

**EXH. 24**  
**DECL. OF VINCENT A. PEDONE**  
**(MASSACHUSETTS STATE UNIVERSITIES)**

**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 VINCENT A. PEDONE**

I, Vincent A. Pedone, pursuant to 28 U.S.C. § 1746, hereby declare and affirm,

1. I am the Executive Director of the Council of Presidents (the “COP” or “Council”) of the nine Massachusetts state universities (each a “State University,” and collectively, the “State Universities”). I have been employed as Executive Director since 2012. Prior to my employment with the State Universities, I served nearly 20 years as an elected member of the Massachusetts House of Representatives from the 15<sup>th</sup> Worcester District.
2. The COP is an association consisting of the nine presidents of the State Universities. The Council is chaired by a member president with the chair rotating annually between the presidents. The purpose of the COP is to support and enhance the well-being of the State Universities in service to their students, communities, and the Commonwealth.

3. 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 (the "Rule").
4. I have compiled the information in the statements set forth below through personal knowledge and through information and data supplied to me by personnel from the State Universities. I have also familiarized myself with the Rule in order to understand its immediate impact on the State Universities.
5. The State University system (the "System") is the second largest segment of public higher education in the Commonwealth of Massachusetts, enrolling over 52,000 students and producing 12,000 bachelor and master degree graduates annually. The System employs approximately 5,400 full-time and 4,200 part-time faculty, administrators, and staff. The State Universities include nine member institutions: Bridgewater State University, Fitchburg State University, Framingham State University, Salem State University, Westfield State University, Worcester State University, the Massachusetts College of Art and Design in Boston, the Massachusetts College of Liberal Arts in North Adams, and the Massachusetts Maritime Academy in Buzzards Bay.
6. The State Universities are economic engines and institutional cornerstones in their communities. The nine State University campuses are located in each of the various geographic areas of the Commonwealth and play a critical role in the state's regional economies. The State Universities support our community and regional partners by equipping our graduates with strong analytical, technological and communications skills, critical to the success of our regional industries. The strength of the Massachusetts

economy is directly tied to supporting the expansion of existing industries, in fields such as science, technology, biotechnology, healthcare, business and finance, education and the creative economy, as well as educating a future workforce to new business and industries.

7. The State Universities are public institutions of higher education and are supported in part by direct state appropriation and state grants. In Fiscal Year 2020, the State Universities received a total of almost \$275 million in direct appropriation from the Commonwealth of Massachusetts. This state funding represents roughly 35% of the aggregate operating budgets of the nine State Universities collectively. The nine State Universities are governed according to M.G.L. Chapter 15A, et seq., which grants powers to their Boards of Trustees and President, and authorizes, in part, oversight by the state's Board of Higher Education.
8. In March 2020, the State Universities transitioned all of our courses onto distance-learning platforms, in a way that preserves academic integrity. Our focus was to ensure all academic programs continue to meet the rigorous standards set by our institutions, accreditation and licensing bodies, and expected by our students. In compliance with state and federal guidance, our state universities also emptied our residence halls; with the exception of students with uncertain living situations or with nowhere else to go, our campuses vacated all on-campus student housing.
9. In academic year 2019-2020 the State Universities enrolled 750 students who had F-1 or M-1 visas. These students came from many different countries from all over the world and represent tuition and fee revenue of approximately \$22,000,000 to the State Universities. Many of these students typically stay "in-country" through the completion

of the course of study and are likely in the United States awaiting the beginning of academic year 2020-21.

10. The State Universities currently have 530 students who are enrolled or are prepared to enroll for fall 2020 under F-1 or M-1 status. These students are expected to pay \$16 million in tuition and other fees, including housing, to the State Universities.
11. The State Universities will suffer economic harm as a result of the Rule. The loss of revenue generated by international students will create budget deficits and harm the finances of our universities. This financial stress could impact our ability to offer high-quality instruction to both our Massachusetts resident students and out-of-state students.
12. Our State Universities have already been financially harmed by circumstances caused by the COVID-19 pandemic, including the need to refund tuition and fees and to invest in protective measures this fall to prevent the spread of the virus. This Rule will compound the financial impact on the State Universities during this pandemic. Additionally, many of our State Universities use the higher out-of-state tuition rates paid by international students to provide needy in-state students with important financial aid dollars.
13. International students may decide to disenroll or defer for the fall 2020 semester or for the entire 2020-21 academic year if they cannot study from within the United States, if they are unable to obtain applicable work visas, if they decide to transfer to another college or university within the United States that allows in-person or hybrid instruction. Some may have no choice but to withdraw from school if they cannot safely relocate to their home country to study remotely. In fact, our campuses are reporting that many newly accepted international students, especially those residing in China, are currently experiencing great difficulty in obtaining appropriate F-1 and M-1 visas.

14. Our State Universities estimate as much as a 30 percent reduction in students enrolling in their international programs as a result of travel restrictions due to the COVID-19 pandemic and further estimate as many as two thirds of international students could unenroll from State University programs as a result of concerns over their access to F-1 or M-1 visas.
15. A conservative estimate is that the System could lose as much as \$16,000,000 in revenue this year as a result of our international students disenrolling from their programs, deferring to next year, or being prohibited to enter/remain in the United States. The potential loss of revenue includes tuition and income from housing, dining, and other on-campus services. Further, for students who have already paid their bill for 2020-2021, the universities would be compelled to refund those students in full.
16. The State Universities and the Massachusetts State College Building Authority (MSCBA) fund the design and construction of every dorm room on our nine-member campuses. The MSCBA issues debt to the universities. The State Universities rely on international students to utilize a portion of their on-campus housing and the State Universities' annual budget assumptions include revenues derived from those students. Debt service to the System is approximately \$94,000,000. A decline in our resident student population does not release our State Universities from paying bond obligations incurred during the construction of the residence halls and dorm rooms. The State Universities will be financially harmed if international students have to disenroll and do not to live on campus.
17. If the State Universities were required to open up more fully than currently planned in response to the Rule so that they can prevent loss of students on F-1 and M-1 visas, they

would see operational costs, such as personal protective equipment and cleaning supplies, increase. They would also likely be out of compliance with state rules on social distancing and densification of campuses and put at risk the health and safety of our campus community and the larger local, regional, and state communities.

18. Pursuant to state guidelines and in close consultation with public health experts, each of the State Universities has developed comprehensive plans for the return of our students, staff and faculty to campus for the fall 2020 semester. The development of these plans took thousands of hours by hundreds of State University administrators and others. They formed topic-specific committees and surveyed students, faculty, and staff to help shape their decisions. All our campuses will welcome students back for academic year 2020-2021 through a careful balance of in-classroom and remote instruction. These instruction models were developed specifically by each campus and prioritize the health, safety and wellbeing of our campus community. Each of the State Universities plan to offer some in-classroom instruction, following state and federal guidance for social distancing, and will offer remote instruction when safety protocols or concerns prohibit in-person instruction. Programs that require hands-on learning, such as labs and clinics, are more likely to have in-person instruction. The class sizes will be limited because of social distancing protocols. All our campuses will begin instruction in September. Campuses are working with emergency response managers and consultants to plan for the safe return to on-campus, in-classroom instruction and re-populating our residence halls. The State Universities will continue to monitor circumstances related to the COVID-19 pandemic and may have to change course and move fully online if government mandates or the health and safety of their campuses require it.

19. Each of the State Universities has developed and released or is in the process of finalizing its current fall 2020 plans. Those plans also include operating budgets for the universities. They do not factor in the loss of revenue or any additional resources required to comply with the Rule, such as new individualized I-20 certifications.
20. To comply with the new Rule, the State Universities will have to develop and implement complex and costly new plans and procedures. The State Universities will have to expend time and resources to make individualized determinations to certify students with F-1 and M-1 visas and re-issue I-20s for each student. In addition, the State Universities will have to expend resources to reevaluate instruction plans to make sure that students with F-1 and M-1 visas can meet the standards for hybrid learning. If the course of COVID-19 requires the State Universities to move to fully online instruction during the semester, like we did in March of this year, the institutions will incur additional planning and implementation costs, and will have even more international students who cannot comply with the new Rule, triggering additional refunds and other costs.
21. The State Universities will incur additional administrative costs to comply with the Rule's new mandates that were not present before the March 2020 SEVP Guidance. For example, the State Universities will be required to report operational changes due to COVID-19 within 10 days. If for reasons relating to COVID, the State Universities must make emergency operational changes, the obligation of the Rule creates an undue and unreasonable burden on campus administrators.
22. The Rule causes educational harm to international students, other students, and our State Universities. For example, students who adjust their course loads to ensure that they are participating in hybrid instruction may be forced to enroll in classes that are not relevant



to their course of study and may take them off track. Students who return home may be in time zones that require them to attend online classes in the middle of the night, which may in turn have negative impacts on their ability to focus and satisfactorily complete their work. These students may also face hurdles with uneven internet connectivity or government-imposed restrictions on accessing the internet or certain platforms. In addition, international students contribute to the State University campus communities in important ways, infusing State Universities with rich and diverse viewpoints and skillsets. If international students are forced to disenroll because of the Rule, the State Universities and other students will lose out on their contributions.

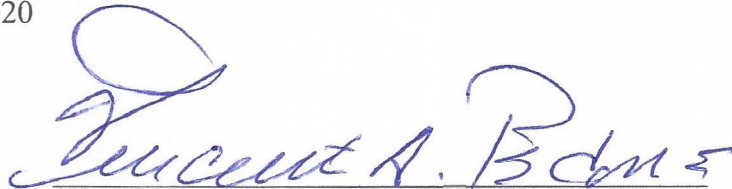
23. The rule will lead to increased health risks for our F-1 and M-1 students. For example, if forced to return home, many of our students would have to take the unnecessary risk of airline travel and then face unsafe conditions in their home countries. Students who remain on campus might have to take unnecessary health risks through in-person classes that they would not otherwise take.
24. The Rule may impose unnecessary health risk to campus communities and to the public health more broadly, as the State Universities are forced to balance the health and safety of students, faculty, and staff with instructional formats and programming that satisfy the Rule. For example, increased mingling of students and others on campuses may lead to greater spread of infection.
25. Students who lose their F-1 and M-1 visas will suffer economic harm. A large percentage of students with F-1 and M-1 visas at the State Universities obtain work visas (e.g., Optional Practical Training (“OPT”) visas) – and employment opportunities – at the conclusion of the academic year. Without those opportunities, students will forfeit

income. In addition, students who have to return home will need to pay for travel on short notice and possibly find short-term housing in their home country.

26. Important business sectors in Massachusetts will also suffer economic effects. Students of the State Universities with OPT visas often find employment in fields such as science, high technology, biotechnology, healthcare, business and finance, education and the creative economy, as well as educating a future workforce to new business and industries. The Rule will create a loss of an important talent pool for these industries.

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

Executed this 11<sup>th</sup> day of July, 2020

A handwritten signature in blue ink that reads "Vincent A. Pedone". The signature is written in a cursive style with a large initial "V" and "P".

Vincent A. Pedone  
Executive Director  
Massachusetts State Universities  
Council of Presidents