



To: CSCU President, Campus Security Personnel

From: Mark Ojakian, CSCU President

CC: Ernestine Weaver, CSCU Legal Counsel

Date: February 24, 2017

RE: Protocol with respect to U.S. Immigration and Customs Enforcement on CSCU campuses

OUR POSITION

The Connecticut State Colleges and Universities (CSCU) is strong because of its diversity. Our campuses thrive when people from different races, ages, religions, ethnicities, sexual orientations, gender expressions, nationalities, physical abilities and political perspectives have a forum for sharing their beliefs and ideas while learning together. This is a critical value of higher education. CSCU is committed to social justice, to celebrating our diversity, and fostering a climate of inclusion and respect for one another. CSCU will continue to comply with federal and state law and we will remain focused on what is truly best for our students and institutions.

PURPOSE

The purpose of this protocol is to provide guidance to the 17 Connecticut State Colleges and universities and to create a protocol so that any students, staff or faculty impacted by the Presidential Executive Order "Enhancing Public Safety in The Interior of the Unites States" will be treated with the utmost respect, dignity and care within the confines of CSCU obligations. It is the intention of the CSCU to comply with legally mandated disclosure, orders and judicial subpoenas, but beyond those legal mandates, it shall not further engage in the enforcement of federal immigration laws.

BACKGROUND

CSCU has deliberately refrained from using the term "sanctuary" as sanctuary is a concept that has a broad range of meaning. CSCU does not have the power or ability to declare any "sanctuary" that is exempt from federal or state law. It is not our intention to provide anyone with a false sense of security. Connecticut State Colleges and Universities, however, is considered to be a "sensitive location" as described in the 2011 U.S. Immigration and Customs (ICE) policy. As a sensitive location, the grounds of our campuses should not be the focus of enforcement actions, however, as public spaces are open to the general public, CSCU does not have the authority to bar federal enforcement officers from CSCU public space.

Family Education Rights and Privacy Act

Under the Family Educational Rights and Privacy Act (FERPA) all students are entitled to privacy regardless of immigration status. Education records which is broadly defined as records related to a student and maintained by the institution cannot generally be disclosed without a judicial warrant, subpoena, court order or student consent. CSCU institutions shall continue to uphold FERPA and deny requests for student information that are not accompanied with a judicial warrant, court ordered subpoena, or student consent.

If the institution has international students on VISA, note that compliance with the Student Exchange Visitor Information Service (SEVIS) is still required. <https://www.ice.gov/sevis>

PROTOCOLS

1. If an ICE agent approaches a CSCU campus institution seeking student information or access to a student, faculty or staff that agent should be referred directly and only to the President of the institution (or their designee.)
2. The President should request from the agent (a) the reason for the visit (b) evidence of authorization, i.e. judicial subpoena; and (c) whether the sensitive locations policy has been followed.
3. Upon acquiring the information, the President should immediately contact CSCU Legal Counsel.
4. No action, i.e. providing any information or providing access to the person in question, should be taken prior to consultation with CSCU Legal Counsel.
5. If the ICE agent presents a warrant, the warrant must be provided to CSCU Legal Counsel for verification of the scope of the warrant.
6. In any instance where ICE is physically present on campus or requests information it should be reported to the campus President and CSCU Legal Counsel.
7. If CSCU Legal Counsel verifies the warrant, the President of the institution should be the only person responsible for providing information to the ICE agents.

FOR CAMPUS SECURITY PERSONNEL

1. Police officers and security personnel will not inquire about a person's immigration status nor shall they inquire about the immigration status of crime victims, witnesses or others who approach the police officers and security personnel seeking assistance.
2. No person will be detained solely on the basis of immigration status or on the belief that the person is in the United States illegally.
3. Information regarding a person's immigration status contained within the records of CSCU Special Police Forces or Security personnel will be disclosed only as compelled by law.
4. CSCU Police will not make arrests based upon administrative warrants issued by ICE or other federal agencies for arrest or removal of an individual including administrative immigration warrants and deportation orders.