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# JUNE/JULY 2020 REGION III PUBLIC POLICY UPDATES

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## 1. FEDERAL UPDATES

### • Supreme Court

- The U.S. Supreme Court ruled in June that the 1964 Civil Rights Act protects gay, lesbian, and transgender employees from discrimination based on sex. The ruling was 6-3, with Justice Gorsuch, writing the majority opinion.
  - <https://www.npr.org/2020/06/15/863498848/supreme-court-delivers-major-victory-to-lgbtq-employees>
  - For a previous analysis of the issues at hand, you can read NASPA's Policy at a Glance from November 2019: <https://www.naspa.org/blog/policy-at-a-glance-scotus-considers-workplace-protections-for-the-lgbtqia-community>
- [NASPA Statement on DACA Supreme Court Ruling](#), June 18, 2020
  - Undocumented individuals in the higher education community, including those with DACA status, face a multitude of barriers, including guidance imposed by the Department of Education (ED) that limits relief from the Coronavirus Aid, Relief, and Economic Security (CARES) Act to students who meet Title IV eligibility requirements. ED released an [interim final rule to the Federal Register in June](#) that solidifies this guidance and carries the effect of law. The Supreme Court's decision is just one step in the right direction, and there is more to be done.

### • Emergency Aid/Stimulus Relief

- 7/28: Federal Reserve announces extension through December 31 of lending facilities for the Main Street Lending Program: <https://www.federalreserve.gov/newsevents/pressreleases/monetary20200728a.htm>
- 7/27: Senate released its fifth proposed Coronavirus stimulus package, the Health, Economic Assistance, Liability Protections and Schools Act (HEALS Act), nice resource from the National Association of Counties: <https://www.naco.org/covid19/federal-advocacy/heals-act>
  - A combination of nine separate stimulus bills:
    - The American Workers, Families, and Employers Assistance Act
    - The Safely Back to School and Back to Work Act
    - The Restoring Critical Supply Chains and Intellectual Property Act
    - The TRUST Act
    - The SAFE TO WORK Act
    - The Safely Back to School and Back to Work Act
    - The Coronavirus Response Additional Supplemental Appropriations Act, 2020
    - The Supporting Americas Restaurant Workers Act



- 7/27: A federal judge did not rule on a preliminary injunction blocking the new Title IX rule that was requested by 18 Democratic attorney generals. Instead, he asked for more information about whether states that potentially ignore the rule would be considered in violation of Title IX, the federal sex discrimination law:  
<https://www.educationdive.com/news/federal-judge-holds-off-on-blocking-new-title-ix-rule/582386/>

- **International Students**

- 7/24: ICE updated 3/13/ guidance that new international students can't take 100% online classes, but hybrid classes allowed along with classes that start in-person and switch online mid-term: <https://www.ice.gov/doclib/sevis/pdf/fall2020faq.pdf>
  - Inside Higher Ed article:  
<https://www.insidehighered.com/news/2020/07/27/ice-clarifies-new-international-students-cant-take-all-online-courses>
- 7/14 ICE rescinds implementation of the directive through the Student and Exchange Visitor Program (SEVP), for more: <https://www.lawfareblog.com/summary-ices-reversal-and-re-reversal-online-class-policy-international-students>
- 7/8 : Harvard/MIT file pleadings against ICE directive that it violated the Administrative Procedures Act (APA)
  - A coalition of 180 colleges and universities known as the Presidents' Alliance on Higher Education and Immigration filed an amicus brief supporting the Harvard/MIT lawsuit. Moreover, a coalition of 59 other colleges and universities, including all the other Ivy League schools, filed an amicus brief. Many leading technology companies such as Google also filed an amicus brief.
- 7/6: Temporary modifications announced by ICE denying that F-1 and M-1 nonimmigrant visa holders could not take a full online course load and live in the US:  
<https://www.ice.gov/news/releases/sevp-modifies-temporary-exemptions-nonimmigrant-students-taking-online-courses-during>
- 6/22: EO "Proclamation Suspending Entry of Aliens Who Present a Risk to the U.S. Labor Market Following the Coronavirus Outbreak" suspends issue of H1-bs and temporary work visas through the end of the year:  
<https://www.whitehouse.gov/presidential-actions/proclamation-suspending-entry-aliens-present-risk-u-s-labor-market-following-coronavirus-outbreak/>
  - Chronicle article: <https://www.chronicle.com/article/Trump-Suspends-Temporary-Work/249037>
    - EO does not curtail the OPT program, as the administration has been leaning toward in recent months
    - 5/29: Inside HigherEd analysis on potential OPT restrictions:  
<https://www.insidehighered.com/news/2020/05/29/trump-administration-reportedly-considers-restrictions-foreign-student-work-program>
- 6/10: S.939 "CONFUCIOUS Act" passes the Senate by Unanimous Consent
  - From Politico: This bill specifies that institutions with Confucius Institutes on their campuses will be ineligible to receive federal funds from the Education Department — not including federal student aid — unless they have a contract or agreement with the institute that includes provisions to:
    - "Protect academic freedom at the institution;"

- “Prohibit the application of any foreign law on any campus of the institution;”
  - And, “Grant full managerial authority of the Confucius Institute to the institution, including full control over what is being taught, the activities carried out, the research grants that are made and who is employed at the Confucius Institute.”
  
- **Foreign Gifting and Information Collections (Sec. 117)**
  - 6/22: From ED press release--U.S. Secretary of Education Betsy DeVos unveiled a new online portal that will make it easier for schools to report foreign gifts and contracts valued at more than \$250,000 as required by law. This is part of the Department's ongoing efforts to help higher education institutions come into compliance with Section 117 of the Higher Education Act after numerous reports, and the Department's own research, uncovered billions of dollars in unreported funds from foreign sources.
    - Press release: <https://www.ed.gov/news/press-releases/secretary-devos-unveils-enhanced-online-portal-higher-education-institutions-report-foreign-gifts-and-contracts>
    - The Department found multiple university contracts with Chinese Communist Party-subsidized companies and at least one institution that has multiple direct contracts with the Chinese Communist Party itself.
  
- **Veterans**
  - 6/25: Improving College Affordability for Our Guard and Reserve Act ([HR 7372](#)) introduced, Sponsor: Rep. Guy Reschenthaler (R-PA). If passed, this legislation would allow National Guardsmen and reserve personnel to claim independent student status when applying for federal student aid: <https://www.congress.gov/bill/116th-congress/house-bill/7372>
  
- **Accreditation**
  - 7/16: Inside Higher Ed, colleges grapple with professional licensure disclosures: <https://www.insidehighered.com/news/2020/07/14/colleges-grapple-professional-licensure-disclosures>
    - Regulations on federal misrepresentation and disclosure that educational programs are designed to meet educational requirements if a specific license or certification is required for an occupation, or if the program is advertised to meet the licensure requirements.
    - An issue of bridging the gap between institutions and professional boards to meet requirements
  - 7/1: NASFAA resource on Accreditation and State Authorization rules that went into effect July 1: [https://www.nasfaa.org/uploads/documents/2019\\_State\\_Authorization\\_Federal\\_Regulations.pdf](https://www.nasfaa.org/uploads/documents/2019_State_Authorization_Federal_Regulations.pdf)

## 2. IN THE NEWS

- **COVID-19**

- COVID-19 Roundup: Colleges Tilt Toward Online Openings  
<https://www.insidehighered.com/news/2020/07/23/covid-19-roundup-variations-fall-campus-reopenings-database-fall-plans>
- Colleges Are Getting Ready to Blame Their Students:  
[https://www.theatlantic.com/ideas/archive/2020/07/colleges-are-getting-ready-blame-their-students/614410/?utm\\_source=facebook&utm\\_medium=social&utm\\_campaign=share&fbclid=IwAR0AUwKhP5-NrejQIq72g4urjXISbIuUoBq5TBELOFI8BJRe2C7nBvjb3js](https://www.theatlantic.com/ideas/archive/2020/07/colleges-are-getting-ready-blame-their-students/614410/?utm_source=facebook&utm_medium=social&utm_campaign=share&fbclid=IwAR0AUwKhP5-NrejQIq72g4urjXISbIuUoBq5TBELOFI8BJRe2C7nBvjb3js)

- **TITLE IX**

- Attorneys General Square Off on New Title IX Regulations:  
<https://www.insidehighered.com/quicktakes/2020/07/17/attorneys-general-square-new-title-ix-regulations>
- Title IX ruling may be heading towards the Supreme Court:  
<https://www.campussafetymagazine.com/clery/michigan-state-alumnae-supreme-court-title-ix-ruling/>

- **Fraternity & Sorority Life**

- Principles and Punishment:  
<https://www.insidehighered.com/news/2020/07/23/fraternity-chapter-suspended-statement-ties-confederacy>

- **Student Loans**

- Trump eyes student loan relief extension:  
<https://www.politico.com/news/2020/07/30/student-loan-relief-extension-389062>
- 40 million Americans face student loan cliff:  
<https://www.politico.com/news/2020/07/24/student-loan-cliff-381373>

## 3. NASPA Policy Statements & Sign-Ons

- **Official NASPA Statements**

- [NASPA Statement on ICE Guidance on International Students and Online Learning, July 9, 2020](#)

- **Sign-On Letters**

- [Amicus Brief to Delay Effective Date of Title IX Regulations, July 30](#)
- [Letter to Congressional Leaders Requesting Liability Protection During the COVID-19 Pandemic, July 29](#)
- [Request for Senate to Extend Relief for Student Borrowers, July 29](#)
- [Letter to DHS on ICE Directive for International Students, July 22](#)
- [Letter to the Senate on Effective Implementation of COVID-19 Emergency Supplemental Funds, July 22](#)
- [Amicus Brief: President and Fellows of Harvard College and MIT v. Department of Homeland Security, ICE, et al., July 13](#)

- [Request to DHS to Withdraw ICE Guidance on International Students, July 10](#)
- [Letter of Support for the House FY 2021 Education Appropriations Bill, July 10](#)
- [Letter to the State Department and DHS for Guidance for International Students, July 2](#)
- [Letter to Secretary DeVos on Interim Final Rule in the CARES Act, July 2](#)
- [Letter to the HELP Committee on Reopening Costs for Institutions, July 2](#)

#### **4. ANNOUNCEMENTS**

- The Public Policy Division blogpost for July discusses student visas, online-only Fall courses, and the impact on international students: <https://www.naspa.org/blog/an-international-reversal-and-a-far-reaching-impact>
- The deadline to submit presentation proposals for the 2021 Annual Conference is September 4<sup>th</sup>! More information available [HERE](#).

This monthly newsletter is compiled by the NASPA Region III Public Policy Representative, James Tyger. If you would like to send suggestions for the next newsletter, please email [JTtyger@ufsa.ufl.edu](mailto:JTtyger@ufsa.ufl.edu).