

Article X5

Immigration and Customs Enforcement

Section 1. Except as otherwise required by federal law, the University, or a person acting on behalf of the University (such as a supervisor), shall not provide voluntary consent to an immigration enforcement agent to enter any non-public areas of a place of labor. This section does not apply if the immigration enforcement agent provides a judicial warrant.

- a) This section shall not preclude the University or person acting on behalf of the University from taking the immigration enforcement agent to a non-public area, where GEs are not present, for the purpose of verifying whether the immigration enforcement agent has a judicial warrant, provided no consent to search non-public areas is given in the process.
- ~~b) Public areas are those spaces where students, guests, and University employees have access throughout the day. Public areas are characterized by not having permanent employees attached to them, or areas that do not require authorized access (through a key or other permission).~~
- c) Non-public areas are those University-owned or controlled areas ~~in which University employees, institutes, and departments are located and where there is that during working hours restrict limited public access for students and guests.~~ Non-public areas include, but are not limited to, all classrooms, research and teaching labs, and offices.

Section 2. Except as otherwise required by federal law, the University, or a person acting on behalf of the University, shall not provide voluntary consent to an immigration enforcement agent to access, review, or obtain the employer's employee records without a subpoena or judicial warrant. This section does not prohibit the University, or person acting on behalf of the University, from challenging the validity of a subpoena or judicial warrant in a federal district court.

Section 3. The University shall uphold its existing commitment to Deferred Action for Childhood Arrivals (DACA) GEs. The University shall not terminate DACA employees on the grounds of their immigration status if those employees have valid work authorization. ~~The University shall:~~

- ~~a) Inform GEs at least 180 days before they must reverify their DACA status, which is two years after their DACA authorization was granted~~
- ~~b) Not terminate DACA employees who have valid work authorization before their work authorization ends on the grounds of their immigration status~~
- ~~c) Maintain all currently existing University resources regarding DACA students and employees~~

40 **Section 4.** The University shall share publicly and annually information regarding how to
41 respond to immigration enforcement officials consistent with both Section 1 and Section 2 and a
42 list of currently existing University resources for undocumented and DACA students and
43 employees. ~~Additionally, the University shall issue an annual notice to all employees, stating that~~
44 ~~GEs shall not provide voluntary consent to an immigration enforcement agent to enter any non-~~
45 ~~public areas of the University unless the agent provides a judicial warrant and in consultation~~
46 ~~with the Office of the General Counsel.~~ provide an annual notice to all GEs, which includes:

- 47 a) ~~A statement that GEs shall not provide voluntary consent to an immigration enforcement~~
48 ~~agent to enter any non-public areas of the University unless the agent provides a judicial~~
49 ~~warrant and in consultation with the Office of the General Counsel.~~
50 b) ~~A list of all currently existing University resources regarding Undocumented,~~
51 ~~Immigration, and DACA students and employees~~
52 c) ~~Contact information for the Civil Liberties Defense Center (CDLC)~~

53 **Section 3.** ~~Except as otherwise required by federal law, the University shall provide a notice to~~
54 ~~each current GE in writing of any inspections of I-9 Employment Eligibility Verification forms~~
55 ~~or other employment records conducted by an immigration agency within 72 hours of receiving~~
56 ~~notice of the inspection. Written notice shall also be given within 72 hours to the Union. The~~
57 ~~posted notice shall contain the following information:~~

- 58 ● ~~The name of the immigration agency conducting the inspections of I-9~~
59 ~~Employment Eligibility Verification forms or other employment records.~~
60 ● ~~The date that the employer received notice of the inspection.~~
61 ● ~~The nature of the inspection to the extent known.~~
62 ● ~~A copy of the Notice of Inspection of I-9 Employment Eligibility Verification~~
63 ~~forms for the inspection to be conducted.~~
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65 a) ~~The University, upon reasonable request, shall provide an affected GE a copy of the~~
66 ~~Notice of Inspection of I-9 Employment Eligibility Verification forms in writing.~~
67 b) ~~Except as otherwise required by federal law, the University shall provide to each current~~
68 ~~affected GE, and to the Union, a copy of the written immigration agency notice that~~
69 ~~provides the results of the inspection of I-9 Employment Eligibility Verification forms or~~
70 ~~other employment records within 72 hours of its receipt of the results. Within 72 hours of~~
71 ~~its receipt of the results, the employer shall also provide to each affected GE, and to the~~
72 ~~Union written notice of the obligations of the employer and the affected GE arising from~~
73 ~~the results of the inspection of I-9 Employment Eligibility Verification forms or other~~
74 ~~employment records.~~
75 c) ~~Notice of the results and obligations described in Section 3. a and b, if any, shall contain~~
76 ~~the following information:~~

- ~~77 ● A description of any and all deficiencies or other items identified in the written~~
- ~~78 immigration inspection results notice related to the affected GE.~~
- ~~79 ● The time period for correcting any potential deficiencies identified by the~~
- ~~80 immigration agency.~~
- ~~81 ● The time and date of any meeting with the employer to correct any identified~~
- ~~82 deficiencies.~~
- ~~83 ● Notice that the GE has the right to representation during any meeting scheduled~~
- ~~84 with the employer.~~
- ~~85 d) An “affected GE” is an GE identified by the immigration agency inspection results to be~~
- ~~86 a GE who may lack work authorization, or a GE whose work authorization documents~~
- ~~87 have been identified by the immigration agency inspection to have deficiencies.~~

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~~89 **Section 4.** Except as otherwise required by federal law, the University shall not reverify the~~
~~90 employment eligibility of a current GE at a time or in a manner not required by Section 1324a(b)~~
~~91 of Title 8 of the United States Code.~~

~~92 **Section 6.** In accordance with state and federal law, nothing in this Article shall be interpreted,~~
~~93 construed, or applied to restrict or limit the University’s compliance with a memorandum of~~
~~94 understanding governing the use of the federal E-Verify system.~~

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