

**EXH. 4**  
**DECL. OF JONATHAN LEE**  
**(CHICAGO STATE UNIVERSITY)**

**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 JONATHAN LEE, CHICAGO STATE UNIVERSITY**

## **DECLARATION OF JONATHAN LEE**

I, Jonathan Lee pursuant to 28 U.S.C. § 1746, hereby declare and affirm,

1. I am the Director of the Global Engagement Office at the Chicago State University located in Chicago, Illinois. My educational background includes a Master of Arts in English and a Bachelor of Arts in Political Science. I have been employed as the Director of the Global Engagement Office since April 3, 2017.

2. I submit this declaration in support of the State of Illinois' 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 information provided to me by various administrators at Chicago State University including Academic Affairs, Budget, Finance, Institutional Effectiveness and Research and the Graduate School and 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 Chicago State University.

### **Chicago State University and Its International Student Population**

4. Chicago State University is a fully accredited, public, comprehensive, urban commuter and residential institution of higher learning on the south side of Chicago. Founded in 1867, the University, with five colleges and a division for non-traditional students, confers thirty-one bachelor degrees, twenty-five masters degrees and two doctoral degrees and has an enrollment of approximately 3,000 students. The University also has a diverse work force of approximately 750 full-time and part-time faculty, administrators and staff members.

5. As a public institution, Chicago State University is funded, administered and regulated by the State of Illinois and local board of trustees. For fiscal year 2020, the university received \$36,925,900 in non-capital appropriations from the State.

6. In the Spring, 2020, Chicago State University had 63 enrolled students who held F-1 visas. Generally, our students come from 35 different countries and contribute approximately \$748,981 in tuition, housing and associated university fees each academic year.

7. Of these students with F-1 visas, 46 are currently in the United States.

8. Chicago State University has 16 newly admitted students for enrollment in fall 2020 who will require F-1 status. Of these students, eight are currently in the United States and eight are currently living outside the United States and require a visa to enter the country for study. These students are expected to contribute \$479,729 in tuition, housing and fees to Chicago State University.

9. The Rule imposes significant financial harm to Chicago State University in that new international students are discouraged from attending the university due to the uncertainty in continued education in the United States due to the COVID-19 pandemic and, thereby, the university will likely lose tuition, housing and other revenue due to the Rule.

### **Economic Harm to Chicago State University**

10. Because of the Rule, Chicago State University believes that many potential new international students will either defer enrollment at our university, or choose not to attend our university at all – resulting in students likely selecting another country outside of the United States to receive their education. These students fear that in the event the university moves to fully online delivery because of a change from the current COVID-19 infection rate, they will have to leave the United States and disrupt their education.

11. Chicago State University estimates that it will lose 23 new international students due to the Rule. This number could be considerably higher if all current international students at our university are also impacted by the Rule.

12. Specifically, with the Rule, Chicago State University anticipates a loss of \$458,169 in tuition and student mandatory fee revenue and \$290,812 in housing and dining hall revenue.

13. This is particularly acute because many of Chicago State University's international students pay full tuition to attend the university at considerably higher rate than domestic students which impacts revenues and is a loss of financial aid resources for other students and the University.

14. Further, in the Spring, 2020, Chicago State University hired many international students as graduate assistants and other student-worker roles. If these students are not allowed to attend the university this fall, the university will have an unmet employment need.

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

15. During the Spring 2020 semester and the emergent phase of the COVID-19 pandemic, Chicago State University moved to an e-learning environment. Then, as was required, the university reported its activities in SEVP under the March 2020 guidance.

16. Chicago State University's academic calendar for the 2021 academic year – Fall 2020, Spring & Summer 2021 - remains unchanged. As such, the Fall semester begins on Monday, August 24, 2020. Final exams are scheduled for the week of December 7, 2020 with the semester closing and grades due December 15, 2020.

17. Assuming Chicago State University remains in its current COVID-19 conditions (as regulated by the State of Illinois), course delivery will include hybrid and fully online modes.

The majority of scheduled fall courses will be offered remotely and the remaining of the courses will be in-person for the semester in a hybrid model. Courses identified as courses that can substantially benefit from in-person instruction such as clinical and lab-based courses and courses that promote cohort building, etc. will meet in-person. The scheduling of on campus offerings will be prioritized based on accreditation standards, required performance demonstrations, and opportunities for cohort building among new students. All in-person campus class sessions and visits will be scheduled prior to the Thanksgiving break. The remainder of the semester will be remote.

18. In terms of potential transitions over the course of the semester, a working group comprised of deans, associate deans, chairs, faculty, and union representatives have reviewed the Restore Illinois guidelines, as well as CDC guidance and the recently released guidelines from the Illinois Board of Higher Education for returning to campus in the fall. The working group has developed contingency plans for current COVID-19 limitations as well as the possibility of returning to more rigorous limitations if COVID-19 infection rates spike as determined by public health officials.

19. Chicago State University's planning group recognizes that a temporary return to a more limited education model would result in hybrid courses transitioning temporarily to remote (as required this last Spring) with online courses likely remaining unchanged.

20. The schedule and planning for delivery includes extensive integration and collaboration with Chicago State University's Information Technology Department (ITD) and the entire Division of Academic Affairs. Since Spring 2020, the university's ITD and Center for Teaching and Research Excellence (CTRE) have developed significant online resources and expanded remote capacity. With respect to professional development, the CTRE has developed



webinars to support hi-flex learning experiences that build on and extend from traditional hybrid concepts. Likewise, CTRE instructional design staff have created course shells and dedicated resources in our learning management system, Moodle.

21. Beyond questions of delivery modes and professional development, Chicago State University's planning process is extraordinarily complex and includes strategies that prioritize, based on accreditation standards, required performance demonstrations, and opportunities for cohort building among new students—as well as developing new guidelines for internships and clinical experiences in a COVID-19 environment. Additionally, strategies are being developed to support students, staff and faculty with medical vulnerabilities and other needs that may require ADA accommodations. Finally, the university's Academic Affairs Office and the Colleges are interfacing with specialized accrediting bodies and state agencies to ensure compliance with guidelines and licensure rules.

22. The design and delivery of the fall semester is complex, as a result, the Fall 2020 experience will vary based on degree program, degree level, student status, and course type.

23. Over the next month, Chicago State University will be busy preparing current and alternate learning spaces for physically distanced classes. The COVID-19 protocols for social distancing (ensuring all learners and the instructor are 6 feet apart at all times), masking, and where appropriate barriers, requires significant effort on the part of the university's facilities team (moving furniture and installing barriers where needed). Further, the university's facilities team will be installing sanitation stations across the campus to ensure students, staff and faculty have access to alcohol wipes to sanitize their desks, as well as hand sanitizer. With respect to cleaning, the university is working on enhanced cleaning to meet the Center for Disease Control's guidelines for sanitizing instructional spaces.

24. By August 4, 2020, Chicago State University's Global Engagement Office plans to reissue an updated form I-20 with SEVP to our prospective and currently enrolled international students.

25. Should Chicago State University be required to transition mid-semester due to COVID-19 concerns, all university courses would be shifted to an online, e-learning method, in compliance with the Rule. This would result in requiring the university to reissue I-20s for enrolled students as well as incoming students for the spring semester.

26. The Rule's burden placed on Chicago State University's administration in transitioning an international student out of the United States during a semester is extremely high – directly impacting the Global Engagement Office, Housing & Dining, and Graduate Program Directors – as well as many campus units that would lose student employees. There would be a considerable amount of university teaching, research, and university service-oriented activities that could not be accomplished with such a severe and immediate employment workforce loss.

27. Specific just to Chicago State University's Global Engagement Office, the re-issuing of I-20s itself will consume the office's staff time. Right now, the office is fielding a range of questions from incoming and current international students and their families, and other offices on campus all trying to understand the Rule. The implementation of the Rule is consuming valuable time that is normally devoted to international student programming and orientation activities.

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

28. Chicago State University international students are experiencing high levels of stress due to uncertainty with the Rule and how the Rule may impact their studies. Moreover, during a pandemic, risk is inherently greater during travel. For example, our international



students may be required to travel through hotspot countries currently experiencing high rates of infection.

29. The Rule will incentivize developing programs that are more in-person, leading to more in-person interaction on campus that could potentially have negative effects on community infection rates.

### **Economic Harm to Students and the States**

30. Chicago State University international students fear losing their \$350 SEVIS fee (because they worry they will not get their visa) and the \$160 visa processing fee. The losses of these fees are very stressful on prospective students and thus, we believe, discourage students from visiting embassies to seek their visa to approve study at our university.

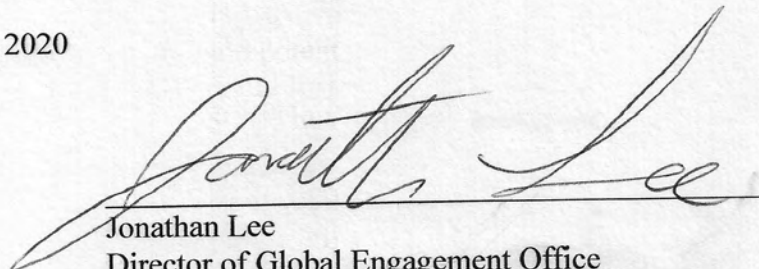
31. Further, if the current COVID-19 infection rate worsened and hybrid classes were moved online, the Rule mandates that the international students must leave the country – they would need to purchase airfare/travel and would lose their student employment on campus.

32. Likewise, if required to leave the United States, international students will accrue the costs of violating rental agreements here in the U.S. to leave so unexpectedly as well as potentially forfeiting funds already committed and/or paid for their children's schooling, etc.

33. If Chicago State University students are unable to complete their studies at the university the potential economic effects on revenue in the state from loss of student spending is \$3.5 million dollars supporting 21 jobs. *See NAFSA: Association of International Educators, Benefits from International Students – Illinois, 1st Congressional District at <https://www.nafsa.org/isev/reports/district?year=2018&state=IL&district=01>*

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

Executed this 11 day of July, 2020



Jonathan Lee  
Director of Global Engagement Office  
Chicago State University