

A Resolution to Designate Queensborough Community College of the City University of New York a Sanctuary Campus for Immigrants and Members of Protected Classes

Whereas CUNY Chancellor James B. Milliken has written, in communications of November 16, and November 23, 2016, to affirm “CUNY’s Historic Mission” and the prominence of the City University of New York “as the clear leader among universities in this country in the support and services provided to immigrants.”

And

Whereas in the second communication of November 23, James B. Milliken has asserted that “Forty percent of CUNY's undergraduates are immigrants, which is one of the primary reasons this university is so full of energy and ambition, and is such a vital contributor to New York’s success;”

And

Whereas both Chancellor Milliken and Queensborough President Diane Bova Call have joined with over 200 college presidents and university chancellors around the country, in signing a letter to “our country’s leaders,” urging them to maintain the Deferred Action for Childhood Arrivals Program (DACA)

and

Whereas New York State Governor Andrew M. Cuomo has also affirmed, in a message to CUNY students, that “the State of New York...always will be a place where people of many backgrounds have come to seek freedom and opportunity.”

And

Whereas New York City Mayor Bill De Blasio has joined with mayors across the country in pledging that New York would remain one of nearly 300 “sanctuary cities” where local law enforcement limits cooperation with requests from federal immigration authorities to hold immigrants in detention;

And

Whereas New York City Council Speaker Melissa Mark-Viverito has also pledged that New York will remain a “sanctuary city;”

And

Whereas the American Association of University Professors has also endorsed a resolution urging “that all..campus communities are welcoming and inclusive of all groups and ideas,” and in “support” of “sanctuary campuses;”

And

Whereas Queensborough Community College’s mission “ affirms its open admissions policy and its strong support of intellectual inquiry, global awareness, civic responsibility, and cultural and artistic appreciation.”

And

Whereas Queensborough Community College’s foreign and immigrant students, with certain limited exceptions, share the protections of privacy to which all college students in America are entitled, under the Family Education Rights and Privacy Act (FERPA)

And

Whereas University campuses, have been defined as “sensitive locations” according to a 2011 Memorandum of the Office of Homeland Security, which stipulated that enforcement actions at such sites should be limited to conditions of “imminent risk,” such as a terrorist threat, or an immediate danger of death or violence,

Now Be It Resolved that within all possible parameters of allowed law, Queensborough Community College will make every effort to guarantee the privacy of immigrant students and pledge not grant access to information that might, for the purpose of immigrant enforcement alone, facilitate the arrest, interview, search, and/or surveillance of any member of the Queensborough Community College community on Queensborough’s campus, except insofar as conditions of “imminent risk” may exist; and except as such action might be ordered by a court of law or legal officer;

And Be It Further Resolved that, as per Sections 503 and 504 of the (Amended) Rehabilitation Act of 1973; Section 132b of the Immigration and Nationality Act; Titles VI and VII (Amended) of the Civil Rights Act of 1964; Title IX of the Educational Amendment of 1972; Section 402 of the Vietnam Era Veteran’s Readjustment Assistance Act of 1974 (Amended); the Equal Pay Act of 1963; and New York State and New York City Human Rights Law, our campus will provide education to and conduct necessary business with students, faculty, and staff without regard to race, color, national or ethnic origin, religion, age, sex (gender); sexual orientation, transgender history; disability; genetic predisposition, or carrier status, alienage or citizenship; prior record of arrest and/or conviction (except where conditions of imminent risk exist); veteran status; marital status; legally registered domestic partnership status; or prior or current history of domestic violence. We will also stand against any form of sexual harassment and gender discrimination.

And Be It Finally Resolved that Queensborough Community College supports the request that Chancellor Milliken, President Diane Call, and other City University Presidents have made to maintain the Deferred Action for Childhood Arrivals Program (DACA); and likewise asks urges that the status of colleges as “sensitive locations” as per the 2011 Memorandum of the Office of Homeland Security continue to be respected, so that Queensborough Community College can be considered and affirmed as a “Sanctuary Campus” where Queensborough students, faculty, and staff can, within the parameters allowed by law, remain safe from intimidation, investigation, surveillance, deportation, and other protected-status based interference while on the campus of our college.

RATIONALE

The recent victory of Donald Trump as President-Elect of the United States, and, in particular, his vow to repeal the Deferred Action for Childhood Arrivals (DACA) Program, has raised concerns for the security of undocumented, and even documented, immigrants in the United States. This has particular implications for CUNY, where as many as 40% of our students (and many members of faculty and staff), are not native-born Americans. This resolution is meant to affirm our commitment to remaining a campus protective of immigrants, and the strength and

potential they bring to the City University as an institution, and to New York City, which it serves. This resolution also cites legislation (at the Federal, State, and Municipal level) that has protected CUNY's mission of access and excellence, especially, and most relevantly, the Immigration and Customs Enforcement Memorandum, dated October 24, 2011, entitled "Enforcement Actions At or Focused on Sensitive Locations" which defines colleges and universities as such, and indicates that: "*Any planned enforcement action at or focused on a sensitive location covered by this policy must have prior approval of one of the following officials: the Assistant Director of Operations, Homeland Security Investigations (HSI); the Executive Associate Director (EAD) of HSI; the Assistant Director for Field Operations, Enforcement and Removal Operations (ERO); or the EAD of ERO,*" with exceptions existing only when: "*the enforcement action involves a national security or terrorism matter; there is an imminent risk of death, violence, or physical harm to any person or property; the enforcement action involves the immediate arrest or pursuit of dangerous felon, terrorist suspect, or any other individual(s) that present an imminent danger to public safety; or there is an imminent risk of destruction of evidence material to an ongoing criminal case.*" The American Association of University Professors (AAUP) has also approved a resolution supporting the affirmation of "sanctuary campus" conditions to protect immigrant students and students of diverse backgrounds. Although we affirm that all persons on campus are subject to the restraint of law should they constitute a danger to themselves and others, all students, staff, and faculty who do *not* meet that test are entitled to the same rights and protections as all CUNY students and employees.

Bibliography:

Sanctuary Cities:

<http://www.nytimes.com/interactive/2016/09/02/us/sanctuary-cities.html>

<http://www.nytimes.com/aponline/2016/11/15/us/ap-us-trump-sanctuary-cities.html>

<http://cis.org/Sanctuary-Cities-Map>

2011 Memorandum:

<https://www.ice.gov/doclib/ero-outreach/pdf/10029.2-policy.pdf>

Rehabilitation Act:

<https://www.dol.gov/ofccp/regs/compliance/section503.htm>

<https://www.dol.gov/oasam/regs/statutes/sec504.htm>

Immigration and Nationality Act:

<https://www.uscis.gov/ilink/docView/SLB/HTML/SLB/act.html>

Civil Rights Act (with Amendments):

<http://counsel.cua.edu/fedlaw/cr1964.cfm>

Title IX

<https://www.dol.gov/oasam/regs/statutes/titleix.htm>

Vietnam Era Veteran's Adjustment Act:

<https://www.dol.gov/ofccp/regs/statutes/4212.htm>

Equal Pay Act:

<https://www.eeoc.gov/laws/statutes/epa.cfm>

New York State Human Rights Law:

<https://dhr.ny.gov/>

New York City Human Rights Law:

<https://www1.nyc.gov/site/cchr/law/the-law.page>

DACA Program Website:

<https://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-daca>

FERPA website:

<http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

Letter in Support of DACA

<https://www.pomona.edu/news/2016/11/21-college-university-presidents-call-us-uphold-and-continue-daca>

AAUP Resolution:

https://www.aaup.org/news/atmosphere-campus-wake-elections#.WECOPj_FDIW