

The attached Model Campus Safe Zones Resolution language was developed for individual colleges/universities or college/university systems that are contemplating adopting protections for their immigrant students. We recommend that any resolution contain language to address these critical issues:

- Limiting the sharing of student information with federal immigration authorities
- Restricting immigration agents' access to campuses
- Prohibiting campus security from collaborating with federal immigration authorities for the purposes of enforcement
- Providing resources and information for immigrant students and their families

The model resolution provides sample language for these issues. We encourage you to use this language as a template and to adopt as many pieces to fit the needs of your college/university or system. We also encourage you to add additional points beyond what is in this resolution and to share your creative and innovative ideas with us.

**Resolution to Designate College/University Campuses as Safe Zones and to Create
Resource Centers for Students and Families Threatened by Immigration Enforcement**

WHEREAS: The XX College/University System welcomes and supports students without regard to their citizenship or immigration status and will continue to admit students in a manner that complies with our nondiscrimination policy and without regard to a student's race, national origin, religion, citizenship, or any other protected characteristic. The College/University is committed to providing an environment in which all admitted students can pursue their studies and careers and graduate successfully;

WHEREAS: Federal law protects student privacy rights, and the XX State Constitution and other statutes provide broad privacy protections to all students, faculty, staff, and other employees of the College/University;

WHEREAS: Migration to this country is often propelled by social, economic, and political factors and native county conditions, which result partly from U.S. government and corporate policies and interests, and thus immigrants and their families are entitled to compassionate and humane treatment in this country;

WHEREAS: Ensuring that our College/University campuses are safe and inviting for all students and their families will facilitate the physical safety and emotional well-being of all students in the College/University, and is paramount to students' ability to achieve;

WHEREAS: This safe and inviting environment, as well as the learning environment and educational setting, would be disrupted by the presence of Immigration and Customs Enforcement ("ICE") agents or other immigration agents who come onto College/University property or conduct activities in and around College/University campuses to remove students or obtain information about students or their family members for the purposes of enforcement;

WHEREAS: Immigration enforcement activities around College/University campuses create hardships that affect health and present barriers to educational attainment, as well as a pervasive climate of fear, conflict and stress that affects all students in our College/University, regardless of their background or status, such that students whose family members, friends, or classmates may be at risk of deportation, as well as students who could face deportation themselves, are all at risk;

WHEREAS: Threats of immigration enforcement actions, and particularly of separation and deportation, against students and their families create severe emotional, psychological and physical barriers to learning and education that can and should be allayed or reduced through support systems, including legal representation, provided by the College/University;

WHEREAS: Students' ability to achieve is undermined by the removal of their family members during ICE raids and arrests, and the College/University should have in place policies and procedures to protect and provide emotional counseling and legal support for such students, and all faculty, staff, administrators and other employees should be trained on such procedures;

WHEREAS: Immigration arrests, detentions, and deportations affect families every day, and indications that deportations will increase dramatically have created a climate of heightened fear and anxiety for many students and their families;

WHEREAS: The record number of deportations in recent years tragically has broken apart loving families, devastated communities, and caused widespread fear among immigrants and their family members;

WHEREAS: Involving campus police in enforcing federal civil immigration law will create the perception that they are immigration agents and decrease students' likelihood of cooperating with campus police based on fears that this would lead to their deportation or the deportation of family members;

WHEREAS: Primary jurisdiction over federal immigration laws does not rest with campus police or any other state or local law enforcement agency; community trust is essential in allowing campus police to serve the College/University effectively; and campus police's limited resources should not be diverted from the critical mission of keeping our students safe, by participating in enforcement of federal immigration laws or by assisting federal immigration authorities in any way;

WHEREAS: Several courts have concluded that civil immigration detainers are voluntary requests to local law enforcement and compliance is not mandatory. No written state or federal law mandates that local colleges/universities assist ICE in the enforcement of immigration laws. In addition, local law enforcement agencies may be liable for improperly detaining an individual who is otherwise eligible for release based on a civil immigration detainer;

WHEREAS: Some cities, counties, schools, and higher education institutions have adopted policies that limit entanglement with ICE and resist any government action that may lead to the discovery of a person's immigration status;

WHEREAS: ICE's longstanding policy states that it will not conduct immigration enforcement activity at any sensitive location, which includes schools and college/university campuses, without special permission by specific federal law enforcement officials, unless exigent circumstances exist;

WHEREAS: A federal effort to create a registry based on any protected characteristics, including but not limited to religion, race, national origin, or sexual orientation, would be antithetical to the United States Constitution, federal and state laws, and principles of nondiscrimination that guide our College/University;

THEREFORE BE IT RESOLVED: That the Board of Governors of the XX College/University System hereby declares that every XX College/University site is a safe place for its students and their families to seek help, assistance, and information if faced with fear and anxiety about immigration enforcement efforts;

RESOLVED FURTHER: That the President/Chancellor shall establish that the College/University, and any associated education centers, be established as resource and information sites for immigrant students and families;

RESOLVED FURTHER: That the Board of Governors encourages the President/Chancellor to increase and enhance partnerships with community-based organizations and legal services organizations that provide resources for students and families facing deportation;

RESOLVED FURTHER: That the Board of Governors directs the President/Chancellor to create and make available in-language Know Your Rights presentations and materials for students and family members to understand their rights regarding interactions with law enforcement and immigration agents;

RESOLVED FURTHER: That the Board of Governors directs the President/Chancellor to create a rapid response network to assist students or their family members who have been detained;

RESOLVED FURTHER: That because community trust and cooperation are essential in allowing campus police to protect our students, faculty, staff, and employees on campus effectively, the campus police will abide by the following conduct:

1. Campus police shall create a policy acknowledging that they have no authority to enforce federal immigration law and declaring that they will not participate in immigration enforcement efforts of federal authorities. This includes campus police not holding people on ICE detainers, not responding to ICE notification or transfer requests, not making arrests based on civil immigration warrants, and not allowing ICE to use campus facilities for immigration enforcement purposes.¹

¹ This does not interfere with any mandatory on-site visits by Student and Exchange Visitor Program officials regarding initial certification or re-certification of the College/University to enroll foreign exchange students.

2. No College/University police department will join any state and/or local law enforcement agencies that have entered into an agreement with ICE or other immigration enforcement agency, nor undertake any other joint efforts with federal, state, or local law enforcement agencies, to investigate, detain, or arrest individuals for violations of federal immigration law.

3. Campus police are prohibited from inquiring about or recording any information regarding an individual's immigration status, citizenship status or country of birth, including when interviewing victims, witnesses, or suspects of crimes.

4. Campus police officers will not contact, detain, question, or arrest an individual solely on the basis of suspected undocumented immigration status or in order to discover the immigration status of an individual.

5. The campus police department and its officers will not use any resources to aid in any federal effort to create a registry based on any protected characteristics, including but not limited to religion, race, national origin, or sexual orientation.

RESOLVED FURTHER: In order to provide access to education, regardless of a student's or family member's immigration status, absent any applicable laws, the College/University shall abide by the following conduct:

1. College/University personnel shall not inquire about or record a student's or a family member's immigration status, and pursuant to the Family Education Rights and Privacy Act ("FERPA"), shall not disclose, without student consent if the student is at least 18 years old, or otherwise without parental consent, the immigration status, citizenship status, place of birth, or other personally identifiable information of any student.

2. Any communication to federal agencies or officials initiated by a school or school personnel concerning confidential information about a student or a student's family member, including but not limited to: information about gender identity; sexual orientation; status as a survivor of domestic violence; survivor of sexual assault; crime witness; recipient of public assistance; actual or perceived immigration or citizenship status; national origin; school discipline record; all information included in an individual's or household's income tax records; or records related to financial aid, scholarships, tuition or residency determinations, is prohibited, unless permission is granted by the student if the student is at least 18 years of age, or otherwise by the student's parent or guardian.

3. The College/University shall refuse all voluntary information sharing with immigration agents across all aspects of the College/University to the fullest extent possible under the law, with the exception of mandatory reporting in compliance with the Student and Exchange Visitor Program regarding the College/University's enrollment of foreign exchange students.

4. Any request by immigration agents for **access to a campus** shall be initially denied and immediately forwarded to the President/Chancellor and General Counsel for review and a decision on whether to reverse the denial and allow access to the site. The request must be provided with adequate notice so that the President/Chancellor and General Counsel can take steps to provide for the emotional and physical safety of the College's/University's students and staff.

- a. Should an immigration agent request access to a campus, the President/Chancellor and/or General Counsel shall ask for the immigration agent's credentials, ask why the agent is requesting access, and ask to see a warrant signed by a federal or state Judge.
- b. The President/Chancellor and/or General Counsel will refuse access to a campus unless immigration agents provide a warrant signed by a federal or state Judge which specifies the name of the person under arrest, **as well as** written authority from ICE instructing them to enter College/University property and describing the purpose for which they request entry.

5. Any request by immigration agents for **information** regarding a student² shall be initially denied and immediately forwarded to the President/Chancellor and General Counsel, who will review the denial according to the following guidelines. In keeping with the individual's right to privacy, no part of a student's education record, however created, may be divulged with personally identifiable information to any person, organization, or agency in any manner unless there is:

- a. Informed written consent by the student, if the student is 18 years of age or older, or otherwise by the parent or guardian;
- b. A valid court order or judicial warrant requesting such information (in such cases, prior to complying with such court order or judicial warrant, the student, if the student is 18 years of age or older, or otherwise the parent or guardian, shall be notified immediately in writing of the information that is the subject of the court order or judicial warrant);
- c. A health and safety emergency and disclosure of personally identifiable information from an education record to appropriate parties is necessary to protect the health or safety of the student or other individuals; or
- d. Another reason to do so that is required by law. Questions concerning the validity of a court order or judicial warrant, or whether there is a health and safety emergency or other possible reasons for releasing education records that contain personally

² With the exception of mandatory reporting in compliance with the Student and Exchange Visitor Program for foreign exchange students.

identifiable information, should be directed to the College/University Chancellor/President and General Counsel.

6. The College/University will not enter into agreements with state or local law enforcement agencies, ICE, or any other federal agency for the enforcement of federal immigration law, except as required by law.

7. The College/University and its staff, faculty, employees, and campus police will not honor any ICE detainers or requests.

8. College/University personnel shall treat all students equitably in the receipt of all school services for which they are eligible.

9. The College/University will offer (a) legal support to immigrant students and their families; (b) counseling that adequately acknowledges the impact of immigration status on students and their family members; and (c) Know Your Rights presentations to students and parents in-language; and (d) the College/University will ensure that students are aware of opportunities to gain access to in-state tuition, financial aid, scholarships, internships and career opportunities, regardless of their status. To implement this support system, the College/University shall establish an office space on campus that serves as a resource center for immigrant students and their families and shall establish at least one paid position for an immigrant liaison, with expertise in immigrant and undocumented populations, to fulfill these duties.

10. The College/University shall fund attorneys to represent students facing removal proceedings, and assist family members of students who are in removal proceedings with legal resources and information.

11. The College/University and its faculty, staff, and other employees shall not use any resources to aid in any federal effort to create a registry based on any protected characteristics, including but not limited to religion, race, national origin, or sexual orientation.

RESOLVED FURTHER: That the President/Chancellor shall ensure that all faculty, staff, administrators, and other employees will be trained on how to implement this policy, and notification in no less than the top 10 primary languages spoken by students throughout the College/University to be distributed to students to fully inform them of their rights in the College/University;

RESOLVED FURTHER: Within the next 90 days the President/Chancellor shall develop a plan for training all faculty, staff, administrators, and other employees on how to respond to ICE or other immigration enforcement personnel who are requesting information about students

and/or are attempting to enter campus. The plan shall also include procedures for notifying individual students about ICE and other immigration enforcement agencies' efforts to gain information about them, and how to support students whose family members have been displaced because of ICE and other immigration enforcement agencies. This plan shall be communicated to all College/University students in all supported languages.

RESOLVED FURTHER: The President/Chancellor shall prepare an implementation plan defining partnerships with community organizations and training and support for campus employees to ensure rapid response and effective coordination and report back to the Board of Governors in 90 days.

Definitions

- "Citizenship or immigration status" means all matters regarding questions of citizenship of the United States or any other country, the authority to reside in or otherwise be present in the United States, the time or manner of a person's entry into the United States, or any other civil immigration matter enforced by the Department of Homeland Security or other federal agency charged with the enforcement of civil immigration law.

- "Immigration agent" shall mean an agent of U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, any individuals authorized to conduct enforcement of civil immigration laws under 8 U.S.C. §1357(g) or any other federal law, other federal agents charged with enforcement of civil immigration laws, and any successors.

- "Enforcement actions" include arrests; interviews; searches; surveillance; obtaining records, documents, and similar materials; and other actions for the purposes of immigration enforcement.

- "Campus police" includes any campus security force, squad, or organization; any campus police department, force, squad, or organization; or any law enforcement agency solely dedicated to protecting and serving the College/University campus.