

EXH. 27
DECL. OF RON ANDERSON
(MINNESOTA STATE COLLEGES AND UNIVERSITIES)

**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 RON ANDERSON

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I, Ron Anderson, pursuant to 28 U.S.C. § 1746, hereby declare and affirm,

1. I currently serve as the Senior Vice Chancellor of Minnesota State Colleges and Universities (“Minnesota State”), the fourth largest system of colleges and universities in the nation. Minnesota State does not include the University of Minnesota. I have held this position since June 2015. Prior to my current role, I served as President of Century College, among the largest and most diverse public colleges within Minnesota. I have spent the majority of my 25+ year career in public higher education serving within the Minnesota State system.

2. As the system’s lead academic and student affairs officer, I am responsible for leading the strategic planning, development, and administration of academic and student affairs initiatives, programs, and policies in fulfillment of the system’s commitments to Minnesota, in collaboration with the presidents, administrators, faculty, staff, and students at the 37 higher education institutions in the system.

3. I submit this declaration in support of Minnesota’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 set forth below through personal knowledge and Minnesota State personnel who have assisted me in gathering this information from our institutions. I have also familiarized myself with the Rule in order to understand its immediate impact on the Minnesota State Colleges and Universities.

5. Minnesota State is the fourth-largest system of two-year colleges and four-year universities in the United States. Minnesota State is comprised of 30 two-year and 7 four-year state colleges and universities with 54 campuses located in 47 Minnesota communities.

Minnesota State serves approximately 375,000 credit and career students each year. The diversity of our student body is one of our greatest assets. Of our credit students system-wide 27% are students of color, 56% are women, 4% are disabled students and 30% are PELL eligible. In addition, 45.8% are the first in their families attending higher education. We serve more students of color and American Indian students and more low-income students than all of the other higher education providers in Minnesota, combined. We are by far the state's largest provider of customized training and continuing education, serving employees and students trained at thousands of Minnesota's businesses and employers. Our campuses are critical to the economic success of Minnesota's regional and local economics. More than 87 percent of graduates get jobs related to their field of study.

6. Minnesota State campuses are highly diverse in scope and type, ranging from urban to rural locations, from the very small (less than 500 students) to the very large (more than 15,000 students), from campuses that have traditional residential life programs to campuses that are completely commuter, and from campuses with student populations that consist largely of the traditional 18-22 age cohort to campuses that have a significantly larger older and non-traditional student population.

7. Minnesota State is an independent state entity that is governed by a 15-member Board of Trustees. The law creating the system was passed by the Minnesota Legislature in 1991 and went into effect July 1, 1995. The law merged the state's community colleges, technical colleges, and state universities into one system. For more information about Minnesota State Colleges and Universities, please view its website at www.minnstate.edu. Minnesota State's operating statute is Minnesota Law Chapter 136F. In fiscal year 2017, Minnesota State contributed over \$8.0 billion to the state's economy.

8. Minnesota State serves about 4,300 international students who come from countries all over the world. International students bring important vibrancy and perspective to our campuses that add to the diversity of thought and experience critical to fostering the type of learning environments that our students need and deserve. They are valued members of our communities, and should not be penalized during this time of change and uncertainty.

9. Many of our international students are returning students, meaning that they have previously enrolled in a course of study at one of our institutions, have attended, and have an expectation of completing that course of study.

10. In addition to being an important contributor to the vibrancy of the campus experience, our international students are an important component of our enrollment.

11. Minnesota State is concerned some international students might dis-enroll for fall 2020 because they are unable to study from within the United States, because they may lose their F-1 visa and lose their ability to obtain CPT/OPT work visas, because they may not be able to safely (or at all) relocate to their home country to study remotely, and because of the overall uncertainty created by the Rule. Our international students have expressed fear and confusion because of the Rule.

12. International students who dis-enroll will affect the educational environment at our colleges and universities. This includes loss of interactions with and learning with other students, loss of interaction between faculty and students, and loss of involvement in student clubs and organizations, and intercollegiate athletic competition.

13. International students who dis-enroll will affect revenue for our college and universities in form of lost tuition and student fees, housing revenue, dining hall revenue, and revenue from other on-campus services.

14. This issue is particularly acute because international students are often full payers of tuition.

15. During the fall semester, which is currently scheduled to start in late August, the colleges and universities of Minnesota State plan to offer a mixture of on-campus, online, and hybrid courses reflecting how each institution can best support its students and their success. Minnesota State, of course, is implementing health and safety protocols required by the CDC, MDH, and our state leaders to protect the health and safety of our students, faculty, and staff. The health and safety of our students, faculty, and staff is our most important priority.

16. In order to comply with the Rule and to try and minimize negative impacts to our international students and campuses, our campuses are encouraging relevant faculty and staff to reach out to international students via Zoom meetings to listen to their concerns and share steps the colleges and universities are taking to minimize any negative impacts of the Rule.

17. Minnesota State campuses are also reviewing their fall 2020 course schedules for all international students to ensure there is an in-person component that will allow international students to maintain their immigration status.

18. Minnesota State is requiring its Designated School Officials (DSOs) to submit an update of their college or university operations plans to the Student Visitor Exchange Program (SEVP) by August 1 if the college or university plans to adopt a hybrid or fully in-person course of study. In addition, campuses must issue new Form I-20s to each F-1 and M-1 student certifying that the school is not operating fully online, that the student is not taking an entirely online course load for the fall 2020 semester, and that the student is taking the minimum number of online classes required to make normal progress in their degree program. These updates must be done by August 4.

19. This is complex and time intensive work and must be done with most of our employees working from home, with no additional financial resources, and while Minnesota State is dealing with significant budget challenges due to the global pandemic. In addition, the federal government has provided contradictory guidance on whether continuing international students taking a fully online curriculum from their home country can continue in active status. The Rule states that such international students can only remain in active status if a campus has adopted a completely online model. The FAQ document posted on July 7, 2020 interpreting the Rule states that any continuing international students may remain in active status if they take a fully online curriculum from their home country. Without clear guidance on this issue, Minnesota State would be forced to adopt the stricter interpretation even if that is not the intent, thus harming students who take a fully online course-load from their home countries at campuses that adopt a hybrid approach to online education by, potentially unnecessarily, dropping these student from active status. This aspect of the Rule creates additional confusion for international students when they make their individual decisions about whether to remain enrolled at a Minnesota State campus. Also related to these considerations, many international students come from developing nations without the infrastructure necessary to deliver online education to them in their home countries.

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

Executed this 10th day of July, 2020

A handwritten signature in black ink, appearing to read 'R A' followed by a long horizontal stroke.

RON ANDERSON
Senior Vice Chancellor for Academic and Student Affairs
Minnesota State Colleges and Universities