

## **Frequently Asked Questions Related to Immigration and Customs Enforcement (ICE) Officers on Cuyahoga Community College Property**

### **Can Cuyahoga Community College (Tri-C®) prevent federal immigration enforcement officers from coming on campus or entering campus buildings and other College property?**

It depends. As a public college, Tri-C is largely open to the general public. Federal immigration enforcement officers may enter areas open to the general public without a warrant. However, public access is limited in certain areas of Tri-C campuses and property. Limited access spaces include campus buildings in which access is restricted by a College-issued ID card and/or locked doors. Limited access spaces also include some buildings and spaces that may be unlocked during normal operations, including administrative or faculty offices, classrooms and laboratories.

It is important to note that ICE or federal officials from the Department of Homeland Security may be on campus for reasons unrelated to enforcement actions. Due to our international programs, the College is required to report certain information about F-1 or J-1 visa status students to ICE. This reporting is routine, and the College is required to comply with on-site visits to review records when requested.

### **In what situations can federal immigration enforcement officers enter limited access, nonpublic areas?**

Federal immigration enforcement officers are required to have a criminal arrest or search warrant to lawfully enter limited access, nonpublic areas without consent. Most often, immigration officers who might come to campus would be acting on civil — not criminal — authority and would generally carry administrative warrants. Administrative warrants are not signed by a judge and do not authorize officers to enter limited access areas without consent.

### **What should staff and faculty members do if a federal immigration enforcement officer asks for access to a limited access area?**

If a federal immigration enforcement officer asks for access to a limited access area, College employees should inform the Office of General Counsel for assistance. College employees should ask the immigration officer for their name, identification number and agency affiliation. Ask the officer to wait, and immediately call Campus Police at 216-987-4325 and notify them of the immigration officer's presence. Call Legal Counsel at 216-987-3974 for instructions on responding to the request.

### **Will Campus Police work with federal immigration officers to apprehend and remove individuals from campus?**

No. Campus Police will not ask anyone about their immigration status and will not arrest anyone solely on the basis of their immigration status. Campus Police also will not act on detainers issued by ICE.

Campus Police will not enforce a warrant issued by ICE that is solely for an administrative matter, such as residency or immigration status. The Campus Police will, however, be required to enforce a criminal warrant from any law enforcement agency, including ICE. Criminal warrants are issued when probable cause exists to believe the named subject in the warrant has committed a crime. In other situations not related to immigration, officers may inquire about an individual's country of origin to notify their consulate of an arrest, but that inquiry does not include questions about immigration status.

### **What should staff and faculty members do if a federal officer asks for or presents a subpoena for personally identifiable private information or records about a student or employee?**

Faculty members and staff who receive a request from a federal officer for information about a student should contact the College's Legal Affairs and General Counsel for assistance. Personally identifiable educational and College health records are protected by a variety of privacy laws, including the Family Educational Rights and Privacy Act (FERPA). As a College employee, you are required to maintain the confidentiality of these records.

**FERPA at Tri-C** — In compliance with the Family Educational Rights and Privacy Act of 1974, as amended, the following policy outlines the procedures available for access to student records. This policy is intended to ensure the confidentiality of student records.

If you receive a request for personally identifiable information or records, or if a federal immigration enforcement officer gives you a warrant or subpoena seeking such records before providing any information, you should confirm that you are authorized to provide access to the specified records or information. Ask the officer for their name, identification number, agency affiliation and a copy of any warrant or subpoena presented. Inform the officer that you are not obstructing their process but need to contact Legal Counsel for assistance, and call 216-987-3974 for instructions on responding to the request.

### **How are international students and scholars affected?**

International students and scholars are affected differently. According to the Department of Education, FERPA permits institutions to comply with information requests from the Department of Homeland Security (DHS) to comply with the requirements of the program. However, the information that can be requested and provided is limited to the categories listed in DHS regulations, and that request must be made to a College registrar. For other information, international student records are entitled to the same FERPA protection that otherwise governs student education records in the United States.

Refer any DHS or ICE request for information about an international student to the offices listed below and the Office of Legal Affairs and General Counsel.

#### **Eastern Campus**

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