

THE NATIONAL ASSOCIATION OF
GRADUATE-PROFESSIONAL STUDENTS

Legislative Letters

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Updates in Higher Education



Image Credit: Kaylynne Glover, "The Capitol"

With the election finishing this week, the last month has been filled with news about higher education. Title IX and its impacts on universities and colleges are still being discussed, and the Department of Education has found many schools have not been reporting all funding from foreign governments. The current administration has also proposed new, tighter regulations on international student visas. Biden and Trump also have different takes on higher education with Trump focused on increasing funding for HBCUs and Biden on student loan forgiveness. House Democrats are attempting to get the Department of Education to make predatory for-profit universities take financial liability for their behavior that has cost students millions and make it easier for students to report misbehavior. There is also an update on the new Supreme Court Justice, Amy Coney Barrett.

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THE EXECUTIVE BRANCH

THE DEPARTMENT OF EDUCATION

On September 18th, the Department of Education published their [final rules](#) regarding free speech, academic freedom and Title IX. These rules outline requirements on free speech for all universities currently receiving federal funds and subject to revocation of the funding or debarment. Additionally, the rules require that all student organizations at public institutions have equal access to privileges such as facilities and student fee funds. Finally, they clarify exemptions to Title IX regulations for religious institutions, and bar many of them from receiving development grants.

On October 20th, the Department of Education published [a report](#) on more than \$6.5 billion in unreported funding from foreign governments, including China, Russia, Qatar, and Saudi Arabia. Major notes from the report include: Chinese tech giant Huawei “had financial ties to nearly all the investigated institutions”.

A donation by prince Alwaleed bin Talal was used to “push a particular ideologically-driven narrative” in teaching at Georgetown University. Secretary DeVos commented: “The threat of improper foreign influence in higher education is real. Our action today ensures that America’s students, educators, and taxpayers can follow the money.” A copy of the report can be found [here](#).

THE WHITE HOUSE AND OTHER AGENCIES

In late September, the White House shipped more than [250,000 rapid coronavirus](#) tests to serve 41 Historically Black Colleges and Universities (HBCUs), with the expectation they would send another 300,000 tests the following week to test [65 another HBCIs](#). This distribution allowed for all students, staff, and faculty to be tested, plus a percentage of students every week.

IMMIGRATION AND INTERNATIONAL STUDENT CONCERNS

At the end of September, the Trump administration’s Department of Homeland Security proposed a [new rule](#) for [international student visas](#) that would set a fixed time, up to 4 years, for how long students had to complete their degrees. This would be a major change from the current rules, wherein visas are valid for as long as the student remains enrolled in school and faithful to the conditions of their immigration status.

Four years is less time than most students need to complete a PhD, and less than the average time for baccalaureate degrees. Students could ask for an extension and have it approved “if

the additional time needed is due to a compelling academic reason, documented mental illness or medical condition, or circumstances that was beyond the student's control."

The Trump administration says the proposed rule will increase oversight of international students and prevent fraud and overstayed visas. Advocates and international students argue that this undue burden on the visa holders, and would lead to a significant decrease in international student enrollment. Currently, international students make up 5.5% of all higher education students in the US and contribute \$41 billion into the economy.

As of October 27, the day after comments for the proposed regulations closed, over [32,000 people or organizations had submitted a comment](#). Many in the academic and science community have stated the proposed rule would actually keep international talent away from the United States. Even before this regulation was proposed, there had been a significant drop in F-1 visas issued.

A month later, the administration also proposed [a rule](#) that would eliminate the lottery for H-1B visas, instead giving preference to those with [higher earnings](#) within their occupation. This would impact international students who want to stay in the United States after earning their degree.

HIGHER EDUCATION AND PRESIDENTIAL CANDIDATES

Though the Trump administration has remained fairly quiet about its policies on higher education, there have been several large regulatory changes over the past four years: [Changes to H1-B visas](#) have made it more difficult for foreign students to study in the US.

More recently, the Trump administration has [touted work with HBCU's](#), signing legislation which creates a renewing pot of funding for the institutions. When asked about the Trump administration's priorities regarding higher education, a white house spokesperson commented: "Too many colleges and universities are failing in their public mission to expand economic opportunity and prepare students for a family-sustaining career", affirming the education department's missive to ["rethink"](#) higher education, focusing on affordable education and high-quality, short-term job programs. Critics of these policies argue that they do not effectively protect students from predatory for-profit institutions.

Under the CARES Act, federal student loans have been placed in forbearance through December 31st; however, when it comes to [student loan forgiveness](#), the administration has supported forgiveness in the form of income-driven repayment plans.

The Biden campaign has come out in support of a larger [loan forgiveness plan](#), supporting up to \$10,000 in forgiveness per borrower as a part of COVID-19 relief. Additionally, the plan would forgive all *undergraduate tuition* for borrowers making less than \$125k per year who attend 2 and 4-year public universities or HBCU's. Furthermore, he [pledges](#) to invest \$50 billion in workforce training programs and \$8 billion in upgrades to community college infrastructure.

THE LEGISLATIVE BRANCH

HEARINGS AND OVERSIGHT

On October 5th, Senator Elizabeth Warren (D-MA) called on [owners and executives](#) of predatory schools and colleges to be personally responsible for the school's actions, particularly [financial losses](#) of defrauded students. This was in response to a report published by Student Defense, a student loan borrower advocacy group. The [report](#) covers the Department of Education's authority and duties under the law, including the underutilized ones, and the role of the Higher Education Act. By October 27th, Sens. Warren, Maggie Hassan (D-NH), Richard Durbin (D-IL), Sherrod Brown (D-OH), Richard Blumenthal (D-CT), and Chris Murphy (D-CT) [asked Education Secretary Betsy DeVos](#) to hold the owners of the for-profit colleges financially liable. The senators pointed to the closure of Corinthian Colleges, which costs the federal government \$558 million in cancelled student loans. However, a Reuters report showed that the executives of Corinthian Colleges received millions in bonuses before it closed.

In addition, House Democrats [released correspondence](#) from the Education Department supporting their claims that the Education department stopped the development of a web tool for students defrauded by for-profit universities. On May 21st, correspondence read: "FSA has made the decision to delay the implementation", and "all work on borrower defense ... should stop for now." However, on July 1st, correspondence from the Education Department authorized the contractor to begin the planning phase of the project. In a joint statement by Education Committee Chairman, Rep. Bobby Scott (D-VA03) and Oversight and Reform Committee Chairwoman, Rep. Carolyn Maloney (D-NY12): "We are deeply troubled that the Department of Education halted a web tool to help simplify and streamline the process for defrauded students applying for relief."

In mid-September, university representatives [briefed the House Science and Labor Committee](#) on the disruption COVID-19 has created for universities and researchers. As the committee builds support for the RISE Act, each of the four university representatives paint a bleak picture of research at their institutions.

"Theresa Mayer, executive vice president for research and partnerships at Purdue University, [described](#) the rapid ramp down of campus activity early in the pandemic, noting that there was \$15 million worth of lost effort and salary across its \$137 million portfolio of sponsored research, with 70% of researchers citing facility access restrictions as the primary cause." Research and Technology Subcommittee Chair Haley Stevens (D-MI11), argued that the federal government had "yet to hold up its end of the bargain" while universities curtailed their research programs to prevent the spread of COVID-19. She continued that now, many universities "find themselves in real danger of financial ruin."

THE JUDICIAL BRANCH

THE SUPREME COURT

On September 18th, Supreme Court Justice Ruth Bader Ginsburg passed away due to complications from pancreatic cancer. Though she may be more known for her scathing dissenting opinions, she authored the majority opinion for many landmark cases. Most notable of these is [United States v. Virginia](#), where the court struck down a male-only admissions policy for ROTC at the Virginia Military Institute. She upheld anti-bias legislation in 2010 when [ruling](#) against the Christian Legal Group. She was a consistent advocate for equity in higher education, and her presence on the court will be missed.

On October 27th, Amy Coney Barrett was sworn in as an associate justice of the supreme court. Her opinions on equity in higher education are largely unknown at this time; however they will likely be found out in short order, with [Students for Fair Admissions v. Harvard](#), which appears poised to rise to the Supreme Court. She previously served 3 years on the 7th Circuit Court of appeals, where in June, she wrote a 40 page dissent against the upholding of a preliminary injunction against the Trump administration's [public charge rule](#), which denied visas to immigrants due to disability or lack of economic resources. She has also publicly stated that [she disagrees](#) with the court's 2012 decision to uphold the Affordable Care Act. Though this is not directly related to [higher education](#), the now-majority against the affordable care act could potentially jeopardize the healthcare of university students and personnel.

IN RELATED NEWS...

RELEVANT READS

GRADUATE SCHOOL AND CAMPUS CLIMATE

California Governor Gavin Newsom signed a [package of consumer protection legislation](#) that includes a Student Borrower Bill of Rights. The Student Borrower Bill of Rights goes into effect on July 1, 2021 and gives the newly created Department of Financial Protection and Innovation (DFTI) the power to regulate the student loan providers who are currently exempt from the licensing laws.

RELEVANT READS

Diversity, Inclusion, and Social Justice

[Who Serves Cake?](#)

[Higher ed leaders slam Trump order on 'divisive' diversity training](#)

[Prioritizing STEM diversity, equity, and inclusion requires rethinking graduate education](#)

[What Happens Before College Matters](#)

[International Students Elevate Higher Education](#)

[How to Challenge Systemic Racism](#)

The State of Higher Education

[Higher Ed Institutions Grapple With Public Health Implications of In-Person Instructions](#)

[What Higher Ed Could Learn From the Military](#)

[Wake Up Higher Education. The Degree Is On the Decline.](#)

[Graduate Enrollment Grew in 2019](#)

[Shaping The Future Of Higher Ed By Listening To Students](#)

[Higher Education Should Serve Entire Families, Not Just Students](#)

[How the US Department of Education can protect students and promote equity in higher education](#)

Career Advice

[Graduate Professionalization in the Age of Student Debt](#)

Higher Education Policy

[Maryland graduates have on average \\$32,000 in student loan debt. Here's how to stem the crisis.](#)

[Student debt continues to climb. Here are 3 ways to fix it.](#)

[Further Student Loan And Unemployment Relief In Doubt After Trump Stops All Stimulus Negotiations](#)

[Where Trump and Biden stand on student debt and college costs](#)

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