

**EXH. 32**

**DECL. OF BRAD LEE VAN DEN ELZEN, PH.D.  
(UNIVERSITY OF WISCONSIN – STEVENS POINT)**

**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 BRAD LEE VAN DEN ELZEN, Ph.D**

I, Brad Lee Van Den Elzen, Ph.D., pursuant to 28 U.S.C. § 1746, hereby declare and affirm,

1. I am the Director of the Office of International Education at the University of Wisconsin – Stevens Point located in Stevens Point, Wisconsin. My educational background includes a Bachelor of Arts, a Master of Arts, and a Doctorate. I have been employed at the aforementioned institution as the Director of the International Students & Scholars Office (2005-2016) and Director of the Office of International Education since 2017.

2. I submit this Declaration to verify publicly available information regarding UW System’s current enrollment statistics and practices and procedures affected by July 6, 2020’s “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 University of Wisconsin – Stevens Point 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 the University of Wisconsin – Stevens Point.

**Background on College/University/System and International Student Population**

4. The University of Wisconsin – Stevens Point is a public comprehensive university with an enrolment of 8500 students.

5. UW-Stevens Point (UWSP) and its affiliated campuses at UW-Marathon County and UW-Marshfield/Wood County contribute over \$671 million per year to the Wisconsin economy, while supporting 6,322 Wisconsin jobs and generating \$40.9 million in state tax revenue.

6. The economic impact of UWSP comes from spending in the Wisconsin economy. The sources of related spending include operations, faculty and staff, students, and visitors. The total economic impact comes from two sources: the direct spending of faculty and staff, students, visitors University operations, and capital spending, and indirect and induced spending, which results from direct spending cycling through the regional and state economy. The spending from businesses that benefit from the direct spending of faculty and staff, students, visitors, and UWSP operations creates additional indirect or induced economic activity that results in jobs and taxes generated within the state.

7. The University of Wisconsin – Stevens Point currently has 84 enrolled students who have F-1 visas. These students come from 20 countries and contribute \$2,226,000 in tuition and fees to the University of Wisconsin – Stevens Point.

8. Of these students with F-1 visas, 45 are currently in the United States.

9. The University of Wisconsin – Stevens Point has 12 newly admitted students for enrollment in fall 2020 who will require F-1 status. Of these students, 2 are currently in the

United States and 10 are currently living outside the United States and require a visa to enter the country for study. These students are expected to contribute \$318,000 in tuition and fees to the University of Wisconsin – Stevens Point.

### **Economic Impact to College/University/System**

10. I expect 30 students might disenroll if their F-1 visa status is revoked as a result of the Rule. The disenrollment of 30 F-1 visa-holding students would result in approximately \$795,000– from lost tuition, housing revenue, dining hall revenue, and other on-campus services.

11. As enrollees at a public institution, the University of Wisconsin – Stevens Point’s F-1 student visa-holding international enrollees are considered non-residents for tuition purposes. Their semesterly tuition is charged at a rate 2.5 times greater than the tuition charged those deemed residents for tuition purposes. A loss of non-resident tuition is therefore particularly acute to the institution as F-1 students’ tuition offsets expenses associated with the instruction of their in-state (i.e: residents for tuition purposes) classmates.

### **The Rule’s Impact on Current Planning Efforts**

12. On March 18, 2020 the University of Wisconsin – Stevens Point’s Office of International Education followed SEVP guidance properly notified SEVP that the University of Wisconsin – Stevens Point was immediately transitioning to hybrid instruction for the remainder of the spring 2020 semester as well as our summer 2020 instructional sessions.

13. The University of Wisconsin – Stevens Point’s current operational plan for the fall 2020 semester includes 25% of courses being delivered face-to-face (physical classroom attendance required); 25% of courses being delivered fully on-line (some synchronous, others asynchronous); and 50% in hybrid format (physical classroom attendance required).

14. The University of Wisconsin – Stevens Point’s Office of International Education must undertake a complex and challenging series of steps in the coming weeks to comply with the Rule. This will require numerous individualized inquiries and advising sessions with each international student so as to ascertain their current whereabouts (here in the U.S. or abroad); compelling our F-1 students to stipulate their fall semester 2020 plans at a moment of great uncertainty (owing to individual health statuses, willingness & capacity to navigate travel restrictions as well as the actual dangers associated with travel during a pandemic, and the prospect of returning to the United States from areas with considerably less community spread of the COVID-19 virus).

15. The Rule mandates the issuance of new I-20 documents for each student, a time-consuming effort which will be particularly burdensome inasmuch as each of these documents will need to be certified with an electronic signature by both the institution’s Designated School Officials as well as the student recipient. Further, Office of International Education staff in collaboration with the University of Wisconsin – Stevens Point’s Office of the Registrar must re-evaluate fully online or hybrid learning to make sure that international students can meet the standards for hybrid learning. Further, a system must be created to monitor international students’ enrollments in real-time so as to alert the Office of International Education in the event a student modifies her or his schedule, shifting, for example from a hybrid to an on-line course, a move that could put one’s ability to re-enter the U.S. or to stay in the U.S. as well as one’s academic degree progression at risk given the permutations of the Rule.

16. The Rule creates great uncertainty for international enrollees by specifying that should the institution have to change its mode of instruction from in-person to remote during the fall 2020 semester owing to public health concerns, then those international students present on

campus will need to depart the United States immediately. This is particularly onerous as the Rule appears to give no consideration to the actual practicalities of mandated travel during a period when international flights schedules have been severely reduced, and travel restrictions stand in travelers' ways. In addition, no consideration is given the associated financial burdens of (potential) last-minute travel, payments due for rental housing left empty, and the disruption to coursework underway (with its attendant risk of limiting near-term academic performance and, as a consequence, reducing long-term educational and employment prospects).

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

Executed this 11th day of July, 2020.

DocuSigned by:  
*Brad Van Den Elzen*  
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Brad Lee Van Den Elzen, Ph.D.  
Director, Office of International Education  
University of Wisconsin – Stevens Point