

California Faculty Association
Resolution to Designate the CSU System a Safe Zone for Students and Families
Threatened by Immigration Enforcement

Whereas, The California Faculty Association (CFA) calls on the California State (CSU) System to welcome and support students without regard to their citizenship or immigration status and 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 CFA is committed to ensuring an environment in which all admitted students can pursue their studies and careers and graduate successfully;

Whereas, There are over 2.6 million undocumented immigrants in California and over 20,000 enrolled at the CSU;

Whereas, Federal law protects student privacy rights under Family Education Rights and Privacy Act (“FERPA”);

Whereas, Ensuring that CSU campuses and satellite campus are safe and inviting for all students and their families will facilitate the physical safety and emotional well-being of all students in the CSU system, 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 CSU property or conduct activities in and around CSU and satellite campuses to remove students or obtain information about students or their family members for the purposes of enforcement;

Whereas, Immigration enforcement activities around CSU and satellite 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 CSU system, 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;

Whereas, Students’ ability to achieve is undermined by the removal of their family members during ICE raids and arrests;

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; and

Whereas, Involving campus police in enforcing federal civil immigration law will create the perception that they are immigration agents and increase fears and anxiety among students and their families; therefore, be it

Resolved, That the CFA shall join with students and members of CSU campus communities to organize and mobilize to put pressure on Chancellor White and the Board of Trustees of the CSU to declare that the CSU and all its satellite campuses are safe places for students and their families to seek help, assistance, and information if faced with fear and anxiety about immigration enforcement efforts; such safe places should include:

Proper Conduct by Campus Police

The CSU should establish a policy for all campus police that:

1. Acknowledges that campus police have no authority to enforce federal immigration law and declaring 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.
2. Establishes that no campus police department 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. States that no campus police department inquire about or record any information regarding an individual's immigration status, citizenship status or country of birth, including when interviewing victims, witnesses, or suspects of crimes.
4. Forbids campus police officers from contacting, detaining, questioning, or arresting an individual solely on the basis of suspected undocumented immigration status, or in order to discover the immigration status of an individual.
5. Insists that no campus police department or its officers 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, ethnicity, national origin, sexual orientation, or gender identity.

Proper Conduct by University Officials and Personnel

The CSU should establish a policy for all campus personnel that:

1. Establishes that no campus personnel should inquire about or record a student's or a family member's immigration status, and pursuant to the FERPA, should 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. Prohibits communication to federal agencies or officials of any 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, unless permission is affirmatively granted by the student if the student is at least 18 years of age, or otherwise by the student's parent or guardian.
3. Refuses all voluntary information sharing with immigration agents across all aspects of the CSU system, with the exception of mandatory reporting in compliance with the Student and Exchange Visitor Program regarding the CSU's enrollment of foreign exchange students.
4. Denies any request by immigration agents for **access to a campus** initially, and immediately forward such a request to the campus President for review and a decision on whether to reverse the denial and allow access to the site. This review and decision should be done in consultation with faculty, staff, and student representatives. The request should be provided with a reasonable notice.
 - a. In the event an immigration agent requests access to a campus, the campus President should 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 campus President should refuse access to a campus unless immigration agents provide a warrant **signed by a federal or state Judge** that specifies the name of the person under arrest, **as well as** written authority from ICE instructing them to enter CSU property and describing the purpose for which they request entry.

5. With the exception of mandatory reporting in compliance with the Student and Exchange Visitor Program for foreign exchange students, denies any request by immigration agents for **information** regarding a student and immediately forwarded to the campus President to review 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, should 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. Requirement by law. Questions concerning the validity of a court order or judicial warrant, or other possible reasons for releasing education records that contain personally identifiable information, should be directed to the campus President.
6. Asserts that no CSU campus or any auxiliary should enter into agreements with state or local law enforcement agencies, ICE, or any other federal agency for the enforcement of federal immigration law.
7. Prohibits staff, faculty, counselors, coaches, employees, or campus police at any CSU campus or satellite campus from honoring any ICE detainers or requests.
8. Provides that the CSU support each campus to (a) offer legal support to immigrant students and their families; (b) offer counseling by culturally competent mental health professionals; (c) offer Know Your Rights trainings for students and parents in appropriate languages to understand their rights regarding interactions with law enforcement and immigration agents; (d) offer housing for students who cannot return home due to fear of deportation; and (e) ensure that all students, regardless of their status, are aware of opportunities to gain access to in-state tuition, financial aid, scholarships, internships and career opportunities. To implement this support system,

the CSU should ensure adequate numbers of counselors on each campus, and establish informational/resources centers and/or adequate funding to EOP, DREAM or similar centers to fulfill these duties.

Resolved, That within the next 90 days all campus Presidents, in consultation with CFA, other campus unions, student representatives, and the campus police, develop a plan on how faculty, counselors, coaches, staff, administrators, and other employees are to respond to ICE or other immigration enforcement personnel who are requesting information about students and/or are attempting to enter campus. The plan should include trainings for faculty, counselors, coaches, staff, administrators, students, and other employees, and 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 should be communicated to the entire CSU community in the appropriate languages;

Resolved, That on a monthly basis, all campus Presidents inform the Academic Senate of all ICE or other immigration agencies' requests for information and/or access to the campus;

Resolved, That CFA stands in solidarity with all our students and their families in the spirit of inclusion and justice, and calls on faculty to join rapid response networks;

Resolved, That CFA will stand by faculty, coaches, and counselors disciplined by the university for engaging in non-violent acts of civil disobedience by refusing to assist ICE or other immigration enforcement personnel to access information or with deportations or raids; and

Resolved, That the CFA distribute this resolution to the CSU Board of Trustees, CSU Chancellor, CSU Campus Presidents, Academic Senate of the CSU, CSU Labor Council, and Governor of the State of California.

Adopted by the CFA Assembly, March 2017