

Authored by:
Jesse Niebaum

Representative-at-Large

Declaration of Support and Policy Recommendations for Deferred Action Against Childhood Arrivals (DACA) and Advancing Students for a Stronger Economy Tomorrow (ASSET) CU Boulder Students

Resolution Background

In 2007, the University of Colorado Boulder established the Flagship 2030 Strategic Plan. The 2030 Strategic Plan recognizes 8 core initiatives to ensure continued CU Boulder competitiveness and success. These core initiatives include “implement[ing] new strategies for improving diversity”, “foster[ing] a supportive and inclusive climate for all,” and doubling “merit- and need-based financial aid within five years”.¹ CU Boulder has also committed to the pursuit of inclusive excellence, which entails the development of a Diversity, Inclusion, and Academic Excellence Plan that commits to providing “concrete recommendations for achieving diversity goals and action items in support of those goals” and prioritizing “recommendations based on those most likely to have an immediate and positive impact on inclusive excellence and campus climate”.² Through these stated goals and actions taken towards achieving these goals, CU Boulder has firmly committed to improving and protecting the accessibility of education to a diverse range of students.

In 2013, the State Legislature of Colorado passed the Advancing Students for a Stronger Economy Tomorrow (ASSET) bill (Senate Bill 13-033), which grants undocumented students in-state tuition to participating Colorado state universities, including CU Boulder, provided that students had attended high school in Colorado for the three years prior to graduation and were admitted to a participating college in the 12 months after graduation, among other requirements.³ Further, in 2012, the Department of Homeland Security issued memoranda enabling certain undocumented immigrants to the United States who entered the country as minors to receive a renewable two-year

¹ http://www.colorado.edu/flagship2030/sites/default/files/attached-files/flagship_twopage_summary.pdf

² <http://www.colorado.edu/studentsuccess/inclusive-excellence>

³ <http://www.ciccoloradoasset.org/>

period of deferred action from deportation and eligibility for a work permit, known as Deferred Action for Childhood Arrivals (DACA).⁴ Through DACA, students can receive a social security number and work permit to participate in work-study employment on campus and outside employment to support and complete their education at CU Boulder, and currently, CU Boulder also requires a social security number for enrollment. Thus, both the state legislature and federal government have made long-term educational and employment commitments to undocumented minor immigrants at CU Boulder.

CU Boulder has more than 50 currently enrolled students who are benefitting and relying upon the commitments made by CU Boulder, the State Legislature, and the federal government via these various public statements, passed legislation, and executive actions to complete their educational program. By admitting and subsequently enrolling these students, we as a university are morally obligated to provide ample and adequate measures for these students to complete their educational program.

However, DACA is currently under threat from the Executive Branch of the United States Federal Government. President Trump's 100-day Plan states that DACA will be terminated.⁵ If DACA is terminated, work permits for students currently enrolled will expire prior to their application for graduation, preventing these students from adequate opportunity to complete their educational program. Without work permits, students will not longer have the ability to work on campus through work-study and/or the ability to work anywhere; so, they will no longer be able to subsidize their education by working at a paying job. Further, President Trump has commonly stated that he will "move criminal aliens out day one".⁶ We cannot allow students to lose the opportunity to receive higher education from CU Boulder due to a legal quality upon which they have little control and that changed during their tenure while enrolled at the university, prohibiting the right to work to support their education.

CU Boulder is bound by the Family Educational Rights and Privacy Act of 1974 (FERPA), which protects the privacy of student educational records.⁷ Via FERPA, students control the release of their personally identifiable information. CU Boulder must commit to protecting the privacy of its students by non-cooperation with any officials seeking information protected by FERPA. CU Boulder must commit to informing all relevant administrators and employees to strictly adhere to FERPA legislation.

⁴ <https://www.dhs.gov/deferred-action-childhood-arrivals>

⁵ <http://www.politifact.com/truth-o-meter/article/2016/nov/10/donald-trumps-campaign-promises-first-100-days/>

⁶ <https://www.donaldjtrump.com/policies/immigration>

⁷ <http://www.colorado.edu/registrar/students/records/ferpa>

Bruce Benson, President of the University of Colorado System, and Phil DeStefano, Chancellor of CU Boulder, have both signed the Pomona letter, which is a “Statement in Support of the Deferred Action for Childhood Arrivals (DACA) Program and our Undocumented Immigrant Students” that states that DACA “should be upheld, continued, and expanded”.⁸ In addition, Chancellor Don Elliman (CU Anschutz), Chancellor Pam Shockley-Zalabak (CU Colorado Springs), and Chancellor Dorothy Horrell (CU Denver), indicating unanimity among the University of Colorado system. We support and appreciate the signatures of the CU administrators, along with the 600 other college and university president and chancellor signatories across the United States, and now compel these individuals to follow through and work to support DACA students on the CU Boulder campus. The CU Student Government is also responsive to the online petition asking for administrative action to protect DACA students at CU Boulder.⁹ This Google petition has 825 signatures from CU Boulder donors, alumni, faculty, staff, and students as of January 29th, 2017.

As representatives of CU Boulder students currently under threat, the University of Colorado Student Government strongly affirms our commitment to protecting DACA students on campus and specifically seeks the adoption of the actions and policies put forth in this resolution to ensure the continued diversity of our student body and success of our student colleagues.

Resolution Summary

This resolution affirms the strong commitment of the University of Colorado Boulder Student Government to the CU Boulder Flagship 2030 Strategic Goals, to the CU Boulder plan for Inclusive Excellence, to the Colorado ASSET Bill, to FERPA, to DACA, and to protecting our fellow students currently under threat of losing legal employment via DACA termination. The Resolution provides actions and policies that we seek the Board of Regents and CU Boulder administration to formally and explicitly adopt to protect undocumented and DACA students on the CU Boulder campus.

Whereas, the core initiatives of the CU Boulder Flagship 2030 Strategic Plan include implementing new strategies for improving diversity and fostering a supportive and

⁸ <https://www.pomona.edu/support-daca>

⁹ <https://docs.google.com/forms/d/e/1FAIpQLScBSDB6WskGNzzIwnx6LIZDriZkaJPvqMgRXZvPEPqG4GMqug/viewform>

inclusive climate for all, as well as ensuring improved access to a CU Boulder education by doubling merit- and need-based financial aid,

Whereas, CU Boulder has also committed to the pursuit of inclusive excellence, which entails the development of a Diversity, Inclusion, and Academic Excellence Plan aimed at providing “recommendations for achieving diversity goals and action items in support of those goals” and prioritizing “recommendations based on those most likely to have an immediate and positive impact on inclusive excellence and campus climate,”²

Whereas, President Benson and Chancellor DiStefano have publicly expressed the benefits of DACA and a desire to “uphold, continue, and expand” DACA, as well as Chancellor Don Elliman (CU Anschutz), Chancellor Pam Shockley-Zalabak (CU Colorado Springs), and Chancellor Dorothy Horrell (CU Denver),⁸

Whereas, a Google petition demanding action to protect and support DACA students at CU Boulder has 825 CU donor, alumni, faculty, staff, and student signatures as of January 29, 2017,

Whereas, FERPA explicitly protects the privacy of enrolled students by restricting access to personally identifying information,

Whereas, CU Boulder has admitted degree-seeking DACA students that were provided valid work permits and social security numbers and given stay on the accrual of unlawful presence at the time of enrollment and has since accepted tuition and student fees from these students,

Whereas, the termination of DACA would allow for discrimination via the right to work and expiration of work permits, causing students’ inability to subsidize their education, based on a legal quality upon which minors have little control and current CU Students have enrolled as legal residents,

THEREFORE, BE IT RESOLVED by the Legislative Council of the University of Colorado Boulder Student Government, THAT:

Section 1: CUSG recommends that officials and administrators employed by the University of Colorado Boulder to not comply with immigration authorities, in continuation of current University of Colorado policy, and guarantee student privacy by refusing to release information regarding the immigration status and/or religion/faith of

students to any government agency in accordance with FERPA student privacy protections.

Section 2: CUSG recommends that CU Boulder upholds Senate Bill 13-033, the Colorado ASSET bill, to allow eligible undocumented to receive in-state tuition and the College Opportunity Fund stipend—DACA recipients and undocumented students should further be eligible in all pertinent merit, university, and diversity-initiative scholarships.

Section 3: CUSG recommends that CU Boulder not expulse students undergoing civil removal proceedings.

Section 4: CUSG recommends that CU Boulder prohibits discrimination in student housing based on immigration status and provides student housing over academic breaks for students not able to leave the United States due to immigration status.

Section 5: CUSG recommends that financial mechanisms are developed to ensure that DACA students no longer able to work after expiration of work permits due to DACA termination can meet the financial demands of their degree program, including but not limited to allowing CU Boulder and the University of Colorado Foundation donors to optionally require that donations are specifically directed towards aiding only DACA and undocumented students.

Section 6: CUSG asks that the Colorado Board of Regents publicly vote to formally adopt the actions and policies denoted above **AND/OR** publicly vote to delegate power to local University of Colorado campus administrators to individually determine the policies to best serve the safety, security, and success of their enrolled undocumented and DACA students.

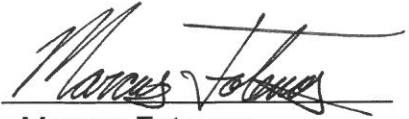
Section 7: This Resolution shall take effect upon passage by the Legislative Council and upon either obtaining the signatures of two Tri-Executives or the lapse of six days without actions by the Tri-Executives.

Vote Count:

2/2/2017	Amend grammatical corrections	Acclamation
2/2/2017	Amend spelling error	Acclamation
2/2/2017	Passed on First Reading	Acclamation
2/9/2017	Amend to include proposed changes	Acclamation
2/9/2017	Passed on Second Reading	Acclamation



Alec Havey
Legislative Council President



Marcus Fotenos
Tri-Executive, President of
External Affairs



Madalena DeAndrea
Tri-Executive, President of Internal
Affairs

Colton Lyons
Tri-Executive, President of
Student Affairs

