

## **Student Safety and Security – Immigration and Travel Ban**

### **Frequently Asked Questions**

1. Should faculty and staff give immigration information to students?
  - Faculty and staff should not advise anyone on the intricacies of immigration law. Assistance in immigration law matters is available through the College of Law Immigration Clinic. Click here to learn more <http://www.uidaho.edu/law/academics/practical-skills/clinics/immigration>
  - Faculty and staff may not know the actual status of undocumented students and should be mindful that any information the university gathers about individual students could be subject to disclosure via an appropriate subpoena or court order.
  
2. What support or information can UI offer to DACA students or others about immigration or citizenship status?
  - The university does not provide personal legal support for students.
  - DACA students may access information through the Immigration Law Clinic at <http://www.uidaho.edu/law/academics/practical-skills/clinics/immigration>.
  
3. What student information is the university required to release under the public records laws in Idaho?
  - Public records requests are a matter of state statute and are addressed as follows:
    - The university must produce any public record that is not subject to an exception recognized in the Idaho public records laws.
    - Documents protected by federal or state statutory confidentiality are not subject to disclosure. These include student records which are protected under the Federal Family Education Rights and Privacy Act (FERPA).
    - The university must release certain student directory information unless the student has specifically requested that the information remain confidential.
    - All public records requests are sent to the Office of General Counsel for review and determination of the nature and extent of the disclosure required.
    - The university's response to a request for public records is made through the Office of General Counsel as is the actual disclosure of those records properly subject to the request.
  
4. What student information is the university required to release to law enforcement agencies?
  - The university does not release student records to law enforcement without an appropriate order or other applicable law addressing the specific records requested. The university must

comply with a properly issued order for specific student records and with applicable laws requiring release of student information.

- An example of an appropriate order is a search warrant.
- An example of another applicable law is a federal requirement that the university disclose certain information about foreign students attending the university on student visas (administered through the Student and Exchange Visitor Information System (SEVIS)). Failure to comply may result in losing our ability to accept foreign students on student visas.
- Student records are defined very broadly under FERPA. They are:
  - Records, files, documents and other materials containing information directly related to a student and maintained by an educational agency or institution or by a person acting for such agency or institution.
- Students have the following rights with respect to student records:
  - The right to inspect and review their educational records
  - The right to request an amendment to a record under certain circumstances
  - The right to provide written consent before the university discloses personally identifiable information from the student's record, with certain exceptions including (not an exhaustive list of all exceptions):
    - Directory Information
    - Imminent threat to safety of the student or others
    - Lawful subpoena or order issued for a law enforcement purpose.
- UI can release certain "Directory Information" without the student's knowledge or consent, including the student's name, a photo or electronic image, local and permanent address/phone, email address and certain academic information.
- The Registrar's website describes Directory Information and sets out the process for students to keep their information from being disclosed  
<https://www.uidaho.edu/registrar/students/studentrights>

5. What role does campus security play on the Moscow campus?

- UI has a contract with Allied-Barton for safety and security services on the Moscow campus.
- Allied-Barton personnel are not law enforcement officers. They are not authorized to handle violations of applicable law on campus and must contact law enforcement in these cases. They may address any urgent safety/welfare issues including contacting 911 for emergency assistance.
- Allied-Barton personnel do not specifically support law enforcement personnel beyond what they would do for an ordinary citizen.
- Allied Barton personnel do not check immigration papers, religion or immigrant status of any student, faculty or staff and have no access to student records.

- Any requests for law enforcement services campus security personnel receive should be referred to General Counsel.

6. What rights do law enforcement agencies have on university property?

- Law enforcement personnel have the right to access public areas of the university campus.
- Public areas of the campus are generally where we expect to see people, whether or not they are there for university business.
  - Streets and open outdoor areas; in hallways and rooms where access is not controlled; and in buildings where access is not controlled.
- Law enforcement access to non-public areas of university property requires an appropriate order or other lawful circumstance. These non-public areas include:
  - Housing
  - Classrooms when in use or locked
  - Laboratories when in use or locked
  - Working offices of university personnel

7. What is the protocol for police and other law enforcement behavior on university property?

- UI has a contract with the Moscow Police Department (MPD) to provide law enforcement services and safety and education/training for students, faculty and staff on campus.
- Other state law enforcement agencies have general jurisdiction on campus, including the Latah County Sheriff and Idaho State Police.
- Federal law enforcement agencies also have jurisdiction within their assigned areas of responsibility.
- UI campuses in Idaho Falls, Coeur d'Alene and Boise, as well as the Agricultural Extension sites, sit within their respective law enforcement jurisdictions.
- UI does not manage agency law enforcement activities other than to ensure proper subpoenas, warrants or other enforcement orders are in place to support law enforcement activities on campus (i.e. accessing institutional records or property not generally open to the public).
- Any UI attempt to inappropriately direct law enforcement actions could lead to claims of interference with a law enforcement investigation and/or court action against the university or individuals found to be interfering. UI cannot dictate to one law enforcement agency how it should work with another law enforcement agency.
- Students, faculty and staff retain their individual rights with respect to law enforcement activity on university property, including the right to remain silent, freedom from unreasonable search and seizure, etc.