


July 29, 2016

MEMORANDUM

TO: CSU Presidents

FROM: Timothy P. White
Chancellor 

SUBJECT: U.S. Immigration and Customs Enforcement

This memorandum clarifies the California State University's relationship with the U.S. Immigration and Customs Enforcement (ICE) agency, and our respective law enforcement responsibilities.

I. CSU's commitment to our diverse communities

CSU is proud of the diversity of its students and employees and strives to foster a campus community that is safe and welcoming for everyone. Consequently, CSU is committed to assuring an environment where all members of our university community are not hesitant or afraid to come forward or interact with our University Police departments for fear of intervention by ICE.

II. Jurisdiction over federal immigration laws and current campus policies

Primary jurisdiction for enforcement of federal immigration laws concerning unlawful entry into the United States rests with ICE, not with University Police or other local or municipal law enforcement departments.

Campuses across our system vary in the degree with which their policies describe the relationship and role of campus police departments with ICE. While some campuses have adopted the template policy offered by Lexipol, a national public safety organization, other campuses have adopted their own policy, and a few campuses do not have a policy addressing this issue.

III. Systemwide guidance and principles

The University is adopting flexible CSU systemwide policy guidance to address its relationship with ICE. Each campus shall have its own policy reflecting its unique campus climate. However, in an effort to achieve consistency in addressing CSU's

relationship and/or involvement with ICE, I request that you make sure your campus policy is consistent with the following principles:

- Campus policies shall make clear that the CSU will not enter into agreements with state or local law enforcement agencies, ICE, or any other federal agency for the enforcement of federal immigration law, except as consistent with California Government Code §§7282 *et seq.* or as required by law.
- Campus policies shall affirmatively state that CSU Police Departments will not honor ICE immigration hold requests, unless doing so is consistent with California Government Code §§7282.5 or as required by law.
- Campus policies shall avoid the use of the term “sanctuary,” a term for which there is no standard definition or common understanding and which, if used, can lead to confusion and misunderstanding. Rather, utilizing terms such as ‘safe and welcoming’ is accurate.
- Campus policies shall not state that the campus is adopting the “Trust Act” per se, or agreeing to comply with its provisions because the Trust Act does not apply to the CSU. There are features of the Trust Act that may be in a campus policy.
- Campus policies shall clearly articulate that individuals will not be contacted, detained, questioned, or arrested solely on the basis of being or suspected of being an undocumented immigrant, except as required by law. In drafting such policies, do not make reference to ethnicity, race or citizenship. Instead, simply reflect that no individuals should be contacted, etc. based solely on actual or suspected immigration status.

c: Mr. Garrett P. Ashley, Vice Chancellor, University Relations and Advancement
Mr. Andrew Jones, Associate Vice Chancellor and Deputy General Counsel
Ms. Lori Lamb, Vice Chancellor, Human Resources
Mr. Steve Relyea, Executive Vice Chancellor and Chief Financial Officer
Mr. Framroze Virjee, Executive Vice Chancellor and General Counsel

Reference:

California Government Code §§7282:

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=07001-08000&file=7282-7282.5>