

## **Guidance for Faculty and Staff Regarding U.S. Immigration and Customs Enforcement (ICE)**

From time to time, various law enforcement agencies come to the University of Utah campus or submit requests to the University of Utah for information. The University of Utah cooperates with law enforcement agencies, but requires compliance with applicable laws, including the Constitution, HIPAA, FERPA and GRAMA.

Typically, a law enforcement agency must present the university with a judicial subpoena, warrant or another court order to comply with law and enter a private space or obtain private information from the university. ICE is treated the same way as any other law enforcement agency, and the university will continue its general practices if and when it receives inquiries and requests from ICE. With this in mind, below are some recommendations to faculty and staff in the unlikely event that they interact with ICE agents.

### **Will ICE conduct immigration enforcement on the UU campus?**

- The university has no control over whether ICE will engage in immigration enforcement on the campus.
- However, the University of Utah Public Safety Department has engaged with local ICE officials who have indicated they do not anticipate the U's campus to be a target of enforcement activity. ICE will make every effort to engage with University Police should those intentions change.
- If ICE decides to conduct immigration enforcement on campus, they are unlikely to enter a classroom (or other private) space. They are more likely to wait in public spaces to make an arrest.

### **Does ICE need a warrant to access the university's campus? What campus spaces are public, and what campus spaces are private?**

- Areas open to the **general public** (spaces such as the lobbies of buildings, outside spaces, cafés) also are open to ICE agents, and they may enter without a warrant.
- ICE agents must have a judicial search or arrest warrant to access **non-public areas** of campus (areas not open to the public, such as student housing unit, patient rooms, classrooms, or faculty and staff offices).

### **What should faculty and staff do if ICE enters campus to make an arrest in a public space?**

- If ICE agents attempt to arrest an individual in a public space, faculty and staff should not interfere with those activities. It is a violation of law to interfere with a lawful arrest.
- If they feel comfortable doing so, faculty and staff should help to support others in the area who are upset by such an event.

### **What should faculty or staff do if ICE agents ask to enter non-public areas of a university building?**

- Faculty and staff should not accept service of a judicial warrant or subpoena, as they are not qualified to evaluate it. Instead, they should refer agents to the Office of General Counsel.

- In all cases, even if a judicial warrant or subpoena is presented, faculty and staff should ask ICE agents to wait to enter any nonpublic areas and contact the Department of Public Safety (801)585-2677 and the Office of General Counsel at (801)585-7002.
  - Faculty and staff should remain polite and may wish to say, **“I understand you are here for law enforcement purposes, but I am not authorized to grant you permission to enter nonpublic areas or accept any documentation on behalf of the university,”** and then refer the agents to the Office of General Counsel and/or the Department of Public Safety.
  - ICE agents are unlikely to enter a private space without a judicial warrant. In the unlikely event that happens, faculty and staff should not put themselves in harm’s way by interfering with the ICE agents.

**What should faculty or staff do if ICE contacts them and asks for information about a student or patient or their records?**

- FERPA and HIPAA prohibit the university from providing that information without a judicial subpoena or warrant.
  - Faculty and staff may wish to say, **“I understand you are requesting that I provide you with student (or patient) information. However, federal law prohibits me from sharing that information without a judicial order.”** Then refer the agents to the Office of General Counsel and Department of Public Safety.