



## **MEMORANDUM**

**January 24, 2017**

**TO: Members of the Board of Trustees**

**FROM: Nancy L. Zimpher, Chancellor**

**SUBJECT: Affirmation of Support for Undocumented Students**

### **Action Requested**

The proposed resolution affirms the support of the State University of New York for its undocumented students and its strong commitment to diversity, equity, and inclusion across the entire State University system.

### **Resolution**

I recommend that the Board of Trustees adopt the following resolution:

Whereas the State University of New York was founded as a University of opportunity, educating all, including those who would not be admitted to other institutions of higher education because of their race, religion, national origin, or other factors; and

Whereas each year, SUNY educates students from more than 100 different countries; and

Whereas the impact of future federal immigration law changes and enforcement with respect to undocumented students is currently unknown; and

Whereas while it has long been SUNY policy that its University police departments do not participate in the enforcement of federal immigration law unless compelled to do so by court order or other legal mandate, the New York State Attorney General has recently issued a valuable guidance document regarding the participation of local law enforcement in federal immigration enforcement entitled *Guidance Concerning Local*

*Authority Participation in Immigration Enforcement and Model Sanctuary Provisions* (“NYS Attorney General Immigration Enforcement Guidance”), a copy of which is attached to this Resolution; and

Whereas it is important to affirm SUNY’s support for its undocumented students and its strong commitment to diversity, equity, and inclusion; now, therefore, be it

Resolved that the State University of New York hereby affirms its support for the following principles:

1. The University reaffirms its strong commitment to diversity, equity, and inclusion, ensuring that SUNY is the most inclusive higher education system in the country and offers a welcoming environment for individuals of all backgrounds.
2. The University reaffirms its strong support for the Deferred Action for Childhood Arrivals program, as illustrated most recently by Chancellor Zimpher and several SUNY presidents signing a letter to the President-elect strongly supporting continuation of the program.
3. The University will continue its long-standing practice of prohibiting discriminatory actions on the basis of protected class, including national origin. Campuses have well-trained professionals ready to investigate and respond to allegations of discriminatory conduct and hate crimes. University police, student affairs, Title IX, human resources, and affirmative action personnel will investigate any such allegations as potential violations of law and University policy.
4. The University will continue to advocate for federal and state financial assistance for undocumented students. In January 2012, the SUNY Board of Trustees passed Resolution No. 2012-007 affirming its support for legislation that would provide equitable financial aid and educational access to higher education for all New Yorkers, including undocumented students.
5. The University will continue its long-standing practice of vigorously defending the privacy rights of students and requiring a subpoena, court order, search warrant, or other

applicable exception to the Family Educational Rights and Privacy Act (such as a health and safety emergency or student waiver), prior to releasing information to law enforcement about a student or group of students. This includes information about national origin, religion, and immigration status.

6. The University will continue its long-standing practice of allowing undocumented individuals to pay resident tuition on SUNY campuses provided that they meet criteria specified by New York State law.
7. SUNY does not and will not consider national origin or immigration status as a factor in admissions.
8. The University will continue its long-standing practice of supporting international and immigrant students through the International Student and Scholar Services ("ISSS") offices.
9. The University will continue its long-standing practice of developing diverse and inclusive campus populations and will continue inclusivity and diversity training for faculty and staff.
10. The University will continue its long-standing practice of welcoming students of all religions, making reasonable accommodations where necessary to allow students to complete their educational experience while practicing their religion. The University also believes that religious tolerance is maximized through education and encourages persons of all faiths to teach others about their faith and religious practices.
11. The University will expand the resources available for immigrant and international students and strive to make student resources accessible.
12. The University will continue to keep the SUNY community informed of specific actions taken by federal agencies that could affect immigration law and/or enforcement measures; and, be it further

Resolved that on or before April 1, 2017, the president of each State-operated campus shall certify to the Chancellor, or her designee, that his/her campus has adopted policies for its

University police department that are consistent with the NYS Attorney General Immigration Enforcement Guidance; and, be it further

Resolved that the University strongly encourages its community colleges to work with their local sponsors and local law enforcement authorities to similarly adopt policies consistent with the NYS Attorney General Immigration Enforcement Guidance.

### **Background**

In recent weeks, many in the college community have expressed concern regarding the security of undocumented students. Of specific concern is the future of the federal Deferred Action for Childhood Arrivals (“DACA”) program, which provides a safe haven from deportation for certain individuals who apply for and receive DACA status. Many individuals with DACA status are college students. Because DACA does not have the force of law – it is essentially federal agency guidance – it can be rescinded at any time. As a result, there have been calls across the nation and on SUNY campuses, for colleges and universities to declare their campuses to be “sanctuary” campuses. While there is no common definition of what is meant by a “sanctuary” campus, the thrust of calls for sanctuary status are grounded in the desire to protect students from deportation and harassment.

It is not yet clear what changes, if any, will be made with respect to federal immigration law and enforcement. Nonetheless, the State University has long been committed to diversity, equity and inclusion. This resolution is intended to reiterate that commitment and to assure members of the SUNY community that SUNY will utilize the full panoply of legal protections currently available to protect such students from discrimination, harassment and unwarranted intrusions into their privacy.