

EXH. 6
DECL. OF RYAN HENDRICKSON
(EASTERN ILLINOIS 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 RYAN HENDRICKSON, EASTERN ILLINOIS UNIVERSITY

**DECLARATION OF RYAN HENDRICKSON
EASTERN ILLINOIS UNIVERSITY**

I, Ryan Hendrickson, pursuant to 28 U.S.C. § 1746, hereby declare and affirm,

1. I am the Dean of the Graduate School at Eastern Illinois University located in Charleston, Illinois. My educational background includes a Bachelor's degree from Marquette University and a Master's degree and Doctoral degree from the University of Nebraska-Lincoln. I have been employed as Dean of the Graduate School since July 1, 2015.

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 at Eastern Illinois University and information provided to me by various administrators at Eastern Illinois University including those with the University Housing and Dining Services and Office of International Students and Scholars (OISS) 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 Eastern Illinois University.

Eastern Illinois University and its International Student Population

4. Eastern Illinois University was established in Charleston, Illinois as a teacher's college in 1895. Today, it is a comprehensive university with a broad curriculum, including bachelor's and master's degrees in education, business, arts, sciences and humanities with enrollment of 7,621 students. The university is accredited by the Higher Learning Commission and many other accrediting bodies including the National Council for Accreditation of Teacher Education. The university offers 51 undergraduate degree programs, 32 graduate degree programs and 10 post-baccalaureate certificate programs and is divided into four degree granting colleges – College of

Liberal Arts and Sciences, Lumpkin College of Business and Technology, College of Education, and College of Health and Human Services.

5. As a public university, Eastern Illinois University is funded, administered and regulated by the State of Illinois and local board of trustees. For fiscal year 2020, the university received \$41,424,300 in non-capital appropriations from the State.

6. In the Spring, 2020, Eastern Illinois University had 315 enrolled students who held F-1 visas. Generally, our students come from 59 different countries and contribute approximately \$3,439,500 in tuition, housing and associated university fees each academic year.

7. At the time of this Declaration, Eastern Illinois University has approximately 180 students with F-1 visas in the United States.

8. For the Fall 2020, Eastern Illinois University has 186 newly admitted international students enrolled who will require F-1 or M-1 status. Of these students, we estimate that 10 are currently in the United States with the remaining 176 outside the United States (requiring a visa to enter the country for study). These international students are estimated to contribute approximately \$2,086,300 in tuition, housing and fees to the university.

9. The Rule imposes significant financial harm to Eastern Illinois 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 Eastern Illinois University

10. Because of the Rule, Eastern Illinois 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. Eastern Illinois University estimates that it will lose 186 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, Eastern Illinois University anticipates a loss of:

- a. \$154,368 in housing and dining hall revenue (plus additional revenue from students not living on campus but having dining privileges);
- b. \$1,402,884 in tuition revenue; and,
- c. \$529,046 in associated university fees.

13. Many of Eastern Illinois University's international students pay full tuition to attend the university at considerably higher rate than domestic students.

14. Further, in the Spring, 2020, Eastern Illinois University hired many international students as graduate assistants (74 students) and other student-worker roles (100 students). If these students are not allowed to attend the university this fall, the university will have an unmet employment need.

Eastern Illinois University's Administrative Burdens & Planning Disruptions

15. During the Spring 2020 semester and the emergent phase of the COVID-19 pandemic, Eastern Illinois University moved its courses on-line. Then, as was required, the university reported its activities in SEVP under the March 2020 guidance.

16. Eastern Illinois 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 14, 2020 with the semester closing and grades due December 21, 2020.

17. Assuming Eastern Illinois University remains in its current COVID-19 conditions (as regulated by the State of Illinois), course delivery will include traditional face-to-face lecture, lab, and studio experiences, as well as hybrid and fully online modes. All face-to-face courses will be limited to a total of 49 students with no more than 50 individuals in a single physically-distanced classroom environment. The hybrid courses will combine face-to-face experiences with online components. As of July 10, 2020, the current distribution of scheduled courses by delivery mode are approximately: 44% face-to-face; 29% hybrid; and 27% online. At this time, the University anticipates the proportion of traditional face-to-face courses to decline slightly with observed increases in hybrid and online courses to accommodate faculty with medical vulnerabilities.

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 documents 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. Eastern Illinois University's planning group recognizes that a temporary return to a more limited education model would result in face-to-face courses transitioning temporarily to hybrid courses (as required this last Spring) with hybrid and online courses likely remaining unchanged.

20. Similar plans are developed for Eastern Illinois University's Spring 2021 semester.

21. The schedule and planning for delivery includes extensive integration and collaboration with Eastern Illinois University's Information Technology Services (ITS) and the entire Division of Academic Affairs. Since Spring 2020, the university's ITS and Faculty Development & Innovation Center (FDIC) have developed significant online resources and expanded remote capacity. The university has also established a parking lot wifi hotspot and plans to expand additional hotspots within the community. With respect to professional development, the FDIC has developed webinars to support hi-flex learning experiences that build on and extend from traditional hybrid concepts. Likewise, FDIC instructional design staff have created course shells and dedicated resources in our learning management system, D2L by Brightspace.

22. Beyond questions of delivery modes and professional development, Eastern Illinois University's planning process is extraordinarily complex and includes strategies that prioritize traditional face-to-face lectures, labs, and studios for new first time full time students—as well as developing new guidelines for internships and clinical experiences in a COVID-19 environment. The emphasis on face-to-face for basic and general education courses is intended to promote success in transitioning to higher education and enhance academic persistence for new students. Additionally, strategies are being developed to support students 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.

23. The design and delivery of the fall semester is more complex than simply face-to-face and online. As a result, the Fall 2020 experience varies based on degree program, degree level, student status, and course type.

24. Over the next month, Eastern Illinois University will be busy preparing current and alternate learning spaces (such as ballrooms and gymnasiums) 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 in all classrooms to ensure students 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.

25. Eastern Illinois University is working with the University Professionals of Illinois (its faculty union) to develop a memorandum of understanding that supports the needs of faculty and academic support specialists as they return in August for the Fall, 2020 semester.

26. By August 4, 2020, Eastern Illinois University's Office of International Students & Scholars plans to reissue an updated form I-20 with SEVP to our prospective and currently enrolled international students.

27. Should Eastern Illinois University be required to transition mid-semester due to COVID-19 concerns, all university courses would be recoded as hybrid, in compliance with the Rule. This results in requiring the university to reissue I-20s for enrolled students as well as incoming students for the spring semester.

28. The Rule's burden placed on Eastern Illinois University's administration in transitioning an international student out of the United States during a semester is extremely high – directly impacting the Office of International Students & Scholars, 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.

29. Specific just to Eastern Illinois University's Office of International Students & Scholars, 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.

The Rule Has a Harmful Impact on Eastern Illinois University's Mission

30. Eastern Illinois University's mission speaks of academic excellence – the Rule negatively impacts Eastern Illinois University's international students' ability to complete required lab work, lab research and other creative activities.

31. Eastern Illinois University's mission also speaks of diversity and inclusion – the Rule negatively impacts international students' ability to interact with campus club organizations, including the Association of International Students as well as community learning by interacting with international students.

The Rule Negatively Impacts the Health and Well-Being of Eastern Illinois University's International Students

32. Eastern Illinois University international students are experiencing high levels of stress due to uncertainty with the Rule and how the Rule may impact their studies.

Economic Harm to the International Students

33. Eastern Illinois 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

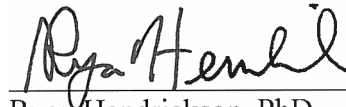
these fees are very stressful on prospective students and thus, we believe, discourage students from visiting embassies to seek their visa to approve study at our university.

34. Further, if the current COVID-19 infection rate worsened and face-to-face 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 (impacting approximately 100 student workers and 74 graduate assistants).

INTENTIONALLY LEFT BLANK

I declare under penalty of perjury that, to the best of my knowledge, the foregoing is true and correct.

Executed on this 11th day of July, 2020

A handwritten signature in black ink, appearing to read "Ryan Hendrickson", written over a horizontal line.

Ryan Hendrickson, PhD

Dean of the Graduate School

