

UNIVERSITY SENATE

UNIVERSITY AT ALBANY
STATE UNIVERSITY OF NEW YORK

**RESOLUTION: AFFIRMATION OF UALBANY’S SUPPORT OF
UNDOCUMENTED STUDENTS AND IMMIGRANTS**

Authors: Cara Ocobok, Karin Reinhold, Louise-Ann McNutt
Sponsors: Committee on Liaison and Elections, Governance Council, SEC
Date: February 23, 2017

Whereas the University at Albany is a community whose members, students, faculty and staff, come from diverse and multicultural backgrounds, including undocumented students;

Be it Resolved that the University Senate reaffirms the University at Albany’s commitment to fostering and promoting a safe, diverse and inclusive multicultural community; that it upholds the core of SUNY’s educational mission “to provide to the people of New York educational services of the highest quality, with the broadest possible access, fully representative of all segments of the population”.

Be it Further Resolved that the University Senate joins in support of these core values, and their natural expansion to the international community that forms our great university community, also expressed by the University President, State University of New York Senate, United University Professionals, and the State University of New York Chancellor.

Be it Further Resolved that the University Senate joins in support and commitment to the principles stated in the “Affirmation of Support for Undocumented Students”¹ adopted by SUNY Chancellor Nancy L. Zimpher, on Jan 24, 2017; respectfully request that the University Administration implement the recommendations therein; and respectfully requests that the University Administration, faculty and staff, maintain diligence to standing policies that:

- a. Ensure ALL students’ privacy by not sharing information outside the university without student’s consent, except when required by law;
- b. Continue to welcome students from all backgrounds by focusing admissions solely on academic preparedness and ability to contribute to the educational and research endeavors of the university;

¹ [http://www.suny.edu/about/leadership/board-of-trustees/meetings/webcastdocs/ResoTab8_Affirmation of Support for Undocumented Students.pdf](http://www.suny.edu/about/leadership/board-of-trustees/meetings/webcastdocs/ResoTab8_Affirmation%20of%20Support%20for%20Undocumented%20Students.pdf)

Be it Further Resolved that the University Senate joins in support of the University Police’s planned adoption of a policy that is consistent with the guidelines established by NYS Attorney General Eric Schneiderman “Guidance Concerning Local Authority Participation in Immigration Enforcement and Model Sanctuary Provisions”² on Jan 19, 2017; and respectfully requests that the University Administration monitors the implementation of the Chancellor’s directive for campuses to adopt policies for its “University police department that are consistent with the NYS Attorney General Immigration Enforcement Guidance”.

Appendices:

Appendix A: “Affirmation of Support for Undocumented Students” adopted by SUNY Chancellor Nancy L. Zimpher.

(Attached pdf file)

Appendix B: Part I of NYS Attorney General Eric Schneiderman “Guidance Concerning Local Authority Participation in Immigration Enforcement and Model Sanctuary Provisions”, stating the recommended eight basic measures.

Appendix C: Statement by SUNY Board Chairman H. Carl McCall and Chancellor Nancy L. Zimpher on Federal Immigration Policy Changes

² https://www.scribd.com/document/337017252/Guidance-concerning-local-Authority-participation-in-Immigration-enforcement-1-19-17#from_embed



The State University
of New York

Office of the Chancellor

State University Plaza
Albany, New York 12246

www.suny.edu

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.

Appendix B: Part I of NYS Attorney General Eric Schneiderman “Guidance Concerning Local Authority Participation in Immigration Enforcement and Model Sanctuary Provisions”. Please see https://www.scribd.com/document/337017252/Guidance-concerning-local-Authority-participation-in-Immigration-enforcement-1-19-17#from_embed for the full document.

“PART I: PURPOSE AND PRINCIPLES

The purpose of this guidance is two-fold: (1) to describe for local governments in New York State the legal landscape governing the participation of local authorities in immigration enforcement; and (2) to assist local authorities that wish to become “sanctuary” jurisdictions by offering model language that can be used to enact local laws or policies that limit participation in immigration enforcement activities.

As the United States Supreme Court recognized in *Arizona v. United States*, “[a]s a general rule, it is not a crime for a removable alien to remain present in the United States.” In addition, undocumented aliens - like other New Yorkers - are afforded certain rights by the New York State and United States Constitutions. As explained in detail in Part II, local law enforcement agencies (“LEAs”) retain significant discretion regarding whether and how to participate in federal immigration enforcement. LEAs nonetheless must adhere to the requirements and prohibitions of the New York State and United States Constitutions and federal and state law in serving the public, regardless of whether an individual is lawfully present in the U.S.

In light of concerns expressed by many local governments about protecting immigrants’ rights while appropriately aiding federal authorities, Part III of this guidance offers model language that can be used to enact laws and policies on how localities can and should respond to federal requests for assistance with immigration enforcement. Several states and hundreds of municipalities - including New York City and other local governments throughout New York State - have enacted sanctuary laws and policies that prohibit or substantially restrict the involvement of state and local law enforcement agencies with federal immigration enforcement. See Appendix B. The Office of the Attorney General believes that effective implementation of the policies set forth in this guidance can help foster a relationship of trust between law enforcement officials and immigrants that will, in turn, promote public safety for all New Yorkers.

This guidance recommends eight basic measures:

1. LEAs should not engage in certain activities solely for the purpose of enforcing federal immigration laws.
2. Absent a judicial warrant, LEAs should honor U.S. Immigration and Customs Enforcement (“ICE”) or Customs and Border Protection (“CBP”) detainer requests only in limited, specified circumstances.
3. Absent a judicial warrant, LEAs should not honor ICE or CBP requests for certain non-public, sensitive information about an individual.
4. LEAs should not provide ICE or CBP with access to individuals in their custody for questioning solely for immigration enforcement purposes.
5. LEAs should protect the due process rights of persons as to whom federal immigration enforcement requests have been made, including providing those persons with appropriate notice.

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6. Local agency resources should not be used to create a federal registry based on race, gender, sexual orientation, religion, ethnicity, or national origin.
7. Local agencies should limit collection of immigration-related information and ensure nondiscriminatory access to benefits and services.
8. LEAs should collect and report data to the public regarding detainer and notification requests from ICE or CBP in order to monitor their compliance with applicable laws.

As explained in Part II below, state and federal law permit localities to adopt these proposed measures.”

Appendix C: Statement from: <https://www.suny.edu/suny-news/press-releases/01-2017/1-29-17/statement-by-suny-board-chairman-mccall-and-chancellor-zimpher-on-federal-immigration-policy-changes.html> - <https://www.suny.edu/suny-news/press-releases/01-2017/1-29-17/statement-by-sun>

Statement by SUNY Board Chairman H. Carl McCall and Chancellor Nancy L. Zimpher on Federal Immigration Policy Changes

January 29, 2017

"The State University of New York enrolls approximately 22,140 international students from 180 countries, including 320 students from the seven countries affected by the current ban on travel. SUNY is reviewing President Trump's Executive Order and surveying its campuses to determine the impact it may have on our students, faculty, and staff both abroad and at home on our 64 college and university campuses.

"As always, our commitments to diversity, equity, and inclusion are unwavering. Our founding principles and support for undocumented students, [restated](#) by the SUNY Board of Trustees at its meeting last week, continue to guide our actions as we review and react to new federal mandates with regard to immigration.

"SUNY leadership and university police will do all we can, within the law, to support any students, faculty, and staff affected by the Executive Order. In the meantime, we recommend suspending travel plans to the countries included, and urge individuals affected to keep in contact with their campus Office of International Student and Scholar Services.

"SUNY has established a website (www.suny.edu/immigration) to provide students and families with current resources as well as additional information as it becomes available."