

Statement of Principles and Norms in Support of All of the McGeorge School of Law Members,
including Undocumented Students

Affirmation of our Educational Mission

On January 18, 2017, President Eibeck issued a communication to the university community affirming the University's support for and commitment to all students, including undocumented students who are enrolled or seek to enroll as students at the University of the Pacific. The McGeorge School of Law strongly endorses this communication and joins President Eibeck in expressing its support and commitment to undocumented students.

The mission of the McGeorge School of Law is “to provide a student-centered education that prepares its graduates for productive, successful, and ethical careers in law and other professions that serve society, and for leadership in building a diverse society committed to global social justice [As Approved by the Faculty on Oct. 27, 2016].”

Consistent with our mission, and in recognition of the rich diversity of the United States, and especially of the State of California, the McGeorge School of Law will continue to welcome and support all students without regard to their immigration status. The McGeorge School of Law will continue to admit and educate students in a manner consistent with our nondiscrimination policies and our obligations under the American Bar Association [ABA], the State Bar of California, and the governing laws of California and the United States.

Statement of General Principles and Norms

The McGeorge School of Law, University of the Pacific, in compliance with Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972 (45 CFR 86), and Sections 503 and 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990, does not discriminate in the administration of any of its educational programs, admissions, scholarships, loans, or other activities or programs on the basis of race, gender, sexual orientation or preference, national or ethnic origin, color, disability, marital status, age, or religious beliefs.

ABA Standard 501(b) provides that law schools “shall not admit applicants who do not appear capable of satisfactorily completing its educational program and being admitted to the bar.” In 2013, Governor Jerry Brown signed into law SB 1024 which reads in full: “Upon certification by the examining committee that an applicant who is not lawfully present in the United States has fulfilled the requirements for admission to practice law, the Supreme Court may admit that applicant as an attorney at law in all the courts of this state and may direct an order to be entered upon its records to that effect. A certificate of admission thereupon shall be given to the applicant by the clerk of the court.”

In 2014, based in part on SB1024, the California Supreme Court unanimously granted a motion filed by the Committee of Bar Examiners of the State Bar of California to admit the first undocumented law graduate to the State Bar. *In Re Garcia on Admission*, 58 Cal. 4th 440 (2014). Then, in 2014, the California Legislature enacted SB 1159, signed into law by Governor Jerry Brown, which requires all licensing bodies in the State of California to license all qualified applicants for professional licenses regardless of their immigration status by 2016.

The Family Education and Privacy Act (FERPA) protects student privacy, and the California Constitution and statutes provide additional privacy protections to all members of the McGeorge School of Law.

Primary responsibility to enforce the federal immigration laws rests with the federal government, not with the state or with local law enforcement agencies. It certainly does not rest within the McGeorge School of Law. In the State of California, the Trust Act places restrictions on when local law enforcement may collaborate with federal law enforcement to enforce the immigration laws, and the City of Sacramento, where our campus is located, has affirmed its commitment to become a sanctuary to undocumented residents. The McGeorge School of Law is devoted to providing policing services on our campus to strive to ensure a safe and secure environment to allow all members of our community to pursue the law school’s research, education, and public service functions.

Commitment to Our Students

Consistent with our mission, our principles, and the norms that guide our conduct, the McGeorge School of Law commits to the following:

- The law school will continue to welcome applications to its programs from qualified applicants who are undocumented, including those who have DACA immigration status or who are DACA-eligible. If DACA is revoked, we will expand financial assistance to impacted students. In addition, we will continue our practice of making financial aid available to undocumented students from private and public sources legally available to them from the State of California.
- When the law school receives requests for information that implicates individual privacy rights, it will work closely with the Office of General Counsel to protect the privacy of the members of the community in order to comply with federal and state student privacy laws. We will not release immigration status or related information in confidential student records to federal agencies or other parties without the permission from a student, without a judicial warrant, a subpoena, a court order or as otherwise required by law.
- University of the Pacific campus public safety officers are here to protect our students and the broader university community. Officers will not contact, detain, question or arrest an individual solely on the basis of suspected immigration status or to discover the immigration status of an individual. University police will not detain an individual in response to an immigration hold request from ICE, or any other law enforcement agency enforcing the immigration laws unless doing so is required by law.
- The law school does not tolerate acts of discrimination or harassment against members of its community based on their citizenship or immigration status, religion, or other status. The university protects free expression of ideas as vital learning in an educational setting. Freedom of speech can sometimes protect controversial ideas and sometimes protects even offensive and hurtful language; however, it does not protect personal threats, discriminatory conduct or other acts of misconduct that violate the Student Code of Conduct, university policies or federal, state and local laws.
- The law school will not cooperate with any federal effort to create a registry of individuals based on any protected characteristic such as religion, national origin, race, or sexual orientation.

This Statement of Principles and Norms in Support of all of the McGeorge School of Law members, including undocumented students, was adopted by the majority vote of the faculty on January 26, 2017.