
OCTOBER- DECEMBER 2020 REGION III PUBLIC POLICY UPDATES



- **FEDERAL UPDATES**

- **Potential Changes Post-Election**

- 11/30: Who will be the next Chair of the Senate Education Committee?
 - <https://www.insidehighered.com/news/2020/11/30/rand-paul-may-succeed-lamar-alexander-senate-education-committee>
- 11/12: International Education
 - <https://www.insidehighered.com/news/2020/11/12/biden-presidency-offers-promise-reset-international-education-challenges-remain>
- 11/9: Title IX Under Biden
 - <https://www.jdsupra.com/legalnews/what-comes-next-title-ix-under-a-biden-95583/>
 - On the recommendation that the Biden administration direct ED not to enforce Title IX. “Nonenforcement will be of questionable use for Title IX. Here’s how it might work. The Department of Education would signal to educational institutions that there will be no penalty from OCR for noncompliance with the 2020 Title IX rule. What rules would they use instead? Perhaps the Department will reinstate Obama-era guidance or issue new guidance providing additional directions. Educational institutions could rest assured that their federal funding will not be in jeopardy if they go back to their pre-2020 policies and procedures for addressing Title IX sexual harassment. Unfortunately, nonenforcement would not protect schools, colleges, and universities that jettison the 2020 Title IX rule from lawsuits. Respondents who are accused of sexual harassment may feel that a school’s choice not to follow the regulations—the law on the books—violates their due process rights.”
- Higher Learning Advocates Policy & Regulatory Transition Recommendations:
 - <https://higherlearningadvocates.org/wp-content/uploads/2020/10/Higher-Education-Policy-and-Regulatory-Transition-Recommendations-HLA.pdf>
 - 11/23 Letter to President-elect Biden:
 - <https://higherlearningadvocates.org/wp-content/uploads/2020/11/LETTER-Call-to-Prioritize-Higher-Ed-in-the-Biden-Administration.pdf>

- **Emergency Aid/Stimulus Relief**

- December Bipartisan Proposal for Relief

- Senators unveiled \$908B proposal bipartisan relief bill, resolving issues of how the money goes out \$18-26B for higher ed, but this number is still in flux, along with how the funding would be disseminated.
 - Proposal includes \$4B for student loans, extension of current freeze that would push it out until the end of March, may be attached to the supplemental relief bill, and this is moving very quickly.
 - <https://www.washingtonpost.com/us-policy/2020/12/03/what-is-in-congressional-bailout-deal-stimulus-checks/>
- **Department of Education**
 - 12/4: DeVos announced student loan forbearance extension:
 - DeVos announced an extension of student loan forbearance through January 31, 2021: “Federal student loan borrowers will not be expected to make payments through January of next year, though they will continue to be able to do so and benefit from the 0% interest rate as they pay down principal. Non-payments will continue to count toward the number of payments required under an income-driven repayment plan, a loan rehabilitation agreement, or the Public Service Loan Forgiveness program.” <https://www.ed.gov/news/press-releases/secretary-devos-extends-student-loan-forbearance-period-through-january-31-2021-response-covid-19-national-emergency>
 - 12/2: Revamped College Scorecard
 - “U.S. Secretary of Education Betsy DeVos announced today that students can now compare average earnings two years after graduation based on field of study and how much federal student loan debt they can expect to incur, including new information on Parent PLUS loans, based on where they decide to attend school.” <https://www.ed.gov/news/press-releases/secretary-devos-expands-revamped-college-scorecard-adding-second-year-post-graduation-earnings-and-cumulative-loan-data-help-students-make-informed-choices>
- **International Students**
 - 12/4: ACE and other associations including NASPA ask for transparent guidance on International Students, no later than mid-December for institutions to plan for the coming semester. Currently working off of DHS FAQ from March, updated in August 2020. “The current guidance allows international students on F and M visas to remain in the United States if their programs need to pivot to an online-only instruction platform during the pandemic. Unfortunately, the guidance does not allow new international students to travel to the United States to begin a program if that program is online only due to COVID-19, or allow institutions to issue a Form I-20 “Certificate of Eligibility for Nonimmigrant Student Status” for those new students.”
 - <https://www.acenet.edu/Documents/Letter-DHS-international-student-guidance-Spring-2021-120420.pdf>
 - 12/1: The Department of Homeland Security (DHS) continues to tighten immigration restrictions in the final months of the Trump administration. DHS has recently increased the number of questions in the Citizenship test from 100 to 128: <https://www.uscis.gov/citizenship-resource-center/the-2020-version-of-the-civics-test/128-civics-questions-and-answers-2020-version>
 - 11/2: DHS has added restrictions to H1-b eligibility through proposed changes to the visa lottery process:

- <https://www.federalregister.gov/documents/2020/11/02/2020-24259/modification-of-registration-requirement-for-petitioners-seeking-to-file-cap-subject-h-1b-petitions>
- **Diversity, Equity and Inclusion**
 - 11/20: EO Combating Race and Sex Stereotyping Stanford University walks back “Checklist to Evaluate Diversity Training to Comply with Executive Order 13590”: <https://www.insidehighered.com/quicktakes/2020/11/20/stanford-nixes-diversity-order-compliance-checklist>
 - 12/2: HR Deepdive: <https://www.hrdive.com/news/sweepingly-overbroad-executive-order-on-diversity-training-is-causing-com/591433/>
 - 10/29: The NAACP Legal Defense and Educational Fund (LDF) has called the order "unconstitutionally vague" and filed a lawsuit Oct. 29 to have it rescinded. The LDF has "every hope" the Biden administration will repeal the executive order, but it will continue to pursue litigation until the order "is fully rescinded," Jin Hee Lee, senior deputy director of litigation at LDF: <https://www.naacpldf.org/wp-content/uploads/1-Complaint-2.pdf>
- **IN THE NEWS**
 - **COVID-19**
 - Colleges have shed a 10th of their employees since the pandemic <https://www.chronicle.com/article/colleges-have-shed-a-tenth-of-their-employees-since-the-pandemic-began>
 - Pandemic hits HE employment hard <https://www.insidehighered.com/quicktakes/2020/11/11/pandemic-hits-higher-ed-employment-hard>
 - **TITLE IX**
 - LSU students march in protest of campus sexual assault <https://www.wvltv.com/article/sports/ncaa/lsu/lsu-students-march-in-protest-of-campus-sexual-assault/289-11f2040e-518a-4f5d-8a34-72794e110474>
 - Can an online threat trigger an emergency removal under Title IX <https://www.jdsupra.com/legalnews/can-an-online-threat-trigger-the-need-70528/>
 - **First Amendment**
 - Ban on therapy to change sexual orientation violates the 1st Amendment, 11th circuit says <https://www.abajournal.com/news/article/11th-circuit-ban-on-therapy-to-change-sexual-orientation-in-minors-violates-the-first-amendment>
 - Fighting for Conservatives Under Attack in Academe: <https://www.insidehighered.com/views/2020/11/25/higher-education-doesnt-adequately-support-conservatives-and-their-academic-freedom>
 - Student’s racist video sparks 1st Amendment controversy at FAU https://www.heraldmillmedia.com/news/nation/students-racist-video-sparks-first-amendment-controversy-at-fau/article_e3c5c859-5c97-5554-bfdd-1ad6e1580c7f.html
 - 6th circuit backs termination of a public employee for racially derogatory social media post on 2016 Presidential election <https://www.natlawreview.com/article/sixth-circuit-backs-termination-public-employee-racially-derogatory-social-media>

- No discipline for GOP student group after “arm up” tweet, Iowa state says; free speech debate sparked <https://www.amestrib.com/story/news/2020/11/11/iowa-state-college-republicans-twitter-trump-gop-draws-concern-students-free-speech/6214029002/>
- **FAFSA**
 - Congress Gets Closer to FAFSA Simplification: <https://www.insidehighered.com/news/2020/12/07/congress-could-make-fafsa-more-simple>
- **Campus Safety**
 - FBI releases hate crime statistics: <https://www.fbi.gov/news/pressrel/press-releases/fbi-releases-2019-hate-crime-statistics>
- **NASPA Policy Statements & Sign-Ons**
 - **Sign-On Letters**
 - [Letter to Urge Congress to Support Student Parents](#) – NASPA has signed onto this letter to House and Senate leaders as a part of the Today’s Students Coalition and alongside 47 other partner organizations to support and outline the needs of student parents during the coronavirus pandemic, September 18, 2020
 - [Public Comment on DHS on H1-B Visa Requirements](#) —NASPA alongside the American Council on Education (ACE) and 18 higher education associations sent comments to the Department of Homeland Security (DHS) in response to proposed rule: “Modification of Registration Requirements for Petitioners Seeking to File Cap-Subject H-1b Petitions.” The proposed rule would change the current lottery process and prioritization in awarding H1-bs, December 2, 2020
 - [Letter to Congress on COVID-19 Relief for Higher Education](#)—NASPA signs on with the higher education community to ask Congress for a minimum of \$120 billion in the next federal coronavirus relief package, December 2, 2020
 - [Letter to DOL to Withdraw the Request for Information on Trump Administration's Executive Order on “Combating Race and Sex Stereotyping”](#)—Submitted by NASPA alongside ACE and 52 other higher education organizations, December 1, 2020
 - [Comments on the Small Business Administration's Loan Necessity Questionnaire](#) —NASPA submitted comments along with the American Council on Education (ACE) and 40 other organizations to the Office of Management and Budget to express concern about some of the questions on the Loan Necessity Questionnaire and their potential impact on nonprofit higher education institutions, November 25, 2020
 - [Letter to Secretary DeVos to Extend Relief to Federal Student Loan Borrowers](#)— NASPA alongside ACE and 45 other associations sent this letter to Secretary DeVos to extend federal relief to student loan borrowers in the form of suspension of payment and zero percent interest, along with suspension of collections on defaulted loans through December 31, 2021, November 20, 2020
 - [Letter to the Biden Administration on Reversing Executive Actions](#) —NASPA alongside ACE and 45 other associations sent this letter to President-elect Biden, and Vice President-

elect Harris to terminate, revise, or replace a number of decisions that the Trump administration has put in place regarding higher education, including those involving sexual assault prevention and response, international students, and race and sex stereotyping, November 18, 2020

- [Public Comment to DHS on H1-B Interim Final Rule](#) —NASPA has joined ACE and 31 other higher education organizations to comment on an [interim final rule](#) that would present challenges for those securing and maintaining H1-b visas. In issuing the rule, the DHS has sidestepped typical procedures required through the Administrative Procedures Act to offer a period of notice and comment to the public prior to the release of a final rule, under grounds of “exigent circumstances” due to COVID-19., November 9, 2020

- **ANNOUNCEMENTS**

- The Public Policy Division blogposts for October and November discuss Public Policy Challenges for Town-Gown Relationships and the Exclusionary Language of Public Policy:
 - <https://www.naspa.org/blog/public-policy-challenges-for-town-gown-relationships-in-a-pandemic>
 - <https://www.naspa.org/blog/the-exclusionary-language-of-public-policy>

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.

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