I. ROLL CALL

II. PUBLIC SPEAKERS*

III. REPORTS
   A. Accreditation Update (Los Angeles Southwest College)
   B. Update on District Accreditation Recommendations
   C. Understanding DACA and the Implications for Higher Education (K. Venegas, USC Rossier School of Education and Pullias Center for Higher Education)
   D. Follow Up on Undocumented Students
      1. Update on DACA/Dreamer Student Task Force (Mily Kudo, Research Analyst, EPIE)
      2. Report on Task Team for Student, Staff, and Faculty Support -- Immigration and Customs Enforcement (ICE) Activities and Legal Resources for LACCD Students (Robert Miller, Vice Chancellor, Finance and Resource Development; Ryan Cornner, Vice Chancellor, EPIE)
      3. Review and approve resolution in support of Undocumented Students

IV. FUTURE INSTITUTIONAL EFFECTIVENESS & STUDENT SUCCESS COMMITTEE MEETING DATES

V. NEW BUSINESS

VI. SUMMARY – NEXT MEETING.................................................................................................................. Andra Hoffman
VII. ADJOURNMENT

*Members of the public are allotted three minutes time to address the agenda issues.

If requested, the agenda shall be made available in appropriate alternate formats to persons with a disability, as required by Section 202 of the American with Disabilities Act of 1990 (42 U.S.C. Section 12132), and the rules and regulations adopted in implementation thereof. The agenda shall include information regarding how, for whom, and when a request for disability-related modification or accommodation, including auxiliary aids or services may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting. To make such a request, please contact the Executive Secretary to the Board of Trustees at 213/891-2044 no later than 12 p.m. (noon) on the Tuesday prior to the Committee meeting.
Responding to Accreditation Recommendations

LOS ANGELES SOUTHWEST COLLEGE

Presentation to the
Los Angeles Community College Board of Trustees
Institutional Effectiveness & Student Success Committee

Dr. Lawrence Bradford, Vice President Academic Affairs
Dr. Ralph Davis, Accreditation Faculty Co-Chair/Passage Program Director
Alfred Gallegos, Dean of Institutional Advancement
Dr. Denise Noldon, President

March 22, 2017
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<th>College Rec 1</th>
<th>College Rec 3</th>
<th>College Rec 4</th>
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<td>- Institutional Plans and processes</td>
<td>- Follow library procedures</td>
<td>- Student Satisfaction data</td>
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<td>- Learning Outcomes</td>
<td>- Collection development process</td>
<td>- Plans of action to improve services offered</td>
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<td>- Evaluating contracted services</td>
<td>- Assess counseling services</td>
<td>- Student Learning Outcomes and administrator evaluations</td>
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<td>- Maintain copies of all agreements</td>
<td>- The growing Hispanic demographic</td>
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<td>- Student Services hours of operation and counselor availability</td>
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<td>- Complete staff evaluations</td>
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<td>- Increase number of administrators and staff</td>
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<td>- “Essential” professional development for all faculty; with equitable funding</td>
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1. Sources used
   a. Formatting
   b. Template for writing of report
2. Follow-up Report Requirements
   a. Cover Sheet
   b. Certification Page
   c. Table of Contents
   d. Report Preparation
   e. Response to the Commission Letter
   f. Appendices
RESPONSE TO THE COMMISSION LETTER

- Narrative and evidence that describes the resolution of deficiencies
- Verifies the Commission’s Standards are met
- Affirms that the institution will sustain the changes/improvements
DRAFT RESPONSE TO RECOMMENDATION 3

Response to Commission Action Letter

Recommendation 3.
In order to meet the Standard, the Team recommends that the College follow documented procedures related to the responsibilities of librarians and content faculty in the collection development processes. (II B.2, IV A.1)

Actions Taken to Resolve College Recommendation 1:
Follow documented procedures related to the responsibilities of librarians and content faculty.

On November 22, 2016, the Academic Senate sanctioned the Library Advisory Committee (LAC) [Rec3.1]. Committee membership includes all librarians, library technicians, the Dean of the Library, three faculty representatives, an Associated Student Organization representative, and one community representative. The committee’s charge states the Mission of the Library Advisory Committee is to advise the Library Chair and the Library Dean on technology, facility, and resource issues that impact the College Library.

Recommendations of the LAC will be acted upon or forwarded to the appropriate body. To accomplish its Mission, the LAC has committed to facilitating communication between the Library, the College, and the community by periodically assessing needs of these groups; through dissemination of information about its available resources that support academic and lifelong learning, and promote information literacy, the visibility of the Library will be raised; regular review and consultation will ensure that the Library is empowered to meet Accreditation Standards [Rec3.2].

At the November 2016 Academic Senate meeting, the Los Angeles Southwest College Founders Library Collection Development Policy was approved. The policy’s primary objective is to build and maintain a library collection that supports student success. Included in the policy is a clearly defined process for material selection, retention, and de-selection. In addition, the policy will support the instructional, institutional, and individual needs of the LASC community, provide a working tool and standards for the selection of library materials; guidelines for the ongoing assessment of the collection; support communication between the library and its users; assist in determining and documenting budget needs [Rec3.3].

The College has also reinstated the Library Liaison Model, which pairs a librarian with each academic department for the purpose of collaborative collection development [Rec3.4]. To facilitate that process, an online purchase request form has been put in place [Rec3.5]. Furthermore, to best address the needs of the college for the library collection, a librarian has been appointed to the Curriculum Committee [??]. Finally, the College hired two additional full-time Librarians to improve library services and to expand student-learning opportunities [Rec3.7]. To ensure that the Commission Standards are met, the College will regularly review and update the College Development Policy along with related Library policies.

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<td>Rec3.1</td>
<td>Rec3.1-1_Academic Senate MINUTES 11 22 16</td>
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<td>Rec3.2</td>
<td>Rec3.1-1_Library Advisory Committee Guidelines (2016-2018)</td>
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<td>Rec3.3</td>
<td>Rec3.1-1_Library Collection Development Policy, Official, 20161122.docx</td>
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<td>Rec3.4</td>
<td>Rec3.1-1_LASCR LIBRARIAN ASSIGNMENTS</td>
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<td>Rec3.1-1_Screenshot of Online Library form for title recommendations</td>
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<td>Rec3.7</td>
<td>Rec3.1-1_Librarian Positions - Notice of Intent</td>
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COUGARS IN ACTION
DISTRICT ACCREDITATION UPDATE

Report on Districtwide Accreditation Recommendations

Institutional Effectiveness and Student Success Committee
March 22, 2017
District Recommendation 1 Compliance

• In order to meet the Standard, the team recommends that the District ensure consistent and uniform guidelines for the search and selection of adjunct faculty. (III.A.1)
  • In Progress – Expected completion by end of spring
    • Human Resources Division has worked with shared governance groups to develop a plan
    • Job openings will be posted centrally on the District website
    • Central pools will be developed
    • Hiring committees at the College will select successful candidates from the pool
    • Fall adjunct hires will utilize the new process
District Recommendation 2 Compliance

• In order to meet the Standard, the team recommends that the District ensure all personnel are systematically evaluated at stated intervals in accordance with the bargaining agreements and Board policies. (III.A.5)
  • In Progress – Expected completion by end of spring
  • Human Resources Division has worked with IT to modify existing systems (Easy) to enhance tracking of evaluations
  • Academic personnel have been added to the Easy system
  • Records will now be uploaded and stored digitally rather than paper
  • Evaluations must be complete by the end of spring and on an ongoing basis based on contractual requirements
District Recommendation 3 Compliance

- In order to meet the Standard, the team recommends that the District update the performance evaluations of academic administrators to include the results of the assessment of learning outcomes to improve teaching and learning. (III.A.6)

- **Complete**
  - The Human Resources Division has worked with collective bargaining groups to add Student Learning Outcomes (SLO) and Service Area Outcome (SAO) language to job descriptions, job duty statements, and evaluation forms.
  - Evaluations in spring will use the newly approved language and forms.
District Recommendation 4 Compliance

- In order to meet the Standard, the team recommends that the District and colleges develop a comprehensive Business Continuity/Disaster Recovery plan to ensure reliable access, safety, and security. (III.C.3)
  - In Progress: Expected completion by fall
  - The District has completed a plan that will satisfy the recommendation and the equipment required will be in place by fall
  - All colleges will have segregated backups for all data
  - The District has purchased servers to help maintain centralized services in the event of an emergency
  - The current IT assessments are being reviewed to determine the best strategy forward for college, offsite back-ups as part of the 3-2-1 recovery plan
  - All IT policies and procedures will be updated to match the new equipment
District Recommendation 6 Compliance

• In order to meet the Standard, the team recommends that the District comprehensively responds to the recurring audit findings concerning: 1) the internal control weakness in information technology controls over the areas of security and change management; and 2) the state compliance exceptions related to “To Be Arranged” (TBA) hours attendance documentation and course classifications. (III.D.7)

• **Complete**
  • The technology controls and security management have been updated to audit standards, meeting this objective
    • Additional changes are being made on the user end to further substantiate this effort
  • The District made changes to TBA tracking and had no further findings in the last audit
District Recommendation 8 Compliance

- In order to meet the Standard, the team recommends that the District develop a process to capture the full impact of the District’s liability for load banking and to record the liability in the District’s financial statements. (III.D.12)

- Complete
  - The District has developed a procedure to capture and regularly update the liability for load banking and has added this liability the financial statements
District Recommendation 10 Compliance

- In order to meet the Standard, the team recommends that the Board adopt policies that clearly define the process for the selection and evaluation of the chancellor. (IV.C.3)

- **Complete**
  - Board Rules Chapter X, Article III articulates hiring processes, including college presidents. Sections 10309 was added to the Board Rule to clearly define the process for the selection of the Chancellor
  - The evaluation of the Chancellor was added to Board Rule Chapter X Article I, Human Resources Services
District Recommendation 11 Compliance

• In order to meet the Standard, the team recommends that the Board establish a formal process for approving the review of policies in which no revisions are made and to regularly assess the effectiveness of all policies in fulfilling the District mission. (IV.C.7)

• Complete
  • Administrative regulation C-12 was updated to include the provision that the Board review all policies on a triennial basis regardless of whether changes were recommended
  • To ensure that all current Board Rules have been reviewed by the Board in the past three years, the Office of General Council provided all unchanged Board Rules for approval to the Board
Questions?
UNDERSTANDING DACA AND THE IMPLICATIONS FOR HIGHER EDUCATION

Pullias Center for Higher Education
University of Southern California

Provided to LACCD Institutional Effectiveness and Student Success Committee, March 22, 2017
ABOUT THE PULLIAS CENTER

With a generous bequest from the Pullias Family estate, the Earl and Pauline Pullias Center for Higher Education at the USC Rossier School of Education was established in 2012 (the center was previously known as the Center for Higher Education Policy Analysis). The gift allows one of the world’s leading research centers on higher education to continue its tradition of focusing on research, policy, and practice to improve the field.

The mission of the Pullias Center for Higher Education is to bring a multidisciplinary perspective to complex social, political, and economic issues in higher education. Since 1996 the center has engaged in action-oriented research projects regarding successful college outreach programs, financial aid and access for low- to moderate-income students of color, use of technology to supplement college counseling services, effective postsecondary governance, emerging organizational forms such as for-profit institutions, and the retention of doctoral students of color.

AUTHOR NOTE
This publication is a joint project of the Pullias Center for Higher Education. The primary contributors are Kristan Venegas, Michelle Cadena, Carlos Galan, Elizabeth Park, Samantha Astudillo, Arely Acuña Avilez, James D. Ward, Michael Lanford and William G. Tierney.

PULLIAS CENTER FOR HIGHER EDUCATION
Rossier School of Education
University of Southern California
February 2017
The Trump administration seems determined to capitalize on long-standing anti-immigration sentiment within the United States. While the status of undocumented immigrants remains unclear at the time of this writing, immigrant and undocumented students are unsure about their options with regards to education. There are, however, some troubling signals about what the Trump administration intends, via executive orders related to the construction of a wall between the United States and Mexico.

There have long been social stigmas attached to new immigrants, such as the systematic and social biases experienced by Irish and Italian immigrants at the turn of the twentieth century. There also have been formal restrictions around participation in the United States based on an individual’s country of origin. Some of these policies have been based on fear, and others were based on a need for low-wage workers. The Chinese Exclusion Act of 1882 and the Bracero program are examples of discriminatory immigrant policies.

The Chinese Exclusion Act of 1882 was a significant piece of legislation pertaining to emigration to the United States. It was enacted as a response to fears regarding increasing unemployment and falling wages. The act effectively banned Chinese immigration and excluded Chinese immigrants from the ability to gain U.S. citizenship. The Act was ultimately repealed in 1943, more than six decades after its enactment.

Faculty and universities also have played a role in trying to limit an influx of foreigners. Ironically, one of the celebrated cases pertaining to academic freedom pertains to Professor Edward Ross, an economist and populist who supported labor and was fired by the President of Stanford University. Ross was also a eugenicist and racist who said, “The Oriental can elbow the American to one side in the common occupations because he has fewer wants. To let the American be driven by coolie competition, to check the American birthrate in order that the Japanese birth rate shall not be checked is … to commit race suicide” (Tierney, 2004, p. 252).

In 1942, because of domestic labor shortages for low-paying agricultural jobs in the U.S., the United States and Mexico signed a bilateral agreement to implement the Bracero Program. The program provided short-term labor contracts that primarily targeted Mexican men. Between its enactment in 1942 and its termination in 1964, the Bracero Program was the largest contract labor program in U.S. history, offering employment contracts to over 4 million “braceros.” Although safeguards were written into the program, workers frequently experienced substandard working conditions, and employers routinely denied workers basic rights and fair pay. Because the program was basically unregulated, concerns from the U.S. and Mexico regarding the increasing number of undocumented immigrants entering the U.S. ultimately materialized in “Operation Wetback” in 1954. The government-sponsored plan sought to find and deport undocumented immigrants to Mexico, resulting in civil rights violations and the mass arrest and deportation of over 1 million Mexican nationals from the United States.
In 1982, with the outcome of Plyler v. Doe, all children, including undocumented children, were provided access to a public education. Schools cannot ask for documentation concerning a child's immigration status, and Social Security numbers cannot be used as a prerequisite for enrollment. Moreover, school personnel are forbidden to share information about a child's immigration status with any individual, institution, or government agency.

Nevertheless, in 1996, the federal Illegal Reform and Immigration Responsibilities Act (IRIRA) precluded states from offering undocumented students any benefits of postsecondary education. In response, many states passed their own laws, basing a student’s eligibility for in-state tuition at the college level on high school attendance and graduation rather than residency. California's Assembly Bill (AB) 540, passed in 2001, is one example. Recognizing that student access to college is interrelated with access to financial resources, California signed into law two additional bills, AB 130 and AB 131, in 2011. Known as the “California Dream Act,” these two bills opened student eligibility for state-level financial aid by basing criteria on merit and need. Other states, such as Arizona and Georgia, prohibit undocumented students from receiving in-state tuition. Many state policies are in a constant state of flux. Therefore, it is useful to consult the National Conference of State Legislators website for current information.

In 2001, the DREAM Act - a proposal designed to offer immigrants a path to residency in the United States - was introduced in the Senate. Even though the DREAM Act was revised several times and successfully passed by the House of Representatives in 2010, it was never successful in Congress. Michael A. Olivas, Interim President of the University of Houston and a legal scholar, offers a compelling review of how states have responded to providing opportunities for undocumented students in light of IRIRA and the lack of success of the DREAM Act.

In June 2012, former President Barack Obama signed an executive order to implement Deferred Action for Childhood Arrivals, widely known as DACA. DACA is organized to allow individuals who came to this country as children with an opportunity to apply for temporary legal status in the United States. Individuals who are “DACAmented” are able to attend a postsecondary institution and have the right to work.

The chart on the next page offers definitions for key terms related to this population.

Since access to K-12 education continues to be federally protected via Plyler v. Doe, access to postsecondary education has received increased attention. Recent federal immigration policy has focused on individuals who were brought to the U.S. by their guardians; hence, they have little to no connection to their countries of origin. These individuals are sometimes called DREAMERS, in reference to the DREAM Act. The timeline on page 4 traces the evolution of DACA.
CA Dream Act - Allows students enrolled in eligible California Colleges, Universities and Career Education Programs to apply for state financial aid. https://dream.csac.ca.gov/

Currently valid in the state of California.

Childhood Arrivals - Undocumented young people who came to the United States as children.

DACA (Deferred Action for Childhood Arrivals) - Offers a temporary opportunity to stay in the U.S. for some kind of extreme humanitarian reason.

DREAM Act (Development, Relief and Education for Alien Minors Act): an unsuccessful legislative proposal that would have provided certain undocumented individuals with the opportunity to earn conditional permanent residency.

This legislation did not pass and is not a law.

DREAMer - A young undocumented immigrant who was brought to the United States as a child, who has lived and gone to school here, and who in many cases identifies as American.

Youth who have big hopes and dreams for a better future.

Unaccompanied Minors - A child (under 18) without the presence of a legal guardian.

Undocumented - A foreign-born individual that has entered the United States without inspection (and not subsequently obtained any right to remain) or stayed in the United States beyond the expiration date of a visa or other status.
DACA Timeline

2001–2002
The federal Development, Relief, and Education for Alien Minors (DREAM) Act was introduced for the first time in the House of Representatives (H.R. 1918) and the Senate (S. 1291). These bills stated the provisions under which undocumented youth would become a citizen. However, the bills did not go anywhere.

2003–2008
During this time, several different versions of the DREAM act as part of the immigration reform efforts were introduced. Still, they were not able to gain enough support.

2010–2011
The DREAM Act gained momentum in 2010 and another version was introduced; passed in the House of Representatives but didn’t reach the vote threshold to pass in the Senate.

2011
California enacted the California Dream Act.

2012
President Obama enacted Deferred Action for Childhood Arrivals (DACA), an executive order, that allows certain undocumented immigrants to receive deferred action from deportation and eligibility for a work permit. This policy is different from the DREAM Act in that DACA allows individuals who qualify to defer deportation for two years, subject to renewal while the DREAM Act would provide lawful status.
Those who benefit from “Deferred Action” qualify under a specific set of provisions, as noted by the United States Department for Homeland Security:

- Were under the age of 31, as of June 15, 2012;
- Came to the United States before reaching one's 16th birthday;
- Have continuously resided in the United States since June 15, 2007, up to the present time;
- Were physically present in the United States on June 15, 2012, and at the time of making your request for consideration of deferred action with USCIS;
- Had no lawful status on June 15, 2012;
- Are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and
- Have not been convicted of a felony, significant misdemeanor, or three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

While some people believe that DACA students are eligible to receive federal student aid, this is not true. DACA is a revenue neutral program. Students who are DACA eligible do not receive any federal grants, scholarships, loans or work-study allocations. Upon graduation, DACA eligible students can apply for a work permit.

**Observations**

According to the Migration Policy Institute, in 2016 about 1.9 million undocumented young people, ages 15 to 30, were eligible for DACA. Of those eligible for DACA, roughly 65% applied for the program; of those youth that use DACA for educational purposes 99,000 (8%) completed a postsecondary credential or degree, and 247,000 (20%) completed high school and were enrolled in a postsecondary institution. Another 426,000 undocumented youth would be eligible for DACA if they returned to school to complete their high school diploma or GED insofar as completion of three years of high school or a GED is part of the application requirements.

A 2016 report by the Institute for Immigration, Globalization, & Education at UCLA found that 85% of participants reported DACA had a positive impact on their education. They reported higher rates of employment, better forms of financial support, better access to transportation, and more stable housing.

Those who currently benefit from DACA or work with students can access pertinent information from the following sources:

- Coalition for Humane Immigrant Rights of Los Angeles, especially their Know your rights page.
- Educators for Fair Consideration, especially their Post-Election Updates.
- The Mexican American Legal Defense Fund (MALDEF), which also includes a List of Scholarships that do not require social security numbers.
- The Los Angeles Mayor’s website is focused on city specific issues, but also hosts a comprehensive page
of federal resources, including a concise description of DACA, the application process, information related to unaccompanied minors, refugees, and protections against immigrant exploitation.

Because the current situation is so unsettled, we advise current DACA students to reregister (if they need to) because the government already has their information. However, we caution new students who are DACA-eligible about DACA and other programs that normally would be helpful to them. Agencies typically keep personal information confidential and they do not turn over information to other state or federal agencies such as ICE. However, it is entirely unclear if a state agency may be compelled to turn over such information in the future. The result is that hundreds of thousands of young people are once again adrift with regards to their future.

**GOING FORWARD**

The protections set up through DACA provide a meaningful way for children who were brought to the United States with little legal protection or opportunity to cobble together a productive life for themselves. But the provisions of DACA are short term - an individual must reapply every two years. Now is the time to develop a long-term pathway to citizenship that allows these individuals to stay in the United States, contribute to the country’s tax base, and further develop the knowledge economy.

Educators, in general, and those of us in colleges and universities, in particular, have a particular obligation. We are not suggesting that the institution break the law. However, as an academic community, we have broad leeway to support students and their families who face deportation, imprisonment, and social and emotional hardship. In particular, with regard to DACA, those of us in higher education might affirm the following:

1. The institution will protect the privacy of its members; it will also not assist with any requests for the personal information of students, faculty, or staff based on race, national origin, or religion;
2. The institution will provide legal services and resources for those in need;
3. The institution will accommodate any faculty, students, or staff who engage in civil disobedience if members of the academic community are harmed or deported due to targeted federal actions;
4. The institution will provide financial aid for students who lose funding as a result of new federal or state policies;
5. The institution will enable students to continue working on campus by providing fiscal support if it is no longer available;
6. The institution - by way of the president, provost, and faculty - will articulate to internal and external audiences its commitment to each of its students, some of whom are undocumented and lawfully enrolled under the Deferred Action for Childhood Arrivals. Moreover, the campus community will expend all of its energies to support individuals enrolled under DACA, just as they do for every student on campus;
7. The institution will ensure the civil rights and safety of those in its community who are most vulnerable: undocumented youth, Black and Latinx youth, Muslim and Jewish youth, LGBTQ youth, and homeless and foster care youth;
8. The institution, as a primary vehicle for informed dialogue and debate in a democracy, will affirm its core missions to convene healthy and productive conversations on critical issues facing the country, such as immigration.
REFERENCES


Panel of Legal Experts will Address Laws and Constitutional Rights

Friday, March 24
10–11:30am
Los Angeles Trade-Tech College
Aspen Hall, Room 101
400 W. Washington Blvd.
Los Angeles, CA 90015

Featuring:
Asian Americans Advancing Justice
Mexican-American Legal Defense and Education Fund (MALDEF)
Public Counsel

Free parking at the 24th St. parking lot
What to do if ICE Agents Seek to Conduct an Enforcement Action at Your College or University?

OVERVIEW – SCHOOLS ARE CONSIDERED BY ICE TO BE SENSITIVE LOCATIONS

ICE has guidance indicating that enforcement actions at sensitive locations should generally be avoided, and require either prior approval from an appropriate supervisory official or exigent circumstances necessitating immediate action.

- Locations covered by these policies would include, but not be limited to:
  - Schools, such as known and licensed daycares, pre-schools and other early learning programs; primary schools; secondary schools; post-secondary schools up to and including colleges and universities.

- An enforcement action covered by this policy is any action taken by ICE or CBP to apprehend, arrest, interview, or search an individual, or to surveil an individual for enforcement purposes.
  - Actions not covered by this policy include activities such as obtaining records, documents, and similar materials from officials or employees, providing notice to officials or employees, serving subpoenas, engaging in Student and Exchange Visitor Program (SEVP) compliance and certification visits, guarding or securing detainees, or participating in official functions or community meetings.

WHAT MUST ICE DO TO CONDUCT AN ENFORCEMENT ACTION AT YOUR SCHOOL?

- In non-exigent circumstances, an immigration enforcement agency needs a warrant to enforce immigration laws on a university campus.

- The warrant requirements an immigration enforcement agency must adhere to depend on the privacy expectations of the area they seek to enter. For example, an immigration enforcement agency should not be allowed to enter a dorm room without a warrant signed by a judge. It can, however, enter any space that a member of the public could also enter, like a public city street, without a warrant.

- There are two types of warrants that an immigration enforcement agency may try to use to enter campus space for enforcement purposes.
  - When it uses a document issued by a designated agency official as authority to arrest someone suspected of violating civil immigration laws, that document is an administrative warrant. (these will be printed on specific ICE forms).
  - An administrative warrant only grants immigration officers authority to enter areas where there is no reasonable expectation of privacy.
  - When agency officers attempt a search or seizure in an area with a reasonable expectation of privacy, Constitutional protections pursuant to the Fourth Amendment kick-in, and the warrant must be issued by a neutral magistrate or judge. These warrants are often called “judicial warrants” or “true warrants.” (these will be issued by a court named on the document).

- Schools and universities can define the boundaries of their campuses broadly, and request that ICE obtain a true warrant and show that warrant to a designated university official before they enter campus. Many schools have such understandings with local police that could provide a template for an ICE memorandum of understanding.

- There are some areas immigration agencies cannot enter without a true warrant. Although ICE may only need an administrative warrant to arrest someone in public areas, that falls within campus boundaries, ICE must use a true warrant (signed by a judge) for any private area. The areas in a university are ranked below from most-private to least-private:
  - Dorm room (judge warrant)
  - Classroom (arguably judge warrant)
  - School building (administrative warrant)
  - Campus courtyard (administrative warrant)
  - City street (no warrant)

- Unless deputized as immigration agents under 287(g), campus police cannot enforce administrative warrants.

- An immigration enforcement agency could also obtain a civil search warrant from a neutral magistrate. Campus police, however, would not have the authority to participate in a search authorized for potential civil immigration law violations.
WHAT SHOULD YOUR SCHOOL DO?

- Develop a written policy on interaction with an immigration enforcement agency.
- Develop a written policy on privacy expectations for law enforcement on different areas of campus.
- Make these written policies openly available?
- Create a map that demonstrates the protections of different areas of campus in order to aid community member and DHS understanding.

WHAT OTHER LEGAL OPTIONS DOES A SCHOOL HAVE IN DEVELOPING THESE POLICIES?

- Schools may refuse to involve campus police with any ICE cooperation program.
- Schools may inform campus police that they should not allow ICE onto private university property without a warrant.
- Schools may limit the voluntary cooperation between campus police and immigration enforcement through an MOU or through the college or university’s contractual language.
- Schools may Inform students that they do not have to open dormitory doors to ICE agents unless they slide a warrant under the door.

FINAL THOUGHTS

- Schools should develop a legal plan which involves calling a trained immigration attorney if immigration officials seek to enforce immigration laws on their university or college campus.

- Schools should also consider retaining counsel to be able to immediately help any detained students, faculty, or staff as time is often of the essence and an apprehended person might be immediately removed unless urgent legal action is taken.

- Schools should also consider developing an emergency contact system to account for any missing students who are concerned that they may be the target of an immigration operation.

For more information about how our services can assist you, please contact:

Leon Fresco
Partner-Glbal Immigration Law and Policy
202.469.5129
leon.fresco@hklaw.com
www.hklaw.com