University Leaders for Educational Access and Diversity

ACT ON A DREAM
A GUIDE FOR PRACTITIONERS
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About the uLEAD Network
The uLEAD Network grows out of the National Forum’s commitment to providing tools that support inclusive practices in higher education. The mission of the uLEAD Network is to provide a platform that allows institutional leaders to engage with other practitioners, administrators, and institutional leaders, to address complex challenges relating to access and diversity in higher education. The uLEAD Network utilizes the saliency of diverse networks, offering a communicative hub that provides the legal, social, and political support to institutional leaders who support educational access and equitable practices towards undocumented students, in addition to those who are facing challenges at their respective institution.

About the National Forum on Higher Education for the Public Good
The National Forum on Higher Education for the Public Good (National Forum) is affiliated with the Center for the Study of Higher and Postsecondary Education (CSHPE) at the University of Michigan- Ann Arbor, and is uniquely positioned as both a producer and translator of rigorous empirical research into practice-based outcomes. Our mission statement - adopted in 2000 - reads that our “commitment is to significantly increase awareness, understanding, commitment, and action relative to the public service role of higher education” in the United States. It is to this mission on which our research is grounded.
Thank you for taking the time to learn more about how to implement inclusive changes at your institution and opening avenues of access to higher education for all capable students.

The National Forum seeks to promote greater awareness, understanding, commitment and action in support of the ways that higher education serves our diverse democracy. This mission is expressed in a wide array of programs and activities, grounded on student opportunity, community engagement, state and federal policy, and the relationship between the public, private and philanthropic sectors in furthering an educated and just society.

The “Protocol to Action” guide represents an ongoing commitment by the National Forum through the uLEAD Network to provide institutional leaders with resources needed to not only inform the decision making process, but also to equip them to impact inclusive policies at their own institutions. The uLEAD Network grows out of our tradition of work on access to higher education and our commitment to providing tools that enhance leaders' ability to create positive change in their institutions. As a result, a key goal of the uLEAD Network is to connect individuals and groups who seek to adopt inclusive policies and practices toward undocumented students or who are facing challenges at their institution. Supporting access to higher education for undocumented students is an especially salient issue given the contentious political environment the issue of immigration is perceived.

At the core of everything we do is a passion for the development of human potential and, by doing so, we value the benefits from the diverse talents and experiences of our partners, our research staff, our students, and those we serve. We are happy you have chosen to learn more about the issue of undocumented students and we invite you to consider the ways in which your own leadership, research, teaching, advocacy and service can contribute to building a better and more just society.

On behalf of all of us,

John C. Burkhardt
Director, National Forum on Higher Education for the Public Good
Higher education has the potential to be a defining institution and an important force within society. Within postsecondary institutions, issues of justice and equity are discussed daily in classrooms and hallways, and occur between students, faculty and staff members. Higher education institutions, as a result, become sites for individuals to gain awareness and understanding of the most pressing issues of the day.

This role is seriously threatened at present by two related factors: the inability of higher education as a system to effectively articulate and maintain support for its distinguishing and independent place in society, and the accelerating distortion of values and priorities within colleges and universities. **Given these factors, how can individuals within higher education institutions contribute to social change?**

The National Forum answers these questions by adopting the “Dialogic Model of Change” framework to better understand how individuals, institutions and the larger society can commit to change. The model has a four-part process of change: **awareness, understanding, commitment and action**. The first step in change is to gain **awareness** of the issue and the stakeholders.

Once we are aware of the issue, we need to inform ourselves and **understand** the issue before we can **commit** to social change. The last step in the process is a call to **action**, which can manifest itself in many ways including engaged scholarship and advocacy.

Transformation of the individual, the institution and society as a whole takes time and cannot be done alone. Action relies on a partnership of committed individuals, institutions, and associations over several years. This protocol for action is meant to support individuals as they personally or institutionally work through the four-part process of change before making the commitment to take action on the issue of undocumented students.
Current estimates suggest that out of the 12 million undocumented immigrants living in the United States, roughly 3.4 million are children and young adults under the age of 24. Undocumented youth must overcome significant hardships in their personal lives including poverty and barriers to opportunities, as a result of the lack of proper immigration status. Some youth grow up unaware of their legal status until they apply for a driver’s license or fill out a college application. Nevertheless, approximately 65,000 undocumented students graduate from high school each year, while an even smaller number go on to pursue higher education.

Access to higher education for undocumented youth is further constrained by barriers to access due to disparate federal, state and institutional policies. While undocumented youth can receive free public K-12 education thanks to the 1982 Supreme Court *Plyler v. Doe* ruling, neither the courts nor federal policy have addressed issues related to access to higher education. Colleges and universities could also have designated admission, registration and financial aid policies that depart from state policies. As a result, colleges and universities subject undocumented students to restrictive policies that can prevent them from pursuing their educational goals.

The pursuit of higher education can also be subject to conflicting institutional practices. Some examples of poor practices, which can create barriers to higher education for undocumented students, include sharing misinformation about institutional policies. Other examples of poor practices include not complying with state policies, poor staff training on policies and procedures or lack of awareness and understanding of the issue.

Higher education practitioners can support the dreams and aspirations of undocumented youth by staying up-to-date on policies and best practices that can support this student population.

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To understand how institutions of higher education erect barriers to access for undocumented students, it is important to understand how different federal, state and institutional policy contexts help shape the issue. After understanding how the policies often conflict with one another, institutional actors can more clearly address these barriers.

Some important questions to consider when reviewing the policy context include:

- Is the current policy clear?
- How does the policy impact my institution and my practice?
- Is my institutional policy aligned with federal and state policy?
- How do I continue supporting undocumented youth if the policy is restrictive?

Understanding the policy context in a clear way is an essential first step towards supporting undocumented students in their pursuit of higher education.

**Federal**

At the federal level, there have been several court decisions, legislative acts and governmental policies that impact undocumented student access to higher education:

- **Plyler vs. Doe of 1982:** Ruling addressed only the right of students to public primary and secondary schools and did not extend its argument to postsecondary educational opportunities.\(^2\) Plyler v. Doe set a precedent wherein the U.S. public educational system ensured equal access to undocumented immigrants through high school. However, this ruling did not extend to postsecondary opportunities for undocumented students.

- **Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA):** The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) was the last legislative immigration act passed in Congress and pertains to the issue of access to higher education. IIRIRA (§505) includes a provision that reads that unauthorized immigrants

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“... shall not be eligible on the basis of residence within a state (or a political subdivision) for any postsecondary education benefit unless a citizen or national of the United States is eligible for such a benefit...” The ambiguity in the provision has substantially impacted undocumented students’ ability to pursue postsecondary education. Several institutions and states have differed in their interpretations of the provision and have opened or restricted access to higher education based on these interpretations.

- **Proposed DREAM Act:**
  Originally introduced in 2001, The Development, Relief, and Education for Alien Minors (DREAM Act) is a legislative proposal that would provide conditional permanent residency to undocumented youth who came to the U.S. before their 16th birthday, graduated from a U.S. high school, and lived in the country for at least 5 years before the bill was enacted. Proposed legislation for Comprehensive Immigration Reform has included versions of the DREAM Act.

However, the legislation has repeatedly failed to pass for more than a decade.

- **Deferred Action for Childhood Arrivals (DACA):**
  Starting August 15, 2012, undocumented youth who meet certain criteria are eligible to apply for Deferred Action for Childhood Arrivals (DACA). The DACA program allows eligible undocumented youth to request deferred action and temporary relief from deportation. Although DACA does not offer a permanent pathway to citizenship, if approved, DACA does offer access to temporary work authorization for two years at a time, and the ability to apply for a driver’s license in most states.

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State
Given the complex policy at the federal level, states play a very important role in mediating federal policy and determining institutional practice by functioning as a central source of legitimacy for institutional positions.

At the state level, several states have introduced a myriad of policies that address admission, registration and residency policies for undocumented students:

- **Residency/In-State Tuition:** Fourteen states have inclusive in-state tuition residency classification policies: California, Colorado, Connecticut, Illinois, Kansas, Kentucky, Maryland, Nebraska, New Mexico, New York, Oregon, Texas, Utah, and Washington. Meanwhile, Rhode Island and Delaware’s college systems allow undocumented students to pay in-state tuition rates at certain public colleges and universities. Four states—California, New Mexico, Illinois, and Texas—have passed some version of a state DREAM Act, which opens up state-based scholarships and grants to undocumented students, in addition to offering in-state residency at all colleges and universities.

However, other states have implemented restrictive policies that limit access to in-state tuition classification, such as those passed by state legislatures in Arizona, Georgia, Indiana, Oklahoma, Ohio and Wisconsin.

- **Admission:** Some states including Alabama, South Carolina and Georgia, have implemented restrictive policies including admission bans at their respective public colleges and universities.
Most states, however, have undefined policy environments and have not implemented statewide policies. Given the complex policy landscape, higher education institutions are left to interpret how federal and state level policy impacts the policies and practices of the college. As a result, institutional policies differ across the country based on differences between institutional, restrictive and unstipulated political environments.

Inclusive

Cantwell University is a selective, private, Roman Catholic institution with an enrollment of approximately 2,000 undergraduate students and an alumni base of 22,000. The university is located in a major metropolitan city within a state that has inclusive policies regarding undocumented students. In accordance with its religious affiliation, Cantwell’s identity is shaped by a commitment to meaningful mentorship of its students, a diverse campus community, and the pursuit of social justice. The institution’s strong alignment with themes of social justice and diversity are echoed in the institution’s policy and mission statement and shaped by the local context and history of the metropolitan city where Cantwell is located. As a result, Cantwell University has taken tangible action to foster postsecondary educational opportunities for undocumented college students through scholarships for undocumented students as well as issuing public statements supporting local undocumented student activists.
Restrictive

Middle State University (MSU) is a highly competitive land grant and state flagship institution in the Southeastern region of the United States. Underrepresented minority groups comprise one-fifth of the enrolled student population. MSU has generated programs to strengthen racial and ethnic diversity in recent years, and campus organizations dedicated to advancing college access for undocumented students became increasingly vocal in local and national efforts. Soon thereafter, the governor requested an audit from all public state universities to ensure that undocumented students were not receiving in-state tuition pricing. Despite the governor’s stance, a state representative introduced legislation that would make certain undocumented students eligible for in-state tuition at public state institutions. MSU and other public university presidents in the state voiced their public support for the bill. Groups on both sides of the issue encouraged the community to contact their elected representatives, participate in various forums, and issue editorials to local papers. Following six months of public debate and discourse, the legislation ultimately failed and public state institutions were still required to verify the tuition pricing of enrolled undocumented students. No state legislation was or has been adopted that specifically outlines postsecondary policies related to undocumented college students.

“Compare this issue to 1957 integration….We know what happens in this state when we choose not to educate a group of folks. We're living it.”

-State Senator
Unstipulated

Hillborough College is a highly selective, private liberal arts institution with an enrollment of approximately 1,500 students, of whom more than 60% are non-White. The college is nestled in a small town in the suburban perimeter of a major metropolitan city within a state that has unstipulated policies regarding undocumented students. The campus policy explicitly states that undocumented students are eligible for admission and the campus trains its staff with a baseline of procedural awareness for applying the policy. The resulting clarity of administrative practice provides undocumented students with an opportunity for an education.

Kaitlyn, an undocumented student attending Hillborough, was a prime candidate for a summer internship but due to her immigration status was prohibited from getting paid. Realizing this fundamental obstacle to a valuable experience, the Dean and the Director of Career Development initiated a summer fellowship program to provide modest funding for living expenses and work in unpaid internships. Because these administrators saw themselves as advocates for enhancing every student’s learning, they’ve had a remarkable impact on the full inclusion of undocumented students.

“...At Hillborough, staff were united around the core principle of “doing what we can to help students benefit from their education and [to] be happy and productive.”

- Administrator
• **Be a confidant, advocate and resource**

Undocumented youth encounter several barriers to higher education that can extend beyond traditional student affairs areas. Listen to the student and seek out appropriate resources. Serve as a resource to the student.

• **Know your state and institutional policies**

Some colleges and universities have not updated their institutional policies to reflect changes in state legislation. Review your institution’s policies. If you notice discrepancies between your practice and state policy, inform your administrators and general counsel.

• **Engage parents and students**

Prepare and share informational materials in accessible language for parents and students of undocumented students. Visit the uLEAD Network website for additional links and materials.

• **Promote inclusive practices**

If your state has an unstipulated policy environment, your institution can favorably interpret the ambiguity of the IIRIRA provision and recommend inclusive policies for undocumented students. Be an advocate on the issue.
The National Forum & uLEAD Network

uLEAD Network

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