
FEDERAL AFFAIRS

Congress has just completed its annual funding and COVID-19 legislation. The 5,500-page bill was attached to the annual spending bills of Congress and was passed overwhelmingly in both bodies. At this point, I have been unable to actually read the text of the legislation but, because I am a former House Appropriations Committee staff member, I was able to get the following summary from the staff:

It provides \$82 billion for education providers, funded similar to the CARES Act including:

- \$7.5 billion for Governors Emergency Education Relief Fund, with \$2.5 billion for private schools;
- \$54 billion for Elementary and Secondary School (K-12) Emergency Relief Fund; and
- \$20 billion for Higher Education Emergency Relief Fund.

This includes a set-aside for minority-serving institutions, HBCUs, institutions with greatest unmet needs, and relief for territories and Bureau of Indian Education. The higher education stabilization fund is split 50/50 between institutions and students (we sought a 70/30 split). We also fought for the allocation of the funds based on our number of Pell grant recipients (this was NOT included in the original Senate Republican legislation).

The institutional allocation splits the difference between Full Time Enrolled (FTE) and headcount:

37.5% based on FTE Pell recipients
37.5% based on headcount Pell recipients
12.5% based on overall FTE
12.5% based on overall headcount

These percentages exclude exclusively online students from the allocation, as in CARES. Institutions that paid the endowment tax in 2019 or 2020 are barred from receiving the institutional share of the allocation.

The following are the allowable uses/stipulations for institutions (very similar to HEROES):

“Shall use not less than 50 percent of funds to provide financial aid grants to students (including students exclusively enrolled in distance education), which may be used for any component of the student’s cost of attendance or for emergency costs that arise due to coronavirus, such as food, housing, course materials, technology, health care, or child care with any such students receiving such grants

determined solely by the institution; and may use funds received to defray expenses associated with coronavirus (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, and payroll)."

Eligible Student seems to be determined "solely by the institution." I will seek clarification on this – as of the writing of this Board of Governor's report, I have not been able to have access to the actual bill or committee report text. Finally, it includes an extension of student loan forbearance provisions created in CARES and extended by Executive Order, from the current expiration date of January 31, 2021 through April 1, 2021.

Immigration

The Administration pitched a new rule that would sharply limit some international college students' time in the United States, part of a proposal that marks the Administration's broadest attempts yet to restrict foreign students.

The proposal would cap most international students' visas at four years, ending the longstanding practice of automatically allowing college students to stay in the United States as long as they are still making academic progress and following the rules. Students would be capped at two years if they are from one of 43 countries — most of which are in Africa — where an especially large percentage of people who earn visas to the United States end up staying for longer than they are allowed. Those countries with extra limitations include Nigeria, Iraq, Ethiopia and the Philippines.

Students would also face a two-year limit if they are from one of four countries that the United States considers state sponsors of terrorism: Iran, North Korea, Syria or Sudan. International students could apply to extend their visas beyond these limits, but the rule would severely tighten the requirements for an extension. This rule, as many rules that this Administration issued by Executive Order, are expected to be rescinded by President-elect Joe Biden, Jr.

Reauthorization of the Higher Education Act

Congressman Bobby Scott (D-VA), Chairman of the House Education and Labor Committee, introduced the College Affordability Act during the 116th Congress. While there was little expectation Congress would have a floor vote on this bill – it passed in Committee along a party-line vote – it is seen as a barometer of what the legislation will look like going forward. Indeed, Chairman Scott was able to add one of his pet projects – canceling the 26-year ban on Pell Grants for prisoners – added to the COVID-19 bill. Among other things, the bill will boost the value of Pell Grants, and generally make education more affordable and accessible for students. The legislation is more than 1,100 pages.

Aside from working to increase the value of Pell, student work-study, and increase funding for research universities, other ancillary concerns about higher education that are likely to be discussed during reauthorization hearings on the bill (while no hearings are scheduled, if this goes to form the first session of Congress will be devoted to hearings, and the second to the actual Committee work and floor consideration of the legislation). Again, not all of these factors are inclusive of Wayne State University, but are clearly on the Committee's radar screen:

1. Colleges and universities will try to open, but it will be challenging.

Colleges will, however, in no way resemble what we knew before the crisis. Many large lecture classes will meet online, all dorm rooms will be singles, dining halls will operate at reduced capacity with long lines and most traditional campus activities will be curtailed. Universities will struggle to deal with all this, particularly because they will have laid off many of the student affairs and financial aid staff members on whom they would ordinarily rely to cope.

2. Revenue will go way down, and costs way up.

Even if they open, universities are already being hammered financially. Enrollment, and thus tuition revenue, will drop substantially, probably by as much as 30 percent. Federal funding to states for education has dropped almost 40%. Meanwhile, operations costs will skyrocket, given decreased dorm and dining hall density and higher cleaning costs, IT and health services demands, and loss of offsetting ancillary income. Wayne State University has already seen a major drop in state funding. Massive layoffs, furloughs, salary cuts and program terminations, already underway, will continue and deepen. There will probably be a drive to a major reordering of academic programming, to the detriment on the humanities, arts and traditional in-residence education.

3. Colleges will maintain a major online presence.

Now that most colleges and universities are operating online, university presidents and administrators will want them to stay online. Short term, many faculty members will go along with this. They understand that institutions will need to offer online classes to maintain social distancing. However, when institutions pivot, seeking to transform many of their degree programs into permanent online offerings, expect tenured and tenure-track faculty to raise serious questions and to resist. Many shared governance challenges will surface as a result.

4.

The nation will debate the value of in-person education.

Pundits and critics of higher education, many of them in Congress, will be quick to declare that since the COVID-19 crisis has proved that online education works, we should move to permanently substitute online for most traditional in-person college education. A major debate over the value of our traditional higher educational model will ensue. Defenders of the traditional model -- like defenders of the liberal arts over the last 40 years -- will likely lose, despite having many great arguments on their side.

5. There will be massive online competition and consolidation.

Right now, we have 5,000 online institutions. All of them will want to stay online and to market new online programs, but the market will only sustain a fraction of that amount. Expect clear winners and losers to emerge quickly. Why go to a no-name online program when you can go to an online program that also has a nationally ranked football team? Institutions will need to carve out a specialized niche -- or possess a strong and enduring brand -- to survive.

6. There will be an existential crisis and many closures.

Universities will close. Perhaps more than 750 to 1,000 to go under, and a lot of them HBCUs and small privates. The real question is: What will governors and legislatures do when their state public systems continue to operate in the red?

7. No federal bailout – unless . . .

Despite the financial devastation endured by colleges and universities, there will be no bailout of higher education – unless the Democratic party wins the two seats in Georgia. For years, Republicans have questioned the efficiency of colleges and universities, despise “tenured radicals” and, as a result, decreased federal aid to universities – especially research universities - over 80% in the last 15 years.

8. More corporations will enter the market

As more education is delivered by IT, and not on a traditional campus, expect technology companies to enter the market. In some cases, they will do so in partnership with universities with strong brands. Expect things like “the University of Maryland, powered by Google.” But once a university is conceived of as an IT platform, not a campus, there is no reason major tech companies, who possess stronger brands than most universities, won’t seek to compete on their own. These systems will value communication skills and celebrity teachers more than traditional academic credentials. Just as cheap content destroyed traditional journalism, expect cheap educational content to destroy the traditional professoriate. If you do not do research valued by the market -- meaning, science, technology and medicine -- expect your discipline to shrink (see what I wrote earlier).

9. Greater inequality will result.

The market will fragment into two segments. A reduced number of institutions will offer traditional residential education to wealthy or gifted students, who will benefit personally and professionally from the experience. Everyone else will be shuttled into weaker online or partially online programs, many part-time. Graduates of traditional programs will have a major leg up in employment markets, fueling increased inequality.

10. A new ubiquitous learning platform will emerge

As more learning moves online, expect a major effort to develop and deploy a Facebook for learning, a ubiquitous and highly personal site, powered by AI, that curates individual learning opportunities and documents outcomes. Many are trying to develop that platform now; the winner will make billions of dollars.

STATE AFFAIRS

Budget Update and Projections

WSU is in the early stages of advocating for priorities to be included in the Fiscal Year '21-'22 budget. We anticipate the Governor will share her recommendations for state financing in early spring 2021 (February/March) and we are working with the administration to ensure they are apprised of the multitude of programs and offerings currently happening at WSU. Following the Governor's recommendation, we anticipate working with the legislature as they craft their response budget recommendations.

Active FY '21 Budget Advocacy

WSU is actively advocating for investments across the University including but not limited to funding for the National De-Escalation Training Center, the Lycacki-Young Program, the Frontline Strong initiative, MiDOCS, investments in Psych-NP programming at the College of Nursing, and finally broad reiteration of the importance of full funding for the University as a whole. In addition, we are working with leaders across the University to identify additional strategic opportunities to collaborate with the state.

Legislation

WSU DGCA continues to monitor state legislation and regulations that could affect our students, our faculty, and our ability to carry out our mission. When formulating a university position, we work with internal subject matter experts to both craft the best position and to provide feedback to legislators. Legislation we monitored through the end of the 100th legislative session includes, but is not limited to, the following:

- House Bill 4437 (Wakeman) modifying the requirements for a mortuary science license, and creating new requirements for continuing education. This bill was passed

by both the House and Senate, and is in the process of enrollment and presentment to the Governor. WSU supported this legislation.

- House Bills 5217 (Iden), 5218 (Tate), and Senate Bill 660 (Hollier) requiring compensation for college athletes when their name, likeness, image, or athletic reputation is used as well as prohibiting the NCAA and other amateur sports organizations from preventing a student athlete from receiving compensation. HBs 5217-5218 were passed by the House and Senate, they are expected to be enrolled and presented to the Governor for signature. WSU monitored this legislation.
- Senate Bill 945 (Irwin) and House Bill 5837 (Peterson) requiring law enforcement in the state of Michigan to receive and maintain de-escalation training. WSU is supportive of this legislation, but also looking creatively at ways to be a partner with law enforcement agencies in need of training. This legislation failed to garner support at the end of the legislative session and will need to be reintroduced in 2021.
- Senate Bill 971 (MacDonald) prohibits a public institution from performing any testing on animals. WSU is concerned about the impact this legislation could have on important biomedical research at public institutions across the state. This legislation is currently in the Senate Judiciary and Public Safety Committee where it received a hearing; however, it did not move beyond committee before the end of the legislative session.
- Senate Bill 1055 (Nesbit) allowing Community Colleges to offer a 4-year BSN degree program. This legislation is a priority of the Senate Majority Leader, and WSU along with our other public and independent educational partners, is opposed to this legislation. SB 1055 did not earn enough support to move this session. It is likely the legislation will be reintroduced in 2021.
- Task Force on Jail and Pre-Trial Incarceration Legislative Package making adjustments to driver's license suspensions, decriminalizing low level traffic misdemeanors, eliminating certain mandatory minimum jail sentences, prioritizing jail sentence alternatives, increasing arrest alternatives, and reducing jail admissions for individuals on probation and parole were some of the final pieces of legislation moved in 2020. WSU is supportive of this legislation, and proud that the Dean of the School of Social Work, Sheryl Kubiak, was an important member of the Task Force that crafted this legislation. We expect the bills to be enrolled and presented to the Governor for signature promptly.
- House Bill 4042 (Whiteford) creating the interstate nurse licensure compact was supported by WSU College of Nursing; passed both chambers and has been ordered enrolled and presented; however, indications are that the Governor will not sign the legislation.

GOVERNMENT HEALTH AFFAIRS

Graduate Medical Education (GME) Reform – MIDOCs

WSU and other members of the MIDOCs consortium currently have two cohorts of residents in the program. As a reminder, this program is funded through direct state appropriations, which are then leveraged to receive federal dollars. The federal government approved the state's plan of how it will use those funds and how we will flow the money to the residency programs. The first cohort contains eight residents and the second cohort contains 24. This year the state appropriated \$5.1 million for the program. MIDOCs will leverage this funding, along with a funds contributed from the consortium, to receive a federal match totaling \$16 million. For academic year 2021, we plan to recruit for a total of 20 residents. This slight reduction from the previous year is due to a lower appropriation from the state than we had requested. As we enter the next budget cycle, our goal will be to bring the program back up to 24 residents per cohort.

Governor's Board Appointments

Governor Whitmer announced a number of available upcoming board positions beginning in 2021. The Government Affairs team recommended that Dean Schweizer apply to the Department of Health Human Services Certificate of Need (CON) Commission. The CON Commission represents organized labor unions, nonprofit health care corporations, and nursing homes. The application was submitted, and we are now working to notify appropriate contacts in the Governor's office.

Lycaki-Young Fund

The Lycaki-Young fund was first introduced in the mid 1990's. Since that time, WSU has received more than \$100 million in state funds to support care for the mentally ill and those affect by substance abuse. WSU has been a leader in providing critically important services to those affected in Wayne County and beyond. For example, we host one of the largest Methadone clinics in the country.

The program received the requested appropriation of \$5.6 million from the FY21. This funding provides psychiatric services to over 47,000 patients annually.

The Michigan Poison Center

The Michigan Poison Center (PC) receives more than 65,000 calls per year related to emergencies (most involving children). Tenet Corporation and DMC hosted the Center for more than 60 years, but it no longer fits into their scope of services plan. This is a significant opportunity for Wayne State in demonstrating our public health mission and expertise across the entire state. The Poison Center serves all counties in Michigan. The PC continues to play an active role in outreach on the COVID-19 pandemic. Additionally,

they are focusing educational efforts on opioid overdoses and lead poisoning across the state.

The PC had a successful marketing campaign. The goal of the campaign was to increase awareness and engagement. The primary markets were Detroit, Grand Rapids, Flint, and Traverse City. The campaign capitalized on the end of summer travel and utilize outdoor ads and Pandora. The state appropriated \$1,121,400 for the program for FY21.

COMMUNITY AFFAIRS

Director Green Leaves for New Position

Longtime Director of Community Affairs Victor Green has accepted a position with the Kalamazoo Police Department as Assistant Chief. His last day with WSU was November 30, 2020.

We are thrilled for Victor and his elevation to such a significant position. His expertise, experience and personality will make a deep and lasting impact on Kalamazoo, just as he did at Wayne State University. This is a well-deserved honor for Victor and his family and we wish him nothing but the best in his new endeavor.

The search for a new director is in progress.

2021 Dr. Martin Luther King, Jr. Tribute

Wayne State University's 2021 Rev. Dr. Martin Luther King, Jr. Tribute will be pre-recorded and presented virtually on Monday, January 18, 2021, at 1 p.m. The program will air on Comcast channel 900, while streaming on wayne.edu/live.

The program guest speaker is Caroline Randall Williams. Williams was born and raised in Nashville, Tennessee, and is a Harvard graduate. She is an award-winning poet, young adult novelist, and cookbook author, as well as an activist, public intellectual, performance artist, and scholar. Williams joined the faculty of Vanderbilt University in the fall of 2019 as a Writer-in-Residence in Medicine, Health, and Society, while continuing to work and speak to the places where art, business, and scholarship intersect, moving people closer to their best lives and corporations closer to their ideal identities.

InsideOut Literary Arts Project's Citywide Poets will perform (pre-recorded) a poem crafted especially for the Tribute program. The Citywide Poets have won numerous awards and, in 2010, received the prestigious Coming Up Taller Award given by the President's Committee on the Arts and Humanities.

Additional information can be found at govaffairs@wayne.edu.

