

24. Following the March 2020 guidance from SEVP, each University relied in good faith on the guidance and each took appropriate measures to confirm compliance by either contacting SEVP directly, reviewing and verifying prior submissions or utilizing the template form provided by SEVP.

25. The sudden and unexpected restrictions required by the Rule have already begun to disrupt academic programs and will set off a chain reaction that would impact nearly every interrelated aspect of our educational planning. Our Universities do not have adequate personnel and resources to individually review and certify the compliance of every one of our international

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students pursuant to the new Rule. This problem is exacerbated by uncertainty and ambiguity related to the Rule's potential future application.

26. If students otherwise eligible to maintain F-1 visas are forced to remain in their home countries, current guidelines would require termination of their F-1 statuses. Termination means their work authorization clock would reset and they will need to spend two full semesters in F-1 status before they are eligible for any practical training opportunities. This abrupt shift would be a bitter shame and would be devastating to students who are close to degree completion and who face time restrictions related to their academic progress; it would also be debilitating for students who are enrolled in one-year academic programs.

27. If the Rule remains in effect, students already present in the U.S. who are in hybrid programs such as those contemplated by the System will be faced with untenable choices. They could attempt to leave the U.S. now, potentially causing significant and perhaps irreparable harm to their academic progress, or they could choose to stay in the country while living with uncertainty about the Rule's impact on their lives and future livelihoods should the continuing pandemic necessitate modification to their respective University's instructional programs.

28. If students are expelled from the U.S. as a result of the Rule, they may be forced to find a way to return to their home countries in the face of limited flight availability, grave risk of infection during travel and other risks. Should they arrive home safely, continuation of their academic pursuits, if even possible, could be accompanied by unprecedented and unnecessary challenges such as attending online classes in the middle of the night, variable or unreliable technology, financial hardship and, for some students, the threat of government censorship, civil strife and other hazards.

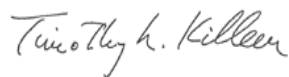
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29. Institutions of higher education are charged with determining, in accordance with cherished principles such as shared faculty governance, academic freedom and institutional autonomy, whether an online or virtual course format can successfully meet educational requirements. During the pandemic, these higher education institutions are making careful plans that balance pedagogical goals with the goal of promoting necessary health and safety. When those determinations are made or modified, all appropriate educational opportunities attendant thereto must be made available to all students, regardless of their citizenship status. The Rule effectively forces upon international students disparate expectations of attendance based solely on their citizenship status. This principle is antithetical to the core values of the System.

30. On behalf of my colleagues in leadership in the University of Illinois System, including Executive Vice President/Vice President for Academic Affairs Barbara J. Wilson, University of Illinois at Chicago Chancellor Michael D. Amiridis, University of Illinois at Urbana-Champaign Chancellor Robert J. Jones and University of Illinois at Springfield Interim Chancellor Karen M. Whitney, we reiterate our commitment to our international students, especially during this period of extraordinary global challenge.

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

Executed this 11th day of July, 2020.



Timothy L. Killeen
President
University of Illinois

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