

**EXH. 5**  
**DECL. OF GIANMARIO BESANA**  
**(DEPAUL 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 GIANMARIO BESANA, DEPAUL UNIVERSITY**

## **DECLARATION OF GIANMARIO BESANA**

I, GianMario Besana, pursuant to 28 U.S.C. § 1746, hereby declare and affirm,

1. I am a Professor in the College of Computing and Digital Media and the Associate Provost, Global Engagement & Online Learning at DePaul University (“DePaul” or “University”) located in Chicago, Illinois. My educational background includes a Laurea (BS) in Mathematics from the Università degli Studi di Milano, Italy and a Ph.D. in Mathematics from the University of Notre Dame. I have been employed in DePaul’s Office of the Provost as Associate Vice President since July 2007 and my title changed to Associate Provost in July 2014.

2. I submit this declaration in support 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 from information and materials provided by others. The information provided is true to the best of my knowledge, information, and belief. I have also familiarized myself with the Rule in order to understand its immediate impact on the University.

4. DePaul University was founded in 1898 by the Congregation of the Mission (or Vincentian) religious community, which follows the teachings of 17<sup>th</sup>-century French priest St. Vincent DePaul. The University’s mission emphasizes academic excellence, community service, access to education and respect for the individual. DePaul is the largest Catholic university in the United States.

5. DePaul has two Chicago campuses, Lincoln Park and the Loop, and 10 colleges and schools including the following: College of Liberal Arts and Social Sciences, Driehaus College of Business, College of Communication, College of Education, College of Law, College

of Computing and Digital Media, College of Science and Health, School of Continuing and Professional Studies, School of Music, and The Theatre School. For the Fall 2019 quarter DePaul enrolled 22,064 students. During the 2018-2019 academic year, the University employed 3,491 faculty and staff members. The University awards more than 6,300 degrees annually.

6. For the 2019-2020 academic year, DePaul had 1,426 enrolled students who had F-1 visas. These students come from 120 countries. Of these students, 1,030 are continuing active students, expected to enroll for Fall 2020.

7. DePaul expects 247 incoming new students for enrollment in Fall 2020 who will require F-1 status. Of these students, we estimate based on their last school of attendance that 48 are currently in the United States while the rest are estimated to be currently living outside the United States and require a visa to enter the country for study.

8. The Rule, which provides that non-immigrant F-1 and M-1 students may not take a full online course load and remain in the United States, will likely cause harm to the University and its students. Under the Rule, international students might be forced to withdraw from the University.

9. International students bring a diversity of perspectives into the classroom and enrich the learning environment for all students. Their absence from campus will likely be acutely felt in DePaul's classrooms.

10. Additionally, the anticipated financial impact to the University's budget of losing international students is likely to be significant.

11. In our Kellstadt Graduate School of Business and College of Computing and Digital Media international students make up approximately 20% of the graduate student population. These units will be particularly impacted by the Rule.

12. The University believes that the Rule will cause certain international students to withdraw from the University. Withdrawal might occur where international students cannot study from within the U.S., lose their F-1 visas and their ability to obtain CPT/OPT work visas thereafter, are unable to enroll in in-person classes, and where international students might not be able to relocate safely to their home country to study remotely.

13. According to current registration data, approximately 65% of DePaul's international students are registered for online-only courses for Fall 2020. Should all of these students leave the University as a result of the Rule, the financial impact for the institution will be significant.

14. In mid-March, DePaul created a COVID-19 Response and Planning task force ("task force"), comprised of a cross-functional team of more than 30 administrators, staff, and faculty. The task force assists in investigating and applying the best practices and guidance from medical and public health professionals to the University's operations in light of the COVID-19 pandemic. Because the University's planning is aligned with city and state rules on phased reopening, the University's plans are subject to ongoing revision as additional government guidance is released.

15. The task force started planning for the Fall quarter in early May by creating subcommittees. These subcommittees include: Academics, Health and Safety, Facilities, Personnel, and Student Services. The Academics subcommittee consulted with every College to create a grid of nine different instructional modalities for classes in the Fall quarter and detailed plans for new technology to be installed in 110 classrooms across two campuses.

16. With the help of the University Registrar and College offices, the University's entire Fall schedule was restructured to reflect the newly developed modalities. This effort

ultimately took countless hours of work from many people across multiple offices within the University's 10 Colleges and Schools.

17. Because of this effort, for the 2020-2021 academic year, DePaul will be offering classes in multiple modalities, both online and on campus. Online modalities will combine asynchronous and synchronous learning opportunities. Online offerings will include: online-asynchronous, online-synchronous, online-hybrid, and online-synchronous-classroom link. On campus classes will be limited in size and will meet in rooms that allow for adequate social distancing. Some on-campus classes will be structured as hybrid classes, in which students will participate in part of the learning activities on campus and part online, synchronously or asynchronously. For the Fall 2020 quarter, approximately 25% of courses offered will have an in-person component and approximately 75% offered will have various online only modalities. The University is prepared to transition to online-only instruction if guidance by the state of Illinois or City of Chicago requires so in the future.

18. If DePaul were required by the state or city to change learning systems mid-quarter from in-person/hybrid to online only, students who would be required to leave the country under the Rule would likely struggle to balance their academic obligations with travel and living planning. Under DePaul's quarter system, each week of the 10-week quarter represents 10% of the entire learning experience of a course. The logistical arrangements students would have to make if they had to leave the country mid-quarter, including making travel arrangements, booking flights, resolving housing contracts, making arrangements for dependents, etc. would likely take up a significant amount of the student's time and energy and could jeopardize the entire Fall quarter for them.

19. In June, over 250 faculty members were trained on how to develop and deliver online and hybrid courses, and work is currently still underway to develop such courses for the Fall quarter. Work is also currently underway to install new classroom technology (touch screens, cameras, and microphone systems) and hand sanitizer stations in 110 classrooms across both campuses. Protocols for room cleaning and compliance with the City of Chicago travel ordinance are also currently being developed.

20. The Rule will likely cause a significant increase in workload for the team of advisors in the University's Office of International Students and Scholars and in all academic advising offices across DePaul's 10 Colleges and Schools. In order to accommodate an increased student presence on campus resulting from the Rule, classes will likely need to be scheduled on Saturdays, which would increase maintenance costs and the workload of cleaning crews and impact additional revenue typically generated from renting spaces not utilized for academic purposes during weekends.

21. DePaul's academic calendar is based on the quarter system. The regular academic calendar consists of three 10-week quarters: Fall, Winter, and Spring. Students can register for classes and change their schedule until the second week of a term. For Fall 2020, a student can change their schedule through around the first week of September. This makes the requirement to certify each individual student's compliance with the guidance by August 4 practically impossible for DePaul to satisfy.

22. Re-evaluating fully online or hybrid learning to make sure international students can meet the standards for hybrid learning will require the restructuring of hundreds of class sections to accommodate in-person components, as well as reworking for the second time in a few weeks the entire Fall quarter schedule in DePaul's Student Information System, which could

potentially affect all students. In addition DePaul's density analysis to ensure proper safe presence on campus will need to be reworked, and academic advisors across the entire University will need training on the Rule and ways to keep students compliant.

23. The requirements to report operational changes resulting from COVID-19 within 10 days, to reissue over 1,200 Form 1-20s by August 4, and to individually review each student's enrollment to determine and certify that they meet the new Rule are new burdens to the University that were not in place prior to COVID-19.

24. Certain DePaul faculty are currently engaged in various and on-going STEM research initiatives, which rely on research assistance and project collaboration from international students. Currently, at least two of these initiatives are aimed at enhancing COVID-19 data: *Using Machine Learning to Battle the Infodemic of Misinformation in the Age of COVID-19* and *Race Data Imputation for COVID-19 Health Surveillance*. Because of the collaborative nature of these projects, the faculty strongly benefit from proximity to the students. Some projects require the students to access specialized equipment. Accordingly, these research initiatives would likely be negatively impacted if the international students who work on them were required to leave the U.S. In the case of externally funded research initiatives, the inability of international students to participate may jeopardize the faculty's ability to meet funders' deadlines and project goals.

25. Because of the global COVID-19 pandemic, there are currently various travel restrictions in place that may hinder international students' ability to return home. Additionally, some students' home countries may be experiencing acute outbreaks that might put them at risk.

26. DePaul planned the Fall quarter with a careful mix of learning modalities to provide flexibility to faculty and students in prioritizing their health and safety. While not every class is



available in every modality, students are given ample choices. The Rule would take away this flexibility from international students

27. DePaul has received many concerns from international students who will potentially be harmed by the Rule. These students have made significant monetary, time, and energy investments in their DePaul education and fear that the Rule will jeopardize their efforts.

28. DePaul has heard that one DePaul undergraduate student, who is halfway done with their degree, does not have internet access in their home country and is worried that they will need to give up their degree if forced to leave the country.

29. DePaul has heard a student express that due to health concerns, the student is debating whether to leave the U.S. and return to their home country, rather than put themselves at risk by attending in-person classes. This student is also considering options for transferring to a school in Canada.

30. DePaul has heard that another student has already paid non-refundable housing fees and deposits and bought non-refundable health insurance, among other non-refundable expenses in preparation for the next year of studies. The student will be out thousands of dollars for services they will not utilize if they are required to leave the country.

31. DePaul has heard that certain international students fear that they will lose the opportunity to apply for post-completion OPT if they are unable to keep their SEVIS records active because they are enrolled in exclusively in online courses.

32. DePaul has heard that yet another student, who is in the U.S. with a spouse and children, is concerned about his children and making housing and schooling arrangements for them in his home country if they are forced to leave.

I declare under penalty of perjury that the foregoing declaration was prepared from personal knowledge and from information and materials made available from numerous sources; and that it is not based entirely upon my personal knowledge but upon information supplied by others and subject to inadvertent or undiscovered errors. The information provided is true to the best of my knowledge, information, and belief.

Executed this 10th day of July, 2020



---

GianMario Besana  
Associate Provost, Global Engagement & Online Learning  
DePaul University