

College of DuPage Biven's Act Procedures

College of DuPage Procedure for Responding to Immigration Enforcement Activities

In response to recent federal executive orders and directives related to immigration enforcement, this procedure is meant to provide a framework for personnel, including frontline administrative and College police personnel, to respond to inquiries regarding the immigration status of students and employees. It provides a recommended protocol and script for responding to inquiries from officials or entities such as U.S. Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) as well as inquiries from students, parents, employees, and other individuals.

All employees should be notified that, if they receive any inquiries from law enforcement and/or immigration officials related to a student's or employee's immigration status, those inquiries should be directed to General Counsel Lilianna Kalin. Employees should not be responding to inquiries directly.

A. Information to be Posted on the College of DuPage Website

The College has included the following information on its website, pertaining to immigration enforcement on campus.

- Point of contact for who employees and students should contact if a law enforcement agent seeks to enter the school campus, enters the school campus, or engages in non-consensual interactions with members of the school community.
- Immigration enforcement resources to help students and employees understand their constitutional rights and access immigration-related guidance. These resources may include, but are not limited to, a link to illinoisimmigrationinfo.org.

B. ICE, CBP and Other Agency Inquiries and Activity on Campus

1. Obtain Initial Information

Upon the arrival of ICE, CBP or other immigration officials at College of DuPage, personnel depending on an individual level of comfort will follow this script and note responses to the questions. If College of DuPage personnel are not comfortable asking the below questions please immediately contact Office of General Counsel and advise immigration officials that someone will be with them shortly.

Please provide me with the following information:

1. *What is your name?*
2. *What agency are you with?*
3. *Do you have proof of identification? If so, please provide it to me so that I can make a copy.*

4. *What is your badge number? (To be recorded)*
5. *What is your contact information?*
6. *Who are you here for?*
7. *For what purpose?*

Please have a seat/remain where you are. Someone will speak to you shortly.

Pending consultation with legal counsel, DO NOT:

1. Confirm whether the student or employee is in attendance;
2. Release student or employee information;
3. Make the student or employee available for an interview; or
4. Answer any questions or grant agents permission to enter any buildings or facilities.

2. Involve College of DuPage Administration to Contact General Counsel

Once College of DuPage personnel obtain the initial information, they should immediately contact, College of DuPage General Counsel Lilianna Kalin. Be prepared to share the information above and copies of any identification, subpoenas, court orders and/or warrants with General Counsel. General Counsel may speak directly to ICE or other immigration officials or provide advice as to what personnel should say to them.

***Note: Administrative vs. Judicial Warrant**

Administrative warrants are not issued by a court. They will say “Department of Homeland Security” and potentially Form I-200, Form I-203, Form I-205, or Form I-286 at the top. Judicial warrants, or court orders, will refer to a specific court at the top and will be signed by an individual judge at the bottom.

Colleges are not required to comply with administrative warrants in the same way they are with judicial warrants or court orders. A college is not required to comply with an administrative warrant seeking information that would identify a student or lead to the identification of a student. Colleges are, however, required to comply with a judicial warrant or court order consistent with their policies on student education records. Administrators must notify students before they release their education records.

Ultimately, if ICE, CBP or other immigration officials do not have a judicial warrant, General Counsel may advise that the College initially deny such immigration officials access to the facilities until it obtains such a warrant and provides a copy of the same.

3. Consult with College of DuPage Campus Police Regarding Notification to College Community

College of DuPage and its Campus Police Department will comply with the Illinois TRUST Act (5 ILCS 805) and will not participate in the enforcement of federal civil immigration law except as required by a valid judicial warrant. College of DuPage Administration will contact Campus Police to determine whether the presence of immigration enforcement on campus could adversely impact school-campus safety or operations, and to determine whether notification to the College community is warranted. College Administration will work with Campus Police to determine what, if any, communication will be issued to the College community. Communication will be issued to the area or unit where the activity could adversely impact safety or operations, at the discretion of Campus Police. Notification may be limited to a specific campus, area of campus, or department, based upon the potential impact of the immigration enforcement activity.

4. Seeking Consent from a Student or Employee

In the event that immigration enforcement officers request information about and/or to speak with a student or employee, College of DuPage will implement the following steps:

- 1) The College will request a judicial warrant, court order, or subpoena.
- 2) The College will consult with College Administration and/or General Counsel as indicated above.
- 3) Unless notice is prohibited by a judicial warrant, court order, or subpoena, the College will contact the student/employee, notify the student/employee of the request, and provide the student/employee with a copy of the subpoena, court order, and/or warrant that was provided to the College.
- 4) Under FERPA, notice is required unless the subpoena or court order prohibits disclosure of the existence of the order.
- 5) Unless required by a judicial warrant, court order, or subpoena, the College will not release a student's or employee's protected information and/or allow access to the student or employee without the employee's/student's consent.

These Procedures do not override applicable College policies or laws and shall be interpreted consistent with 110 ILCS 805/2, including its definitions, and other applicable law. Employees must comply with all applicable State and federal law when interacting with law enforcement agents and must not unlawfully impede, obstruct, or interfere with the actions of law enforcement agents.

Nothing in these Procedures limits:

- a. The College's compliance with valid judicial warrants, orders, or subpoenas, or with other applicable laws (e.g., FERPA).
- b. The College's ability to disclose information when permitted or required by applicable State or federal law.