

1 ARTICLE 35. IMMIGRATION AND CUSTOMS ENFORCEMENT

2 GTFF Proposed Language | ~~GTFF deletion~~ | UO Proposed Language | ~~UO deletion~~ |
3 Agreed Upon Language | Status Quo
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5 Section 1. Definitions

- 6 a. The term “immigration enforcement agent” includes, but is not limited to, anyone
7 from the following groups:
8 a. United States Department of Homeland Security (DHS)
9 b. United States Immigration and Customs Enforcement (ICE)
10 c. United States Citizenship and Immigration Services (USCIS)
11 d. United States Customs and Border Protection (CBP)
12 e. Drug Enforcement Administration (DEA)
13 f. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
14 g. State, federal, or local law enforcement that is carrying out or assisting in
15 immigration enforcement.
16 b. For the purposes of this article, “University representative” means anyone acting
17 on behalf of the University, including but not limited to supervisors, staff, and
18 administrators.
19 c. ~~A “non-public area” is a University-owned or controlled area that during working~~
20 ~~hours restrict public access. Non-public areas include, but are not limited to, all~~
21 ~~classrooms, research and teaching labs, offices, University buildings, and~~
22 ~~University-subsidized housing (e.g. Spencer View).~~

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24 **Section 24.** The University affirms that campus is a safe space for students, faculty, and
25 staff, free from unnecessary immigration enforcement. Except as otherwise required by
26 federal law, the University and University representatives, or a person acting on behalf of
27 the University (such as a supervisor), shall not provide voluntary consent to an immigration
28 enforcement agent to enter any non-public areas ~~of a place of labor.~~ ~~This section does not~~
29 ~~apply if the immigration enforcement agent provides a judicial warrant.~~
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- 31 a. This section shall not preclude the University or person acting on behalf of the University
32 from taking the immigration enforcement agent to a non-public area, where GEs are not
33 present, for the purpose of verifying whether the immigration enforcement agent has a
34 judicial warrant, provided no consent to search non-public areas is given in the process.
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~~b. Non-public areas are those University-owned or controlled areas that during working hours restrict public access. Non-public areas include, but are not limited to, all classrooms, research and teaching labs, and offices.~~

Section 32. Immigration status is confidential, and the University shall not divulge personal immigration status and related personal information of employees to any parties except:

- a. as required by law,
- b. as required for the immigration process,
- c. as requested by the employees in question,
- d. as required to defend the University or its employees in legal proceedings, or
- e. as expressly stipulated in this Agreement.

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 University 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 4. If immigration enforcement agents arrive, the University or University representatives shall:

1. notify the Union immediately via email to the GTFF president and staff organizer,
2. comply with immigration enforcement only to the extent explicitly required by law,
3. restrict unauthorized access to personnel and sensitive areas until verification is complete,
4. verify the agents' credentials, ask why the agent is requesting access, and
5. require a court-issued order as described in Section 5.

If a court-issued order as described in Section 5 is not provided, the University shall immediately direct the immigration enforcement agents to leave. If a court-issued order as described in Section 5 is provided, the University shall only comply to the extent explicitly required by that order.

Section 5. This section provides guidance on which kinds of legal documents constitute a "court-issued order".

There are three kinds of documents that constitute a “court-issued order” for the purposes of Section 4:

a. Judicial warrants

Valid judicial warrants must 1) be issued by a judicial court, 2) be signed by a federal or state judge or magistrate, 3) state the premises to be searched, and 4) be executed in the time period specified on the warrant.

b. Judicial subpoenas

Valid judicial subpoenas must 1) be issued by a judicial court, 2) be signed by a federal or state judge or magistrate, and 3) state the target of the subpoena.

c. Administrative subpoenas backed by a court order for subpoena enforcement action

The court order must 1) be issued by a U.S. district court and 2) be signed by a federal district court judge.

The University will verify all the criteria above before complying with the order.

The following types of documents do not constitute a “court-issued order” and shall not be a basis for compliance with immigration enforcement:

a. Immigration warrants & administrative warrants

Immigration warrants will typically 1) be issued by a DHS agency, 2) be signed by an immigration officer or immigration judge, and 3) state that the authority to issue the warrant comes from immigration law rather than a court.

b. Immigration subpoenas & administrative subpoenas

Immigration subpoenas will typically 1) be issued by a DHS agency, 2) be signed by an immigration officer or immigration judge, and 3) state that the authority to issue the subpoena comes from immigration law rather than a court.

Immigration warrants and immigration subpoenas are not considered “court-issued orders”, and must not be a basis for providing voluntary consent to immigration enforcement.

Section 6. Notification Requirements

If an immigration-related warrant, subpoena, or other request is issued by a governmental agency to the University, the University will inform affected employees as soon as possible and give them a copy of the request within three (3) calendar days. If the University provides the requested documents to the agency, the University shall

inform affected employees and give them copies of the provided documents within three (3) calendar days.

The University shall provide written notice to the Union within three (3) calendar days if any government agency contacts the University for immigration-related matters. The University agrees to promptly provide the Union with all information regarding these matters that the Union requests. Any communication from ICE shall always be considered immigration-related.

The University shall use its Campus Crime Alert system to notify all campus community members when 1) immigration enforcement agents are, or are expected to soon be, on campus, 2) immigration enforcement is occurring in Eugene. No GE shall be required to work on campus if they reasonably fear enforcement action.

The University shall include ICE activity in Eugene as part of its annual end-of-year crime statistics.

Section 73. 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.

Section 84. The University shall issue a written annual public notice to all employees regarding how to respond to immigration enforcement officials consistent with Sections 2 through 6~~both Section 1 and Section 2~~ and a list of currently existing University resources for undocumented and DACA students and employees.

Section 10. All I-9 forms shall be maintained in a separate and secure location from other human resources files. Except as required by law, the University and University representatives shall not provide voluntary consent to any public or private entities to access, audit or inspect any GE's I-9 records.

The University shall not require or demand proof of immigration status, except as required by law. The University shall not require re-verification of work authorization unless legally required, and shall allow at least one hundred twenty (120) calendar days to respond when legally possible.

GEs may update their name or Social Security Number without loss of rights or years of funding.

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