

**EXH. 39**  
**DECL. OF WILLIAM U. LATHAM, PH.D**  
**(UNIVERSITY OF THE DISTRICT OF COLUMBIA)**

**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 WILLIAM U. LATHAM, Ph.D**

I, William U. Latham, pursuant to 28 U.S.C. § 1746, hereby declare and affirm the following:

1. I am the Chief Student Success and Development Officer at the University of the District of Columbia (“UDC” or “University”) located in Washington, District of Columbia. My educational background includes a BA from Morehouse College and a MPA and Ph.D from Jackson State University. I have been employed as the Chief Student Success and Development Officer since February 2016.

2. I submit this declaration in support of the 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 UDC 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 UDC.

## **Background on UDC and its International Student Population**

4. UDC's history began in 1851 with the founding of the Miner Normal School, the District's public higher education school for African-American women that focused on training teachers. In 1873, the Wilson Normal School was founded for white women that also focused on training teachers. In 1929, Congress converted the Miner Normal School and the Wilson Normal School into separate four-year teacher colleges. Following the Supreme Court's decision in *Brown v. Board of Educ.*, 347 U.S. 483 (1954), which held that state laws establishing racial segregation were unconstitutional, the two colleges merged to form the District of Columbia Teachers College. In 1977, the Teachers College merged with two other District public higher education institutions to create UDC. UDC has five colleges offering 81 undergraduate and graduate degree programs. UDC is the District's only public higher education institution. A historically black college, UDC remains highly diverse.

5. The University has independent procurement and hiring while receiving \$90M of the University's \$170M operating budget and \$120M in capital funds.

6. UDC's annual student enrollment is approximately 4,500. There are approximately 1,150 employees.

7. Due to the COVID-19 pandemic, UDC moved all instruction online. On June 26, 2020, the President of UDC, Ronald Mason Jr., announced that all work and instruction will continue to be online for the Fall 2020 semester. See <https://www.udc.edu/2020/06/26/president-mason-messge-communic-1-fall-2020-term/>.

8. International students comprise approximately 6 percent of the UDC student population and come from 75 countries. These students are integral to the University. International students enrich UDC's learning environment with different cultural perspectives.

Many of our international students excel in academic areas and in athletics and contribute to UDC's athletics teams, leadership and retention and completion goals. International students also contribute significantly to the revenue of the institution paying the full non-resident tuition rate.

9. UDC currently has 252 enrolled students who have F-1 visas. UDC does not have any students enrolled holding M-1 visas. These students contribute \$3,724,728.00 in tuition and fees to UDC.

10. Of the students with F-1 visas, approximately 165 are currently in the United States.

11. UDC has 88 newly admitted students for enrollment in fall 2020 who will require F-1 status. Of these students, 10 are currently in the United States and 78 are currently living outside the United States and require a visa to enter the country for study. These students are expected to contribute \$1,559,360 in tuition and fees to UDC.

#### **Economic Harm to UDC**

12. International students currently in the U.S. want to continue to study at the institution, in the U.S., in a way that allows them to maintain their status. International students may disenroll in order to maintain their status if UDC does not guarantee in-person or hybrid instruction. Some students may choose to return to their home countries and discontinue their studies completely or temporarily withdraw from the University. International students may also transfer to institutions that have hybrid instruction. International students that are out of the country may disenroll if the university adopts a hybrid model as they may not be able to reenter the country due to the pandemic and if they are unable to reenter they will lose their F-1 visa status.

13. Disenrollment of international students will negatively impact tuition revenue.

The average international student tuition rate is \$17,720 per student.

#### **Administrative Burdens and Planning Disruptions**

14. The University has one dedicated International Student Services Coordinator who currently is responsible for all processes related to F-1 students. At this time there are no additional resources for the individualized certifications required by the new Rule. In addition, the limited time given to implement the new Rule poses an additional burden.

15. The new Rule is extremely complex and will be challenging to implement. Each enrolled international student will need to be certified that they meet the requirements for hybrid learning and that the student is not taking an entirely online course load. Courses in the student information system are not designated as hybrid as defined in the new Rule. Certifying an international student as hybrid will require individual reviews from faculty and International Student Services to ensure that the University can certify that the student meets the requirement for hybrid. The University will also have to review each international student's academic program to certify that the student is taking the minimum number of online courses required to make normal progress in their degree program. I-20s will need to be reissued for all international students.

16. Prior to March 2020, the University was required to register international students. The registration required reviewing that students were enrolled full-time and that they were not enrolled in more than one online course. This was accomplished by reviewing the student information system. The new Rule adds additional burdens. It requires a review of each student's academic program requirements to ensure that the courses in which the student is registered are necessary for program completion. It gives the University nine days from the

announcement (by July 15) to determine if it will be online or if it has the capability to administer the hybrid model.

17. The administrative burden and complexity of the new Rule may require at least two additional staff members to ensure compliance. One for the processing and information system administrative requirements and one for certification. The estimated cost for these two additional staffers is \$150,000.

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

18. Students who are unable to maintain their status due to the new Rule and have to leave the U.S. may not be able to leave the country with the existing travel bans in place due to COVID-19. Students who are unable to maintain their status due to the new Rule, and have to leave the U.S., may have to deal with the pandemic in their own countries.

19. The new Rule's hybrid format requires university to choose between health and safety of students, faculty and staff versus satisfying the new Rule. Students, faculty and staff would have to come to campus for in-person classes despite the COVID-19 pandemic and risk contracting the coronavirus from the increased person-to-person interaction. Increasing in-person classes increases the potential for community spread of the Coronavirus because most university students live in the community and not in university housing. Student concerns with anxiety have increased since the pandemic and the new Rule may have a negative impact on the mental health of students.

#### **Economic Harm to Students and to the District of Columbia**

20. The potential economic effects on students that lose their status include but are not limited to: losing ability to work on campus or obtain work authorization such as CPT and

OPT, the costs of breaking lease agreements, and the expense of plane tickets to leave the United States.

21. International students also contribute to the business sector during CPT and OPT. Currently, 61 students are on OPT and OPT STEM Extension. The economic contributions of these students will be lost if they lose their status.

22. The estimated student expenditure of all international students in the District of Columbia is \$587,427,752.

23. Many of the students who study at the University have dreamed of studying in the U.S. to make a better life for themselves and their families. They dream of raising their economic status and that of their communities in their home country, and see an American education as the path to achieving that dream. Many have come to study at the University at great personal cost and sacrifice. Some students have left children abroad, in the care of loved ones, to be afforded the opportunity to study. Others have family members who have worked multiple jobs, mortgaged homes and land, or borrowed large sums all to be able to afford an education in the U.S. As a result of the Rule, all of these students are at risk of not completing their education and having to return to their countries without their diploma. Without completing their studies and getting their diplomas, their many personal and family sacrifices will be in vain and students and their families may be left with debts that they are unable to repay because they do not have a diploma that would get them the level of income necessary to repay the loans.

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

Executed this 11 day of July, 2020

A handwritten signature in black ink, appearing to read "William U. Latham". The signature is fluid and cursive, with a prominent loop at the end.

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William U. Latham, Ph.D  
Chief Student Success and Development Officer  
University of the District of Columbia