

FAQ: RESPONDING TO REQUESTS FROM U.S. GOVERNMENT OFFICIALS

Primarily the Department of Homeland Security, U.S. Customs & Border Protection (CBP), and U.S. Immigration & Customs Enforcement (ICE) Agents

This FAQ provides answers to some questions faculty, students, and staff may have about requests from U.S. government officials and federal immigration enforcement officers entering Middlebury property. If you are unsure of your role and/or obligations, or have additional questions, please contact one of the key staff members identified at the end of this document.

1. Is Middlebury voluntarily providing information to the federal government regarding the immigration status of any individual?

No. Middlebury will not voluntarily provide personally identifiable information about students, faculty or staff to the federal government. At this time, February 19, 2025, Middlebury has not received any requests for information about the immigration status of any identified individuals.

2. Is Middlebury designated as a “sanctuary” location?

No. The label of a “sanctuary” city or location is not a legal definition. The federal government does not recognize any “sanctuary” status.

3. Can Middlebury prevent federal immigration enforcement officers from coming on campus in Vermont?

No. Although Middlebury is a private educational institution, our campus is generally open to the public. Federal immigration enforcement officers may enter a public area on Middlebury’s campus without a warrant, just like any other member of the public. Thus, students, faculty, and staff may not block federal immigration enforcement officers from entering public areas on Middlebury property.

However, public access is restricted in various areas of the campus because of privacy concerns, operational needs, or safety considerations. These include residential halls and buildings where access is restricted by ID cards, locked doors, or monitored entryways. Non-public spaces also include some areas that may normally be left unlocked during the workday, including, for example, administrative or faculty offices, classrooms while classes are in session, kitchens and food preparation areas, maintenance areas, storage facilities, and physical plant operations. Federal immigration enforcement officers may not access non-public areas of Middlebury property without permission from an authorized Middlebury official.

Faculty, students, and staff may not grant immigration officers permission to enter non-public spaces, even if they have a judicial warrant.¹ **If the officer has a warrant or order of any kind, let them know that only the General Counsel’s Office is authorized to accept such documents and provide consent for access. Provide the officer with the address of Old Chapel, which is located at 9 Old**

¹ If an unauthorized employee/student provides consent, even if that employee/student does not have the authority to do so, federal immigration officers may be permitted to take enforcement action in non-public spaces. It is crucial that all employees/students understand their responsibilities and know whom to contact if a federal immigration officer requests access to such areas.

Chapel Road. Then, let the General Counsel's office know that an officer is on their way by calling Natalie Steen at (802) 443-5004 and/or Susan Ritter at (802) 443-3289.

PLEASE NOTE that federal law prohibits ALL people from hiding evidence, concealing or hiding individuals who are the subjects of law enforcement activity (including immigration enforcement), or interfering with an arrest. All Middlebury employees are expected to comply with applicable laws while working for Middlebury and should never physically interfere with an enforcement action or do anything to put themselves in physical danger.

4. Which federal immigration enforcement officers might seek access to the campus, and what authority do they have?

Officers of U.S. Immigration & Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), U.S. Citizenship and Immigration Services (USCIS), or other agencies may appear on campus for a variety of reasons unrelated to apprehending and removing (or “deporting”) an individual they believe is unlawfully present in the United States. For example, many international students participate in the U.S. State Department’s Student and Exchange Visitor Program (SEVP). Middlebury is required to report certain information about SEVP students to ICE, and ICE may come to campus to meet with SEVP students and/or Middlebury staff who have responsibilities under the SEVP program.

ICE, CBP, or USCIS may also come on campus in connection with regulations that do not involve alleged immigration violations. It is a mistake to assume that any immigration enforcement employee visiting campus is present to apprehend or remove a member of the Middlebury community. Rumors about immigration or ICE enforcement actions on campus can spread anxiety and panic. **Therefore, if you observe ICE or other federal immigration officers on campus and have concerns about their activities, please call one of the staff members listed at the end of this memo. If an officer or agent requests that you take an action that’s outside their usual visit or checks (or that you’re not sure of or uncomfortable with), please contact one of the key staff members listed at the end of this document.**

ICE or CBP officers are required to have a *criminal* arrest warrant or search warrant (i.e. a judicial warrant) to lawfully enter non-public areas. Generally, the warrants these officers carry are *civil*, *administrative* warrants that do not give them the authority to enter non-public spaces. **Therefore, if an officer or agent presents you with a warrant or order of any kind, let them know that only the General Counsel’s Office is authorized to accept such documents and provide consent for access. Provide the officer with the address of Old Chapel, which is 9 Old Chapel Road. Then, let the General Counsel’s office know that an officer is on their way by calling Natalie Steen at (802) 443-5004 and/or Susan Ritter at (802) 443-3289.**

Please note that Public Safety staff are not law enforcement personnel; rather, they are private security staff supporting our educational operations. Public Safety does not contact, detain, or question any individuals regarding immigration status, and Public Safety does not undertake joint efforts with federal immigration enforcement authorities to investigate, detain, or arrest individuals for violation of federal immigration law.

5. Will federal immigration enforcement agencies target the Middlebury campus?

We do not know whether federal immigration enforcement agencies will conduct enforcement activities on the Middlebury campus. Under the Obama administration, the Department of Homeland Security (DHS) issued memos to ICE and CBP officers providing that arrests, interviews, searches, and surveillance should not generally focus on “sensitive locations,” including schools, university campuses, hospitals, and institutions of worship. The ICE memo also includes sites during the occurrence of a public demonstration, such as a march, rally, or parade. The CBP memo also includes “community centers.” President Trump signed executive orders in January 2025 withdrawing these memos and therefore this guidance no longer impacts the actions of the Department of Homeland Security.

6. What should I do if a federal immigration enforcement officer presents me with a warrant or a subpoena?

As a Middlebury employee, you are required to maintain the confidentiality of personally identifiable information and records containing such information. If you are presented with a warrant, subpoena or court order by a federal immigration enforcement officer, including if they are seeking to enter non-public areas of the Middlebury campus, **let them know that only the General Counsel’s office is authorized to accept such documents and provide consent for access. Provide the officer with the address of Old Chapel, which is located at 9 Old Chapel Road. Then, let the General Counsel’s office know that an officer is on their way by calling Natalie Steen at (802) 443-5004 and/or Susan Ritter at (802) 443-3289.**

7. Does it make a difference if a student is an international student?

Universities are required to exchange data with federal immigration agencies on the status of international students on F-1, J-1, or M visas through use of a government database named “SEVIS,” which is the Student and Exchange Visitor Information System that is part of the Student and Exchange Visitor Program (SEVP). In addition, certain information about those students is required to be retained and produced by Middlebury upon request from DHS and ICE.

According to the Department of Education, the Family Education Rights & Privacy Act (FERPA) permits institutions to comply with information requests from DHS in order to comply with the requirements of the SEVP program. However, this does NOT create a blanket waiver of an international student’s FERPA rights; the information that can be disclosed is limited to the categories listed in DHS regulations, and a request must be made to a authorized Middlebury official. Please refer any DHS or ICE requests for information about an international student or scholar to Kathy Foley, Executive Director of International Student and Scholar Services (ISSS) at (802) 443-3032 or kfoley@middlebury.edu.

Key staff members will take steps to ensure that the requested access, information, or document request is properly authorized and executed. Key staff members will ask the officer for their name, identification number, and agency affiliation and ask for a copy of any warrant, subpoena, or order, and may consult with Middlebury's General Counsel as needed.

KEY STAFF MEMBERS INCLUDE THE FOLLOWING PEOPLE:

For questions regarding **students**:

Joe Russell

Dean of Students

(802) 443-3417

joer@middlebury.edu

For questions regarding **international students and scholars**:

Kathy Foley

Executive Director of International Student and Scholar Services (ISSS)

(802) 443-3032

kfoley@middlebury.edu

For questions regarding **faculty or staff**:

Caitlin Goss

VP for Human Resources & Chief People Officer

(802) 443-2300

cgoss@middlebury.edu

For questions regarding a **warrant, subpoena, or other order**:

Natalie Steen

Assistant Director for Legal

Risk Management & Contracting

(802) 443-5004

nsteen@middlebury.edu

9 Old Chapel Road

Susan Ritter

Chief of Staff, Deputy Counsel & Risk Officer,

Associate Secretary

(802) 443-3289

sritter@middlebury.edu

9 Old Chapel Road

If the designated individuals listed above are not available, please contact Public Safety on their non-emergency line at (802) 443-5133.