

EXH. 21
DECL. OF JEAN MORRISON
(BOSTON UNIVERSITY)

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

COMMONWEALTH OF MASSACHUSETTS, et.
al.,

Plaintiffs,

v.

Civil Action No. _____

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY, et. al.,

Defendants.

DECLARATION OF JEAN MORRISON

I, Jean Morrison, pursuant to 28 U.S.C. § 1746, hereby declare and affirm,

1. I am the University Provost and Chief Academic Officer at Boston University (“BU” or the “University”) located in Boston, Massachusetts. My educational background includes a PhD from the University of Wisconsin, Madison; an M.S. from the University of Georgia; and a B.A. from Colgate University. I have been employed as University Provost and Chief Academic Officer of Boston University since 2011.

2. I submit this declaration in support of the Commonwealth of Massachusetts’s 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 (SEVP) (the “Rule”).

3. I have compiled the information set forth below through personal knowledge and BU 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 BU.

4. BU is a private residential research university established by act of the Massachusetts legislature in 1869 and accredited by the New England Commission of Higher Education. The University has over 35,000 students, over 10,000 faculty and staff, 17 schools and colleges, and more than 300 programs of study. With three campuses, 317 buildings, and 834 classrooms located in the heart of Boston, BU is an urban community firmly enmeshed in the life of Boston and the Commonwealth of Massachusetts.

5. The impact of BU on the Massachusetts economy is substantial—nearly \$4 billion annually. This includes approximately \$175 million in goods and services purchased annually from Boston vendors, over \$11 million in scholarships awarded to Boston public school

graduates in FY2018 alone, and \$6.3 million in voluntary payments made to the City of Boston in lieu of taxes in FY2018. Boston University is Boston's third-largest private employer, and spending in Boston by our students and visitors totals over \$275 million each year.

6. International students are vital and welcomed members of Boston University, bringing a wonderful diversity of ideas, backgrounds, and energy that makes our University the vibrant and academically nurturing place that it is for everyone in our community. In Fall 2020, BU expects to enroll more than 9,000 international students from more than 130 countries. Beyond the campus, these international students also provide talent to many industries in the Commonwealth, particularly in STEM fields.

7. The Rule announced on July 6, 2020 has generated significant stress and anxiety for an international student population that is already facing multiple challenges associated with beginning or continuing their studies at BU. Because the Rule provides little flexibility for international students in transitioning between remote and in-person learning due to health or other exigencies, international students could find themselves in a situation where they are forced to leave the U.S. if the University were to transition to entirely remote classes.

8. The Rule also puts intense pressure on some international students to leave the US if their university offers only online classes for public health reasons, and on others to travel to the US—if possible amid worldwide COVID-related travel restriction—to make in-person classes. These limited options force students to make a choice that might not be in their best interest, or in the interest of the wider community.

9. In requiring international students to leave the country if their university goes fully online, the Rule runs counter to generally accepted practices to protect public health and undermines one of the key benefits of hybrid teaching—flexibility within and across courses

with respect to in-person versus online instruction. The Rule is a significant departure from earlier guidance provided in March 2020.

10. In March 2020, Massachusetts issued a stay-at-home advisory that directed BU to move all classes to a remote format for public health purposes, similar to other state actions to minimize COVID-19 exposure. SEVP responded quickly by issuing guidance that provided critical flexibility to students and schools during the global pandemic. BU faculty and staff also moved to teaching and working remotely as they continued to support BU students.

11. In early April 2020, BU launched a COVID-19 recovery task force comprised of numerous working groups led by senior administrators and overseen by University President Robert A. Brown and me. Informed by public and occupational health experts, as well as BU's academic and residential life leadership, the working groups investigated and developed plans regarding every aspect of the residential college experience, identified the best methodologies for remote and in-person learning, and established an extensive in-house COVID-19 testing and tracing program.

12. In the fall of 2020, BU plans to offer a hybrid teaching format that will allow undergraduate and graduate students to pursue a mix of simultaneously in-person and remote learning, even within the same class. This hybrid format is designed to accommodate health and safety requirements that may be imposed by public health authorities to control the spread of COVID-19, travel and other challenges students and faculty may face, and each individual's needs and comfort level regarding in-person and remote learning. The hybrid teaching format will also allow BU to provide necessary social distancing in classroom, studio, and laboratory spaces, protecting the health and safety of both students and faculty. The idea behind BU's

specific model—called Learn *from* Anywhere (LfA)—is to present the same academic content to students whether they are in a classroom, a BU dormitory, or another location.

13. The flexibility of the LfA plan means that students can start their fall semester in-person, but should they feel sick or be exposed to someone with COVID-19 and thus required to self-isolate, they would have the ability to continue their education in their dorm room temporarily until they recover or until the required isolation period is over. This is in the best interest of the public health of the City of Boston and surrounding communities. Conversely, if international students are unable to secure their visas on time to start the semester in Boston—a distinct possibility as visa processing at US embassies and consulates remain suspended around the world due to the pandemic—they will be able to begin their learning remotely and join the class in-person later in the fall.

14. Compliance with the Rule would require BU to shift many aspects of its planning for the fall semester. The most immediate disruption is that the University’s International Students and Scholars Office (“ISSO”) would have to complete the recertification of roughly 9,000 international students within an unreasonable and incredibly short timeframe. Having to re-issue or cancel thousands of individual I-20s for international students would not only be extremely burdensome, but would also require time not provided for by the Rule—not to mention the time required first to communicate the changes imposed by the new Rule to individual students, administrators and advisors, and to determine whether each international student will return to campus.

15. International students provide significant economic benefit to the institutions and communities where they live and study. NAFSA reports that international students at Boston University alone support over 8000 jobs and contribute over \$560 million to the overall

Massachusetts economy. The Rule could cause international students to consider alternatives to studying in the US, which would have long-term economic consequences. Companies, large and small, have benefited from the knowledge and expertise of individuals who came to the US from other countries, many of whom first came as students on F-1 visas. Any directive that discourages their full participation in our academic institutions is to the detriment of BU and the Commonwealth of Massachusetts.

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

Executed this 11th day of July, 2020

A handwritten signature in cursive script that reads "Jean Morrison".

Jean Morrison
University Provost and Chief Academic Officer
Boston University