

**Resolution title: UB Faculty Senate Resolution to Protect Non-US Citizen Members of the UB Community**

To: The Faculty Senate Executive Committee

From: Subcommittee for the Protection of Non-US Citizen Members of the UB Community

Date Proposed to FSEC: **February 8, 2017**

First Reading to the Faculty Senate: **February 21, 2017**

Second Reading to the Faculty Senate: **April 18, 2017**

Approved by the Faculty Senate: **April 18, 2017**

**UB Faculty Senate Resolution to Protect Non-US citizen Members of the UB Community**

WHEREAS the November 2016 election has raised concerns about the safety and well-being of non-US citizens, including and especially the undocumented, across the country, in the state of New York, and on UB's campus.

WHEREAS the January 27th, 2017 signing of Executive Order 13769, "Protecting the Nation from Foreign Terrorist Entry into the United States" directly affected at least 122 members of the UB community.

WHEREAS the March 6th, 2017 signing of Executive Order 13780, also titled "Protecting the Nation from Foreign Terrorist Entry into the United States" poses a threat to UB community members, especially those from Iran, Libya, Somalia, Sudan, Syria, and Yemen.

WHEREAS non-US citizens contribute to the diversity and academic excellence of the UB community as members of our faculty, staff, administration, and student body.

WHEREAS President Tripathi has issued statements, on November 22, 2016 and January 30, 2017, expressing the core principles of UB as a diverse, inclusive, and welcoming campus community where all feel safe, respected, and valued; while on November 21st, President Tripathi signed the "Statement in Support of the Deferred Action for Childhood Arrivals (DACA) Program and Our Undocumented Students" and on February 2nd, signed a letter from leading college and university presidents urging the President to rescind or rectify the January 27th Executive Order closing our borders to immigrants from seven majority-Muslim countries and to refugees from throughout the world.

WHEREAS the Association of American Universities has stated that, "DACA should be upheld, continued and expanded," and it is important that the education of DACA and undocumented students not be derailed or unfairly burdened.

WHEREAS on November 12th, 2016, Governor Cuomo issued a statement calling the State of New York a “refuge” for immigrants; and on January 21, 2017, the University Faculty Senate endorsed a petition to make all SUNY locations “sanctuary campuses.”

WHEREAS on January 25, 2017, Attorney General Schneiderman issued a statement affirming that the federal government lacks the constitutional authority to withhold funding from state and local entities that refuse to participate in immigration enforcement, and on March 13, 2017, joined a multi-state lawsuit against President Trump’s revised travel ban (Executive Order 13780).

WHEREAS on January 24, 2017, SUNY Chancellor Zimpher proposed and the SUNY Board of Trustees issued a resolution that affirms SUNY policy that 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.

WHEREAS the UB Police Department has already developed a policy for situations involving non-citizens in 2015.

WHEREAS many faculty and other members of the UB community signed a petition in support of UB’s commitment to internationalism and to DACA, and asserted that enforcement of federal immigration policy on UB’s campus will endanger the safety and well-being of the entire community.

Therefore it is:

*Resolved*, that the Faculty Senate shall support President Tripathi in his concrete efforts to affirm UB’s commitment to a diverse and inclusive community that welcomes non-citizens.

*Resolved*, that the Faculty Senate shall support the Office of the Vice Provost for International Education and International Students and Scholars Services in their ongoing work to support non-US citizen members of the community, including through such efforts as the Immigration Update Website, International Education Week, and the Provost’s Task Force on International Student Inclusion and Engagement.

*Resolved*, that the Faculty Senate affirms faculty, student groups, and staff in their provision of safe spaces, environments in which non-US citizens can feel confident that they will not be exposed to discrimination, criticism, harassment, or any other emotional or physical harm, and where they will interact with sympathetic and sensitive staff.

*Resolved*, that the Faculty Senate asks the UB administration to take the following steps to protect non-US citizen members of the UB community:

- Continue publicly to support the DACA program.
- Encourage UB to make available access to counseling services with sensitivity to concerns and needs of all international students, faculty, and staff.
- Attempt to procure pro bono legal counsel for indigent students who are subject to federal immigration enforcement action.
- Continue to provide housing without discrimination based on immigration status.
- Provide financial support and training to administrators and staff to support the creation of safe spaces, environments in which non-US citizens can feel confident that they will not be exposed to discrimination, criticism, harassment, or any other emotional or physical harm, and where they will interact with sympathetic and sensitive staff.
- Continue to support the ability of students who are undocumented to enroll and sustain their attendance (as per the terms of the 2002 NYS DREAM Act), including by doing everything within the university's power to use institutional funds and scholarships to fill any gap created by discriminatory laws that exclude the undocumented from paying the in-state rate (if New York residents) or accessing ordinary financial aid and scholarships on equal footing with other students.
- Affirm its continuing commitment to cooperate with federal immigration enforcement authorities, including Customs and Border Protection and Immigration and Customs Enforcement only to the extent required by law, judicial warrant, or court order, or by consent of the person(s) affected.
- Affirm its continuing commitment to permit access to university property by federal immigration enforcement officials only to the extent required by law, judicial warrant, or court order.
- Affirm its continuing commitment to share information regarding the immigration status of faculty, staff, or students with federal immigration authorities only to the extent required by law, judicial warrant, or court order, or by consent of the person(s) affected.
- Affirm its continuing commitment to collect information regarding the immigration status of faculty, staff, or students only to the extent required by law or by consent of the person(s) affected.

*Resolved*, that the Faculty Senate urges the UB Police Department, as per President Tripathi's letter of January 30th, 2017, to affirm its continuing commitment to be involved in immigration status violations only to the extent required by law, judicial warrant, or court order, or in the event of clear exigent circumstances such as an

imminent risk to the safety of others.

*Resolved*, that the Faculty Senate urges the UB Police Department, as per President Tripathi's letter of January 30th, to not check or otherwise inquire into the immigration status of persons with whom they come into contact, including cases in which an arrest has been made.

*Resolved*, that the Faculty Senate shall urge NYS and the Governor, the SUNY Board of Trustees, the Chancellor and all SUNY Campuses, the City of Buffalo and other localities in Erie County, and other local 2 year, 4 year, and professional schools to adopt policies similar to those stated above regarding cooperation with federal immigration enforcement authorities.

**Sent for Promulgation on:**

**Decision:**