

POLICY

Effective Date
Approved By:

See Also: PRO-U1000.13A Requesting Access to Campus or Student Education Records for Immigration Enforcement Purposes

[POL-U5710.01](#) Managing Access to University Facilities

POL – U1000.13 REGARDING ACCESS TO CAMPUS OR STUDENT RECORDS FOR IMMIGRATION ENFORCEMENT PURPOSES

This policy applies to all University employees (and student-employees) contacted by U.S Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP) or other third party seeking access to non-public areas of the university or university records for immigration enforcement purposes.

Definitions:

Non-public areas: Areas of the university to which access is limited to authorized employees, students, visitors, and contractors. Non-public areas include: residential and recreational facilities, employee offices, classrooms, operational facilities and spaces (e.g., steam plant and mechanical rooms), and higher-risk facilities and spaces (e.g., laboratories, hazardous materials storage areas, and performance spaces).

1. **Students Not Required to Disclose Documentation Status**
2. **Employees Shall Not Collect Information about Immigration Status Unless Required Law**
3. **Student Educational Records are Confidential**

Employees are prohibited from releasing student educational records, or personally identifiable information contained in such records, to ICE, CBP or other third party immigration official without written consent of the student, unless a legal exception to release such records applies, such as a court order.

4. **Students May Opt Out of Directory Information**
Any student may opt out of having their directory information (including their address) made available to others (see [WAC 516-26-090](#)). They can do so by contacting the Registrar's Office (360-650-3432).
5. **University Will Make Reasonable Efforts to Inform Students of Judicial Order or Subpoena**

6. Signed Warrant Required for Removal or Interrogation of Students or Employees

ICE, CBP, or other third party immigration officials cannot interrogate a University student or employee or remove a University student or employee from University property, except in situations where such officials have a valid warrant signed by a judge. The valid warrant must:

- a) Properly identify the agency with authority to search or seize;
- b) Correctly identify the search location(s);
- c) Include the correct date and not be expired;
- d) Reference a specific person of interest, and if so, permit contact only with that specific person;
- e) Be signed by a judge.

7. Employees Shall Notify Director of Public Safety and/or Assistant Attorney General of Any Third Party Request to Access Non-public Areas of Campus or Student Records

Regardless of whether a valid warrant appears to be presented, University employees are to immediately notify the University's Director of Public Safety and/or Assistant Attorney General's Office of any request by ICE, CBP or other third party immigration officials seeking access to non-public areas of the University or student educational records.

8. University Follows Best Practices

- a) To provide know-your-rights literature and, whenever possible, make sure that undocumented students know that if they are detained by ICE, they can and should insist on speaking with a lawyer before providing any information to ICE officials.
- b) To make available and distribute resources and informational guides for students and families who might be impacted by immigration actions. These resources are available at: <https://www.wvu.edu/undocumented-students>
- c) To take reasonable steps to educate and engage the University community about the needs and perspectives of undocumented students, and how to support the students.