

## **THE FORUM ON EDUCATION ABROAD**

### **Comments on:**

## **CUBAN ASSETS CONTROL REGULATIONS**

### **President's May 6, 2004 Directions**

The Forum on Education Abroad ("The Forum") does not lobby for or against specific legislation or executive actions. However, The Forum's dedication to promulgating Standards of Good Practice for the field of education abroad requires comment when specific governmental actions interfere, or have the potential to interfere, with the capacity of U.S. colleges and universities to serve the legitimate academic, safety or security needs of their students.

The proposed Interim Final Rule that flows from the recommendations of the "Commission for Assistance to a Free Cuba" has clear potential to interfere with the rights and responsibilities of U.S. universities and colleges to serve the legitimate academic needs of their students and to prevent institutions from following the "Standards of Good Practice" that The Forum on Education Abroad advocates for the profession.

The principles that govern quality programming in education abroad require, among other things, that U.S. universities, and their faculties exert principal control over the academic decisions by which programs are designed, credit is transferred and program management decisions are made.

The Forum recognizes also the responsibility and authority of governmental entities to make rules, regulations and laws for the greater benefit of the nation, and respects the role that our government legitimately plays in ensuring the legitimate interests, safety and security of the nation.

The Forum acknowledges that international education requires a productive partnership between academe and government. The United States has benefited from a long-standing partnership of goodwill which is founded upon certain unalterable principles, including the following.

That the international exchange of students and scholars serves the national interest by equipping our citizens with experiences which provide insights into other peoples and cultures, enabling others to learn about us and, thus, through international understanding, advancing the causes of world peace and security That colleges and universities, through their appropriate governance systems and faculty processes, must retain the rights to determine the academic content and delivery of a program of education, whether offered domestically or overseas, and that Governmental decisions that dictate or significantly restrain policies of a primarily academic matter represent an unacceptable breakdown in an academic-federal partnership that has been remarkably successful in the past, and remains a significant economic, diplomatic and cultural asset for the nation in the future.

The proposed Interim Final Rule in its current form (June 16, 2004) transgresses on these basic principles by:

- 1. Dictating the minimum length of an academic program**
- 2. Restricting which employees or contractors a college or university may use to deliver**

its services, and

**3.** Promulgating policies that effectively preclude colleges and universities from acting cooperatively together and from following long-established practices for the transfer of academic credit, policies which have proven to be effective in serving the needs of a diverse population, including students from smaller and less well-established institutions.

The academic and fiscal integrity of U.S. colleges and universities and their capacity to serve a diverse and complex population of students requires a certain freedom of action for them in creating, managing and cooperatively sharing in the provision of academic opportunities for students. To the extent that the Interim Final Rule interferes with, or substantially compromises the important freedom of U.S. colleges universities to act in this regard for the benefits of their students, The Forum regards the Interim Final Rule as fundamentally flawed and detrimental to a long-standing partnership in international understanding and education. As written, the Interim Final Rule does not serve the national interest.