

EXH. 18
DECL. OF MARK MOSSMAN
(WESTERN 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 MARK MOSSMAN, WESTERN ILLINOIS UNIVERSITY

DECLARATION OF WESTERN ILLINOIS UNIVERSITY

I, Mark Mossman, pursuant to 28 U.S.C. § 1746, hereby declare and affirm,

1. I am the Associate Provost for Undergraduate & Graduate Studies at Western Illinois University located in Macomb, Illinois and Moline, Illinois. My educational background includes Ph.D. in English from Saint Louis University. I have been employed as Associate Provost for Undergraduate & Graduate Studies since August 2, 2018. My area also oversees our International Student Service office.

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 the assistance of various Western Illinois University personnel with responsibilities in the areas addressed in this Declaration. I have also familiarized myself with the Rule in order to understand its immediate impact on Western Illinois University.

Background on Western Illinois University and International Student Population

4. Western Illinois University is a public university offering bachelor, masters, and doctoral degrees.

5. Western Illinois University is a state chartered public institution organized pursuant to the "Western Illinois University Law" (110 ILCS 690/35-01) receiving approximately \$50,000,000 in direct State appropriation per year.

6. 7,624 students are enrolled on the two campuses which employs 1,784 individuals. The University offers 38 graduate degrees, 2 doctoral programs, 15 post-baccalaureate programs and 62 undergraduate degrees.

7. Western Illinois University institution currently has 173 enrolled students who have F-1 visas. These students come from 50 countries and contribute \$4,087,990.00 in tuition, housing and fees to the University.

8. Of these students with F-1 visas, 147 are currently in the United States.

9. Western Illinois University has 530 newly admitted students for enrollment in fall 2020 who will require F-1 or M-1 status. Of these students, 9 are currently in the United States and 521 are currently living outside the United States and require a visa to enter the country for study. These students are expected to contribute \$12, 523,900 in tuition, housing and fees Western Illinois University.

10. If the rule changes, the absence of international student at the University will significantly impact our ability to provide the quality of education expected by all enrolled students. Many of our international graduate students support the teaching mission of the University, either through direct instruction or in support of regular faculty especially in STEM curriculum.

Economic Harm to Western Illinois University

11. International students might disenroll for fall 2020 if they are unable to study from within the United States. Currently enrolled students who are abroad may lose their F-1 visas and lose the opportunity to obtain CPT/OPT work visas. If the University cannot allow the students to continue their studies should all of their learning shift online, some may not be able to leave the United States during the current pandemic. Students may not be able to safely (or at all) relocate to their home country to study remotely. If they are allowed to return to their home country, students attending online classes may have internet content restrictions, poor internet connections and time-zone differences making it difficult to complete online coursework.

12. Lost revenue from the disenrollment of international students would be felt across both of our campuses. Lost revenue would include tuition and fees, housing revenue, dining hall revenue, and other on-campus services such as the Beu Health Center. The full cost of education is calculated as \$23,630 per international student, which provides an estimate of the potential direct economic loss to the University.

13. International students pay 1.5 times the domestic student rate which impacts revenues and is a loss of financial aid resources for other students.

14. If the University switches to a fully online model due to COVID-19, approximately 200 currently enrolled and newly admitted students would be required to depart the United States causing harm to our housing budget and the local rental market.

15. The reduction of international students living on campus but remaining enrolled would decrease housing revenue, dining hall revenue and revenue from other on-campus services including but not limited to the student health center and intercollegiate athletics.

16. Graduate students fill critical employment needs across the University, such as technology and computer support, specialized training associated with athletics, and other service activities. Their absence would require hiring of additional staff, some of which is not easily found in rural locations such as Macomb and Moline.

Administrative Burdens and Planning Disruptions

17. The University's Primary Designated School Official submitted the required operational changes due to COVID to the SEVP@ice.dhs.gov email on March 23, 2020 to remain compliant with the March 2020 guidance.

18. Western Illinois University will offer a combination of on-line, in-person and hybrid courses starting August 24, 2020. Some courses will be transitioned into alternative

delivery formats after Thanksgiving Break for the remaining three weeks of the semester through December 18, 2020.

19. Adjustments are being made to classroom accessibility to allow for in-person operations while following the recommended social distancing guidelines and COVID-10 protocols. The University is reducing the number of seats available in each classroom, converting what has been non-classroom space into additional classrooms, installing new technology in selected classrooms to permit hybrid learning activity, adjusting class schedules to allow longer time between classes, and reducing the number of students per section.

20. The University is working to finalize the current fall semester plan including but not limited to schedule changes with Registrar, increasing classroom locations, converting non-classroom space into classrooms, installing additional technology, negotiating with the faculty union, clerical union and trade unions.

21. The University's Primary Designated School Official will need to issue new I-20s for all currently enrolled students and include the following language in the comments section: Western Illinois University is not operating entirely online; this student is not taking an entirely online course load for the Fall 2020 semester, and this student is taking the minimum number of online classes required to make normal progress in their degree program. Newly accepted students who have a visa appointment will be issued a new I-20 which will be sent via email.

22. Implementing the new rule will be time consuming for staff and will need to be done in a very short timeframe. Staff will need to review each international student's schedule to make sure they are enrolled in classes that comply with the rule change and make changes to the student's schedule to comply. After reviewing each individual enrollment to fulfill the

requirements of the rule, the University's Primary Designated School Official will have to re-issue I-20s for each student.

23. The University expects to transition to alternative delivery modes after Thanksgiving as part of our plan to engage in hybrid delivery. Our definition of hybrid delivery, consistent with that of the Higher Learning Commission, simply requires that less than 74% of the class is offered online, but more than zero. All of our courses will meet this definition and would thus suggest that our international students would be eligible to remain in the United States following Thanksgiving. However, the current federal broadcast message fails to provide information on the definition of hybrid that will be used, and appears to be in conflict with our definition, especially as it states that students would be forced to leave the country should we transition to fully online. This conflict in the definition of hybrid raises great uncertainty for us and our students.

24. The Rule requiring international students to leave the United States during the middle of the semester while the University is responding to the COVID-19 pandemic increases the burden on the University's already stretched resources. The University will not be able to quickly replace the international student employees that work as graduate assistants, technology and computer support and other service activities.

Harmful Impact on Educational Mission

25. If implemented, the new rule may require some students to leave the country significantly affecting their educational plans and making it impossible to meet the graduation requirements for certain degrees. International students will not be able to attend clinicals, conduct research, complete required studio time or attend labs. Clinicals, studio time and laboratory time are considered in-person classroom time and count towards the total number of

credit hours for a class. If students are denied visas, they will not be able to attend courses that require an in-person component.

26. If students are denied visas, it will affect all aspects of the University's educational mission. There will be a loss of professor-student communications and collaboration; loss of interaction with and learning with other students; loss of involvement in campus life – clubs, organizations, sports, social interactions; a loss of an opportunity to improve English language fluency; loss of hands-on research opportunities; loss of music and theatrical performances; and student athletes will lose the opportunity to compete at a collegiate level. It will also reduce the diversity on both campuses and prevent the internationalization of our rural community.

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

27. If the rule is implemented, it may force students to immediately leave the country causing an economic hardship to the student having to pay for increased travel expenses at a moment's notice. The student may not be able to re-enter their home country in a timely fashion due to the COVID-19 pandemic leaving the student in uncertainty.

28. We have carefully evaluated the best delivery options for our students to maximize their learning while protecting the health and safety of students, faculty, and staff. The potential need to require an in-person experience following Thanksgiving provides undue harm, especially to faculty and staff, who may be constrained from routine travel during the holiday so that they can fulfill their obligations to our international students.

Economic Harm to International Students and the United States

29. There are potential economic effects on students that lose their visas such as losing F-1 status, losing the ability to obtain work visas (CPT, OPT) after the academic year that

would disallow them from gaining valuable experience working in their chosen profession, not being able to pay for tickets for travel back to their home country and not being able to pay for short-term housing should they have to quarantine after returning home.

30. There are potential economic effects on the business sectors from students that lose their visas; e.g., loss of OPT visa opportunities leads to a loss of talented graduates that contribute to economic development and specifically employment needs of businesses throughout the State, particularly in STEM fields. It will decrease the quality and quantity of the applicant pool that supports our area businesses in our rural communities.

31. International students contribute roughly \$4,000,000 to the economy of our community. They rent apartments from our landlords, shop in our stores, and eat in our restaurants. Macomb is a small rural community that greatly depends on the revenue generated by our students. Moline also greatly depends on the revenue generated by our students. The continued loss of this potential income could be catastrophic to some of our small business owners who already operate on very thin margins due to current strains on our economy.

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

Executed this 11th day of July, 2020



Mark Mossman
Associate Provost for Undergraduate & Graduate Studies
Western Illinois University