

To: NDNU Staff and Faculty
From: President and Provost
Date: February 18, 2024
Re: Potential of Immigration Officials on Campus Protocols

There are rumors about immigration enforcement actions on campuses in the US. Many are likely to be untrue.

Here at NDNU we have had no contact from US immigration and do not have any reason to expect any contacts.

Nevertheless, offering you our protocols and answers to frequently asked questions about this possibility is something that we think to be our responsibility and not because we have any belief that we will have visits or request from federal immigration officials.

Please read this information and send any responses or questions to Provost White.

NDNU Protocol Regarding US Immigration Officers

U.S. Immigration Officers from the federal agency called "ICE" are government employees.

The two of us, president and the provost, are the only persons who have the responsibility and authority for decisions about how to address contacts from or visits by ICE.

ICE is to be treated with respect and professionalism, and if they make requests that are legal and documented as such, their request will be honored but again, decisions about ICE are not for faculty and staff to make.

It is the intent of this protocol to shield university employees having to make difficult decisions in the unlikely event that ICE officers come. The rules about how to properly respond to ICE are complex: on the one hand, there are privacy laws that restrict disclosure to government agents of information about students, staff and faculty; but there also are certain times when ICE officers have the proper legal documents and deciding if they do and what information they should be given, is not a simple task.

Hence, reserving authority to us, with advice from the university attorneys, is what is best to assure things are handled properly.

For example, one type of warrant or subpoena (administrative by ICE) might not be sufficient to disclose information. Another type of warrant or subpoena (by a federal judge) could be sufficient. Deciding which type is which is not always simple.

If ICE has legitimate business at the University, they will present identification and legal documents that describe their business with the University. Either the president or provost will review the legal documents that ICE would present and consult with our legal counsel to determine what obligations the legal documents impose on NDNU.

Rumors about immigration officers on campus can spread a great deal of worry. If you observe a federal immigration officer on campus, please call us immediately at 650-508-3503 (Beth) / 650-508-3494 (Greg) and/or email the two of us at martin@ndnu.edu / gwhite@ndnu.edu

FAQ for Contacts or Visits to Campus from US Immigration Officers

What should you do if an ICE official approaches you at NDNU?

Greet them respectfully. Listen to their questions.

Tell them that answers to their questions can be decided only by one of the two of us and offer to give them our email addresses.

Do not agree to allow anyone to enter any place on campus, except a lobby that the public can enter. But do not physically impede anyone. Just state that you do not have authority to allow them entry. Then email the two of us.

Print off a copy of this memo and hand it to the ICE official if you wish.

What about requests to get information about a student?

Most all information about students is legally private. Do not give anyone any information about students such as the person's name, residence address, courses, class location, practicum or internship or other physical location, nor their contact information including cell and other phone or messaging. None of this information can be shared except by authorization of one of us. Giving out documents (except this memo) or reading documents to an ICE officer is not allowed, again except by authorization of one of us.

What about requests by ICE to get information about a staff or faculty member?

Most information about university employees is also legally private. Do not give anyone information about faculty or staff such as the person's name, residence address, department or physical location, nor their contact information including cell and other phone or messaging. None of this information can be shared except by authorization of one of us. Giving out documents (except this memo) or reading documents to an ICE officer is not allowed, again except by authorization of one of us.

What about any ICE efforts to enter into a student area, or employee area, such as lounges, classrooms or offices or other interior spaces, or hallways that lead to these spaces of university buildings.

These are private spaces, meaning members of the general public are not permitted to go there unless there is specific consent on behalf of NDNU. That is why government agents cannot go to these places without consent of NDNU. Only one of us has the authority to give this consent. Please inform ICE that you do not have authority to consent for them to go into these spaces.