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<http://www.ucop.edu>

March 27, 2018

## CHANCELLORS

Re: Implementation of Assembly Bill 21: Access to Higher Education for Every Student

Dear Colleagues:

As you may know, last fall Assembly Bill 21 (Kalra) was signed into law by the Governor with UC's support. The bill requires both the California State University and the California Community Colleges, and requests UC, to establish various policies and procedures on our campuses to foster a campus environment that is safe and welcoming for all members of our community, regardless of immigration status. Many of the required policies and procedures are already captured in our "Statement of Principles In Support of Undocumented Members of the UC Community"<sup>1</sup> and/or in our "Frequently Asked Questions for University Employees about Possible Federal Immigration Enforcement Actions on University Property."<sup>2</sup> Please be sure both the "Statement of Principles" and the FAQs for employees are publicized to students, faculty, and staff. However, some requirements go further than our current policies and practices and will require efforts on your part to implement.

Listed below are the specific requirements of the bill and the necessary action, if any, to implement them.

1. Refrain from disclosing personal information about students, faculty, and staff except: (1) with the consent of the person identified, or, if the person is under 18 years of age, with the consent of the parent or guardian of the person identified; (2) as may legally be disclosed under state and federal privacy laws; (3) for the programmatic purpose for which the information was obtained; (4) as part of a directory that does not include residence addresses or individual persons' course

<sup>1</sup> <https://www.universityofcalifornia.edu/sites/default/files/Statement-of-Principles-in-Support-of-Undocumented-Members-of-UC.pdf>

<sup>2</sup> Each campus prepared a local version of this document. <https://www.universityofcalifornia.edu/content/frequently-asked-questions-federal-immigration-enforcement-actions>

schedules and that the person has not elected to opt out of; or (5) in response to a judicial warrant, court order, or subpoena.

Action Required: This practice is already in place on our campuses, consistent with FERPA, and stated in our “Statement of Principles” and FAQs for employees. Please be sure both the “Statement of Principles” and the FAQs for employees are publicized to campus employees in particular.

2. Advise all students, faculty, and staff to notify the office of the Chancellor, or his or her designee, as soon as possible, if he or she is advised that an immigration officer is expected to enter, will enter, or has entered the campus to execute a federal immigration order.

Action Required: Some aspects of this procedure are addressed in the FAQs for employees, which advises employees to notify campus or medical center counsel in some situations involving immigration enforcement. However, your campus will need to advise all faculty, students, and staff of this procedure. An example of this communication is provided in Attachment A.

3. If there is reason to suspect that a student, faculty, or staff person has been taken into custody as a result of an immigration enforcement action, the University, as soon as possible, shall notify the person’s emergency contact that the person has been taken into custody.

Action Required: Please make sure procedures are in place for this notification if necessary.

4. Comply with a request from an immigration officer for access to nonpublic areas of the campus only upon presentation of a judicial warrant. This subdivision shall not apply to an immigration officer’s request for access or information related to the operation of international student, staff, or faculty programs, employment verification efforts, or other non-enforcement activities.

Action Required: No action required. This practice is outlined in our FAQs (See FAQ 2, 5, 6 and 7). Please be sure both the “Statement of Principles” and the FAQs for employees are publicized to campus employees in particular.

5. Advise all students, faculty, and staff responding to or having contact with an immigration officer executing a federal immigration order, to refer the entity or

individual to the office of the chancellor, or his or her designee, for purposes of verifying the legality of any warrant, court order, or subpoena.

Action Required: Your campus will need to advise all faculty, students, and staff of this procedure. An example of this communication is in Attachment A.

6. Designate a staff person to serve as a point of contact for any student, faculty, or staff person who may or could be subject to an immigration order or inquiry on campus. Unless the disclosure is permitted by state and federal education privacy law, faculty, and staff persons shall be prohibited from discussing the personal information, including immigration status information, of any student, faculty, or staff person with anyone, or revealing that personal information to anyone. Nothing in this subdivision shall be construed to require a university to hire staff to fulfill the requirements of this subdivision.

Action Required: Your campus will need to inform faculty, staff, and students of the name and contact information of the designated contact person, and ensure the required confidentiality. An example of this communication is in Attachment A.

7. Maintain a contact list of legal services providers who provide legal immigration representation, and provide it free of charge to any and all students who request it. The list shall include, but not necessarily be limited to, the organization's name and contact number, email address, and office address.

Action Required: Please let your Undocumented Student Services Coordinator know that this list has been compiled by the UC Immigrant Legal Services Center.

8. Adopt and implement, by March 1, 2019, the model policy developed by the Attorney General or an equivalent policy pursuant to the California Values Act (Chapter 17.25 [commencing with Section 7284] of Division 7 of Title 1 of the Government Code), limiting assistance with immigration enforcement to the fullest extent possible consistent with federal and state law.

Action Required: UCOP will be monitoring the development of this policy closely and will release guidance upon its completion.

9. Post on its Internet Web site in a conspicuous location, and provide via email quarterly or each semester to all students, faculty, and staff:

(A) A copy of the policy adopted pursuant to the California Values Act.

(B) Guidance informing them of their rights under state and federal immigration laws and how to respond to a federal immigration action or order.

(C) Update the information posted on its Internet Web site as often as is necessary to reflect any changes to federal and state immigration laws and university or college policies and procedures.

Action Required: Notify students, faculty, and staff of their rights under state and federal immigration laws by linking the “Know Your Rights” card in your communication. (See example in Attachment A.) Please make arrangements to send this communication via email quarterly.

10. In the event that an undocumented student is subject to a federal immigration order, ensure that both of the following occur:

(1) In the event that an undocumented student is detained, deported, or is unable to attend to his or her academic requirements due to the actions of an immigration officer in relation to a federal immigration order, the college or university shall make all reasonable efforts to assist the student in retaining any eligibility for financial aid, fellowship stipends, exemption from nonresident tuition fees, funding for research or other educational projects, housing stipends or services, or other benefits he or she has been awarded or received, and permit the student to be reenrolled if and when the student is able to return to the college or university. It is the intent of the Legislature that, in implementing this paragraph, California colleges and universities make reasonable and good-faith efforts to provide for a seamless transition in a student’s reenrollment and reacquisition of campus services and supports.

(2) That staff is available to assist, in a sensitive manner, undocumented students, and other students, faculty, and staff who may be subject to a federal immigration

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order or inquiry, or who may face similar issues, and whose education or employment is at risk because of federal immigration actions.

Action Required: Notify your Vice Chancellors of Student Affairs of these requirements.

Please feel free to contact Chief Policy Advisor Jenny Kao ([jenny.kao@ucop.edu](mailto:jenny.kao@ucop.edu)) in my office with any questions.

Yours very truly,



Janet Napolitano  
President

cc: Provost Brown  
Executive Vice President Nava  
Vice President Holmes-Sullivan  
Chief Policy Advisor Kao  
Associate Vice President Flaherty

Attachment A: Sample campus communications

## **ATTACHMENT A: Sample Campus Communication**

To all UC Students, Faculty and Staff:

With the passage of Assembly Bill 21 (2017), I am required to notify you of several policies and procedures in place with regard to possible immigration enforcement on campus. AB 21 requires both the California State University and the California Community Colleges, and requests UC, to establish various policies and procedures on our campuses to foster a campus environment that is safe and welcoming for all members of our community, regardless of immigration status. It is important to note that federal immigration agencies can and do enter campus for non-enforcement activities, which can include recruitment and activities related to normal immigration visa processing. The below procedures and information relate only to immigration enforcement activities.

More generally, for a fuller explanation of UC's policies and procedures relating to undocumented members of our community, please see [UC's Statement of Principles in Support of Undocumented Members of the UC Community](#) and Frequently Asked Questions for University Employees about Possible Federal Immigration Enforcement Actions on University Property *[Please add your local link]*. For up-to-date information please visit <https://www.universityofcalifornia.edu/immigration>.

1. Please notify *[the office of the Chancellor or your designee]*, as soon as possible, if you are advised that an immigration officer is expected to enter, will enter, or has entered the campus to execute a federal immigration order.
2. All students, faculty, and staff responding to or having contact with a an immigration officer executing a federal immigration order, should refer the entity or individual to your campus or medical center counsel *[insert contact information]* for purposes of verifying the legality of any warrant, court order, or subpoena.
3. *[Your office or designee]* is available as a contact if you are or may be subject to an immigration order or inquiry on campus. Unless permitted by federal and state education privacy laws, this designee is prohibited from discussing your personal information, including immigration status, with or revealing that personal information to anyone. *[Your office or designee]* can be reached at *[add email and/or phone number]*.
4. For more information about your legal rights in an immigration enforcement situation, please consult counsel at the UC Immigrant Legal Services Center <https://law.ucdavis.edu/ucimm/contact-us.html> and this "Know Your Rights Card" (*Insert your local link*).

Sincerely,

*Chancellor X*