**Potential scenario impacts of Title IV TPS restrictions**

**Global Learning Hub, Global Affairs**

**University of California, Davis**

1. **Traditional exchanges where our students earn UC Davis credit**. The Dear Colleague Letter language for “delivery of instruction” appears to define a foreign institution as a non-US TPS. By that interpretation, students would not be able to receive aid for exchange programs where they receive UC Davis credit for courses taught by another institution.
2. **By extension, this would include most all UC Systemwide Education Abroad Program exchanges**, except for the small number of “UC Construct” programs taught by faculty hired by UC.
3. **Faculty-led programs that include course-required instruction with/through partner institutions**. The TPS definitions on delivery of instruction point to any required elements of a course taught by a non-US entity. This would include faculty-led programs taught by host institutions with our own supervising faculty on-site (i.e. Quarter Abroad (QA) Argentina taught through Universidad Nacional de Cuyo), faculty-led research or partnership programs with host institutions with supervising UC Davis faculty on-site (i.e. QA Taiwan hosted by Academia Sinica, and co-taught with their instructors), and/or programs taught by host institutions as facilitated through US-based study abroad providers (i.e. QA Italy where language is taught by local language instructors organized by US-based XXX, and other courses taught by UC Davis faculty). The issue with all of these is also the prohibition of Title IV funds for instruction not delivered by UC Davis faculty.

* There does not appear to be a carve out for instruction supervised by UC Davis, even if the curriculum was developed and graded by UC Davis faculty, and even UC Davis faculty are on-site – the language focuses on who is doing the instruction itself.
* The TPS language does allow for non-US entities to be involved in optional and/or non-required course content, but this definition is ill-defined to determine the threshold of “required.”
* Does a single guest lecture in a required course fit that definition?
* An optional course where the instruction is required if a student elects to enroll (but the course itself is not a required as part of the abroad program)?
* What about study abroad itself, which is elective/not required, and includes students’ informed consent that instruction is delivered by a non-UC entity?

1. **In-person internship programs offered in partnership with a placement agency**. All our current internship programs require us to partner with a third-party to source host organizations placements for students. These providers are mostly U.S.-based but many have on-site offices in the host location. These providers (through host-site staff) also provide on-site support to students, help with employment problems, provide alternative placements when needed, and help facilitate immigration requirements. Two issues related to TPS:

* Although U.S.-based, the third-party placement organizations may subcontract with local organizations to provide on-site support. It seems those in-country subcontracts would invalidate the exemption for U.S.-based TPS and prohibit use of Title IV funds.
* Students on these programs receive UC Davis credit. It is not clear whether experiential learning outside the classroom and without a formal “instructor” would nevertheless be prohibited. Does credit for experiential activities constitute “delivery of instruction?” If so, then this too may prohibit Title IV funding.
  1. As an aside – the ACE letter touches on this category of activities. This would be analogous to medical residencies, student work with non-profits, and potentially even for-credit U.S.-based internships if the company happens to be foreign-owned.

1. **COIL activities**. While not part of UC Davis’ portfolio yet, the restrictions around “course-required instruction” could inadvertently restrict COIL work. If example #3 above were followed strictly, it’s conceivable COIL components of a U.S.-based course could be defined as delivery of course-required instruction by a non-U.S. entity.

* By extension, if “experiential learning” is considered “instruction” for the purpose of TPS, this could also capture activity students do in partnership with foreign organization as part of a regular on-campus course, e.g. QA Intensives with program activities also occurring during breaks between terms.

1. **Experiential learning programs abroad (or domestically, with a non-U.S.-based organization)**. The TPS language does not clearly define “instruction” and whether credit issued for non-classroom learning (i.e. without a formal instructor) is included. If issuance of credit is the litmus of instruction, then internships, project-/community-based learning, leadership programs and other experiential learning where students earn UC Davis credit could be impacted. A few examples we are considering:

* UC Davis-supported individual internships abroad (through UC Davis partners, alumni, networks) where students earn UC Davis credit according to existing internship policy and would potentially use financial aid to support their living expenses abroad.
* Credit for participation in programs like Omprakash that mentors students and provides reflective/developmental programming to augment internship experiences (Omprakash is US-based and non-profit, so likely exempt, but very possible we’d do similar work with a non-US-based organization, such as APRU)

1. **Technology platforms that support or fully provide for-credit learning**. The TPS language seems to focus on full-program online programs (such as degree programs). However, it’s conceivable that restrictions could extend to technology that supports for-credit programming, especially if by non-US-based providers. The impacts here are unclear:

* Certainly something like participating in APRU Virtual Student Exchange (which we cannot do now but would like to in the future) where the learning platform is hosted by APRU institutions, currently Chinese University of Hong Kong. This could also include future activities through other networks like U21.
* Online curricula offered for UC Davis credit to support global and intercultural learning. None at present, but we offer the inverse – our team providing Becoming a Global Leader content to APRU, our work in digital badges, etc. It’s very likely we may find a non-US-organization we want to partner with to provide this learning to UC Davis students.

1. **Fully virtual programs**. Title IV aid for virtual programs may be impacted by the recission of the pandemic emergency declaration, anticipated last year. If that provision is addressed and otherwise left in place for virtual programs to receive aid, this TPS issue could block aid yet again. The separate issue here is that if Title IV aid remains in place for virtual programs, TPS definitions of credit for instruction by non-US-based entities could prohibit that aid. Two main issues:

* If credit is issued for fully virtual programs (like a virtual exchange or a single course taught by another institution), but offered under direct supervision of US faculty, would Title IV aid be permitted or not?
* More salient is, again, whether “experiential” is included in definitions of “instruction.” While I don’t expect us to do much work in fully online courses, this point could continue to impact programs like online internships, online collaboration for projects, etc.
  + Once again, the lack of clarity around “online instruction” is problematic. It’s easy to envision something like a proprietary online curriculum, set of learning modules, etc. fitting the definition of “online instruction.” What’s less clear is where students earn credit in partnership with foreign entities, and the work occurs online simply as a customary mode of engagement. For example, a for-credit internship with a genuine brick-and-mortar organization abroad, but the work is done locally and happens to be conducted online exclusively through emails, phone calls, zoom meetings, etc.

How would this be interpreted: The internship is done locally (*not subject to TPS*) and no funds are ever conveyed to an organization abroad (*not subject to TPS*), but the organization is foreign-owned (*subject to TPS*) and the student receives UC credit and financial aid to assist with participating (*subject TPS*).