

Spring 2013

# Controversial Policy Change in a Community College: Exploring the Institutional Consequences

Jessica Chambers

Follow this and additional works at: <https://scholarship.shu.edu/dissertations>



Part of the [Community College Leadership Commons](#), and the [Higher Education Administration Commons](#)

---

## Recommended Citation

Chambers, Jessica, "Controversial Policy Change in a Community College: Exploring the Institutional Consequences" (2013). *Seton Hall University Dissertations and Theses (ETDs)*. 1863.  
<https://scholarship.shu.edu/dissertations/1863>

**Controversial Policy Change in a Community College:  
Exploring the Institutional Consequences**

**Jessica Chambers**

**Dissertation Committee**

**Eunyoung Kim, Mentor, Ph.D.  
Martin Finkelstein, Ph.D.  
Michael Osnato, Ph.D.**

**Submitted in Partial Fulfillment  
of the Requirements for the Degree  
Doctor of Education, Higher Education  
Seton Hall University**

Seton Hall University

2013

### **Abstract**

The purpose of this study was to understand the three major admissions policy changes that took place at Hillside Community College that affected undocumented students' enrollment at the institution and provide information on the consequences of those changes for the college. The study was a descriptive case study that used qualitative research methods to allow informants to share their thoughts and perspectives on the three policy changes that took place at a community college over the span of 10 years. The data collection method was semi-structured interviews and document collection. Participants consisted of Cabinet-level administrators and the Registrar in order to obtain information about the decision-making process that took place from an institutional perspective. The site for this study was Hillside Community College (pseudonym), a comprehensive community college located in a suburban community in the Northeastern region of the United States.

After the data were coded and analyzed, five major themes emerged that shed light on the decision-making process at the college and the consequences of the policy changes that were implemented. Influence of the September 11 attacks, community college role and mission, political influence, role of federal and state government in the absence of immigration law, and overall impact of the admissions policy changes on the college offered insight into how three admission policy changes affected HCC. This

study was conducted in order to provide an institutional perspective on access and affordability for undocumented students pursuing postsecondary education.



## **Acknowledgments**

I would like to thank my mentor, Dr. Eunyoung Kim; her assistance and guidance were the only reasons I was able to complete this arduous project. I know that I kept her on her toes, but her feedback and support were my saving grace.

The support of my colleagues allowed me the time and flexibility to complete my degree within a reasonable amount of time. My supervisors provided me with encouragement at every turn and my staff was supportive during the good and bad times throughout this experience. I could not have done this without them.

My friends and family were the ultimate cheering section. Mom, Dad, Darcey, Mike and Cooper, although you were far away and only got to hear about my work via the phone, you asked all the right questions and kept me going throughout. I miss you so much, but my “local family” of friends were there when I needed them. To my girls, Jessica, Fran, Lora, and Michele-you’re the best and no, I won’t make you read the entire paper!

## TABLE OF CONTENTS

ABSTRACT .....	ii
ACKNOWLEDGMENTS .....	iv
LIST OF TABLES .....	viii
LIST OF FIGURES .....	ix

### CHAPTER I. INTRODUCTION

Undocumented Immigration Data .....	1
States with Legislation .....	4
States with No Legislation .....	6
Statement of the Problem .....	7
Purpose of the Study .....	13
Research Questions .....	14
Significance of the Study .....	14
Research Design .....	15

### CHAPTER II. LITERATURE REVIEW

Introduction .....	17
Review of Current Literature .....	19
Literature Search Procedures and Criteria for Inclusion .....	20
A Brief History of Immigration and Immigration Reform in the United States .....	21
Federal Legislative History .....	24
Current State Legislation .....	32
The Undocumented Student Perspective .....	35
Economic Impact .....	40
Impact on Public Higher Education .....	44
Other Controversial Policy Changes in Higher Education .....	53
Purpose of the Study .....	59
Theoretical Framework .....	60
Summary and Conclusion .....	60

### CHAPTER III. METHODOLOGY

Introduction .....	62
Case Selection .....	63
Research Questions .....	64
Institutional Context .....	65
Sampling of Informants .....	66
Data Collection .....	69
Data Analysis .....	72
Validity in Case Study Research .....	73

Limitations of the Study .....	74
Role of the Researcher .....	74
Ethical Considerations .....	77
Summary and Conclusion .....	78

## **CHAPTER IV. FINDINGS**

Introduction .....	79
A Brief History of Institutional Case .....	80
1990-2001 - Don't Ask, Don't Tell .....	80
2001-2010 - No Documentation, No Acceptance to HCC .....	83
2011 – present – Undocumented Students Accepted, but with Tuition Controversy .....	87
Findings from the Analysis of Interviews and Documentation .....	91
Influence of September 11, 2001 Attacks .....	92
Caught Up in the Chaos .....	92
Impetus for Policy Change: Heightened National Security .....	94
Community College Role and Mission .....	97
Access and Affordability for All, Except Undocumented Students .....	97
Open Enrollment, Except for Undocumented Students .....	100
Political Influence .....	105
Internal Politics and Structure .....	105
External Political Influence .....	108
Public Response .....	110
Negative Community Responses .....	111
Positive Community Responses .....	116
Role of Federal and State Government in the Absence of Immigration Law .....	119
Institutional Guidelines in the Absence of State or Federal Legislation .....	119
Overall Impact of the Admissions Policy Changes on the College .....	123
Little Change in Academic Affairs .....	123
Student Development Impact .....	124
Summary .....	126
2001 - 2011 No Undocumented Students at HCC Implications .....	127
2011 - present Admission of Undocumented Students Implications .....	128

## **CHAPTER V. CONCLUSIONS**

Introduction .....	130
Influence of September 11, 2001 Attacks .....	132
Recommendations for Policy and Practice .....	133
Community College Role and Mission .....	134
Recommendations for Policy and Practice .....	135
Political Influence .....	137
Recommendations for Policy and Practice .....	139
Role of Federal and State Government in the Absence of Immigration Law .....	140
Recommendations for Policy and Practice .....	142

Overall Impact of the Admissions Policy changes on the College .....	143
Recommendations for Policy and Practice .....	144
Recommendations for Future Research .....	145
Recommendations for Policy and Practice .....	147
Recommendation 1: Base decisions on information, not emotion .....	148
Recommendation 2: Understand and abide by institutional mission and role .....	148
Recommendation 3: Understand the role of politics in all decisions at public institutions .....	149
Recommendation 4: Publicize all admissions policies to reduce confusion. Assist local guidance counselors with the college process for undocumented students .....	150
Recommendation 5: Plan ahead for change and involve all who will be affected by it in the process .....	151
Conclusion .....	151
<b>REFERENCES .....</b>	<b>152</b>
Figure 1: State Approaches to Undocumented Students .....	164
Appendix A: Interview Guide .....	165
Appendix B: Categorical Matrix .....	167

## **LIST OF TABLES**

<b>Table 1. Public Response to Published Newspaper Articles about HCC Admissions Policy Change . . . . .</b>	<b>110</b>
--	------------

## **LIST OF FIGURES**

<b>Figure 1: State Approaches to Undocumented Students . . . . .</b>	<b>163</b>
--	------------

## **CHAPTER I**

### **Introduction**

Illegal immigrants, unauthorized immigrants, and undocumented residents/students are just a few interchangeable words that are used to describe a population within the United States that has an enormous impact on every aspect of our society. This population has grown steadily over the past several decades and is a source of great debate and controversy. Unauthorized immigrants are in our schools, workplaces, and neighborhoods and often have come to the United States to seek the American Dream and a better opportunity for themselves and their children.

### **Undocumented Immigration Data**

The nation's total immigrant population reached a record 40.4 million in 2011. Over the last decade, the number of immigrants in the United States has grown by more than nine million. The number of unauthorized immigrants living in the United States grew in the early part of the decade before peaking at 12 million in 2007. As of 2011, 11.1 million unauthorized immigrants were living in the United States (Pew Hispanic Center, 2013). The decline in the population of undocumented immigrants from its peak in 2007 was due to a reduced number of immigrants crossing the border from Mexico, which went down to 6.5 million in 2010 from 7 million in 2007. Mexicans still remain the largest group of unauthorized immigrants in the United States, making up 58% of the total (Passel & Cohn, 2011).

Despite the recent decline in unauthorized immigrants, the total number in the United States has tripled since 1990, when it was 3.5 million (Passel & Cohn, 2011). Unauthorized immigrants make up 3.7% of the U.S. population and account for 5.2% of its labor force. There were approximately 350,000 children born to at least one unauthorized immigrant in 2009, making up 8% of the nation's newborns (Passel & Cohn, 2011). In 2009, there were 74.7 million children under the age of 18 living in the United States. Of that total, 1,220,000 were unauthorized (1.5%) (Passel, 2011).

As of 2010, the states with the largest number of unauthorized immigrants were: California, Texas, Florida, New York, and New Jersey. The states with the largest share of unauthorized immigrants as a part of their population were: Nevada, California, Texas, and New Jersey (Passel & Cohn, 2011).

Currently, 65,000 undocumented students graduate from American high schools each year (Fix & Passel, 2003). Of those, approximately 13,000 enroll in college (Fortuny, Capps & Passel, 2007). The *Plyler v. Doe* Supreme Court decision in 1982 ruled that all school-age children living in the United States are legally obligated to attend school in the K-12 system until the age of 16, including those who do not have legal residency. The right to a public education ends at the time of high school graduation.

According to Badger and Yale-Loehr (2001), undocumented immigrants are defined as foreign nationals who 1) entered the United States without inspection or with fraudulent documents or 2) entered legally as a non-immigrant but then violated the terms of his/her status and remained in the United States without authorization. However, undocumented youth and students may have had no role in the decision to come to this



country. They were usually brought in by family members and, for many, have spent more years in the United States than in their country of origin.

Over the past decade, legislators from several states have repeatedly attempted to put federal law in place to address the post-high school undocumented student population in the United States with no success. The federal DREAM Act (Development, Relief, and Education for Alien Minors) outlined several key factors that would not only allow undocumented students to attend their local community colleges and public four-year institutions but would also provide an opportunity for undocumented students to pursue the legalization process without fear of punishment or deportation. The DREAM Act has several requirements that undocumented students would have to meet to qualify:

- Must have entered the United States prior to the age of 16
- Must have been present in the United States for five continuous years prior to the passage of the bill
- Must have graduated from a US high school, received a GED, or been admitted to an institution of higher learning
- Must be between the ages of 12 and 35 at the time of application
- Must have good moral character

The DREAM Act has a long legislative history. The bill was presented several times between 2001 and 2011 and was defeated each time. Due to the repeated defeat of the DREAM Act, the Department of Homeland Security's current policy for undocumented students implies that individual states must decide for themselves whether or not to admit illegal aliens into their public post-secondary education systems. States may bar illegal aliens from enrolling in public post-secondary institutions or admit them either as a matter of policy or through legislation. In the absence of any state policy or

legislation addressing this issue, it is up to the individual schools to decide whether or not to enroll illegal immigrants.

### ***States with Legislation***

Although the DREAM Act was repeatedly defeated at the federal level, there are currently 12 states that have created laws that allow undocumented students to attend their public colleges and universities and pay the in-state tuition rate. These states are: California, Illinois, Kansas, Maryland, Nebraska, New Mexico, New York, Oklahoma, Texas, Utah, Washington and Wisconsin. Of those 12 states, New Mexico and Texas allow undocumented students to receive state financial aid (Gonzalez, 2009). Oklahoma has since amended its law, leaving granting of in-state tuition rates to undocumented students up to the Oklahoma Board of Regents. The Board of Regents currently still allows undocumented students who meet Oklahoma's original statutory requirements<sup>1</sup> to receive in-state tuition. However, the amended law ended the awarding of state financial aid to undocumented students in 2011 (National Conference of State Legislators, 2011).

Maryland's governor signed a bill into law that would allow undocumented students to attend the state's public two-year and four-year institutions at the in-state rate and it was to go into effect on July 1, 2011. However, the citizens of Maryland put together a petition drive and were able to gather the minimum 55,700 signatures to have the new law suspended (Seidman, 2011). The bill was put back before voters in November of 2012 and the Maryland DREAM Act was approved by voters by nearly 2-1.

---

<sup>1</sup> The original statutory requirements were based on the domicile of the student and if he/she graduated from a public or private Oklahoma high school. An undocumented student must also provide proof that he/she has applied for permanent residency with the United States Citizenship and Immigration Service (USCIS). If he/she was a resident of Oklahoma for at least one year, graduated from an Oklahoma high school and showed proof of the USCIS application, he/she was granted in-state tuition and fees.

To qualify for in-state tuition, students have to have been brought to the United States as children, have attended at least three years of high school in Maryland and come from families who have filed state tax returns, among other requirements (Hay Brown, 2012).

Two states, Minnesota and Nevada, do not specifically allow in-state tuition for undocumented students but have other tuition policies in place that result in many undocumented students paying the in-state tuition rate. In Minnesota, a bill was passed in 2007 (Higher Education Omnibus Bill) that contained a flat-tuition proposal for seven community and technical colleges in the state. The bill also included language that made a tuition-waiver-pilot-program permanent at 11 other Minnesota state colleges and universities. This means that by Minnesota law, undocumented students are guaranteed access to in-state tuition rates at 18 Minnesota colleges and universities (Energy of a Nation, 2012).

The Nevada system of higher education does not consider immigration status for in-state tuition, but does require a student to be a legal citizen to qualify for state-sponsored scholarships.

There are two states that allow undocumented students to attend public colleges and universities, but have passed strict laws preventing them from receiving in-state tuition: Arizona and Colorado.

There are three states that specifically prohibit undocumented students from attending some or all of its public institutions. Alabama has prohibited any undocumented student from attending its community colleges and South Carolina does not allow undocumented students to attend any public higher education institution at all (Gilroy, 2008). A recent state law passed in 2010 in Georgia now prohibits

undocumented students from attending any institution within the University of Georgia system (National Conference of State Legislators, 2011).

### ***States With No Legislation***

This leaves 31 states without distinct state legislation or policies in place to address undocumented students' rights to attend post-secondary education at both public two-year and four-year institutions within those states. The lack of federal or state law has resulted in multiple policies determined by the individual institutions, which has led to controversy and confusion for the undocumented students who live in and have attended secondary school in those states.

In a report conducted for the Bridge Project at Stanford University, Bueschel (2003) examined the important role community colleges play in post-secondary education in the United States. The researcher stressed that community colleges are the point of entry for many higher education students. More than 1,100 community colleges in the U.S. serve over half of the United States undergraduate population (Bueschel, 2003). In many states, the community colleges provide most or all of the costly remediation that is required by students to complete a two-year or four-year degree.

Over 30% of students attending community college are racial minorities. The researcher indicated that in other reports, this number was as high as 60% depending on the region in which the community college was located. Students attending community colleges are more likely to be low-income, racial minorities, recent immigrants and first generation college students (Bueschel, 2003). Many undocumented students look to their

local community college as an affordable and accessible option for continuing their education beyond high school.

While community colleges are typically much more affordable than public four-year institutions, the cost of attendance in states with no legislation allowing for in-state tuition may be more than double or triple the tuition and fees. Community colleges are fulfilling their mission of open enrollment, but the differential cost in tuition with no access to financial assistance is creating a barrier for undocumented students to extend their education beyond high school.

### **Statement of the Problem**

Currently there is no federal legislation that regulates access to higher education for those graduates of American high schools who do not possess legal residency in the United States. The continued defeat of the DREAM Act has perpetuated this issue and has left the decision of access and cost up to the states. For colleges and universities where no state legislation is in place to address undocumented students, the individual institutions are left to decide whether or not to allow undocumented students to attend college and how much tuition to charge these students.

Much of the current and past research on the topic of undocumented students has addressed legislation that has been passed or defeated at both the state and federal level (Maki, 2004; Olivas, 2004; Russel, 2011; Stevenson, 2004). The undocumented student population has also been tracked and studied to determine the experiences the students have had with the college search process as well as their experiences while attending college (Fortuny, Capps, & Passel, 2007; Gonzalez, 2007; Passel, 2005). Access to post-

secondary education has been addressed along with the cost and restrictions to federal financial aid that may prevent this population from attending college, even though they are academically qualified to do so (Arriola & Murphy, 2010; Perez, 2009).

There is a scarcity of research that has been conducted at the level of individual higher education institutions that examines the consequences and outcomes of a major admissions policy change. In order to investigate how three policy changes impacted the institutional staff and faculty's practices and approaches, two primary methods of data collection were used: one-on-one semi-structured interviews with institutional administrators and examination of documents relating to the policy change and the consequences that resulted from the changes.

Change refers to an alteration in the structures, processes, and/or behaviors in a system (Zaltman & Duncan, 1977 p. 8) or as the introduction of something new to an organization (Damanpour & Evan, 1984). Braskamp and Wergin (1998) and Keller (1983) agree in their assessment in that higher education institutions are fundamentally inward-looking and tend to maintain the status quo. Individual units and departments may observe changes that may affect their operations, but the college or university as a whole often fails to develop a forward-looking agenda for a long-term goal at the institutional level (Bess & Dee, 2008).

The theoretical perspective that guided the study stems from the four frames of organizations: structural, human resource, political and symbolic (Bolman & Deal, 2003). The four frames of organizational theory: structural, human resource, political, and symbolic were used to guide the research questions and to help with the

categorization of the data and the identification of themes that resulted. These four frameworks (Bolman & Deal, 2003) allowed for a comprehensive approach for looking at situations from more than one angle.

The structural frame is essentially a blueprint for formal expectations and exchanges among internal players and external constituencies. The human resource frame highlights the relationship between people and organizations. The political frame allows an organization to be examined as an arena for internal politics and political agents with their own agendas as well as the dependence of that organization on its environment for needed support and resources. Finally, the symbolic frame highlights the tribal aspect of contemporary organizations. It also allows for the examination of “culture” and what it means within an organization. Deal and Kennedy (1992) describe culture as “the way we do things around here.”

For an institution without state legislation, the autonomy to make its own decision regarding who is admitted is a double-edged sword in this particular case. When the topic at hand is as controversial as immigration and the institution being studied implements a policy that is not in line with the political beliefs of the surrounding community, this change can create a situation that may reflect poorly on the institution. This study examined one institution that made a decision to change its admissions policy and attempted to explore how faculty, staff, and administrators responded to the changes in the admissions policy and how they felt about those changes.

The selected state is one of the 31 states without a distinct policy addressing access to higher education or the tuition charges for the undocumented student population. At the start of 2011, Hillside Community College (pseudonym) was the only

community college in the state that had an official written policy regarding the admission of undocumented students. That policy stated that no undocumented students were permitted to attend the college in any credit-bearing program and was initially implemented in 2001.

In early 2011, the college's Board of Trustees voted to change the policy completely and allow undocumented students to attend the college at the in-county/in-state tuition rate. Due to disagreement within the local government system (County Freeholders), the policy was reviewed and presented again at a later Board of Trustees meeting at Hillside Community College. The original policy to allow undocumented students to be admitted was upheld, but the tuition policy was overturned. All undocumented students attending HCC were required to pay the out-of-state tuition rate, effective immediately.

The economic climate in 2011 was not a positive one for higher education. The recession that had begun in 2008 had continued to impact the fiscal health of higher education and institutions were being asked to do more with less. Hillside Community College was also facing budgetary struggles as the funding from the county and state had either remained flat or had been reduced. When the college was founded in 1965, the budget plan called for a third of the funding to come from the state, a third from the county and a third from tuition and fees. As of 2011, 20.9% of the college's budget was provided by the county and 12.3% was provided by the state. HCC was left to come up with 66.8% of the money necessary to keep the college operational.



The policy change to allow undocumented students to attend at the much higher out-of-state tuition rate was never publicly discussed as a possible way to increase revenue at the college because data showed that very few undocumented students would be able to attend the first year the policy was in place because it was cost-prohibitive. That data proved to be true as less than 60 undocumented students attended HCC in 2011. However, the recession had impacted the residents of the county as many had lost jobs or saw their investments decrease significantly. This loss led to increased anger at the college's decision to admit undocumented students because many residents felt their tax money would pay for "illegal" residents to attend the college.

At Hillside Community College, an in-county resident currently pays \$140 per credit hour, is eligible to receive federal and state financial aid, and is eligible for institutional scholarships. An undocumented student is charged as an out-of-state student and pays \$341 per credit hour for the same education with no access to financial aid or institutional money (Hillside Community College Tuition and Fees, 2011).

The new policy did have restrictions: the applicants must show proof that they entered the United States prior to the age of 16, that they have been living in the United States continuously for five years, that they graduated from a state high school or received their GED, and that they are under the age of 35 at the time of application (Hillside Community College Admissions Policy, 2011).

The county in which HCC is located is politically conservative, and the majority of the elected officials that make up the County Freeholders are Republican and identify themselves as members of the conservative Tea Party. The governor of the state is

originally from the county in which HCC is located and is politically conservative. This conservatism might have led the Freeholders to place pressure on the HCC Board of Trustees to change the part of the new admissions policy that dealt with tuition and require all undocumented students to pay the out-of-state tuition rate that is over \$200 more per credit hour than in-county residents pay.

The community's response to the admissions policy change was immediate and tempestuous. The statements made by the public focused on two main areas: local taxpayers did not want to pay for these students to attend their local community college and they wanted any illegal resident to be deported to their home country. The amendment to the policy that overturned the in-county tuition rate and charged the out-of-state tuition rate matched the policies that had been put in place by the four-year public institutions in the state, but did little to quiet the outrage from the community.

All public four-year colleges and universities in the state have admissions policies that allow undocumented students to attend but clarify that those students must pay the out-of-state tuition rates for the institution. Most of the policies also clarify that undocumented students are not permitted to receive federal or state financial aid and some institutions restrict access to institutional funds or scholarships, as well.

The decision-makers in this process were aware that this decision might be unpopular and moved ahead with the change. It was difficult for the institution to predict how many students would take advantage of the change in admissions policy. According to the Vice President of Student Development, the college had turned away or expelled

several hundred undocumented students within the previous six years due to false documentation or no documentation at all.

In its first semester of admitting undocumented students, out of almost 3,000 new students in the fall of 2011, less than 50 were undocumented students. This study explored the consequences and outcomes of the decision that was made to change the Admissions policy to admit undocumented students to HCC and how key administrators, deans, vice presidents and the president of the college felt about the changes that were made.

### **Purpose of the Study**

In the aftermath of a drastic policy change, many questions still remain. Why now? Why was HCC the only community college in the state who had written policies for this population? How could a community college with an open-door admissions policy restrict admissions for a specific sub-population? How could the college's mission so completely contradict the policy that had been in place for a decade? There were too many questions to examine in one case study, therefore, the purpose of this study was to understand the three major policy changes that took place at HCC that affected undocumented students' enrollment at the institution and provide information on the consequences of those changes for the institution. While this study gathered information on all three admissions policy changes that took place at HCC over the span of a decade, the changes that received the most focus were the ones that took place in 2011. Five of the eight informants participating in this study were employed at HCC in 2001 when the first admissions policy change was made to bar all undocumented students from attending

HCC, but I understood that remembering the event and all of the changes that took place as a result was a challenge.

### **Research Questions**

In order to provide information and understanding about the three policy changes that took place, I reviewed and analyzed documents related to the policy changes and conducted interviews with current administrators staff and faculty to identify procedural changes and other issues that occurred before during and after the implementation of the admissions policy change. The main research questions that guide this study are:

1. How did the key administrators respond to the admissions policy changes regarding undocumented students' admission to the college?
2. How and why did the policy reversal addressing tuition for undocumented students from in-county to out-of-state rates occur?
3. Are there any factors that influence the college administrators' response to the admissions policy for undocumented students?
4. What impact did the policy changes have on the daily responsibilities of the participants and their areas of responsibility?

### **Significance of the Study**

Because there is no federal legislation addressing undocumented students' access to public higher education, the decision on how to address that population has been left to the individual states to decide. Thirty-one states have abandoned their responsibility to govern the public higher education system and have left the decision of access and tuition

for undocumented students to the individual institutions. The two-year and four-year institutions are left to stand alone when making policy decisions regarding a sensitive topic that can leave them vulnerable to negative public opinion and risk future funding from county and state resources.

I originally planned to examine the decision-making process of the HCC Board of Trustees to determine what influenced their decision to change the admissions policy to admit undocumented students and to discover why the tuition portion of the policy was reversed to charge a higher out-of-state tuition for the undocumented population. This was a highly controversial decision and, at the time it was made, there were multiple protests on campus as well as wide-spread media coverage. Because of the sensitivity of the issue and the amount of discussion that it had already generated, it made sense to explore the actual consequences of the decision that was made rather than the decision-making process itself.

The impact the decision had on the institution and the change that was undertaken by the administrators, staff, and faculty was a much better study and will be able to provide data and guidance to other institutions that may face a similar policy change process. I am still curious about how and why the decision was made, but feel this study addressed gaps in the literature by offering a better understanding of how individual institutions handle this responsibility and how they respond to the changes that are implemented and wrestle with the consequences of those changes.

### **Research Design**

In order to provide a deeper understanding of the three admissions policy changes that took place at HCC regarding the admission of undocumented students, a qualitative

descriptive case study design was suited to examine the outcomes and consequences that took place at the institution both during and after the policy changes were implemented. By collecting documentation from multiple internal sources and confirming that information by observation and semi-structured interviews of administrators, staff and faculty, the study provided important information for other institutions located in states without legislation to address the pursuit of public higher education for undocumented students.

Yin (2009) stated that case studies are the preferred strategy when “how” or “why” questions are being asked, when the researcher has little or no control over events, and when the topic is a contemporary phenomenon within a natural setting. Studying “how” a community college responded to several admissions policy changes that addressed the admission or denial of undocumented students lends itself very well to a case study approach.

Documentation was gathered including meeting minutes, procedures manuals, e-mails, memos and newspaper articles and this information was expanded upon and triangulated by semi-structured interviews with administrators, deans, vice presidents and the president who were directly affected by the policy change and implementation. This data helped me address the research questions and allowed me to gain a greater understanding of the topic.

## **CHAPTER II**

### **LITERATURE REVIEW**

#### **Introduction**

During the last two decades, immigration has had a significant demographic impact on the United States. In 1990, the foreign-born population was less than 20 million but it had nearly doubled to 39.9 million by 2010 (Passel & Cohn, 2012). In school districts across the nation, immigrant children represent 20% of the student population. This figure is expected to increase to 30% by 2015 (Fix & Passel, 2003). Currently, 65,000 undocumented students graduate from American high schools each year. There is currently no federal legislation that addresses the access to and cost of higher education for this population.

Approximately 3.2 million undocumented immigrants under the age of 24 are brought in to the United States by their parents often before the age of 5, and currently attend school (Passel, 2005). In 2007, there were estimated to be 1.7 million illegal immigrants under the age of 18 residing in the United States (U.S. Census Bureau, 2007). Before 1982, many school districts across the country attempted to ban these children from enrolling in the public school system. The Supreme Court case of *Plyler v. Doe* in 1982 ruled that undocumented children must be provided access to a public education, indicating that denying education to children who cannot affect their own status would impose a lifetime of hardship. Unfortunately, the right to an education ends with high

school graduation for those students who are undocumented. Only about 10% of 65,000 undocumented high school graduates attend college each year (Fortuny, Capps & Passel, 2007).

For the purpose of clarification, many terms are used to describe those persons residing in the United States who do not have official residency. The terms you will see used most commonly are: *illegal immigrants, undocumented students, and unauthorized immigrants*. These terms are used interchangeably by most, but there is a significant difference between an illegal immigrant and an undocumented student. An illegal immigrant made the choice to come to the United States without following the proper procedures. An undocumented student, in most cases, was brought to the United States by a parent or relative when very young and had no choice in the decision-making process to break the law.

The International Organization for Migration Glossary (IOM, 2004) acknowledged that there may be nuances between the terms *illegal migration, clandestine migration, undocumented migration, and irregular migration* but those terms are in practice and used loosely and often interchangeably. The term *illegal migrant* possessed such strong negative connotations that the UN General Assembly resolved to use the term *non-documented or irregular migrant workers* when defining those workers that enter or work illegally in a country (Pitea, 2010).

In my observation of the research conducted on this topic, those in favor of granting access and lower tuition to the undocumented student population referred to



them as undocumented students. Those opposed to granting those privileges often referred to the undocumented student population as illegal or unauthorized immigrants.

### **Review of Current Literature**

The purpose of this review is to examine the current literature in order to gain insight into the process of institutional policy change and that institution's ability to adapt, create new procedures, and address controversy that may arise both in the community and among its own employees.

Many articles, studies and doctoral dissertations focus on the undocumented student perspective, particularly the Latino/a experience as it relates to higher education (Banks-Gunzenhouser, 2009; Bregman, 2010; Wexler Love, 2010) or the legislative issues addressing this population (Rincon, 2008; Sanders, 2010). The issues of access and cost of higher education for undocumented students is addressed in many current articles, as well (Gilroy, 2008; Perez, 2010). These data are extremely important when framing the historical and legislative context of this issue. However, few studies addressed the institutional perspective of admitting this population, especially in states that have no legislation in place to guide individual institutions in making these decisions. This case study also examined the three admissions policy changes that took place at HCC between 2001 and 2011 and the impact those changes had on several areas of the institution.

This chapter examines the issue of access and affordability for undocumented students to attend public post-secondary institutions in the United States, particularly in the community college system. The chapter is organized into six sections: the history of

immigration and immigration reform in the United States, the current federal and state laws that are in place to address the undocumented student population's attempting to obtain higher education, the college search process and college experience from the perspective of the undocumented student, the impact of undocumented students on the local and national economy, institutional policy change and the institutional response and adaptability to those changes, and past instances of controversial policy change at other institutions. Each area will be synthesized and analyzed and the review will conclude with a summary of all literature presented.

### **Literature Search Procedures and Criteria for Inclusion**

A literature search was conducted in order to locate peer-reviewed journal articles and doctoral-level dissertations that addressed the topics to be covered in this review. Electronic searches were made of educational databases (ERIC, EBSCO, Academic Search Premier, and Dissertations and Theses). Web-based repositories (Google, Google Scholar, and Yahoo) were used in order to provide access to campus-based publications addressing key issues for the review. Citations appearing in the first articles and dissertations that were discovered were also utilized for the review.

The inclusion criteria for this review were very simple and straightforward. All journal articles, studies, and dissertations used in the review were peer-reviewed and based in the United States. The electronic search that was conducted was limited to full-text articles only, including dissertations. All key studies and articles were mostly qualitative in nature, but quantitative works were not disqualified. All original sources were published between 2000 and 2012. Several secondary sources were published prior

to 2000, but they primarily address historical issues or theories that have not been changed or updated in the past 11 years.

### **A Brief History of Immigration and Immigration Reform in the United States**

When the United States won its independence from Britain in 1776, questions of citizenship and naturalization were discussed by the nation's leaders. American citizens did not wish to hinder the new country's growth and progression by limiting those who could settle their vacant lands. As a result, American history has been molded by immigration, a natural consequence of this open immigration policy (Daniels, 2002).

Controversy arose almost immediately when the Articles of the Confederation allowed individual states to create their own mandates for governing state citizenship. James Madison, in the *Federalist Papers*, argued that naturalization should be a function of the federal government due to inconsistencies between the state laws.

When the Constitution replaced the Articles of Confederation, Congress was granted the authority "to establish a uniform rule of naturalization." The Naturalization Act of 1790 created a uniform system for the practice and procedures for granting citizenship. Naturalization was limited to immigrants recognized as "free white persons," marginalizing dependents such as women, slaves, and indentured servants who could not vote (Dublin, 1993, p. 28).

Naturalization laws were almost unchanged for over a century. The late 19<sup>th</sup> century saw a rapid increase in immigration, which led to the establishment of the U.S. Immigration Service in 1891. Laws were changed to allow persons outside the Caucasian race to immigrate to the United States, including those of African descent. However,

racial exclusion was still common in U.S. policy. Chinese were not allowed to enter the country and only women who were married to American men were allowed into the country. Women's citizenship was not determined apart from their husbands' citizenship until after 1922 (Ong Hang, 2004).

The first cases of undocumented immigration occurred as a result of fraudulent naturalization. Applicants had attained citizenship based on previous laws that had not required proof of identification or legal admission to the United States (Griswold, 2003). After an investigation, Congress adopted the Naturalization Act of 1906, which standardized all forms and certificates used and issued by courts. A federal agency, the Bureau of Immigration and Naturalization (a precursor to the U.S. Department of Justice) was created to review all certifications and naturalization records before applicants were allowed full citizenship status (Ong Hang, 2004).

Prior to 1920, immigration was not classified or granted according to national origin. In 1899, the United States allocated quotas based on races and peoples rather than on nation-states (Ngai, 2004). According to Ngai (2004), this quota system placed immigrants on a hierarchy of desirability with Europeans being the most desirable. Sharing a common "Whiteness", Europeans were deemed distinctly different from non-White immigrants.

In 1924, Congress established the U.S. Border Patrol. The Great Depression resulted in almost zero immigration into the United States and World War II continued this trend for the following two decades. In 1952, Congress passed a new Immigration

and Naturalization Act that allowed the United States to continue to contract with Mexican workers for seasonal agricultural labor (Daniels, 2005a).

In 1965, Asians and Latin Americans comprised the two primary demographic groups seeking American citizenship. Because this population was non-White, more attention was drawn to immigration issues. During the 1950's, Europeans represented 52.7% of new immigrants; since the 1970's this group has only represented 15.4% of the immigrant population. Conversely, the number of Hispanic immigrants increased from 24.6% to 38.4% during the same time period (Gibson & Lennon, 1999). This change in demographics led Congress to transition from the quota system to a new system that gave preference to immigrants who were skilled laborers in specialized trades or who possessed family members already residing in the United States (Daniels, 2005b).

The government's attention to immigration reform did not deter the rapid undocumented immigration to the United States. From 1981 to 1985, the number of immigrants allowed into the United States increased from 158,000 to 290,000 a year but this did not deter migrant laborers from underdeveloped countries from crossing our borders illegally (Massey, 1981). Until the 1980's, the effects of undocumented immigration were unexamined due to a lack of scientific tracking and testing. According to the 1980 Mexican census report, approximately 1.5 to 2.8 million Mexican nationals resided illegally in the United States (Bean, King & Passel, 1986). Records also indicate that about 1.1 million undocumented Mexican immigrants were included in the 1980 U.S. census (Warren & Passel, 1987).

How does this all relate to the current situation of undocumented students attempting to pursue post-secondary education? A few facts will put all of this historical information into perspective. In the 1990's 14 million legal immigrants entered the United States. This exceeded the record number of 8.8 million between 1901 and 1910 (Bean, Van Hook & Woodrow-Latfield, 2000). As large as this legal number seems, undocumented aliens are still entering our country in alarming numbers. According to the 2000 U.S. Census, there were approximately 6,994,000 illegal immigrants currently residing in the United States. This number continues to increase with as many as 275,000 undocumented immigrants entering the United States each year. More than 2.1 million of those undocumented immigrants came here on temporary visas that have now expired (Fix & Passel, 1999). These are staggering numbers that show no indication of declining and currently, the United States does not have federal policy in place for addressing this issue.

One aspect of this problem is access to education for the children of those who entered the country illegally. The lack of federal legislation has left the decision of access to higher education up to the states and often, up to the individual institutions within those states who do not have a specific law on the books to address this population. This creates confusion and multiple policies within the states that make the college process for undocumented students daunting. Essentially, this is the same issue that was addressed by James Madison in the *Federalist Papers* and the reason why he argued for federal legislation for naturalization over 225 years ago. What little legislation exists for this population will be addressed in the following section.

### **Federal Legislative History**

The United States Supreme Court addressed K-12 education for undocumented students in two key cases in 1982: *Plyler v. Doe* and *Toll v. Moreno*. In *Plyler v. Doe*, the Supreme Court ruled that undocumented children of illegal immigrants have the right to free public primary and secondary education. This case denied the state of Texas the ability to force these children (and their parents) to pay fees for public education and held that the state may not discriminate against undocumented children based on immigration status. This case did not address access to public post-secondary education but did demonstrate that residents of a state, regardless of immigration status, are allowed free public education in that state (Turner-Johnson & Janosik, 2008).

*Plyler v. Doe* was also the first time illegal immigrants and their children sought equal protection under the Fourteenth Amendment. The Equal Protection Clause states, “. . . nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws” (U.S. Constitution, Amendment XIV). This case determined that illegal immigrants and their children were considered “persons” and were protected under the Constitution and should be awarded all the protections of the Fourteenth Amendment.

*Toll v. Moreno* (1982) was the first case to be heard by the Supreme Court that addressed post-secondary education and affected foreign students. The Court ruled that the University of Maryland’s policy of denying reduced in-state tuition to students who were not residents of the state but who held legal alien status violated the Supremacy Clause of the United States Constitution. The details of this case are very confusing and primarily deal with treaty organization aliens, but the decision represents the first time the

federal government interfered with the residency policies of a public higher education institution and allowed a non-U.S. citizen access to in-state tuition (Olivas, 2004).

In 1996, the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) was passed by Congress in order to clarify the status of undocumented immigrants in higher education. IIRIRA includes several provisions aimed at preventing illegal immigration. Section 505 focused specifically on access to public post-secondary education for undocumented students and prohibited states from “providing a post-secondary education benefit to an alien not lawfully present unless any citizen or national is eligible for such benefit.” Essentially, this meant that an institution may not grant in-state tuition benefits to undocumented students unless they also grant in-state tuition benefits to out-of-state U.S. citizens.

This law is often cited as the reason to deny undocumented students physical and financial access to public higher education; however, this law did not specifically bar states from providing in-state tuition to undocumented students. Without formal regulation for its enforcement, this law has been interpreted by the states in various ways, fueling confusion and debate (Russel, 2011). According to Maki (2004), the strict guidelines set down by IIRIRA encourage undocumented students to change their immigration status and to apply for naturalization, yet the statute provides no process for this to occur.

In response to IIRIRA and the growing undocumented student population in the United States, legislators supported legislation that would allow states to offer in-state tuition to undocumented students along with a process that would allow these students to



pursue permanent legal status. The legislation that was proposed was the DREAM Act (Development, Relief and Education for Alien Minors, 2003). This act outlined several key factors that would allow undocumented students to attend their local community colleges and public four-year institutions and provide an opportunity for those students to pursue the legalization process without fear of punishment or deportation (Gonzales, 2007).

The DREAM Act had rules that undocumented students were required to meet in order to qualify to receive the benefits provided, including in-state tuition and conditional permanent residency. They were as follows:

- Have entered the United States before the age of 16
- Been physically present in the United States for a continuous period of not less than five years immediately preceding the date of enactment
- Earned a high school diploma or its equivalent
- Have been a person of good moral character
- Have no criminal record and are not a danger to national security

Additionally, to have the conditional basis of their permanent resident status lifted, students would have to satisfy one of the following requirements within six years of being granted conditional status:

- Earn a two-year degree from a U.S. institution of higher education or complete at least two years of a bachelor's degree program; or
- Serve in the U.S. Armed Forces for at least two years and, if discharged, receive an honorable discharge

The DREAM Act was originally introduced in the House of Representatives in 2001 by Republican Representatives Orrin Hatch (UT) and Chris Cannon (UT) in order to "clarify states' abilities to offer this reduced tuition rate to students who have entered the country prior to their 16<sup>th</sup> birthday, have lived in the states for at least five years and

have either graduated from high school or enrolled in college” (Stevenson, 2004). Since it was first introduced in 2001, the Dream Act has passed the Senate Judiciary Committee four times. It also passed the full Senate in 2006 but died when the House did not take up the measure. In September, Senate supporters fell just four votes shy of the 60 votes needed to end a GOP filibuster and get an up-or-down vote on the bill.

Ultimately, it was presented again along with a repeal of "Don't Ask, Don't Tell", and was incorporated into the National Defense Authorization Act for the fiscal year 2011. It was filibustered and re-presented the following day. President Barack Obama and top Democrats pledged to introduce the Dream Act into the House by November 29, 2010. The House of Representatives passed the DREAM Act on December 8, 2010, but the bill failed to reach the 60-vote threshold necessary for it to advance to the Senate floor.

The DREAM Act was presented again in May, 2011 by Democratic Senators Dick Durbin (IL), Harry Reid (NV), and Robert Menendez (NJ) and supported by over 30 other Democratic senators. This action was prompted by a speech delivered by President Obama in El Paso, Texas on May 10, 2011 to address the need for immigration reform. The President touted his administration's work on securing the border but recognized that, even though some politicians would never be satisfied, it is time to fix the broken immigration system (National Immigration Forum, 2011).

The 2011 version of the bill stated that in order for the conditional status to be removed and official permanent residency to be granted, the person must meet the following requirements: (1) must demonstrate good moral character (2) is not

inadmissible under specified grounds (3) has not abandoned U.S. residency (4) has earned an IHE (Institution of Higher Education) degree (or has completed at least two years in a bachelor's or higher degree program) in the United States, or has served in the Armed Forces for at least two years ( and if discharged, was honorably discharged) and (5) has provided a list of each secondary school attended in the United States (S.952, 112<sup>th</sup> Congress 2011-2012).

The new version of the DREAM Act had some significant changes that addressed the qualifications for students to be a part of the program. The first significant change was that undocumented students must have entered the United States as children. This is defined as age 15 or younger. The new version also included a section with much greater restrictions than had been presented in any previous versions. This section is as follows:

The DREAM Act includes important restrictions to prevent abuse.

DREAM Act participants are not eligible for Pell and other federal grants and are subject to tough criminal penalties for fraud. DREAM Act applicants must apply within one year of obtaining a high school degree/GED or the bill's enactment; and must prove eligibility by a preponderance of the evidence. To be eligible, an individual must submit biometric information; undergo background checks and a medical exam; register for the Selective Service; demonstrate the ability to read, write, and speak English; and demonstrate knowledge of the history and government of the U.S. An individual cannot qualify if he or she is ineligible for immigration relief on criminal or national security grounds (Sen. Dick Durbin, 2011) (S.952).

Senator Durbin conducted the first ever senate hearing on the DREAM Act on June 28, 2011. The hearing took place before the Senate Judiciary Sub-committee on Immigration, Refugees, and Border Security. Several witnesses testified, including the Secretary of Homeland Security, Secretary of Education, Undersecretary of Defense for Personnel and Readiness, a DREAM student and the Director of Research for the Center for Immigration Studies (Sen. Dick Durbin, 2011). As of January, 2012, the new version has not yet been voted on by the Senate or the House.

On June 15, 2012, President Barack Obama announced that the U.S. Department of Homeland Security (DHS) would not deport certain DREAM Act-eligible undocumented youth. This executive order allowed people who came to the United States as children and met several key guidelines to request consideration of deferred action for a period of two years, subject to renewal, and would then be eligible for work authorization (U.S. Citizenship and Immigration Services, 2012). Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. Deferred action does not provide an individual with lawful status. The required guidelines to apply for deferred action are as follows:

1. Have been born on or after June 16, 1981
2. Have come to the United States before sixteenth birthday
3. Have continuously lived in the United States since June 15, 2007
4. Have been present in the United States on June 15, 2012, and on every day since August 15, 2012
5. Not have lawful immigration status.

6. Be at least 15 years old. If currently in deportation proceedings, have a voluntary departure order or a deportation order, and are not in immigration detention, may request deferred action even if not 15 years old
7. Have graduated or obtained a certificate of completion from high school, have obtained a GED certificate, be an honorably discharged veteran of the Coast Guard or U.S. Armed Forces or “be in school” on the date that deferred action application is submitted.
8. Have not been convicted of a felony offense.
9. Have not been convicted of a significant misdemeanor offense or three or more misdemeanor offenses.
10. Not pose a threat to national security or public safety (DHS is still defining what these terms mean but has indicated that they include gang membership, participation in criminal activities, or participation in activities that threaten the United States)
11. Pass a background check (National Immigration Law Center, 2012)

In order to file for deferred action, qualified persons must submit three required forms to the U.S. Citizenship and Immigration Center. Those forms are: I-821D, Consideration of Deferred Action for Childhood Arrivals and I-765, Application for Employment Authorization and I-765W, the worksheet that accompanies that form. A fee of \$465 is required for all persons applying for this status (U.S. Citizenship and Immigration Service, 2012).

The executive order allowed students who were at risk for deportation who met the required guidelines to stay in the United States without fear of revealing their

undocumented status. The order did not declare these students to have lawful status, therefore, this did not impact students' ability to attend college or receive financial aid.

### **Current State Legislation**

In the absence of federal law to address undocumented students pursuing public higher education, 12 states passed legislation that allows undocumented students to attend their public institutions at the in-state tuition rate: California, Illinois, Kansas, Nebraska, New Mexico, New York, Oklahoma, Texas, Utah, Washington, Wisconsin and Maryland. Of these, Texas and New Mexico allow undocumented students to receive state financial aid (Gonzales, 2009). Two states, Minnesota and Nevada, allow undocumented students to attend their public higher education institutions and have tuition policies that allow some to receive in-state tuition. Three states allow undocumented students to attend their public institutions, but at the out-of-state tuition rate: Colorado, Arizona, and Georgia. Two states prohibit undocumented students from attending some or all of their public institutions, Alabama and South Carolina. This leaves 31 states with no legislation in place to address the undocumented population (Russel, 2011). (See Figure 1)

#### *State Approaches to Undocumented Students*

Each of the 12 states that have passed legislation to allow undocumented students to pay in-state tuition had multiple challenges, lawsuits, and changes to the laws that were currently in place. As previously mentioned, Maryland's law was suspended due to a petition drive by its residents. The law to admit undocumented students at the in-state tuition rate was put back before voters in November of 2012 and it passed with a large

majority of votes. There are several sources where more information on these details can be found: The National Immigration Law Center (NILC), the Pew Hispanic Center, and the American Association of State Colleges and Universities (AASCU).

One state in particular, North Carolina, has seen multiple state laws proposed that attempted to bar undocumented students from attending their community colleges and one that proposed allowing those students to attend at the in-state tuition rate. A qualitative case study was completed on this topic in 2010 that addressed the political debate that surrounded North Carolina's House Bill 1183, known as the Access to Higher Education and A Better Economic Future. This bill would not only allow access to public post-secondary education for undocumented students, but it would allow them to pay the in-state tuition rates (Sanders, 2010).

The bill was introduced in April, 2005. The reaction was immediately emotional and centered on the issue of illegal immigration and the question of whether illegal immigrants are entitled to the same public benefits as citizens and legal residents. The case study used a qualitative case study design to investigate the debate, strategies used by both supporting and opposing organizations, the lessons learned by members of those organizations and the social and political factors that participants believe led to the defeat of House Bill 1183. The researcher used purposeful and snowball sampling in order to identify participants who had direct involvement in the debate and used semi-structured interviews and documents relating to the debate to analyze all aspects of the case.

The findings of the study showed that the supporters of the legislation had worked very hard to obtain Republican and Democratic support as well as the full approval of the

university and community college systems before moving forward with the bill. The supporters said that they were initially very confident about the bill's prospects and, while they expected some disagreements, were surprised by the hostile response from many North Carolinians. They were shocked at the loud and immediate negative response to the bill and realized that while they felt prepared, the opposition had been ready much earlier and were waiting for the bill to be proposed.

Those in opposition to the bill were committed to both preventing illegal immigration and reforming immigration policy. These groups used every form of communication available to get their message out to the state and utilized the media to their advantage, especially conservative talk radio. Supporters of the bill had declined to use talk radio because they felt it did not encourage a fair, respectful debate of the issue.

Further confusion as to whether or not the bill violated the federal law stated in IIRIRA led to more controversy, especially when the governor was the one asking that question. Ultimately, the study made recommendations for future research on the financial impact of illegal immigrants' use of public benefits, while failing to acknowledge the economic contributions made by these individuals. While this case study shed light on the political issues surrounding legislative change for the undocumented population, it was limited in scope and did not necessarily examine all of the responses and attitudes of the residents of North Carolina.

Another key piece that was missing was the actual transcripts of the dialogue that had taken place during the conservative talk-radio shows. I believe that would have shed more light on the types of discussions taking place as well as highlighted some areas of



misunderstanding or misrepresenting the population that was being addressed by this bill. A few statements included in the case study alluded to the fact that opposition to the bill was focused on immigration reform rather than the specific population of undocumented students attempting to go to college and pay affordable tuition.

Since 2001, the North Carolina community college system has changed its admissions policy for undocumented students five times. In the past decade the system has banned undocumented students from enrolling, allowed each campus to decide whether to admit undocumented students, allowed undocumented students to attend, then banned them from enrolling again. Currently, after a 2009 decision, undocumented students who graduate from a North Carolina high school, and who are able to pay the out-of-state tuition are allowed to enroll in the North Carolina community college system (NCSL, 2011). All of these decisions were made in the void of federal or state legislation and were decided by the higher education institutions themselves.

### **The Undocumented Student Perspective**

As mentioned above, approximately 65,000 undocumented students graduate from high school each year. According to Gonzalez (2007), estimates suggest that there are between 7,000-13,000 undocumented students entering colleges and universities across the United States each year. In order to better understand the obstacles that undocumented students face when pursuing college, the following section will present this issue from the undocumented student perspective and will provide insight from the guidance counselors and admissions counselors that have helped advise these students.

William Perez's book, *We ARE Americans: Undocumented Students Pursuing the American Dream* (2009) is a compilation of case studies of undocumented high school, community college, university and college graduate students who are valedictorians, honors students, and other exceptional student leaders who reflect on their hardships, accomplishments, dreams and ambitions. For most, the United States is the only country they know. They have grown up American, their dominant language is English, yet they face major obstacles in their pursuit of higher education even with their remarkable academic qualifications. Perez outlined the opportunities that could be offered to these students with the passage of the DREAM Act and encouraged the students to tell their stories in the hope that they might support the passage of the legislation.

Several students' first-hand accounts of their path to higher education told in this book showed that despite obstacles and endless roadblocks, they were still able to achieve their dream of a college education. Michael worked two jobs and got help from his family so that he could pay for college. After earning a Bachelor of Science degree in molecular biology, he found he could not work as a biologist, due to his legal status. Ignacio, like Michael and the others, faced numerous obstacles but ultimately graduated from a prestigious university, drawing inspiration from his family and his heritage. "In college, I felt like I was representing my family. I felt like I was representing all Latinos. I felt like if I gave up, what would they say about me?" said Ignacio. "It's almost like I am tied down to the ground with a ball and chain because I don't have citizenship," said Jaime, who graduated from high school with a 4.0 GPA. Jaime came to the United States from México when he was four.

In an article written for the *Journal of College Admission* (2010) William Perez offered recommendations for counseling professionals at both the high school and college level on how to advise undocumented students on the college application process. He stated that in his research he found that college-eligible undocumented students exhibit academic achievement, leadership participation and civic engagement patterns that are often above that of their U.S. citizen counterparts. More than 90% reported volunteering and 95% participated in extra-curricular activities. Many of these students also had responsibilities at home such as taking care of younger siblings and working an average of 13 hours per week during high school and 30 hours per week during college.

Despite all of these demands on their time, they still maintained high grades in their academically challenging courses. Despite all of these academic and personal achievements, they remain without legal status, are not considered American and are not eligible for any type of assistance to attend college even though 90% of the students surveyed aspire to obtain a master's degree or higher. Advice given in the article included the following: assistance securing financial resources; assistance with learning the college process for the student and the family; encouraging attending a community college and facilitating transfer to a four-year college; training for faculty, staff, and administrators in order to be sensitive to this population's needs; and support services for these students in order to allow them to open up and receive the help they need.

Two college counselors from Bellarmine College Preparatory in San Jose, California also wrote an article for the *Journal of College Admission* titled, *Defined by Limitations* (Arriola & Murphy, 2010). This article outlined the plight of Xavier, a student who had attended their prep school for four years. He ran cross country, was a

Big Brother to entering freshmen, and was active in the theater program. His parents were supportive, but the family entered the country illegally when he was less than a year old and Xavier was undocumented. He was very quiet during the discussions regarding college options and felt the need to keep his status a secret in order to protect himself and his family. He lived in two parallel worlds; one that required him to keep secrets and another that asked him on a daily basis to believe in the power of education to change his circumstances.

A few options were discussed with Xavier: attend a public California college or university and pay in-state tuition; hope for enough merit-based aid at a private college; find a donor to sponsor him, a donor who understands that Pell grants, Cal grants and federal loans are not available to him. In addition, he must understand that other limitations will also surface: he cannot get a driver's license, he cannot fly home for holidays or summer break, and who will employ him after graduation without a social security number?

According to the Migration Policy Institute, countries with the highest number of undocumented immigrants are, not surprisingly, Mexico, El Salvador, and Guatemala. Many undocumented immigrants also come from the Philippines, China and Korea. In the article titled, "Not Just a Latino Issue" (Chan, 2010) stories of non-Latino undocumented students are presented, giving a different perspective on the issue.

One story highlighted in the article was that of Irene. She is 28 years old and was brought to the United States at the age of 10 from the Philippines. Her grandparents were granted U.S. citizenship after her grandfather fought in World War II and, in hopes for

better educational opportunities, her mother decided to bring her children to the United States. There is a cultural stigma among Filipinos against the undocumented. It is shameful to be in the United States without papers and there is even a name for those undocumented immigrants *tago ng tago* which means "always in hiding."

Another perspective presented was that of Ju, a 19-year-old from South Korea who entered the United States with his mother at the age of 12 after a divorce. His family faced great financial difficulty, but he was still able to adjust well to life in the United States. All was well and he had kept his status hidden due to the fact that he was not Latino, until it was time to apply for a driver's license and think about attending college.

Invisibility is the main issue facing non-Latino undocumented students. The positive side of this issue is that these students are rarely profiled as undocumented and they can usually live their lives without fear of discovery. The negative side of invisibility is the loneliness, shame, and isolation these students feel due to the hidden nature of their status. They feel as though they are alone and that no other students are facing the same challenges they are.

Undocumented students have the same dreams as those students born in the United States, to go to college, get a great job and contribute to society. Many of these students are exactly what colleges and universities are looking for: bright, socially conscious, and enthusiastic about continuing their education. The obstacles that have been put in their path often make this dream inaccessible due to access and affordability issues. The next section will outline why educational attainment is so important and how politics and legislation have impacted this issue.

## **Economic Impact**

President Barack Obama has called education “the economic issue of our time,” explaining that the rise in unemployment among those without a college education is growing and eight of ten new jobs created in the United States are more likely to hire people with higher education degrees (Obama, 2010). Latinos’ youthful presence is visible in our nation’s public schools with Latinos projected to comprise 25% of all students enrolled in U.S. public schools in 2025 (President’s Advisory Commission on Educational Excellence for Hispanic Americans, 2000).

According to the American Community Survey (US Census Bureau, 2007), only 12.7% of all Latino adults have a baccalaureate degree compared to 30% of whites. There has been an increase in college enrollment among Latino youths between 1980 and 2000 from 16% to 22% (Llagas & Snyder, 2003). Latinos are more likely to attend community college (42%) compared to Whites (24%) (Fry, 2005).

According to an article published in the *Chronicle of Higher Education*, states that allow illegal immigrants to pay cheaper, in-state tuition have seen a 31% jump in that population’s college-going rate and a 14% decline in high school dropouts among undocumented Latino students (Mangan, 2011). The report, conducted by researchers at Roger Williams University’s Latino Policy Institute, concludes that the 11 states that allowed in-state tuition rates at the time the study was completed actually came out slightly ahead financially.

According to Kimberly Mehlman-Orozco, the Director of the policy institute, critics of in-state tuition policies for undocumented students do not consider the long-

term benefits of educating someone and the economic contribution college graduates give back to the community when they buy more goods and pay more taxes. She agreed that more study was needed to substantiate the economic benefits of providing in-state tuition opportunities to these students but that from the digging they had done, it appeared that there was no cost to the states and there might even be a financial benefit.

The opposite argument is being put forth by the Federation for American Immigration Reform, a group that advocates tougher immigration policies and disputes the study's conclusions. "In-state tuition represents a significant taxpayer subsidy, thus every illegal alien attending at in-state rates represents a cost," says their spokesman, Ira Mehlman (Mangan, 2011). He also added that every such student admitted displaces a legal citizen and argues that since the illegal alien will not be eligible to work (legally) after receiving his/her degree, the taxpayers are less likely to see a return on their investment than they would if they had subsidized a citizen or legal immigrant.

Educators and social scientists warn of the dire social consequences that will inevitably be the result of hopelessness and frustration borne by a generation of Hispanics denied access to community colleges, despite the fact that many of them have lived in the United States since they were small children. Tony Zeiss, President of Central Piedmont Community College in North Carolina, says he hopes his state will stop flip-flopping on its policy of admissions of undocumented students into its community college system and that if state policymakers really want to deal with the negative social outcomes of denying some residents the opportunity to learn skills, obtain a job and raise their families (Pluviose, 2008).

Betty Young, President of Asheville-Buncombe Technical Community College, says the evidence is clear that North Carolina is courting disaster by denying all undocumented residents access to community college. She says if you look generally at what happens to other populations that are uneducated or undereducated, there is a higher propensity for adverse behavior, including poor health choices, crime and the likely consequence of living in poverty.

In a report conducted by a professor of entrepreneurship at the University of North Carolina at Chapel Hill (Johnson, 2006), it was determined that North Carolina's Hispanic population, 45% of which was estimated to be undocumented, works in every sector of the market and contributes more than \$9 billion to the state's economy through purchases and taxes, while costing the state \$61 million in educational and other expenses.

Texas was another state that chose to look at creating policy based on economic information. The Texas legislature estimated that 1.2 million students dropped out of public schools in 1998, costing the state \$319 billion (Walton, 2003). Supporters of a 2001 Texas state law extending in-state tuition benefits to undocumented students argued for its passage on the basis that it would give students the incentive to stay in high school and attend college (Biswas, 2005). The Texas Higher Education Coordinating Board created a system to inform institutions of the policy changes, which helped to smooth that transition. The Board also collects and publishes data on the enrollment of students qualifying under the new legislation. According to the Board, more than 2,000 students enrolled in public institutions the fall of 2003 after qualifying to receive in-state tuition benefits.



Fiscal-economic arguments generally focus on immigrants' positive or negative budgetary impact on the economy. Nativist forces assert that immigrants are a drain on economic resources because they are being educated without the participating institutions receiving enough resources to bear the alleged additional costs. These opponent groups can always be counted on to present calculations that simply ignore the fact that immigrants are taxpayers themselves and that their labor adds greatly to employer profits and government coffers (Lipman, 2006).

Those in support of in-state benefits for undocumented students have defended them as mechanisms that would allow undocumented students to add to the economy by increasing employers' profits and contributing to the overall soundness of state and national budgets. In Illinois, officials estimated that undocumented workers increase their wages by 5% for every additional year of college education (Mehta et al., 2003). A related argument calls for lifting state and federal restrictions on tuition and fees because these provisions are merely creating a subclass of citizens who otherwise are fully capable of becoming successful individuals: i.e. skilled professionals and thus, significant taxpayers (Alfred, 2003).

While all of these arguments have merit, the logic being used accepts the misrepresentation that millions of working undocumented immigrants-the overwhelming majority of whom lack a college education-are not productive and are a burden on society. These arguments also fail to address the issue of undocumented students pursuing the legalization process, which is arduous and forces the student to identify themselves as illegal, risking the possibility of punishment for themselves and their family.

## **Impact on Public Higher Education**

North Carolina is just one example of multiple policy changes within one institution or system. As mentioned in the previous section, all of North Carolina's community colleges (58 separate institutions) changed their admissions policy five times in ten years. What hasn't been examined is the effect those changes had on those institutions or any other institutions in the country that have also been attempting to create policy in the void of any state or federal legislation. This section will address the institutional impact and perspective of policy change, especially when that change forces institutions to confront their current policies, procedures, technology systems, attitudes and beliefs, and the support systems that are in place to see what adaptations need to be made.

Here are a few preliminary statistics to consider. The National Association for College Admissions Counseling (NACAC) completes an annual survey called the Admissions Trends Survey. In the 2007 version a question was included inquiring whether colleges and universities had received applications from undocumented students. NACAC received 382 responses out of the 1,916 that were distributed to all four-year baccalaureate-degree-granting, not-for-profit institutions in the United States, a response rate of 20%. Eighty two percent of the respondents (312 institutions) answered the question regarding undocumented applications. Of those respondents, 71% reported they had received applications from undocumented students (NACAC, 2009).

Obviously, one large missing component of this survey and its responses is the community college sector. Most research reports that undocumented students are most

likely to enroll in community colleges as their first post-secondary experience (Gonzales, 2007). Without determining how many community colleges in the country are receiving applications from undocumented students, the survey results are skewed.

One particular article, "Documenting Implementation Realities: Undocumented Immigrant Students in California and North Carolina," highlights the implementation realities on community college campuses in California and North Carolina. California has very specific state laws that address the undocumented student population and North Carolina does not. The authors of the article briefly review the legislative histories of the two states, but dig deeper into how the policies were implemented by the community colleges and how the college personnel became the implementers. One question of interest was how continued change in policy directives is managed and disseminated to community college personnel so that all students' needs are addressed (Oseguera, Flores & Burciaga, 2010).

There has been little empirical work that examines how policy changes are communicated to the personnel within the community college system and the authors wished to highlight the challenges that arise in adhering to policy that is in continued change and flux. They used three main sources of data to address community college systems' decisions related to educational access for undocumented students: legal documents, the National Center for Education Statistics (NCES), Integrated Post-secondary Education System Data (IPEDS) files, and implementation stories adapted from existing empirical research evidence and academic reporting sites. The authors examined trends from 2000 to 2007 and the results are descriptive in nature.

The authors highlighted the main differences between the two states and how state legislation and the lack thereof can create numerous issues for implementation at the community college level. One interesting section of the article outlined the primary mission of the North Carolina Community College System: to provide an open door to high-quality, accessible educational opportunities (NCCCS, 2008). The North Carolina Administrative Code requires colleges to “maintain an open-door admissions policy to all applicants who are high school graduates or who are at least 18 years of age” (NCAC, 2009). Despite this clear mandate, North Carolina has gone through 5 major policy changes over the past 10 years.

When addressing the implementation of policies on the community college campuses, three themes were highlighted. The primary theme that was discovered from studies conducted about the experiences of undocumented students in community college was that front line personnel (admissions officers, financial aid counselors, records staff) were not adequately trained to handle the unique situations that these students often present. This lack of training was also found in California, even though that state has a very clear mandate of providing in-state tuition for undocumented students. It was determined that memorandas were sent to high level administrators at the colleges, but no information was available that told of how that information was disseminated to the front line staff.

A second theme emerged when addressing the issue of policy implementation and the verification process. Most states that have implemented policies allowing undocumented students to attend have very specific guidelines that students must meet including age requirements, length of residency, high school graduation, etc. Only 80%

of the institutions within the 12 states with policies in place to admit undocumented students reported that they had adequate staffing in place to manage the verification process for this population. Most schools reported that less than 20% of that time is spent on the undocumented population, but in South Carolina that number is much higher. South Carolina does not permit undocumented students to attend any public institution, therefore, the verification process can be much more detailed because student status must be confirmed before an admissions decision can be made (Lee et al., 2009).

The final theme that emerged was the issue of access to campus resources and services due to the precarious citizenship status of the undocumented student population. Most undocumented students reported that they navigated the campus on their own, without adequate support from campus offices. This directly addressed the institution's preparedness for working with this population and their ability to change and implement new procedures that will reach out to this population and allow them to be properly helped.

This was one of the few articles that directly addressed the implementation challenges that campuses face when admissions policies change. While the article provided excellent information on the student experiences at community colleges and made several recommendations that could improve the internal training and communication, it did not address the external issues that many community colleges face in these situations. It also did not address any internal process changes that would need to occur in order to help this population take the first steps to become legal U.S. citizens or permanent residents. This leaves room for further study in those areas.

In a doctoral dissertation presented at Simon Fraser University in 2008, Tom Nerini studied the impact of Washington State's in-state tuition policy on undocumented students and on their public four-year institutions. House Bill 1079, the law granting in-state tuition to undocumented students, was passed in 2003 and one of the research questions of the dissertation asks, "What are the issues and implications for a public, four-year university that enrolls undocumented students as in-state residents under HB 1079?"

The dissertation also addressed the experiences of the undocumented student population, all of Latino/a ethnicity. The author interviewed 7 undocumented students in depth and also reviewed additional information collected from memorandas, e-mails, observations, and journals. The students who were studied were all originally from Mexico, and all were studying at Western Washington University. The author was very thorough in providing demographic and background information on each student included in the study.

The study also addressed the impact of this policy change on Western Washington University, a medium-sized public institution. The author provided in-depth information about the institution itself in order to provide a context for the information being presented. The author also clarified that the research presented would address access and retention of undocumented students as seen from the Student Affairs division of the university.

The information provided by the research was broken down into two main sections, Enrollment and Retention. Key issues of concern were presented for each of

these areas. For those working in Enrollment Services (Admissions, Financial Aid, and Registration) the issue of fear and protection was a major concern of undocumented students. Tracking these students while not exposing them to possible punishment or deportation was further examined within the Admission and Registration offices. The areas of retention that were reviewed were primarily Campus Life and student clubs and organizations.

In Admissions, one of the major issues was the procedure of having students sign an affidavit promising they would seek permanent residency. Students had no issue with signing the affidavit, as many had the goal of applying for permanent residency, but many were fearful that information would leak out and they would be put at risk by admitting their undocumented status. Changes were also made to the application in order to better identify this population without frightening them. This included a specific area that addressed the new state bill and outlined the basic requirements to meet the guidelines for in-state tuition.

In the Registration Office, students were required to submit their social security number in order to have access to the institution's online system, the only way to conduct business on Western Washington's campus. There is a way for students to use their birth date information in place of a social security number, but that information was not readily available or published for this population to be aware of it.

When looking at retention, the areas of financial aid and campus involvement were reviewed. Even though undocumented students were able to receive in-state tuition, the inability to receive state or federal financial aid still made affording college very

difficult for those students. Also, the ability to get involved on campus can be limited for this population due to the fear of revealing their undocumented status or the fact that many leadership opportunities are paid positions and students must have a social security number in order to qualify. Tinto's (1998) research on student retention has shown repeatedly that student involvement leads to better retention.

Western Washington University also passed a background check policy that went into effect in 2008. This policy requires background checks for any student or external employee working with sensitive information, including student clubs and organizations and internships and co-ops. Without a social security number, undocumented students are automatically eliminated from these opportunities.

Recommendations were made based on the information discovered in this dissertation. They addressed everything from community support to better training of personnel on campus. They also addressed better payment plans for students, and creating a specific support group of employees on campus that can assist the undocumented population with their transition to college. All recommendations focused on promoting the access and retention of undocumented students at Western Washington University.

While the information presented in this dissertation was excellent, it was limited to a small number of students and administrators from just one institution. Most studies of undocumented students focus only on Latino/a immigrants. An area of future research could be the study of non-Latino/a undocumented students and their experiences pursuing public higher education in the United States. Also, the author spoke with only one



representative from each administrative area that was reviewed, and that person was usually the Director. In order to gather more comprehensive information about a particular area, it would have been wise to speak with other members of the department that work more on the front lines directly with the students. This could have provided a much more detailed look at policies, procedures, and communication.

A doctoral dissertation was completed in 2007 that analyzed the attitudes of leaders from 18 high-immigration states toward the appropriateness of providing public higher education to undocumented students at their respective institutions (Feranchak, 2007). Seven hundred surveys were sent and 384 responses were received for a 54.7% response rate. The statistical analysis of the 384 surveys that were returned showed no difference in attitude based on gender, position, age, years of service and states that do and do not offer in-state tuition to undocumented students. There were significant differences in attitude based on ethnicity, political affiliation, institutional type, and those states that do grant in-state tuition to undocumented students.

The literature review for this dissertation was very thorough and provided excellent resources for the history of immigration and reform in the United States. Several of these sources were utilized in this review to provide context for this research. The research conducted in this dissertation included two-year public community colleges and four-year public institutions. This was one of the more inclusive studies conducted on this issue.

The study was mixed method and utilized surveys to reach out to higher education leaders in 18 states. Nine of those states had laws that allowed undocumented students to

attend public higher education at the in-state tuition rates and the other nine states were chosen based on their similarity to the first nine states that were chosen but did not have laws granting in-state tuition to undocumented students.

The results of the data were presented and a thorough analysis was conducted of the respondents to the survey as well as how their demographic information was related to the research questions asked and the hypotheses presented by the researcher.

A very interesting section of the study presented actual responses that were given on the survey by those respondents who participated. The responses showed the differences in opinion on the immigration issue, and those responses ranged from very welcoming to very harsh. These statements support the current literature that discusses the divisive issue immigration is in our country and that this issue can also be found in the institutions themselves that are a part of this continuing debate.

Ultimately, the study concluded that a majority of higher education leaders from states with and without current legislation to allow undocumented students to attend college at the in-state tuition rates agree that undocumented children of illegal immigrants should not be punished for their parents' actions and should be able to continue their education and become contributing members of society and the U.S. economy. For those nine states without current legislation, these results have a direct bearing on how those institutions will decide to handle the admission of this population and how much influence they might have over future political decisions.

This study provided real-world information from those leaders who are currently making decisions and implementing laws that directly affect undocumented students.

The response rate was strong and the data were analyzed both quantitatively and qualitatively, which gave a well-rounded understanding of the results.

### **Other Controversial Policy Changes in Higher Education**

While the admission of undocumented students to public higher education is a hot-button topic right now and the main focus of this case study, there have been other controversial decisions made in the past that can give some perspective on this issue. Two of those major controversies were the decision made by the City University of New York (CUNY) to become an open-enrollment institution and the decisions made by same-sex institutions to go co-educational. Each of those decisions was controversial and emotional and had to be made by the same decision-makers that are being studied in this dissertation.

Two doctoral dissertations provided excellent data on the decision made by (CUNY) in 1970 to become an open-enrollment institution. The first was written by Constancia Warren in 1984 and examined the reaction to the decision by three academic departments: English, Math, and History. The second was written by Conrad Dyer in 1990 and focused on the history of the institution, the student protests that took place, and the impact those protests had on the decision to change the admissions policy of CUNY.

Dyer's (1990) dissertation examined the influence the Black and Puerto Rican students' protests had on the institution's decision to change the admissions policy to admit all students. Until the late 1960's, CUNY had been an elite, primarily White and Jewish institution that was tuition-free. Black and Puerto Rican students protested in order to force the institution into adopting a plan that would allow for more ethnic

integration so that under-represented populations would have the same opportunity to attend college tuition-free.

The study examined the stance of Chancellor, Albert Bowker to see if he was the driving force behind the decision to change the admissions policy, as many believed, or if the culture of the time and the location being New York City precipitated the change. Was it the protest of the students that influenced the Board of Trustees to make a radical change so quickly or something else? Many people affiliated with the institution had spoken of a gradual change that was needed to allow for more diversity on campus, but disagreed with the Board's decision to act so quickly and so drastically, fearing that open enrollment would jeopardize the reputation, support base and possibly the existence of what had been a great university.

Ultimately, ethnic integration was called for by the Board and was given as the reason behind the decision to make such a drastic change to the admissions policy for CUNY. The Board stated that this abrupt decision was simply moving up the deadline for implementing plans already in place to become an open enrollment institution and that the student protests helped set the stage, but did not have an impact on the decision that was made.

Dyer (1990) argued that until the students held protests on campus, there had been no discussion of moving more quickly on the decision to become an open-enrollment institution and that the political influence of the students led to the abrupt decision even though no plans or funding were in place to deal with the influx of new students and the potential needs this population might have. He also argued that the influence of Mayor

Lindsay to change the policy was made solely for political gain so that he might receive more votes from the Black and Puerto Rican population during the next election.

Chancellor Bowker was asked to reflect on the decision that had been made and the speed in which it was made and he responded, "I suppose, in terms of what's educationally desirable, it would have been better to go slower. As a responsible leader and educator, I would rather have gone slower."

Warren's (1984) study took a closer look at the reaction of the English, Math, and History Departments at CUNY after the decision to become an open-enrollment institution had been implemented in 1970. Her study was conducted to better understand the political values of each department and the relationship with organizational behavior. The impact of these political values on the implementation process was examined as well as the broader implications of this research for future higher education reform.

Warren (1984) used grounded theory methodology to study the three departments and found that all three departments handled the changes required for open enrollment admissions very differently and that younger faculty supported the change while older, more established faculty felt threatened and that this would ruin the reputation of the institution.

The Mathematics Department quickly accepted the changes and began to plan for accommodating students with remedial needs and debated how those classes would be offered and who would be teaching them. The department met and decided that the approach would be integrated and that all would teach both remedial and "fun" math

courses. A coordinator of remediation was assigned and the department created a Math Laboratory to provide further assistance to those students who needed help.

The English Department was a bit more divided on their acceptance of the new policy. There were three factions within the faculty: those that accepted open admissions with no reservation, those that were adamantly opposed, and those that questioned the policy but jumped right into figuring out what needed to be done to help the students.

All faculty members quickly realized that the incoming students had trouble with writing. They immediately worked on a plan that would add a new curriculum and create a basic writing program. In order to create this program along with other changes, new writing faculty members were hired. As this new group came in, they were separated from the English Department and this created a rift that continued to grow and evolve, especially when tenure became an issue. Many faculty members expressed their disappointment with the students in their classrooms. Their idealistic dream of "education for all" was being slowly destroyed and frustration was taking over.

Ultimately, the English Department remained split on their feelings about open admissions. Some agreed that the policy had served the students well and that more students were able to be educated because of it. Others felt that it had ruined what had once been a "shining gem" of an institution.

The History Department was already a controversial place, therefore, the implementation of this new policy was split among political, tenure/non-tenure, junior/senior faculty lines. All faculty members, no matter what their political beliefs,

saw this as a political move rather than an educational one and that it was an imposition from above for the department. The History Department never met to discuss the implications of the new policy and never created new courses or changed the current curriculum to better serve their new population of student. Ultimately, history tutoring was offered and slight changes were made to the core curriculum.

The History Department agreed that the decision to implement open admissions had been bad for all involved. They were condescending to the new students and unable to relate to them on a personal level. Those who were opposed to the new policy refused to change and many faculty resigned. Overall, the department was non-communicative and non-reactive to a major change at the institution.

The findings of the study determined that there were two critical elements of the departmental process that emerged from the investigation. The first was the decision making process and the rationales and mechanisms employed by the department to make legitimate decisions and the second was the allocation of work and rewards among the department members. Since each of the departments studied handled these issues so differently, it resulted in a much different response to an institutional change than what may have been expected.

A doctoral dissertation by Rebecca Jean Grandstaff Clarke in 2011, examined the experiences and reactions of current students and alumnae at a private, all-women's college as the college made the decision to become coeducational. The unusual response of the students to immediately pursue a lawsuit to prevent the change was the reason for the study. The research questions asked the students to describe what it was like to be a

part of the transition and also asked what it was like to be a part of a legal challenge to attempt to stop the transition from taking place.

This was only the second time in the United States that a lawsuit was filed to prevent a college or university from changing its admissions policy to admit members of the opposite sex. Due to the emotional nature of the change and the controversy that it created, I felt this study would provide excellent information, albeit from a student and alumnae perspective, on the different factors that motivate an institution to change a policy that may create a negative response from both internal and external members of the college community.

Due to financial concerns that led to the Southern Association of Colleges and Schools regional accrediting body to place the institution on warning for lack of fiscal stability, the administration of the college determined that to increase enrollment and meet budgetary needs, the college would need to change its admissions policy to begin admitting men. External consulting firms had conducted research in this area and had concluded independently that this was the college's best option in order to remain open and fiscally viable.

The immediate response of most students and alumnae was to sign petitions, write letters to the editor, and openly protest on campus. However, nine students chose the different path of pursuing a lawsuit that would prevent the college from changing its admissions policy and maintain its original identity as an all-women's college. Ultimately, the students felt that the Board of Trustees had not communicated their plan to go coeducational and had not adequately prepared the campus and alumnae for such a



large change. The students lost their lawsuit and the college moved forward with admitting men in 2007.

These two examples of drastic admissions policy changes provide insight into the politics and personal beliefs that influence the decision-makers in each case. It is interesting that the students at CUNY protested for the change and the students at the all-women's college protested and sued to prevent the change, yet the factors in both cases were very similar.

### **Purpose of the Study**

Current literature addressing the undocumented student population has focused on access, affordability and the politics involved with those issues. Many studies have reviewed the issue from the state-wide perspective of changing legislation and the impact that new legislation has on immigration, the displacement of legal U.S. citizens and the economy. Other studies have focused minutely on a small number of undocumented students in order to learn what their obstacles have been while pursuing a higher education. Very little empirical study has been conducted at the institutional level in order to examine institutional policy changes and the direct impact those changes had on individuals and departments at that institution.

In order to close gaps in the literature and provide information that analyzes the policy changes that took place and the consequences of those changes, Bolman and Deal's four frames of organizations provided the theoretical framework used in my study. (Bolman & Deal, 2003). The four frames of organizational theory: structural, human resource, political, and symbolic, were used to guide the research questions and to help

with the categorization of the data and the identification of themes that resulted. These four frameworks (Bolman & Deal, 2003) allowed for a comprehensive approach for looking at situations from more than one angle.

### **Theoretical Framework**

Using this model as a guiding framework for the study allowed the informants to provide answers and opinions on the admissions policy changes that took place and for those answers and opinions to be categorized according to the frame by which the question was guided. The interview guide was designed to obtain information and opinions regarding the culture of the institution (symbolic frame), the impact the policy changes had on personnel (human resource frame), the outside influences that were taken into consideration by the institution (political frame) and who the decision-makers were and how the decision was made and communicated (structural frame). This categorization allowed me to analyze the data that were obtained by the semi-structured interviews and correlated them to the documents that were gathered and analyzed to determine themes and patterns that emerged.

### **Summary and Conclusion**

The issue of immigration and immigration reform will continue to be a controversial and emotional topic in the United States, but the flow of undocumented immigrants into our country is not slowing down. As mentioned above, the lack of federal legislation that addresses the access and cost to public higher education will continue to cause confusion and place the responsibility for determining admissions policies and tuition directly on the institutions themselves in those 31 states without laws on the books.

The contradiction between *Plyler v. Doe* and IIRIRA essentially slams the door on students wishing to continue their education at the next level after they were forced to attend our schools for kindergarten through high school. High school graduation is the end of the road for the majority of these students depending on where they live.

Excellent work has been conducted by many researchers studying the undocumented student population and the pursuit of higher education, but the study of the institution's responsibility in setting admissions policies and the impact of those policy changes on the institution has barely scratched the surface. The case study of Western Washington University and the article that addressed North Carolina's and California's implementation realities were the two key pieces of work located that directly addressed institutional response to policy change for this specific population. This case study provides mid-level institutional information that will bring together the research that has been completed on a macro level (impact of in-state tuition policies) and micro level (how individuals and departments on campus have dealt with the consequences of policy change decisions).

## **CHAPTER III**

### **METHODOLOGY**

#### **Introduction**

The purpose of this qualitative case study was to examine and analyze the three admissions policy changes that took place at Hillside Community College regarding the admission of undocumented students and the results and consequences of those changes for the institution. In this study, I sought to identify and describe the policy changes that took place, the reaction to those policy changes and the resulting procedures and services that were created after the changes were implemented. The study provided an opportunity for documentation to be presented that describes what took place during internal meetings and discussions and provided details regarding plans that HCC considered during the process to change the admissions policy. Interviews allowed for administrators, deans and vice presidents to reflect on what took place in their respective areas and provide insight into the new policies and procedures that resulted from the policy changes that were implemented.

In this study, I used a case study approach. According to Robert Yin's text *Case Study Research: Design and Methods* (2009), case studies are used in many situations to deepen our knowledge of individual, group, organizational, social, political, and related phenomena. Case study method allows the researcher to gain the holistic and meaningful understanding of real-life events-such as individual life cycles, group behavior, organizational and managerial processes, neighborhood change, school performance,

international relations and the maturation of industries (Yin, 2009, p. 4). Stake (1995) describes case study as the study of the particularity and complexity of a case, coming to understand its activity within important circumstances.

In this study, I examined the three separate admissions policy changes that transpired at HCC. The first change was made in 2001, just after the terror attacks of 9/11. Hillside Community College implemented an admissions policy that prevented any undocumented student from enrolling in the college. The second policy change was approved in early 2011 and permitted undocumented students to attend the institution and pay the in-county tuition rate. The third policy change was an amendment to the second policy change in the spring of 2011 that overturned the in-county tuition policy and implemented the out-of-state tuition rate for undocumented students. Because the policy changes took place over the span of 11 years, a case study design allowed for an in-depth exploration of the issues both historically and currently.

### **Case Selection**

The community colleges in the state in which HCC is located are not a part of a system or consortium, and therefore each has its own institutional policies that govern its operations and admissions. These policies are reviewed and approved or denied by Boards of Trustees that are made up of members of the community as well as governor-appointed positions. Hillside Community College had a written policy regarding the admission of undocumented students for the past decade and was actively turning away applicants who did not possess proper work authorization, permanent residency or visa

documentation. This policy ran counter to the mission of the institution to serve its community and have an open door policy.

HCC was selected for this qualitative case study because of the incongruence in its policy related to the mission of the institution and the major decision made by administrators, board members and County Freeholders to overturn the policy and begin admitting undocumented students for the first time in a decade. This decision was made at a time when immigration policy was at the forefront of political debates and was made in a county where a conservative climate was strongly opposed to the admission of undocumented students. This case was also unique because the first policy that was passed allowed admission and in-county tuition for undocumented students, but the County Freeholders threatened to withhold funding unless the Board of Trustees changed the policy to charge undocumented students at the out-of-state tuition rate.

This case study allowed me to review and analyze documents related to the policy changes and conduct interviews with cabinet-level administrators and other staff who were affected by the changes that were implemented. The effects of the policy changes were examined and procedural and services changes were delineated so that other institutions may be more prepared for the implementation of major policy shifts at their respective institutions.

### **Research Questions**

Given the descriptive, exploratory nature of the inquiry, the research questions that guided this study are as follows:

1. How did the key administrators respond to the admissions policy changes regarding undocumented students' admission to the college?
2. How and why did the policy reversal addressing tuition for undocumented students from in-county to out-of-state rates occur?
3. Are there any factors that influenced the college administrators' response to the admissions policy for undocumented students?
4. What impact did the policy changes have on the daily responsibilities of the participants and their areas of responsibility?

### **Institutional Context**

Hillside Community College is a comprehensive community college located in the Mid-Atlantic region of the United States. The college was established in 1965 and welcomed its first class in 1968. The college offers multiple associate's degree programs and certificates and currently has an enrollment of over 8,700 students. The college sits on over 200 acres within a suburban setting. The make-up of the student population has changed dramatically since it opened in 1965. The initial population was primarily adult learners and part-time students seeking skills to improve their job opportunities. The current population is primarily traditional-age students (18-24) who have just graduated from high school and are using HCC as a gateway to earn credits at a lower tuition rate and then transfer to a four-year institution.

HCC currently has the second-highest graduation rate of all of the community colleges in the state with over 40,000 total graduates and the highest transfer rate to four-year institutions (76%). The reputation of the college is very strong and is seen as an

excellent opportunity to get a quality education at an affordable price. Because of this reputation HCC attracts many of the local students, including undocumented students.

After the terror attacks on September 11, 2001, the college changed its admissions policy, banning all undocumented students from attending in any capacity. For the past decade, many undocumented students still attempted to attend and many provided false documentation to the Admissions Office. Because of this practice, the admissions counselors and Director of Admissions were forced to check all documentation entering the office and to confiscate any false documentation that was presented. Undocumented students and their families were denied entry to their local community college and many feared they would be reported to Immigration and Customs Enforcement (ICE). Many of those students were forced to attend other community colleges at a higher tuition rate or were not able to pursue post-secondary education at all. As an institution, HCC never reported any student or family to the authorities, but tried to provide them with advice and local resources to help undocumented students and families begin the process of legalization.

### **Sampling of Informants**

In order to obtain the information that helped me answer the research questions, I used a purposeful sampling strategy to select the informants for interview (Patton, 2002, p. 46). These informants are experts in relation to the phenomenon under study, and the intention of purposeful sampling is to select informants for the amount of detail they can provide about the phenomenon (Strauss & Corbin, 1990).



Informants were chosen based on their position at the college and their involvement with the admissions policy changes. The informants chosen were asked to provide insight and information about the admissions policy changes and their implementations as well as the consequences and changes that were required to be made to comply with the new policies. In order to gain a better understanding of the consequences of the admissions policy changes, informants from Student Affairs and Academic Affairs were included in the study. The Student Affairs Division deals directly with the enrollment of undocumented students and the subsequent advisement, registration, and support of those students once they are attending HCC. The Academic Affairs division is responsible for all academics on campus, including faculty, program and course offerings.

The administrators from the Student Development and Enrollment Division who were interviewed were the Registrar and the Vice President of Student Development and Enrollment Management. These administrators have direct contact with undocumented students who are enrolling at the college and are responsible for their success while they are attending HCC. They are also responsible for assisting undocumented students and with processing the documents that are required in order for that student to attend HCC under the admissions policy guidelines.

Administrators from the Academic Affairs Division who were interviewed were the Dean of Health and Natural Sciences, the Dean of Liberal Arts and the Dean of Business, Math, Engineering and Technology. Three of HCC's most sought after academic programs are Nursing, Radiography and Respiratory Therapy. All three programs are competitive and have a pre-professional and clinical requirement.

Students who apply to these programs are subjected to a criminal background check prior to being considered for a clinical rotation in an area hospital or clinic. Undocumented students do not possess a Social Security Number and are not able to complete the background check and are not eligible for a clinical seat in the programs. The Dean of Health and Natural Sciences was able to provide information on how undocumented students are advised when they pursue a degree in one of these three areas and whether any procedural changes were made to address this population.

Hillside Community College's incoming students must show SAT scores of 530 in Math or 540 in Critical Reading or ACT scores of 23 in Math and 23 in English or provide an official transcript showing they have completed algebra and English courses at another regionally accredited institution in order to be cleared to register for college-level courses. If students did not take the SAT or ACT or did not achieve scores that meet those minimum requirements or did not submit transcripts for transfer, they must complete the Accuplacer placement exam. Almost three-quarters of first-time students at HCC are required to take at least one developmental course. These developmental courses are located in the Mathematics and English Departments. Also, all students who are pursuing associate's degrees at HCC, including undocumented students, are required to take two English Composition courses and at least one college-level mathematics course. The Deans of these divisions were included in this study to provide information on the rates of developmental study required of undocumented students and to determine if these rates vary from our general population. They were also able to provide information regarding any changes that were made academically to accommodate this new population of undocumented students.

In order to expand the scope of the information to be analyzed, the Vice President of Business and Finance, the Vice President of Academic Affairs, and the President of the college were also interviewed. These interviews provided more insight into the Board of Trustee meetings that took place as well as cabinet-level decisions that were made by the institution to implement and communicate the policy changes to the college as well as to the surrounding community.

A solicitation e-mail was sent to each prospective informant asking them to participate in this study. If the prospective informants required more information, I offered to set up follow-up meetings to the initial e-mail inquiry to further explain the study and the expectations for the informants who choose to participate.

### **Data Collection**

The aim of this study was to investigate how three policy changes regarding the admission of undocumented students to HCC have impacted institutional staff and faculty's practices and approaches and to understand their feelings about the policy changes that took place. There were two primary methods of data collection, one-on-one interviews with informants and examination of documents relating to the policy change and the consequences that resulted from the changes.

The interviews were open-ended, semi-structured and guided by interview protocols. According to Morse and Field (1995), the semi-structured interview is used when the researcher knows most of the questions to ask but cannot predict the answers. It is a useful technique because the researcher will obtain all information required (without forgetting a question), while at the same time permitting the participant freedom

of responses and description to illustrate concepts. Each informant was asked to share their perspectives related to the research questions as well as other general questions which allowed them to describe the specific changes that took place in their respective areas.

The interviews were recorded with the informant's permission and took place in a location of their choosing. I took notes during the interviews that outlined details other than the information that was being provided as answers to my interview questions. These notes allowed me to remember the behaviors that I observed including body language and facial expressions exhibited by the informants. I then reviewed the interview recordings and took notes that identified common themes. I interviewed each informant one time and a follow-up was not required. Each interview lasted for approximately one half hour to forty five minutes.

The interview guide was developed based on a review of the literature regarding current legislation (or lack thereof) regarding the admissions of undocumented students to public post-secondary institutions. The guide was also designed using the theoretical framework of Bolman and Deal's four organizational frameworks: structural, human resource, political and symbolic. My experience as the Director of Admissions at HCC for eight years also contributed to developing the interview questions. My position allowed me to directly observe the consequences of the admissions policy changes on my office and allowed me to carefully consider the questions to ask the informants who would participate in the study in order to best answer the research questions being asked. The interview questions were the same for each informant and focused on their feelings and perspectives on the policy changes and the types of consequences the policy changes

may have had on their area. Those consequences ranged from updating literature provided to students to changing the student computer system to adjust for this population to being prepared to assist undocumented students with pursuing their permanent residence card.

The common questions for all informants addressed their perspective on illegal immigration, their reflection on the contradiction of open enrollment and banning undocumented students from attending, the communication methods that were used to inform the campus of the change, what direct impact the admissions policy changes have on their area and their business policies and procedures, and whether they believed this decision was the right one to make and how undocumented students would benefit from continuing their education (see Appendix A).

The transcription of the interviews began within 48 hours after each interview was conducted. A memorandum was written for each informant post-interview outlining how they were chosen to participate in the study, their role on the HCC campus, the overall perspective on the issue of undocumented students, and the three HCC admissions policy changes that have been implemented over the past decade.

In order to substantiate and triangulate the information from the interviews, a variety of documents were gathered including notes or minutes from meetings held by campus administrators addressing the admissions policy change, archival records showing the history of this admissions policy, records of process changes that took place within the institution to adapt to the new policy change, student newspaper articles that discussed the admission of undocumented students, and records of communication

received on campus by the public as well as the record of public demonstrations in surrounding communities as and on campus. An analysis of these documents is included in the findings of the study.

### **Data Analysis**

This case study is descriptive in nature. It examines the consequences at a single institution that took place after three admissions policy changes were implemented affecting the admission of undocumented students. In order to analyze the data that were collected, I used two strategies to categorize the semi-structured interviews and the archival data. As the data were collected, I created a matrix of categories and placed the evidence obtained from the interviews (quotes or observations) as well as evidence obtained from the documents (dates, times, meeting attendees, etc.) into the matching categories (Miles & Huberman, 1994).

In order to analyze the categories that were created and develop themes, categorical aggregation was used (Stake, 1995). This data analysis strategy seeks a collection of categories from the data and allows the researcher to discover meanings that emerge from the data. Using both of these data analysis strategies allowed me to pull apart the information and put it back together again more meaningfully. This process allowed for an in-depth understanding of the case that was being studied.

By synthesizing the data collected from documents and semi-structured interviews, I provided a full description of the admissions policy changes that were implemented over the span of a decade at HCC and the consequences those changes had on key areas (academic and student services) of the institution. This data provided the

thoughts and feelings of the informants regarding the procedural changes and allowed them to describe what was positive and negative about the consequences of the three admissions policy changes.

The reporting of this data narrated the effects of policy change on an organization and will allow other institutions to learn from what took place at HCC and use the data to better prepare for the consequences that happen after a change is implemented.

### **Validity in Case Study Research**

This case study provides a description of what took place at one institution after three major changes to its admissions policy to deny and then admit undocumented students. In order to produce reliable and valid data, I used multiple sources of data and conducted interviews with cabinet-level members of all three key areas of the campus: academics, student affairs and finance.

In order to ensure the quality of the data, I recorded the interviews and immediately wrote memorandas for each informant so that no information was missed or misunderstood. I focused specifically on the four research questions being asked and triangulated the data that was thematically organized.

Although the institution being studied was kept anonymous, I asked several members of HCC who were not selected to be informants to review the report for accuracy of the data being interpreted. I maintained the chain of evidence and included copies of the interview protocols and the documentation that was analyzed in the final report of the case study.

## **Limitations of the Study**

A case study is suited to delve into a real life situation and to provide in-depth knowledge about an institution or organization. However, when research is focused on a particular organization or situation, it is difficult to generalize the results for other instances that may occur.

There are several limitations inherent in this study. First, although I gathered information from multiple sources regarding the results of three admissions policy changes and the consequences those policy changes had on specific areas of the institution, several perspectives were purposefully left out of the study, including those of students and external community members and organizations. Second, because this is a descriptive case study of policy change at one institution, the findings of this study were not generalizable to other institutions as the specificity of the policy change and the consequences of that policy change are unique to HCC.

The study could be expanded in the future to include current undocumented students so that their experience of being the first to attend HCC under the new policy could be documented and the results of that documentation could lead HCC to explore better ways of serving the needs of this population.

## **Role of the Researcher**

I am currently the Director of Admissions at Hillside Community College and have held this position for eight years. Prior to taking this position, I was the Senior Assistant Director of Admissions at Barry University in Miami Shores, Florida for four years. I hold a bachelor's degree in Mass Communication from Wright State University



in Dayton, Ohio, and obtained my master's degree in Education from Barry University. Career and educational opportunities have allowed me to live in three very different regions of the country and have significantly impacted my viewpoint on college admissions.

Moving from the Midwest to south Florida provided an opportunity for me to be exposed to more diversity and to open my eyes to students who had faced difficulties to which I was never exposed in my upbringing. I first began working with the international students that attended Barry as they became Student Ambassadors in the Admissions Office. Those students provided a path for me to get involved with the Latino/a clubs on campus and to learn about the different struggles that were taking place for students who had been living in the United States but did not arrive here legally.

This was my first exposure to undocumented students and, because Barry is a private Catholic college, I was able to admit them with no problem. The college provided many of these students with financial assistance and they were not identified in our system in any way. I was not aware of the struggles this population faced until I moved to the mid-Atlantic and began working for a public two-year institution (HCC).

After spending several years at HCC and denying applications for hundreds of undocumented students, I began researching the issue and speaking with administrators on campus to learn more about why HCC did not allow them to attend. I assisted my Vice President in presenting ideas to the Board of Trustees that encouraged them to explore the issue and finally make the decision to overturn the 2001 policy to ban undocumented students from attending HCC.

I understood the potential difficulties of studying my own institution and was cognizant of the ethical issues that might arise during the research process. Prior to data collection, I had several conversations with the President of the institution and received his written permission to conduct interviews with the college administrators. I made every effort to clarify with all participants that the name of the institution would not be revealed in the study and that pseudonyms would be used to protect their privacy. I ensured confidentiality and encouraged them to be honest with their responses to the interview questions.

All of those who were asked to participate did so with no hesitation and were thoughtful with their responses to the questions they were asked. I did not sense reluctance and many were forthright with their opinions, even if those opinions did not cast HCC in a positive light. I was grateful for their participation and their trust in me as a researcher.

I am involved in several professional organizations for college admissions counselors, including the National Association for College Admissions Counselors (NACAC), the regional association for the state in which HCC is located, and the regional and national organization for the American Association of Collegiate Registrars and Admissions Officers (AACRAO). These organizations learned of the work I was doing with the undocumented student population and requested that I participate in the regional and national conferences by giving presentations. I have also been asked by several area high schools with large undocumented student populations to come in and present to students and parents and to help them understand the college admissions process and the challenges they will face.

## **Ethical Considerations**

As the Director of Admissions at HCC, I understand that studying my current place of employment presented certain challenges. I have been the Director of Admissions at HCC for eight years and have developed strong relationships with each informant that was a part of my study.

In order to maintain relationships and not put anyone in jeopardy, complete confidentiality was promised to each informant and I did everything possible to maintain that promise throughout the research process. I also shared information with my informants throughout the process so that they had the opportunity to view the write-ups and to clarify any information that was being presented.

I also made an effort to remain unbiased, considering that I am involved in professional organizations whose purpose it is to assist the undocumented population with continuing their education past high school. I put much thought into my research questions and interview guides to prevent any bias in any aspect of the study. I acknowledge my subjectivity and bias while analyzing and comparing the data that were obtained by all of the informants.

Because issues related to undocumented immigrant students are controversial and sensitive, I have made sure that the participants' information was kept confidential. I have made every effort to safeguard confidentiality by assigning pseudonyms to participants. I reported only aggregated responses and did not reveal any identifiable personal information associated with participants.

## **Summary and Conclusion**

In order to better understand the three admissions policy changes that were approved and implemented at Hillside Community College over the past 11 years and the consequences the institution faced once those changes were put in place, the data provided by interviews and the data obtained from documents were analyzed thematically and provided in a theoretical narrative format. Interviews allowed for open-ended questions and responses that allowed the researcher to gain better insight into the direct effects the policy changes had on the informant and their department/division. The interviews also provided a platform for the participants to reflect on the decision that was made and give personal statements on their own beliefs and how they felt about the results of the changes that were made to the admissions policy. The data obtained from the interviews were triangulated with the data obtained from the documents and allowed for a thorough presentation of information discovered by this case study.

## **CHAPTER IV**

### **FINDINGS**

#### **Introduction**

The purpose of this case study was to understand the three major policy changes that took place at one community college in the Northeastern region of the United States which profoundly affected undocumented students' access to this institution and provide insight on the consequences those changes brought to the institution.

This chapter discusses and analyzes the data collected from the semi-structured interviews conducted with seven Cabinet-level members and one Director at Hillside Community College (HCC) regarding the three admissions policy changes that were implemented at the college between 2001 and 2011. In an effort to conduct a holistic case-study that examined the impact of controversial policy changes on HCC, I gathered additional data from meeting minutes, legal documents, memorandas, e-mails, and newspaper articles. These additional data were used to triangulate the informants' perspectives and to understand the overall case.

Five major themes and several sub-themes emerged, providing a framework that answers the research questions. The five major themes were: (a) influence of the September 11, 2001 attacks, (b) the community college role and mission, (c) political influence, (d) federal and state government immigration policy and (e) overall impact on the college.

This chapter also provides a brief historical overview of the events that took place at HCC leading up to the initial policy change in 2001 and through the final policy change that took place in April of 2011, followed by an analysis of the data from the interviews along with detailed information from the accompanying documents. Excerpts of several interviews are included to provide a deeper understanding of the issues that HCC faced as the institution moved forward with a controversial policy to address the admission and tuition of undocumented students in the state that had no laws in place for institutions to follow.

### **A Brief History of Institutional Case**

In order to understand the complex, interrelated impact of the admission policy changes on HCC, it is critically important to understand the historical context of this issue.

#### **1990-2001 – Don't Ask, Don't Tell**

In the 1990's 14 million legal immigrants entered the United States. This exceeded the record number of 8.8 million who entered between 1901 and 1910 (Bean, Van Hook & Woodrow-Latfield, 2000). As large as this legal number seemed, undocumented aliens were still entering our country in alarming numbers. According to the 2000 U.S. Census, there were approximately 6,994,000 illegal immigrants residing in the United States. That number increased by as many as 275,000 illegal immigrants entering the United States each year.

In 1996, the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) was passed by Congress in order to clarify the status of undocumented

immigrants in higher education. IIRIRA included several provisions aimed at preventing illegal immigration. Section 505 focused specifically on access to public post-secondary education for undocumented students and prohibited states from “providing a post-secondary education benefit to an alien not lawfully present unless any citizen or national is eligible for such benefit.” Essentially, this meant that an institution may not grant in-state tuition benefits to undocumented students unless they also granted in-state tuition benefits to out-of-state U.S. citizens.

This law is often cited as the reason to deny undocumented students physical and financial access to public higher education however, this law did not specifically bar states from providing in-state tuition to undocumented students.

Although the initial policy that was passed that banned undocumented students from attending HCC was implemented in 2001, discussions regarding access and cost for non-resident students had taken place in 1990. In a memorandum from the President in 1990, he stated that to be in compliance with a new state statute, international students would be charged a non-resident tuition. He went on to say that any student who is not a permanent resident or a U.S. citizen would be assessed an out-of-state tuition.

Undocumented students were not discussed in this memorandum.

In another memorandum in 1995 addressed to the Director of Admissions, the Vice President of Academic Affairs stated that the college legal counsel made it very clear that HCC should not accept students who do not have a visa appropriate for attending college during any semester.

If there are students who you know that we admitted with expired or outdated visas, then you should contact them immediately and indicate to them that they may not attend Hillside Community College during any semester unless their visa status is correct (Wood, 1995).

This was the first mention of students who were out of status and did not possess legal immigration status in the United States.

Admissions applications were reviewed for 1990 through 2000 and it was discovered that a citizenship question was asked providing three options for students to answer: U.S. citizen, non-citizen permanent resident, non-citizen visa type and expiration date. Nowhere in the admissions policy or in the college catalog did it state that undocumented students were not permitted to attend HCC. The Admissions Staff was following a "don't ask, don't tell" policy until the written policy was implemented in 2001. Students who marked they were a U.S. citizen but indicated they had attended high school in a foreign country were not required to provide further documentation proving their citizenship status.

In 2001 HCC implemented the policy which banned undocumented students from attending. The information provided by students was under scrutiny - the Admissions Office followed-up on applications by students who indicated they were a permanent resident or visa holder. All students who indicated they were a permanent resident or held a visa were required to provide their official Permanent Residency card or their passport holding their visa information to the Admissions Office so that the information could be verified and copied for their admissions record.



## **2001-2010 – No Documentation, No Acceptance to HCC**

The September 11, 2001 attacks on the World Trade Center in New York, the Pentagon, and the crash of Flight 93 in a Pennsylvania field took almost 3,000 American lives and were carried out by 19 foreign terrorists. The attack on our country profoundly changed the United States' immigration policy and sparked an increase in anti-immigration and nativist feelings. In response to the attacks, the government introduced tighter immigration controls and restrictions as part of their counter-terrorism offensive. It had become widely accepted by politicians to view immigration as an important tool in the war on terrorism (Spencer, 2008).

The ferocious law enforcement reaction to 9/11 overwhelmed Arab and Muslim communities. At the same time, other immigrants, legal or not, were affected and most of those migrants were from Latin America, particularly Mexico. The initial attention, reflecting the ethnicity of the 9/11 attackers, actually affected a much broader swath of people in or hoping to enter the United States (Tirman, 2006)

In a speech given at Georgetown Law Center in 2009, Senator Charles Schumer from New York outlined his seven principles for an immigration reform bill to address illegal immigration. The first principle set the tone for his speech - "Illegal immigration is wrong, plain and simple. People who enter the United States without our permission are illegal aliens. When we use phrases like 'undocumented workers' we convey a message to the American people that their government is not serious about combating illegal immigration." (Thompson, 2011, p.1)

In total, Schumer used the term “illegal” 30 times and “alien” 9 times. It was a much different message than he had delivered three years earlier when he spoke repeatedly of undocumented immigrants when speaking with a group of Irish Americans. The Senator explained that he was choosing his words much more carefully now.

In the decade since the September 11 attacks, there has been a steady increase in language that frames unauthorized immigrants as a criminal problem. In reviewing the archives of the nation’s largest circulation newspapers, it was discovered that a striking and growing imbalance was taking place, particularly at key moments in the immigration reform debate. In 2006 and 2007, the *New York Times* published 1,483 articles in which people were labeled as “illegal” or “alien” and just 171 articles used the adjectives “undocumented” or “unauthorized.” (Thompson, 2011).

In a Gallup poll conducted in 2003, nearly half of Americans responded that immigration levels should be decreased. In general, Americans’ views toward immigration levels were more positive than they had been immediately after the terrorist attacks, but remained more negative than they had been at the start of the decade (Jones, 2003).

Three days after the attack on the Pentagon and the World Trade Center, FBI Director Robert S. Mueller III described reports that several of the hijackers had received flight training in the United States as “news, quite obviously,” adding, “If we had understood that to be the case, we would have-perhaps one could have averted this” (Fainaru & Grimaldi, 2001, A24).

A senior government official acknowledged law enforcement officials were aware that fewer than a dozen people with links to Bin Laden had attended U.S. flight schools. However, the official said that no information had indicated the flight students had been planning suicide hijacking attacks (Fainaru & Grimaldi, 2001)

During his interview, the President of HCC revealed that within weeks of the September 11<sup>th</sup> attacks, the FBI learned that HCC had two Egyptian students enrolled in the Aviation Flight Technology program who had left the program after September 11<sup>th</sup>. The program that HCC offers was run in conjunction with a local municipal airport and provides the coursework and flight training necessary for an entry level flight position. Students were able to master the specific requirements of the Commercial Pilot Certificate (single-engine land) with an instrument rating, the minimum certificate required to fly as a profession.

Although no information was uncovered indicating the students were involved with the September 11<sup>th</sup> attacks and the students were legally attending on F1 visas, the college responded by implementing the first written policy in the state that banned undocumented students from attending HCC in any capacity. On December 12, 2001, the Board of Trustees recorded in their meeting minutes:

RESOLVED, That the Board of Trustees of Hillside Community College approves and adopts the revisions to the Admissions Policy, Section 13, International Students. The prohibition of admission of undocumented aliens is effective immediately. The remainder of the revisions to the Admissions Policy, Section 13, International Students is effective July 1, 2002 (Board of Trustee Meeting Minutes, December 12, 2001).

This vote resulted in the following statement in the HCC Admissions Policy:

International Students: Holders of valid non-immigrant visas may attend the College on a full- or part-time basis subject to the terms below applicable to the student's visa classification. Undocumented or "illegal" aliens may not attend the College (HCC Admissions Policy, December 12, 2001).

When the policy was implemented, Admissions, Financial Aid and the Registrar comprised the Division of Enrollment Services. This division was separate from Student Development and had its own director until the end of 2004. In 2005, the Director of Enrollment Services retired, the Division of Enrollment Services was combined with the Student Development Division and the previous Dean of Students was promoted to Vice President of Student Development and Enrollment Management. The Vice President was the main advocate on campus for students and when the divisions were combined, she became more aware of the admissions policy that was in place and felt it was not serving the community well.

After the merger took place, the Vice President spent time with each of the directors who were previously a part of the Enrollment Services Division. As the Admissions Office began sharing files with her and she began meeting with undocumented students who had been caught either lying or presenting false documentation, she and the Director of Admissions discussed the admissions policy and debated whether it should be changed to allow those students to attend.

The multiple submissions and defeats of the DREAM Act fueled those discussions as well as the discovery that HCC was the only institution with a written policy on this subject within the state. Other community colleges were not asking the

question and admitting students based on their residency and public four-year institutions in the state were admitting these students and charging them out-of-state tuition. Many of the county's undocumented students were advised by their guidance counselors to attend schools other than HCC.

The Vice President of Student Development and Enrollment Management was a member of the Board of Trustees' Minority Enrollment Committee. This committee was charged with reviewing HCC policies in relation to diversity on campus and finding ways to increase diversity, especially for underrepresented groups. The Vice President of Student Development and Enrollment Management had discussed with the Minority Committee her role in disciplining students who were attending HCC with false documentation and expressed her concern that the admissions policy was not in compliance with the college's open-enrollment mission.

The Chair of the Board of Trustees was also a member of this committee and, in 2008, approached the Vice President of Student Development and Enrollment Management with the idea that the admissions policy banning undocumented students from attending should be discussed and the option of admitting these students should be reconsidered. After that discussion, the Vice President worked with the Director of Admissions to provide as much information as possible to the Board about state and federal legislation, other state college policies and students who had been turned away because of false documentation or no documentation at all.

**2011-present – Undocumented Students Accepted but with Tuition Controversy**

After three years of debate, the Board of Trustees approved the change to the admissions policy in February of 2011 and the college immediately began accepting undocumented students as long as they met the guidelines for acceptance. The guidelines were as follows:

Undocumented Individuals – Except for admission to restricted programs listed in Section 6, admission to credit programs and courses is open to all college-able individuals who do not hold a non-immigrant visa, who (i) provide proof of entrance into the United States before the age of 16 and are under the age of 35, (ii) provide proof of having resided in the United States for at least five (5) years without interruption, (iii) provide proof of having graduated from an American high school or possess a GED or equivalent, or (iv) meet the conditional admission requirements set forth in Section 7. The tuition rate charged to an undocumented individual who satisfies the foregoing admission requirements shall be based upon his/her current residence (HCC Admissions Policy, February 16, 2011)

The County Board of Freeholders and the community protested the in-county tuition rate charged for undocumented students. The Minority Committee of The Board of Trustees re-visited the original admissions policy and made several new recommendations to the Board of Trustees:

The Committee recommended continuance of an admissions policy that would permit enrollment of undocumented aliens. However, the Committee also recommended that enrollment of undocumented individuals be limited to

individuals who graduated from a state high school or have attained a GED or equivalent diploma in the state or otherwise satisfy the conditional admissions requirements in Section 7 of the admissions policy. The intent of this amendment is to provide a continuum of educational opportunity primarily for students who have been educated within the state and are likely to contribute to the state community (Minority Committee Report & Recommendations, April 20, 2011).

The Committee further noted the following:

As reported in a very recent petition for review by the United States Supreme Court,” The debate over whether illegal aliens should receive the public benefit of resident tuition rates is a matter of intense national interest and controversy.” Because of widespread confusion, state legislatures and public educational institutions across the nation have reached divergent interpretations and determinations on this issue, which has produced litigation throughout the federal and state judicial systems. The current prevailing interpretation of federal immigration law is that undocumented individuals may not be granted resident tuition rates unless a state statute affirmatively authorizes resident tuition rates for out-of-state citizens as well as undocumented immigrants. For these reasons the Committee recommends amending the admissions policy to provide that admitted undocumented immigrants be charged out-of-state tuition whether or not they reside in the state (Minority Committee Report & Recommendations, April 20, 2011).

The Minority Committee reviewed all of the legal precedents that had been set in states without legislation addressing undocumented students' access and cost to attend public higher education. The Committee's recommendation was based on the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) federal legislation that was passed in 1996 that said public colleges and universities that provide in-state tuition to those who are not legal U.S. residents must also provide that tuition to students who reside outside the state in which the institution is located. In order to avoid the possibility of disobeying a federal law, the Committee recommended that undocumented students who attended HCC were to pay the much higher out-of-state tuition cost.

After receiving this recommendation and hearing from the public on both sides of the issue at several open Board meetings, the Board of Trustees voted to amend the previous admissions policy to charge undocumented students the out-of-state tuition rate:

Undocumented Individuals – Except for admission to restricted programs listed in Section 6, admission to credit programs and courses is open to all college-able individuals who do not hold a non-immigrant visa issued under federal immigration standards, who provide proof of having (i) entered the United States before the age of 16 and are under the age of 35, (ii) resided in the United States for at least five (5) years without interruption, (iii) graduated from a state high school or attained a GED or equivalent diploma in the state or satisfied the conditional admission requirements set forth in Section 7. Undocumented immigrants admitted under this section 3.b. shall be charged out-of-state tuition whether or not they reside in the state (HCC Admissions Policy, April 20, 2011).



The Board of Trustees followed the recommendation of the Minority Enrollment Committee to charge undocumented students out of state tuition based on the IIRIRA legislation. The Board also followed the Committee's recommendation to change the guidelines to state that undocumented students wishing to attend HCC must have graduated from a state high school or received a GED from the state. The original guidelines asked for students to have attended high school in the United States or to have received their GED in the United States. The new guidelines were created to ensure the college was providing higher education to members of the local community.

### **Findings from the Analysis of Interviews and Documentation**

I broke down the interview questions and responses into six major actions/categories after I sorted through the data and identified regularities and/or patterns. The categories are as follows: (a) the 2001 admissions policy change to ban undocumented students from attending, (b) the 2011 admissions policy change to admit undocumented students, (c) the tuition policy reversal decision to charge out-of-state tuition to undocumented students, (d) the effect of the policy changes on daily responsibilities, (e) external factors and feelings on illegal immigration, and (f) community colleges' role serving the undocumented student population. Those categories were placed into a matrix that included Bolman and Deal's four organizational frameworks, the direct impact of the policy change, the participants' perspectives and responses, the questions that applied from the interview guide, the documentation that triangulated the information for that category and the research question that category addressed (See Appendix B).

This matrix allowed me to loosely organize the data so that further coding could be completed. I reviewed the responses the participants had provided to the interview questions by category to identify common thoughts and feelings and triangulated this data with documentation that had been collected. This coding identified the following five themes that emerged from the interviews and the accompanying data: (a) influence of September 11, 2001 Attacks, (b) community college role and mission, (c) political influence, (d) federal and state government immigration policy and (e) overall impact of the admission policy changes on the college. Sub-themes also emerged as I began writing up my interpretation of the events that took place and the informants' responses to the interview questions. The sub-themes are identified in each major theme section.

### **Influence of September 11, 2001 Attacks**

#### **Caught Up in the Chaos**

This theme addresses the institution's decision to make a major policy change based on a reactive response to a national security threat. The September 11<sup>th</sup> terrorist attacks on New York and the Pentagon and the plane that crashed in a field in Pennsylvania shocked the nation and hit very close to home for HCC. The proximity of the institution to New York and Pennsylvania meant that many employees of the college knew victims who were killed in the attacks. The fear and chaos led the institution to make a hasty decision in December 2001 to ban undocumented students from attending, just three months after the attacks.

When asked about the initial admissions policy change that was implemented in December of 2001 and how they felt about it, six of the eight informants immediately

mentioned the terror attacks of September 11<sup>th</sup> having influenced HCC's decision to ban undocumented students from attending the college.

Though three of the eight informants were not working for HCC at the time when the policy was put into place, the Vice President of Academic Affairs, the Dean of Business, Math, Engineering and Technology and the Registrar, explained that the admission policy change occurred reactively rather than proactively in response to the aftermath of the 9/11 attacks. When asked about his knowledge of the policy change that took place, the Vice President of Academic Affairs said, "I'm familiar with the policy and understand it was developed in response to what occurred on September 11<sup>th</sup>."

Another informant, the Dean of Business, Math, Engineering and Technology echoed:

I wasn't present for it, just knew we did it. Then in the process of the most recent go-round on the topic, I think I heard some history, some oral history regarding 9/11 and also that we were one of two colleges or maybe the only college that had a policy not allowing [undocumented students] to enroll. That's what I know or what I think I know.

The Vice President of Academic Affairs and the Dean of Business, Math, Engineering and Technology noted that they became emotionally involved with the decision to change the policy, noting that the college's immediate response to 9/11 may not have been completely thought out. The Vice President of Academic Affairs made the following statement,

I think anytime policy is made in response to something that sometimes you have to give space between the event and considering policy to make sure you're not reacting emotionally.

On the other hand, the Registrar underscored adherence to the institutional regulations and rules, "If you were undocumented and the college knew that, you were not allowed to attend HCC and if you were found to be undocumented and in attendance, you were removed from campus." She did not, however, mention 9/11 or its influence on the college's decision to change the admissions policy to ban undocumented students from attending. Her response was more policy-oriented and less emotional, emphasizing the rules of the admissions policy rather than what may have influenced it.

The five informants who were working at HCC at the time also shared similar feelings and responses about the policy change that banned undocumented students from attending the college. The Dean of Health and Natural Sciences said, "I think it was a reaction to 9/11." A statement given by the President also supported the reactive nature of the decision to ban undocumented students, "We may have inadvertently swept up more than we had bargained for. But that's hindsight, which is 20/20 so I think we were all caught up in the moment frankly and didn't think through that aspect of it as thoroughly as we might have."

The informants recognized that a hasty decision had been made to ban undocumented students from attending HCC based on an emotional reaction to a terrorist attack and that, in hindsight, more thought about the repercussions of that decision should have been considered. Although they agreed that more thought should have been given, they also acknowledged that they were caught up in the moment with the rest of the country and acted in a way they felt protected their campus and their students from harm.

#### **Impetus for Policy Change: Heightened National Security**

As I looked deeper into the information that was available from 2001, I also discovered that HCC was investigated by the FBI due to two Egyptian students who were enrolled in the Aviation program. Only two of the informants, the President and the Vice President of Student Development and Enrollment Management, were aware of that investigation and the influence it had on the decision of the Board of Trustees to change the admissions policy to ban undocumented students from attending HCC. The President described what took place immediately after the 9/11 attacks,

It was implemented shortly after 9/11. You may remember that one of the impetuses of it was we had a couple of Egyptian students enrolled in our aviation program. It was a very tense time anyway, we were visited by an FBI agent who asked for information about these particular students and some others and it was interesting that they kind of were not to be found after the event, so we're not sure whether or not or how they were involved or if they simply just left. I let the Board members know that was something that was of interest to the FBI and several Board members, rightly so, were concerned about the safety of our country and felt it would be appropriate for us to implement and change our admissions policy to prohibit the enrollment of any person who didn't have lawful documentation.

The September 11<sup>th</sup> attacks brought increased attention to national security and raised concerns about the role of higher education institutions and their practice of educating unlawful immigrants.

President Bush issued a Homeland Security Directive <sup>2</sup> in October of 2001 calling for measures to end “abuse of student visas” and prevention of “certain international students from receiving education and training in sensitive areas” (U.S. Office of the President, 2001, para. 12).

It was the first time since Pearl Harbor that such an attack had taken place on our own soil and was not a war that was being fought thousands of miles away and shown on the evening news. The “realness” of the attacks and the loss of so many civilian lives was devastating to the entire country and the world, but it hit very close to home for HCC.

Fear and chaos reigned after 9/11 and the impact on higher education was immense even though it was not discussed in the popular press or by the American public. The decision to change the admissions policy happened very quickly and was based on the emotional reaction to 9/11. Those who participated in the decision making process with the Board of Trustees (President and Vice President of Student Development) were candid about the lack of forethought that went into the decision and admitted that not all facts were taken into consideration. Although they acknowledged those faults, they still believe that the decision was the right one to make at the time

---

<sup>2</sup> Because of this directive, the Student and Exchange Visitor Information System (SEVIS) tracking system was quickly implemented, which resulted in a number of drastic changes in the immigration process for international applicants. The SEVIS system tracks every international student applicant and every international student enrolled in U.S. colleges and universities. All of their actions are reported through SEVIS to the Department of Homeland Security. These actions were in addition to the Patriot Act which had already called for the full implementation and expansion of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA).

considering the concern about safety and national security and the protection of the United States and the HCC campus.

### **Community College Role and Mission**

This theme emerging from the data is related to the conflict between the 2001 Admissions Policy to ban undocumented students and the role and mission of HCC. The first subtheme addresses the role of the community college as an affordable and accessible education option for students who wish to stay local, live at home and still receive an excellent education. This role was not able to be fulfilled between 2001 and 2011 for the undocumented students who lived in the county in which HCC is located.

The second subtheme addresses the conflict between the policy to ban undocumented students from attending HCC and the college's open enrollment mission.

### **Access and Affordability for All, Except Undocumented Students**

Community colleges are known for being a local resource to members of their community and for being accessible and affordable. Often, the community college is the only option for underrepresented groups, especially undocumented students who do not have many college choices. HCC abandoned its role and mission when it approved an admissions policy that banned a segment of its local population (undocumented students) from attending in 2001. In this section I discuss how the institution reconsidered its position in the community and made the decision to align with the open enrollment mission of the institution and change the admissions policy again in 2011 to admit undocumented students.

HCC made a quick decision to ban undocumented students from attending the institution in 2001 based on fear and a need to protect the campus and on national security concerns after the September 11 attacks. While the decision and implementation was quick, the policy lasted for over 10 years. During this decade, undocumented students in the county were forced to lie, present false documentation or attend another institution in order to continue their education. In my time at HCC, I have taken pride in helping many students attend college who might not have been able to do so otherwise. Affordability, not being ready to leave home, and a less than stellar high school performance were just a few of the reasons students looked to HCC as an opportunity to improve their lives and futures. Undocumented students looked to HCC in order to stay close to home, help take care of their families and receive an affordable and quality education. However, the role we played as a local community college was not completely fulfilled due to the ban that was in place for the undocumented students.

All of the informants agreed that an education is a valuable tool for any student, regardless of their circumstances and that all students living in this country should have the opportunity to continue their education at the next level. The Dean of Liberal Arts commented that he believed allowing undocumented students to attend college will improve their opportunities in the future,

Absolutely. I think education changes peoples' lives. It broadens their perspectives it brings them a greater enjoyment for a wider circle of activities and they become interested in music they never knew about, art and literature that they've never seen and ideas that they've never thought about. So, yes, not to mention that it probably will help with job opportunities and financially.



The Vice President of Academic Affairs echoed the Dean of Liberal Arts, highlighting the monetary and nonmonetary benefits a student can reap from a college education and noted that a college education plays an integral part in preparing undocumented students to become productive citizens.

The data shows that the more educated one is, the greater the probability of having higher income, better health, and contributing to the community. All of those factors that one would consider a good citizen, having a greater education level is a good predictor that they tend to be good citizens.

Although almost all informants recognized the pivotal role of community colleges in serving the needs of undocumented students, the Dean of Health and Natural Sciences was concerned that undocumented students take seats away from students who are citizens and paying taxes,

I don't see how we can do much more. We're asking them to provide documentation and not just walking in. You can't just have a whole group of people just walk in and they're not paying taxes and all the rest, then you'll have a reaction from the whole community. And they're taking up seats from people who are paying.

In sum, the informants spoke of the role of the community college to educate all who wish to attend and felt the undocumented population would benefit greatly by attending a school that was close to home and was affordable. They also shared their positive outlook on the future of these students and their sincere hope that an education would allow them to become legal citizens and continue their education beyond HCC.

No matter what their personal feelings on the issue of illegal immigration, they all believed community colleges should help the undocumented student population to become better citizens and to encourage them to achieve their educational and career goals.

### **Open Enrollment, Except for Undocumented Students**

One of the major functions of community colleges throughout the United States is to provide open enrollment access for any student who could benefit from a college education. The United States is one of the only countries with a robust two-year college system that believes in access to higher education for all. When HCC implemented an admissions policy that banned a segment of its population, it abandoned its mission to provide open access to all of its community members and forced those members to lie or attend another institution. HCC also made a decision that was in direct conflict with its mission statement.

HCC's mission statement includes two phrases that address accessibility and diversity.

We provide *access* to our programs and services to all who may benefit from them regardless of their financial, academic, educational or physical challenges.

We maintain an environment that values *diversity* and respects individual differences. We respect the dignity of every person and will not tolerate behavior that infringes upon individual rights (HCC Mission Statement).

The 2001 decision to ban undocumented students from attending was based on fear and the need to protect the security of our nation. It was in direct opposition to the

mission of the college to encourage accessibility and diversity. As the Director of Admissions at HCC for the past eight years, I often received inquiries from undocumented students and guidance counselors about how an institutional policy could be enforced when it disagreed completely with the college's mission. My frustrated answer was always, "Sorry, that's the policy in place."

All eight informants felt that the 2001 decision to ban undocumented students from attending HCC was in direct disagreement with the mission and open admission policy of the college but understood the timing and the reasoning behind why it was put in place. They also recalled that it was a highly emotional time and that decisions were probably made rather quickly. The Dean of Liberal Arts mentioned that the policy to ban undocumented students was in discord with the mission of the college:

It was in conflict with our mission and I thought a total ban was not a good thing for the institution. I felt the extra enrollment and helping these students would both be good for the college and the community.

Similarly, the Registrar said,

It went against open admission. It was something that was put in place and had to be abided by but it was not, I won't say it went against, it was in the face of open admission.

The Registrar was very hesitant when answering my question about the 2001 admission policy and how it related to the college's open enrollment mission. She considered her words carefully but still managed to contradict herself in her own statement by saying it went against open admission but then re-wording that statement by saying it was "in the face of" open admission. I interpreted this as meaning she

recognized the college made a decision that was not in agreement with its own mission, but that the decision was not deliberately made to disagree with open enrollment but to protect the campus after the attacks of September 11<sup>th</sup>. I also felt that she had a difficult time speaking negatively about her institution. She was careful in all of her responses even though she was assured her identity and the institution's identity was protected.

In response to the question about how the 2001 policy to ban undocumented students from attending HCC related to the college's open enrollment mission, the Vice President of Student Development and Enrollment Management stated,

Where do I start? I understood why we changed our policy back after September 11<sup>th</sup> and certainly as an administrator here at this institution for as long as I have been, it's important for me to separate my personal feelings from my professional responsibilities. So, if the college says we're not going to admit, I'm not going to admit. Do I have to like it? Not so much and I didn't particularly like it, but we did what we had to do. I'm not happy we had the policy as long as we did to keep them out, but I'm very pleased that we fought that fight to let them in.

In my time at HCC, I observed several instances in which the Vice President expressed her frustration with turning students away who could have benefitted from an HCC education. She was very proactive in pushing for the admissions policy to be changed in order to allow the undocumented students to attend and was also proactive in getting data to support that push. Her main role at HCC is to advocate for the students and she had commented that one of the most uncomfortable parts of her job was to

dismiss undocumented students when it was discovered they had presented false documentation to attend.

I believed the decision to admit undocumented students was fair and it was unfortunate that they were prevented from attending for so many years. I often find myself explaining to others in education the laws that are in place for the K-12 system and the lack of laws in place for undocumented students pursuing higher education. There is a lack of knowledge in the educational community and the community at large about the door that is slammed in the face of so many talented students just because their parents did something wrong when they were small children. I was pleased to hear the responses from my colleagues because I realized they were educated in this area and understood the roadblocks this population had faced and how we, as a community college, could fulfill our role as an open admission institution and allow these students to continue their education.

Several informants indicated that amending the admissions policy to ban undocumented students' college attendance would be reflective of the community college's open door policy. For instance, the Vice President of Student Development and Enrollment Management said,

It was very rewarding for me when certain members of the Board's Committee on Minority Enrollment decided that we needed to take another look at the policy and agreed upon our encouragement to try to be more of an open door institution for individuals without documentation.

The Registrar indicated that HCC, as a community college, serves the needs of the local community no matter the students' legal status. When she referenced "fault" in her statement below, she meant that many of our residents have been living here since they were small children and are not at fault for their illegal status. She believes that all of our local residents should be able to attend and receive an education,

As a county college we are here to serve the residents of the county and politically some people disagree that you shouldn't be a resident if you're not documented or not a U.S. citizen but if you live here and you are a part of the community, then we are one of the only places where you can get an education. It's not their fault.

The informants all agreed that changing the admissions policy in 2011 to admit undocumented students reflected the open enrollment mission of a community college. They believed in the innocence of the undocumented students, that their illegal status wasn't their fault, that we had failed to fulfill our mission as an open-enrollment institution for over 10 years, and that it was time to recognize that education is a benefit to all.

In summary, the decision to ban undocumented students in 2001 conflicted with the college's role in the community because access was denied to an entire section of the population. The 2001 policy also conflicted with the college's mission as an open enrollment institution as well as an institution that promoted access and diversity. The 2011 decision to change the admissions policy to admit undocumented students brought the institution in line with its own role and mission. The open enrollment concept was

finally true for all applicants and the college was able to serve its entire population and provide an excellent education for all who wished to attend.

### **Political Influence**

This third theme provides an explanation of the internal and external political contexts that influenced the college's decision to change the admission policy and tuition policy for undocumented students. The political structure of the college's Board of Trustees and County Freeholders will be examined as well as the political pressure that was received by the community at large during the decision-making process in 2011.

### **Internal Politics and Structure**

The Board of Trustees at Hillside Community College is composed of eleven county residents from business, education, law and other professional fields who volunteer their services in four-year terms. By statute, eight members are appointed by the County Freeholders and two members are appointed by the Governor. The County Superintendent of Schools is also a member of the Board by statute. One non-voting student member is elected for a one-year term by each year's graduating class. The President serves as an ex-officio member.

The county in which HCC is located is highly conservative and the majority of the Freeholders identify themselves as Republican, some even identify with the ultra-conservative Tea Party. The Governor of the state is also a very outspoken conservative Republican. The appointees to the HCC Board of Trustees are often of the same political party or belief as the body of the Freeholders and Governor who appointed them.

The voting trend for immigration reform at both the state and federal level has been extremely partisan with little compromise across party lines. The conservative Republican Party has voted against the DREAM Act and any other federal legislation allowing for education or benefits for undocumented students. The more liberal Democratic Party has been in favor of legislation that would help undocumented students continue their education beyond high school and begin the process to obtain their permanent residency in the United States. Although the Board is an independent entity of the college, the fact that the members are political appointees speaks to the political influence that is present at every meeting. Comments were made throughout the interview process about the political nature of changing the admission policy as well as how public the decision was. The President made the following statement,

I think we're one of the few or the only community colleges in the state that had such a policy or such a ban, most others operated on a don't ask, don't tell policy that we found out about subsequently. The fact that it was a policy and we were a public institution and to change that policy meant we had to do it very publicly.

The Dean of Liberal Arts also commented on HCC being the only college in the state with such a policy,

I knew it existed, I knew the policy was somewhat unique in the state and also thought it was politically driven.

One of the major controversies that took place during the admissions policy changes was the decision to amend the February 2011 policy to charge undocumented students the out-of-state tuition rate rather than charge by their county of residence.



During my interview with the Vice President of Student Development and Enrollment Management I discovered that the Minority Committee had recommended that undocumented students be charged the out-of-state tuition from the start and that the Board disregarded that recommendation and chose to proceed with the policy change with in-county tuition for that population. Considering the political make-up of the Board of Trustees, this was a surprise to the President and the Vice President and, while they were happy with the Board's decision to make HCC more affordable and accessible for the undocumented students, they were concerned about the public's response to this bold move.

While I appreciated the Board's decision to attempt to make HCC more affordable for undocumented students, the decision disregarded the data that had been provided by the Minority Committee. The data included policies already in place at the public four-year colleges in the state along with the repercussions that might happen due to the IIRIRA federal legislation that was in place. The four-year colleges in the state had already recognized that if they granted in-state tuition to undocumented students, they would have to provide that same lower tuition to out-of-state students who attended, as well. Because of this, their policies stated that undocumented students were permitted to attend, but would pay the much higher out-of-state tuition.

The Board initiated a battle that they could not win and, unfortunately, they and HCC had to deal with the fallout from the community and the County Freeholders. Ultimately, because of all of the evidence that had been presented, the Board had to reverse its decision on in-county tuition and charge the undocumented students the out-

of-state tuition in order to be in alignment with the rest of the public institutions in the state.

### **External Political Influence**

As it turns out, the Vice President and President's concern about the reaction to the policy became reality when the news about the policy change to admit undocumented students and the low tuition being charged for that population was disseminated to the public. It became very clear just how conservative the county was and how loud those who disagreed with the policy could be. While there were several strong supporters in the community, the negative voices overwhelmed them. When asked about the response that was received from the public, the Vice President of Student Development and Enrollment Services expressed how upset she was by the types of responses that were received,

There are some very mean-spirited people in our community and the e-mails that the President's office and my office received, the phone calls, the people who would show up at some of the open forums we had, I understand that people are entitled to their opinions, but it was hurtful and it was really cruel. That kind of drove us to be even more sensitive to the way we approached this whole process.

Numerous newspaper articles were published by both regional and local community papers primarily in the months of February, March and April of 2011 explaining the admissions policy changes that were being discussed and implemented at HCC. The newspaper articles that were published primarily explained the new admissions policy along with the guidelines that were put in place for undocumented

students to attend. The articles also described the vote that took place by the Board of Trustees. "The Communications Director did not have an exact vote count among Board members, but said the policy was amended by an overwhelming majority" (Manochio, 2011, p. A1).

The articles were informative and spoke positively about allowing all students to attend their local community college. "We should help to elevate everyone, not keep anyone down. The more successful others are, the better off we all are; the economy is strengthened with the increased purchasing power of successful people and businesses have a greater pool of well-trained people" (Murray, 2011, P. A4). The articles provided other details regarding the DREAM Act and the lack of state law to address this population and outlined the discussions that had taken place between the Board of Trustees and several local community organizations that were in favor of the new policy.

Once the tuition controversy began, several articles were published that detailed the conversations taking place between the County Freeholders and the HCC Board of Trustees. The first, written February 27, 2011 by Abbott Koloff, held a statement from the Freeholder Director, "Our feeling is that we shouldn't have to subsidize people who are illegal aliens." The article also reported that the Freeholders had not been made aware that this vote was taking place and they should have been apprised because they supply almost 21% of HCC's budget. Several Freeholders also said they want HCC to come up with a new policy after considering their input. They said, "There should be a benefit to being a citizen of the United States" and "My position is 'citizens first.'"

While it was not discussed outright, the understanding between the Freeholders and the HCC Board of Trustees was that if the tuition portion of the policy was not amended, the Freeholders would withhold financial support from the college. The fact that the Board of Trustees and the County Freeholders had a similar political make-up and were on such opposite sides of this decision was remarkable. The Board at HCC took a huge risk when they approved the admissions policy change with in-county tuition knowing they were in direct opposition to what the Freeholders (and their political parties) wanted.

An article published on April 20, 2011 by Abbott Koloff, detailed the HCC Board of Trustees meeting that took place resulting in a vote that overturned the in-county tuition policy for undocumented students. The meeting was held in the gymnasium to accommodate all of the public attendees and was structured so that the public was able to give their comments and opinions on the policy. Over 200 people attended on both sides of the issue. The vote came at the end of the meeting, which lasted over four hours and included dozens of people making emotional testimony.

### **Public Response**

The Director of Communications and College Relations at the college collected all of the articles that were written and all of the responses that were made by the public to those articles, both positive and negative. She provided me with those documents along with a report she managed that outlined the topics of the articles and the comments the public made to those articles. She logged the topic of the article and whether the

comments that were made in response were positive or negative. HCC received 457 negative replies and 66 positive replies (See Table 1) (Brunet-Egan, 2011).

Table 1

*Public Response to Published News paper Articles about HCC Admission Policy Change*

Newspaper Article Subject Categories	Negative Responses	Positive Responses
HCC admissions policy change to admit undocumented students	335	40
Tuition controversy to charge undocumented students out of state tuition	56	7
Local politics influence on HCC decision making process	66	19

As mentioned, all eight of the study informants commented in their interviews that they were shocked by some of the statements the public made and were hurt by how cruel and ignorant many of the responses were. In order to validate the statements made in the interviews, the following quotes are being provided. These statements were either published in local papers as responses to articles or as letters to the editor or were received by the college in the form of e-mails or letters. In order to provide balance, several of the positive letters and e-mails have also been provided.

### **Negative Community Responses**

A few negative examples are listed below. The actual language, capitalization and spelling have been presented verbatim,

Both my wife and I graduated from HCC. I have considered myself a strong supporter of the college for 40+ years. Therefore I care deeply when actions are

taken to tarnish the Values of the college. For the college to now condone ILLEGAL behavior and become one more safe haven in our countries growing problem of ILLEGAL immigration is distressing. The notion that the class of people your policy change addresses are without fault holds little merit. This will just further incent the same ILLEGAL behavior. Furthermore, I seriously doubt that the arbitrary criteria for time and residence are even auditable or enforceable by the college. P.J Skurla (personal communication, February 28, 2011).

Having read the original announcement following your February 16, 2011 meeting and vote, I was outraged. HCC was, in reality, a trendsetter for not allowing Illegal Aliens. Unfortunately for HCC, you have now made your institution a “lightening rod” for this issue. Has HCC and its Board of Trustees abandoned its own values? Instead of bowing to the status quo of the policies of other institutions, HCC should become a “lightening rod” for promoting the values of the community at large. R. Cippolini (personal communication, February 22, 2011).

The DREAM Act is amnesty for illegal aliens, disguised as an enlightened social policy. Since it’s illegal to hire an illegal immigrant, even those with college degrees, the illegal HCC graduates won’t be able to get a job, so where’s the benefit to the U.S.? How have the trustees helped the illegal immigrants? (Wharton, 2011, A9)

First, there is no reason why someone old enough to attend college should still be “illegal.” If they’re smart enough to go to college, they should be smart enough

to become citizens. Secondly, they have already received a free K-12 education. Some say illegal immigrants do pay taxes: sales taxes. At our 7 percent tax rate, they'd have to buy \$125,000 in taxable items per year to match my property taxes. That's a non-argument. In short, I think it's wrong to allow illegal immigrants into HCC at "in-county" rates. In effect, that's a reward for breaking our laws (Banko, 2011, A9).

I think what surprised and saddened me (and the informants) most about the negative responses that were received was the rampant ignorance shown by the authors of the messages. They were angry and uninformed and were unwilling to listen to the facts that had been provided numerous times by the college, the local newspapers and other community organizations regarding undocumented students. For example, one of the most common themes in the messages above addressed "rewarding" illegal behavior and that allowing undocumented students to continue their education would encourage further illegal immigration. The word "amnesty" was also used to describe any programs that would allow undocumented students to become legal citizens of the U.S. One questioned why someone smart enough to go to college couldn't figure out how to become a United States citizen.

There were three main misconceptions presented by the community members that disagreed with the college's decision to admit undocumented students and allow them to attend at the lower in-county rate. The first was that allowing these students to continue their education was "rewarding illegal behavior." These students were brought into the United States as young children by their parents. Allowing them to go to college is not rewarding their parents' bad decision that was made years ago. These students have

already been attending our K-12 schools and many are fantastic students. Tax dollars have already been spent because of federal legislation that says all children living in a district no matter what their circumstances must go to school.

The second incorrect assumption was that allowing undocumented students who currently reside in the United States to attend college and begin the path to citizenship will encourage more illegal immigration. The students HCC was trying to help already lived in the community and had been attending our schools since they were young children. Allowing students who are already here to continue their education in no way encourages families to enter our country illegally. HCC put guidelines in place that were strictly enforced and required a student to have entered the United States prior to the age of 16 and to prove they have lived here continuously for at least five years. They also had to show proof they graduated from a state high school. Those guidelines effectively discourage other families from entering the state thinking they will be able to receive those same benefits.

Finally, the other misconception is that “becoming legal” is a simple and quick process. These students feared that if they came forward they would be deported. If they did come forward and begin the process for legalization, they needed to hire an immigration attorney and begin a paperwork process that takes years and thousands of dollars to complete. Most families who were in the country illegally did not have these types of resources to complete that process.

When reading the negative responses made by the public, it became clear that those with anti-immigrant feelings used the word *illegal* rather than *undocumented* and



de-humanized the undocumented population by accusing them of being criminals and law-breakers. This was an example of nativism. The definition of nativism is: intense opposition to an internal minority on the grounds of its foreign (i.e. “un-American”) connections. The word *nativism* also suggests some part of its meaning: “a preference for those deemed natives; simultaneous and intense opposition to those deemed strangers, foreigners” (Perea, 1997).

The IOM Glossary (IOM, 2004) acknowledged that there may be nuances between the terms *illegal migration*, *clandestine migration*, *undocumented migration* and *irregular migration* but those terms are in practice and used loosely and often interchangeably. The term *illegal migrant* possessed such strong negative connotations that the UN General Assembly resolved to use the term *non-documented* or *irregular migrant workers* when defining those workers that enter or work illegally in a country (Pitea, 2010).

Essentially, this means that those who are opposed to immigration or, for the purposes of this study, opposed to HCC allowing undocumented students to attend, used the term *illegal* because it had a negative connotation. Those who were in favor of the admissions policy change to allow undocumented students to attend used the more positive term of *undocumented student*.

What these community members failed to recognize or discuss was that undocumented students were brought here by their parents and had no choice in the decision. The community wanted to punish the students for their parents’ actions, which still does not solve the overarching issue of immigration reform. The community

members also did not understand that denying a student the opportunity to pursue higher education would harm the community in the long run by continuing the cycle of poverty for undocumented students and their families rather than allowing them to become educated and better citizens.

Personally, I am not in favor of illegal immigration and agree that what the undocumented students' parents did was wrong, but the students are not at fault for their parents' actions. They are here and feel as "American" as the rest of their classmates. Until the government makes a decision on how to deal with the illegal population already living in the United States, they should be able to continue their education and become contributing members of society.

### **Positive Community Responses**

This next section presents supportive letters and e-mails that were also published in area newspapers or were sent directly to the college,

Kudos to Hillside Community College. We will all benefit if as many students as possible are allowed to extend their education. The more education each child has, the greater chance that child will make a positive contribution to society. How did the lack of civil discourse about our economy, public workers and education sink so low that adult members of our society believe that those oft-touted, sacred inalienable rights should only be granted to citizens, no one else? Whatever your political persuasion, do you really believe our county, our state, our nation would be better served by having more residents who don't have access to an education? What convoluted thinking determined that young adults,

who have lived most of their life in our county but, through no choice of their own, were not born here, would make a more positive contribution to our society if they lacked an education? As an educator and someone who believes the single most important service we can provide young adults is a rigorous education, I applaud HCC and the board of trustees who did what was right for kids (O'Neill, 2011, A9)

According to statistics, our county is home to some of the richest people in the United States. Apparently, we are also home to some of the most vitriolic. The new policy allowing undocumented students to enroll and receive in-county tuition at HCC has created quite an uproar. The freeholders say they have no plans to withhold money from HCC, but the head of the freeholders pointed out that they have some leverage because they appoint eight of HCC's eleven trustees. What are they going to do, give an intolerance test to trustee candidates and appoint the ones with the highest intolerance score? Recent editorials have pointed out why education is the better choice over ignorance (Waldman, 2011, A9).

The newspaper is right in stating unequivocally that the nation needs to "sort out" its immigration policy and deal with porous borders. But those challenges have nothing to do with those young people whose parents crossed borders years ago and now live among us. They are as much residents of this county as those who were born here or, for that matter, who moved here, so long as they've lived here long enough to qualify for county residency. What especially is troubling in this heated debate is the nature of the argument and the vitriolic language used to

attack an open policy. Sure, folks can differ on the issue, but what disappoints is the mean-spirited character in which opposing views have been expressed. I lament the absence of decency and mutual respect (Stamato, 2011, A9).

What struck me the most about the positive responses that were received was the common language used about *decency* and *respect*. These community members recognized the value of an education and that allowing undocumented students to continue their education would benefit the community in the long run. They also shared their disappointment in the ignorance shown by those in the community who were opposed to the decision to allow undocumented students to attend their local community college and commented on the anger and vitriolic language used to show their discontent. Ultimately, the positive responses that were received were well-informed and mentioned time and time again the importance of education for all.

In summary, politics affect every decision that is made by a public institution, especially when the decision being made is controversial and public. The Board of Trustees at HCC took a bold step when they approved a policy and a tuition rate they knew was in disagreement with a federal statute (IIRIRA), as well as the political and personal feelings of a governing body (County Freeholders) who controlled some funding for the institution.

While their intentions were good, they did in fact disregard the facts that had been presented to them by various sources outlining what the other colleges in the state were charging the undocumented population and the impact the decision would have on other out-of-state residents who would have to be charged in-county tuition to abide by the

rules set forth by IIRIRA. The Board made every effort to hear what members of their community had to say about the policy change and took into consideration both the negative and positive responses. They understood the role that a community college should play in educating its community, but had to reverse their decision and charge a higher out-of-state rate in order to be in line with the rest of the state's public institutions.

### **Role of Federal and State Government in the Absence of Immigration Law**

The initial problem statement that was presented for this case study included the issue of lack of state and federal legislation in place to address the undocumented student population. Because the state in which HCC is located had no law at the state level nor had the DREAM Act at the federal level, the individual public institutions (both two year and four year) were left to determine how to work with the undocumented students who desired to attend their institutions.

Although IIRIRA was in place and was the federal statute that the public four-year schools in the state chose to follow in HCC's situation, many other surrounding states chose to interpret that law differently and implemented state laws that allowed undocumented students to attend public institutions at the lower in-state tuition rate.

This theme addresses the lack of state and federal laws that govern undocumented students and HCC's attempt to provide guidelines for admission for the undocumented population.

### **Institutional Guidelines in the Absence of State or Federal Legislation**

A common topic that emerged stressed the need for state and federal legislation that addresses illegal immigration and the undocumented students who are already in the country. The informants did not believe a single institution should have to put itself out there so publicly dealing with a controversial issue that legislators and government should have dealt with long ago.

However, though they expressed frustration with the lack of state or federal legislation to guide institutions' decisions, they all stated that the undocumented student population is not at fault for their illegal status based on the guidelines HCC put in place for them to attend. Those guidelines identify undocumented students as having arrived as children, with no say or influence over the family's decision to come to the United States illegally.

The Vice President of Student Development and Enrollment Management further explained how the guidelines for the HCC admissions policy were considered as well as her hope for future legislation that would eliminate the need for those guidelines,

I think they're fair. With the help of the Admissions Office we did some research on what was happening with the DREAM Act, we knew there was not going to be 100% embracing of our policy so we had to do it in a mindful way that would incorporate what was happening at the federal and state levels and do something that made sense for our county." She went on to say, "At some point, maybe federal legislation will make it possible for us to be a little more flexible than we currently are."

Several informants commented on the fact that these students have been a part of our K-12 system and have lived in the United States for most of their lives. They felt it was wrong to suddenly deny those students the opportunity to continue with their education. The President mentioned several area students who could have benefitted from an HCC education but were not able to do so because of our admission policy,

We had people from various community organizations coming to our Board meetings telling us about students, outstanding students, who were graduating from our local high schools who were not able to attend HCC because of our admission policy. That had a pretty strong impact on a lot of us. I had heard previously from some superintendents and others that we had a valedictorian and a salutatorian from the local area that were not able to attend because of the policy.

The Vice President of Business and Finance expressed her dislike of the current federal system, "My opinion is the students were allowed to attend K-12 then hit a roadblock which is unfair." She went on to say, "Federally, we have to get our act together and decide what we're doing. I don't like penalizing innocent children for things their parents do that might or might not be illegal."

The Vice President of Student Development and Enrollment Management agreed with the statements of her colleagues,

They have gone through the education system in the public schools and taxes have been paid for that. We have provided them with a path to try to become

productive individuals. What I don't embrace is that we then close the door and say sorry, you can't continue.

In several conversations that took place after the formal interviews were completed, the informants shared more frustration with the government's inaction on immigration reform. They felt the college was put in an uncomfortable and controversial position because the state had not made a definitive decision on how public institutions should handle undocumented applicants. They commented that no single institution should be responsible for making such an important decision and that guidance from laws should be the guiding force. The Vice President of Business and Finance said, "I would like to reiterate that it shouldn't have to be a local decision. There should be a state or federal law, but even if you look at Arizona, South Carolina, it's a form of discrimination."

In summary, the issue of illegal immigration is a controversial and messy topic. The issue is very emotional for many and the lack of action by the government is leading to more conflict at an individual institutional level. It was even more frustrating for HCC because it was located in a state that had also not taken any action to enact laws that addressed the undocumented students who were already living here and attending the K-12 public school system. Surrounding states had passed their own versions of the DREAM Act that clarified the process for undocumented students to attend their institutions and allowed for in-state tuition to be granted to those students.

While it sounds ideal to have the ability and power to make decisions autonomously for an institution, in this case, HCC would have gladly accepted a state law



to follow so that they did not feel so alone in a difficult situation. The fact that HCC was the only state school that made their policy publicly known invited scrutiny and anger and also enlightened the community to the fact that no state laws exist to deal with the undocumented student population.

### **Overall Impact of the Admissions Policy Changes on the College**

This theme provides details regarding the impact the admission policy changes had on the faculty and staff who worked at HCC and allowed the informants to explain how the policy changes affected their day to day responsibilities and how they adapted to those changes. In this section, I also compared the impact of the changes on the academic side of the college and the student affairs side.

All eight informants commented on how little impact the admissions policy changes had on their daily lives and responsibilities. They seemed surprised at how quickly the public attention faded once the final decisions were made. Very few procedures and structures were adjusted to work with this student group.

### **Little Change in Academic Affairs**

The informants from the academic division of the college all agreed that there was very little to no impact the admissions policy changes had on their daily responsibilities. The Vice President of Academic Affairs felt that the addition of undocumented students to the college would have no impact on academics, "No, I mean they're students and to know whether a student sitting in a classroom is undocumented or not, no one knows that." His comment highlighted the fact that her felt the undocumented student population was no different than any other student population attending HCC because

they had been in our school system for years and would be taught and treated the same as all of our documented students.

The Dean of Liberal Arts echoed those thoughts,

No, it didn't because it was a small cohort of students and did not affect class size or the number of sections we were offering and, because we are not really involved in the financial side of how tuition is collected and determined, did not have a great effect.

While I appreciated that the Academic Deans and the Vice President felt that the admission of undocumented students had no impact on classroom dynamics, I was not able to interview faculty members who had daily interaction with the students. Their firsthand observations and experiences with the students may have been different than what was expressed by their leaders. Also, another key aspect of the faculty's role on campus is academic advisement. Faculty members may have been able to give a better perspective on the academic or financial struggles the undocumented students were facing of which those at the Dean or Vice Presidential levels were not aware.

The leaders of Academic Affairs chose to comment on the similarities of the undocumented students to the rest of the documented students at HCC. There were no concerns about language barriers or cultural differences because it was recognized that these students had lived in the United States for many years and had already assimilated to our educational system. The informants were positive about their attendance and felt they would blend in and be just as successful as the other students in their classrooms.

### **Student Development Impact**

A few adjustments were made in the student affairs and services area while preparing for the new guidelines put in place to admit undocumented students. When asked how the changes impacted her area's daily responsibilities, the Vice President of Student Development and Enrollment Management commented as follows:

The one thing our area did, again because we are so student focused, we had a lot of conversation about it. We had to make some adjustments to procedures certainly because of the additional guidelines. It's kind of a blip on the radar that happened for that point in time, for those six months where we had a lot of public relations nightmarish stuff happening, to it's business as usual."

The President of the college felt the changes had no impact on his daily responsibilities, but commented on how the changes may affect the Student Affairs Division,

I don't think it affected our day-to-day work, certainly in my office we operate pretty much the same. I think the Vice President of Student Development and Enrollment Management would be a little different because she has admissions and others critically concerned, financial aid as well and there are implications as well and registration and so forth.

The Registrar commented on the changes that impacted her area,

It didn't affect us on a day- to- day processing. As the Registrar, knowing where the data are stored and then providing data to admissions and the VP about those students. There have been a few of the students who are coded as undocumented who do not have out of state tuition as their code, so there is a report that I periodically run that I give to the VP's office.

Although most of the responsibility for managing this new student group landed with the Student Affairs Division, the impact was still fairly minimal. Because the division was so well prepared by the Vice President for what was coming, there was a sense of organization and that we were ready to help these students in any way we could.

As an active observer and participant during the implementation of the admission policy changes, I agree with my colleagues that the impact on the college was minimal once we made it through the controversy. Several of the public comments questioned the ability of the Admissions Office to enforce the guidelines for the undocumented students. The procedures were simple and enforced from day one. In order to prove graduation from a state high school and five years of continued residency, our traditional aged students simply had to provide an official middle school transcript. Non-traditional students also had to provide an official high school transcript and a multitude of other documents such as bank statements, leases, bills, payment stubs, and so forth to verify their five year residency within the state.

### **Summary**

The admission policy changes that took place at HCC spanned a decade and the findings of this study helped to shed more light on what took place during that time. The original issue that prompted this study was the absence of state or federal laws for HCC to follow when determining the admission and tuition for undocumented students. That theme was explored along with several others that allowed for better understanding of how the institution made the initial decision to ban undocumented students from attending and then overturned that decision a decade later to permit them to attend.

## **2001-2011 No Undocumented Students at HCC Implications**

The attacks of September 11 caused fear and chaos throughout the country. In response to the attacks, the college made a reactionary decision to ban all undocumented students from attending the institution. The President admitted it was a rash decision, but that it was done in the best interest of the safety of the campus and the students attending. While the decision was made and implemented quickly, the admission policy remained in place for over a decade and was the only one of its kind in the state (for public institutions). This ban led to undocumented students providing false documentation to HCC in order to attend and also forced them to attend other institutions that did not have a ban in place.

The ban of undocumented students conflicted with the institution's mission of diversity and access for all. The open-admission concept that community colleges were founded on also was no longer honored because a segment of HCC's community was not being served by the institution.

The lack of federal or state laws for immigration or undocumented students allowed HCC to make the decision to ban undocumented students from attending, even though the decision conflicted with the college's mission. The institution stood alone in this decision and may have made a different choice if there had been legislation in place for them to follow. The study informants expressed their wish for state and federal legislation to be implemented so that no other institution has to go through what HCC went through and so that all of the public institutions are consistent and less confusing for undocumented students.

## **2011 to Present: Admission of Undocumented Students Implications**

The major implication of changing the admission policy in 2011 to admit undocumented students to HCC was the unexpected backlash the college received from the community. The conservative residents of the county in which HCC is located showed their displeasure with the college's decision by sending vicious letters and e-mails and publishing newspaper articles that lambasted the college and accused it of breaking the law. Ironically, it was the lack of state and federal laws that led to all of the controversy in the first place. If federal or state laws had been in place, the college would not have had to make an independent decision and would not have been persecuted the way they were by the surrounding community.

Once the controversy passed, there was very little impact on the inner workings of the college. A few adjustments were made in the Student Affairs division to prepare for the admission of undocumented students including new coding for the student records system in order to track the students as well as updated admission applications that allowed them to indicate they were undocumented. Overall, the impact this population had on the day to day responsibilities of the college was minimal.

There was a lot of fuss over what turned out to be a very little impact. The majority of undocumented students who have applied to HCC since the fall of 2011 have been recent high school graduates who are excited to be able to attend their local community college. The total number of undocumented students who have enrolled at HCC since the fall of 2011 is approximately 60. It is ironical that so much anger and public outrage was generated yet only a total of 60 students were admitted to HCC. Of

those 60 students, four undocumented students have already completed the legalization process and have received their permanent residence status (green card) during the time they were enrolled at HCC.

The topic of immigration reform needs to be addressed by our federal and state governments so that laws can be put in place to address this growing problem in our country. I am happy that my institution allowed undocumented students to attend, but the stress of the decision making process and the public relations mess it caused should not have fallen on the shoulders of the Board of Trustees alone. The controversy only lasted for a few months, but HCC is now a part of history whether it wanted to be or not.

## **CHAPTER V**

### **CONCLUSIONS**

#### **Introduction**

The primary focus of much of the current literature addressing undocumented students has been from the student or political perspective. Little research has existed on the issue of college access and affordability for undocumented students from an institutional perspective.

In response to the politicized and controversial issue of providing access to postsecondary education for undocumented students, the purpose of this qualitative case study was to understand the three admissions policy changes that took place at a community college in the Northeastern region of the United States and the consequences those policy changes had on the institution's internal policies and procedures and day- to- day operations.

Through semi-structured interviews with Cabinet-level administrators, the President of the college and the Registrar, along with other supporting documentation, I attempted to detail the policy changes that took place, describe the internal and external reaction to those changes by the institution and understand the impact the changes had on the employees of the college and their daily responsibilities. The aim of this study was to provide insight into controversial policy change from an institutional perspective so that the findings could be considered by other institutions that are considering making a contentious policy change with regard to undocumented students in the future. I structured this study around the following research questions:

1. How did the key administrators respond to the admissions policy changes regarding undocumented students' admission to the college?



2. How and why did the policy reversal addressing tuition for undocumented students from in-county to out-of-state rates occur?
3. Are there any factors that influence the college administrators' response to the admissions policy for undocumented students?
4. What impact did the policy changes have on the daily responsibilities of the participants and their areas of responsibility?

The study provided insight into the decision-making process by the Board of Trustees as well as the thoughts and feelings of the informants who were members of the college community at the time of the policy change implementations. The study also outlined details regarding the response of the institution to the policy changes and the steps that were taken to change internal policies and procedures to work with the newly admitted undocumented student population. Based on the data analysis, five themes were presented highlighting internal and external forces that affected the decision-making process at HCC (a) the influence of the September 11, 2001 attacks, (b) the community college role and mission, (c) political influence, (d) federal and state government immigration policy and (e) overall impact on the college.

A summary of each finding is presented along with discussion of its broader issues in the literature, its relation to the theoretical framework and implications for policy and practice. Recommendations for future research and final recommendations for policy and practice are also presented.

## **Influence of the September 11, 2001 Attacks**

The attacks on September 11, 2001 greatly impacted the entire country and the world and influenced the decision made at HCC to ban undocumented students from attending. The study revealed that the Board of Trustees and the President of the college made a quick and reactionary decision based on the fear and chaos that had been created by the terrorist attack. The close proximity of the attack to the campus also heightened the level of fear felt by members of the college community and led to the ban of undocumented students in order to protect the campus and students.

In response to the third research question that asked if there were any factors that influenced the administrators' response to the admission policy changes, the informants said they understood why the decision was made and that it was a reaction to 9/11, acknowledging that safety and protection of the students and the campus was the impetus for the quick implementation of the changes to the admissions policy. However, they felt that the decision was based on emotions and that more thought should have been given to the impact the new policy would have for the future.

According to Bolman and Deal (2003), a basic premise is that a primary cause of managerial failure is faulty thinking rooted in inadequate ideas. The four frames or perspectives described in their work allow for a problem or issue to be examined in multiple ways and can lead to clarity and finding strategies that work. HCC based their decision to ban undocumented students from attending on emotion. Emotion is a component of the human resource frame that emphasizes an understanding of people,

with their strengths and foibles, reason and emotion, desires and fears (Bolman & Deal, 2003).

However, by incorporating only one frame to examine the issue at hand and allowing emotion to rule the decision-making process, the full implications of the decision were not fully understood. The purpose of using multiple frames to examine a situation is to allow for multiple perspectives. By using only one frame, HCC missed the opportunity to consider other perspectives when they decided to prevent undocumented students from attending in 2001.

### **Recommendations for Policy and Practice**

The recommendation for other institutions considering major policy change is to take time making the decision and to make sure the reason for the change is data-driven rather than emotion-driven. HCC did not take the time to consider all of the ramifications of the decision to ban undocumented students from attending and to understand how long that policy would remain in place.

HCC chose to disregard the possible negative outcomes of not allowing undocumented students to attend and to examine the issue from a single perspective with a focus on emotion rather than from multiple perspectives such as considering the disregard for open enrollment and preventing a certain sector of the community from continuing their education as recommended by Bolman and Deal (2003).

## Community College Role and Mission

The decision to ban undocumented students from attending HCC in 2001 conflicted with the college's mission of access and diversity as well as with its open admissions policy. HCC abandoned the tenets on which it was founded as a community college and was the only public two-year institution in the state that put that policy into writing as a part of its admission statement. The need to protect the campus and students and to promote national security prevented the county's undocumented population from attending their local institution at an affordable rate and continuing their education beyond high school.

In response to the first research question, how did the key administrators respond to the admissions policy changes regarding undocumented students' admission to the college, the informants who were working for HCC at the time of the ban in 2001 all agreed that the decision was in conflict with the college's mission and open-enrollment policy. Their narratives centered around two themes: the value of an *education for all* and the hope that a college education for undocumented students would allow them to pursue the legalization process and become contributing members of the community. They clearly understood why the policy change was put in place, but disagreed with the decision because it conflicted with everything HCC stood for.

On the positive side, all agreed that the decision to admit undocumented students in 2011 put HCC back in alignment with its mission and open enrollment policy. The informants commented on the role of the community college to serve all who lived in the community, including undocumented students. They also spoke of the innocence of

undocumented students and how they were not at fault for their illegal status. The lack of federal and state laws was also a point of discussion and the frustration was evident when comparing the K-12 system with the higher education system for undocumented students. Most agreed that the higher education system is not fair and that more needs to be done to clarify the options for undocumented students who wish to pursue higher education. This work includes having all public institutions publicize their admission and tuition policies for undocumented students to allow for clarification for those students during the college search and admission process.

### **Recommendations for Policy and Practice**

The important role the community college plays in educating its local population cannot be undermined. Community colleges are the point of entry for many disadvantaged students including first generation, low-income, racial/ethnic minorities and undocumented students. According to the American Association of Community Colleges, community colleges served close to half of the undergraduate students in the United States, which included more than 6.5 million credit students in the fall of 2005 (AACC, 2012). In addition, community colleges provide access to higher education for nearly half of all minority undergraduate students and more than 40% of undergraduate students living in poverty (AACC, 2012).

New immigrants, first generation college students, and adults returning to college after an absence from education for a number of years attend the community college as a “safe haven” in which to begin their education. Because community colleges are generally centrally located, students can live at home while attending school (Seidman,

1995). The community college is the ideal place to help students with varying academic, ethnic and economic backgrounds enhance their chances to receive and benefit from higher education. By banning undocumented students from attending for over a decade, HCC disregarded its responsibility to hundreds of students in the surrounding area who had no other options for higher education and forced them to forego their dream of a college education.

It took ten years for the policy to be reviewed and reconsidered and this would not have been possible without a Board member who was an advocate for admitting undocumented students to the institution because she firmly believed that all members of the community should have access to a higher education no matter what their legal status. Although HCC could not choose their Board of Trustees, cabinet-level administrators worked to improve communication and collaboration with the members of the Board in order to encourage change when it was needed. In particular, the President and Vice President of Student Development and Enrollment Management had excellent relationships with the Board members at the time the ban of undocumented student policy was being re-evaluated in 2011. This relationship led to further collaboration and data collection that enabled the issue to be reconsidered by the Board and for them to make a decision based on information rather than personal feelings and/or emotions.

It is important to use multiple frames of reference when addressing a problem or issue. HCC handled this quite well when they amended the admission policy to admit undocumented students in 2011. It is important to use multiple frames of reference when addressing a controversial problem or issue. When HCC amended the admission policy to admit undocumented students in 2011, communication, collaboration and discussion

allowed HCC to make a decision that realigned the institution with its mission of access and open enrollment for all who desired to attend while also satisfying its surrounding constituencies. Presenting facts including demographic information and the personal stories of undocumented students allowed for a comprehensive view of the issue at hand, and led to the transformation of a policy that had been in place for a decade.

### **Political Influence**

Politics is a part of life for any organization. When HCC amended its admission policy to admit undocumented students in 2011 and allowed them to pay in-county tuition, politics turned the situation into a showdown between the institution, the surrounding community and local politicians who had some control over the college's future funding. The situation turned convoluted very quickly when those opposed to the decision to admit undocumented students expressed their opinions loudly and harshly through the news media.

The majority of those opposed to the decision to admit undocumented students and have them pay the lower tuition rate identified themselves as conservative. The governor of the state in which HCC is located is also conservative as are the County Freeholders who appointed the majority of the HCC Board of Trustees to their positions. Interestingly, although the Board of Trustees was comprised of a majority of conservatives, they did not allow their personal beliefs or political party affiliation to influence their decision to allow undocumented students to attend.

Unfortunately, they were a bit too fervent about the policy change and did not realize that charging the lower tuition for that population was not in accordance with the

other public institutions in the state or with current federal guidelines. This led to further outcry from the County Freeholders who controlled partial funding for the institution and community members who felt their tax money should not fund "illegals."

The second research question inquired as to how and why the tuition policy for undocumented students was reversed from in-county to out-of-state. The Board listened to both sides of the argument as well as data provided by the Minority Committee of the Board and realized they had made an error by charging lower tuition for undocumented students. The policy was amended two months after the initial decision was made to specify that undocumented students would pay the higher out-of-state tuition if they attended HCC.

Bolman and Deal's political framework allows an organization to be examined as an arena for internal politics and political agents with their own agendas as well as the dependence of that organization on its environment for needed support and resources. In organizations, "being political" is typically seen as a negative. In this case, however, "politics" was the practical process of making decisions and allocating resources in a context of divergent interests. In order to negotiate and compromise with County Freeholders so future funding was not at risk, the Board backed down on its decision to charge lower tuition for undocumented students because the Freeholders threatened to withhold funding from the college in the near future.

The human resource frame was also at play during this time. The local politicians made their personal feelings known by the language they used to oppose the college's decision to admit undocumented students. The Freeholder Director stated, "Our feeling is that we shouldn't have to subsidize people who are illegal aliens." Objectivity was not



present in most of the meetings that took place and because no state laws were in effect to guide the decision making process, the personal feelings of the Freeholders and Board members had an influence on the decision making process that took place.

In the existing body of literature, many terms are used to describe persons residing in the United States who do not have official residency. The three most common are: illegal immigrants, undocumented students and unauthorized immigrants (Espenshade, 1995). In my observation of the research conducted on this topic, those in favor of granting access and lower tuition to undocumented students referred to them as undocumented students. Those who were opposed to allowing those students to continue their education often referred to them as illegal immigrants. This became evident when comparing the comments made by the County Freeholders to comments made by HCC Board members. The Freeholders often used the word *illegal* while the Board members and campus administrators used the word *undocumented*.

### **Recommendations for Policy and Practice**

Employees and Board members at HCC knew that the decision to amend the admissions policy to admit undocumented students was controversial and were aware of the political make-up of the county they served. However, they were unprepared for the vitriolic response they received from local politicians and community members who were opposed to the new policy. Those responses were described as mean-spirited, hurtful and cruel. It also became apparent quickly that the community was reacting rather emotionally based on incorrect information. HCC and the local newspapers did the best they could to educate the local community about the undocumented student population

and the lack of state and federal laws in place to address the issue of access to higher education for those students, but it was too late to stop what had already begun.

If HCC had done more to inform the community in advance of the Board's decision to amend the policy to admit undocumented students, the reaction might not have been as harsh as it was. More open communication with the County Freeholders before the decision was made may have prevented the need to amend the tuition policy for the undocumented population. If the Freeholders could have weighed in on the process and been provided with more information, they may not have been a part of the negative response to the implementation of the policy.

Part of the political frame is considering an organization a coalition. A coalition forms because members have interests in common and believe they can do more together than apart (Bolman & Deal, 2003). The Board of Trustees, the President and the Freeholders all had a stake in the decision made by HCC to admit undocumented students. Although it was HCC's decision to change the admissions policy, as a public institution, all constituencies should have been included in the process. Without state or federal laws as a guiding principle, the institution should have collaborated with all of the interested community organizations and local political entities who would be impacted by the decision.

### **Role of Federal and State Government in the Absence of Immigration Law**

The state in which HCC is located has no state laws in place to address undocumented students' access to postsecondary education. Because of this void, HCC made the decision to implement guidelines as a part of their admission policy to admit

undocumented students to the institution. Those guidelines were based on the failed DREAM Act that had been presented several times at the federal level and helped control the number and type of undocumented student who would be able to attend HCC under the new policy.

The informants in the study were not fully aware of the guidelines that were put in place, which was disappointing. I had to explain to all but two of the informants during the interviews what the guidelines were and encouraged them to read over the wording of the new admissions policy that had been put in place. The main focus of the guidelines was to make sure those students who were applying were brought into the United States as children and had no control over their immigration situation at the time they came into the country. Undocumented applicants had to prove they had entered the United States prior to the age of 16 and had been living here continuously for five years. These guidelines were modeled after the DREAM Act so that the college would be aligned with the federal government if the law passed and was implemented.

HCC stepped up to the plate and made a public controversial decision that had no state or federal laws to back it up. If a state or federal law had been in existence to address undocumented students, HCC would not have been put in a controversial situation and would not have had to stand alone in its decision to implement a specific admissions policy for those students.

A major issue mentioned by the informants was the lack of balance between state and federal regulations and legislation and institutional autonomy. Many comments were made regarding the structured nature of the K-12 system in the United States. There are

regulations in the K-12 system from *Plyer v. Doe* through No Child Left Behind including mandatory tests and other guidelines that prescribe the curriculum, time spent in school each day, and number of days the school is in session.

As our study suggests, maintaining a balance between institutional autonomy and accountability to external constituents is complicated. Traditionally, governmental pressure and regulations often run counter to institutional efficiency and can threaten institutional autonomy (Berdahl, Altbach, & Gumport. 2011). However, in HCC's case, governmental controls might provide the institution with less ambiguity and more transparency in dealing with undocumented students. In order to demonstrate responsible actions to external constituencies and yet maintain institutional autonomy, community colleges should create partnerships with state government and other public institutions, requesting across-the-board access and tuition policies for the undocumented student population.

### **Recommendations for Policy and Practice**

HCC made a bold move that resulted in terrible public relations for a short time, but opened a forum for discussion about access to public higher education for undocumented students. If other institutions had been as valiant as HCC and made their policies public, it may have been enough to convince state lawmakers to create laws that make sense for the undocumented students who have been living in this country for most of their lives. My fear is that the conservative politicians in the state create a law like the ones in Alabama or South Carolina to ban all undocumented students from attending all of the public institutions altogether.

Until state laws are created in every state or federal law is passed, all public institutions need to make their own admissions and tuition policies for undocumented students transparent so that fear and confusion can be eliminated. I recommend the following guidelines: (a) make the admission process straightforward and publicize any extra documentation that may be needed for an undocumented student (i.e., proof of five-year residency, middle school transcripts, and so forth) (b) clarify the cost of attendance and if any institutional aid money is available to help offset the higher cost of out-of-state tuition. The structural frame could be used to examine current policies and procedures and determine which area is responsible for those policies. Once that information has been obtained, specific instructions for those responsible could be issued so that the information could be made available and disseminated efficiently to the public.

Postsecondary institutions could also assist local guidance counselors in their effort to encourage undocumented students to continue their education beyond high school, even if they live in a state with no legislation. This assistance can include the following: assistance securing financial resources, assistance with learning the college process for the student and the family, encouraging student to attend a community college, facilitating transfer to a four-year college, training for faculty staff and administrators in order to be sensitive to this population's needs and support services for these students in order to allow them to open up and receive the help they need (Perez, 2010).

### **Overall Impact of the Admissions Policy Changes on the College**

Once the decisions were made to amend the admissions policy to admit undocumented students and to charge out-of-state tuition for those students, the controversy ended and things got back to normal very quickly at HCC. The final changes were made at the open Board meeting in April of 2011. The meeting was held in the gymnasium so that all who wished to attend and express their thoughts and feelings could do so. The public portion of the meeting lasted for hours and both the positive and negative sides had a chance to voice their opinions. Once the Board made its final decision and indicated that out-of-state tuition was to be implemented immediately, no further outcry from the public was received.

In light of the fourth research question about the daily impact of the policy change on the informants, it appears that there was no imminent impact of the policy change on Academic Affairs' day- to- day responsibilities. Faculty felt that the undocumented students who attended HCC had already been in the U.S. school system for many years and would not be treated differently than any other student in their classroom.

On the other hand, the Student Affairs Division had a bit more preparation to do, especially those who worked in the Admissions Office. Their main responsibility was to identify the undocumented students who applied and enforce the guidelines that had been put in place by the college. To date, no problems have been reported and the student record system and applications were all adjusted in advance to prepare for the policy change.

### **Recommendations for Policy and Practice**

Organizational change refers to an alteration in the structures, processes, and/or behaviors in a system (Zaltman & Duncan, 1977, p. 8) or as the introduction of something new to an organization (Damanpour & Evan, 1984). If an institution is expecting a policy shift that will affect the daily responsibilities of its workforce, advanced preparation is required. At HCC, meetings were held with those who would be affected in order to discuss the policy changes in detail and make sure that all understood what their role would be once the changes were implemented.

The structural frame and human resource frame were used by the informants and other supervisors on campus to examine the current policies and procedures and to determine what changes were necessary to implement the requirements of the new admission policy. The human resource frame allowed the supervisors and the employees who were being asked to adapt to the changes to discuss any personal feelings or other issues that may arise before during and after the implementation of the changes. By approaching the topic of change from multiple perspectives and allowing the employees being affected to have input into the process, the overall impact on the daily responsibilities for most on campus was minimal.

### **Recommendations for Future Research**

Additional research should be conducted at HCC by expanding the interview questions to include faculty members who work with the undocumented students daily both in their classrooms and as their academic advisors. Future research on the undocumented students currently attending HCC is needed to determine if their experiences reflect those of the administrators and faculty members. This research is

worth investigating because the current study examined the issue from an institutional perspective rather than the perspective of the students who are the direct beneficiaries of the policy changes.

Faculty who work with undocumented students daily inside and outside of the classroom can provide information not found in the current study regarding the performance of the students and their level of success and need of support. Also, information provided by the undocumented students who lived through this process and were finally able to attend HCC could provide further details that can expand the understanding of the admissions policy changes at HCC as well as detailed information on how the institution could better communicate the new policy to the community and provide support for the undocumented students who are now in attendance.

Future research also needs to examine how undocumented students fare when compared to the general population of the college in terms of academic performance, transfer and degree completion. Did this population do better or worse than those students who were born in the United States and are U.S. citizens? If so, how much better or worse and why?

A similar case study should be conducted at other public two-year and four-year colleges in the state in which HCC is located as well as in other states that do not have legislation in place to address undocumented students who wish to pursue higher education. Examining the current policies in place at other institutions for the admission of undocumented students and determining the institutional perspective on those policies would be informative and would provide further data to the state legislatures that can lead



to the implementation of laws to better serve the needs of this population. Also, the discovery of how many other institutions decided to “go public” with their policies and what type of response they received from their communities would be useful in helping other institutions that are considering similar policy changes to make informed decisions as they begin the process.

Future research also needs to be conducted at the state level to determine how many undocumented students are living in the state and how many could benefit from attending college. Studying the economic impact of having more educated citizens that can contribute to the local economy may lead the state to follow in the footsteps of New York, Texas, Maryland and California and allow undocumented students to attend public institutions at the much more affordable in-state tuition rate.

### **Recommendations for Policy and Practice**

The issue of immigration and immigration reform will continue to be a controversial and heated topic in the United States. Undocumented students who were brought into this country as children had no choice in this process and many consider themselves as American as those who were born here (Perez, 2009) (Perez, 2010). *Plyler v. Doe* is a federal law that states all children living in the United States must attend school from kindergarten through high school, including undocumented students who are living in those school districts. Unfortunately, the right to an education ends with high school graduation for those students living in states without legislation that explicitly speaks of access and affordability for public higher education. Until federal or state laws

are in place to address this population, the following recommendations for policy and practice should be considered by institutions who are considering a similar policy change.

### **Recommendation 1**

**Base decisions on information, not emotion.** The leadership of HCC made a quick and reactionary decision in 2001 to ban undocumented students from attending. This decision was based on fear and the need to protect the campus and its students immediately after the September 11 terrorist attacks. In hindsight, the leaders realized that they should have taken more time and researched the issue further before implementing the policy change.

The total time span between the attacks and the policy change was only three months and there was no evidence of any external input or consideration of possible consequences in the documentation on the decision by the Board of Trustees.

### **Recommendation 2**

**Understand and abide by the institutional mission and role.** The institution's decision to ban undocumented students was in direct disagreement with the role of a community college in several ways. Community colleges play a pivotal role as point of entry for many disadvantaged students including first generation, low-income, racial/ethnic minorities and undocumented students. The institution's decision to ban one of its neediest populations and prevent them from continuing their education beyond high school was in direct disagreement with the open enrollment concept and left those students with few options for postsecondary education.

HCC will never fully understand the implications of the decision that was made in 2001. They will never know how many students' paths to higher education were altered by that one hasty decision that remained in effect for 10 years. In 2011, the leaders of the institution recognized they were eliminating a population from attending and reconsidered the ideals of open enrollment and access and diversity as outlined in the college's mission statement. They gathered data and information about the undocumented population in the area and made the decision to allow them to attend based on that information and in order to realign with the mission and role of the institution.

### **Recommendation 3**

**Understand the role of politics in all decisions at public institutions.** Public institutions depend on many sources of funding and community colleges are especially vulnerable in this area. HCC's funding comes from the state and the county as well as from the tuition and fees of its enrolled students. When the decision was made to admit undocumented students and charge them the low in-county tuition rate, the reaction was immediate and vitriolic from the public and from the county Freeholders.

The Board of Trustees had good intentions when it voted to implement that first version of the admission policy. The members wanted undocumented students to have access and affordability, which is what the in-county tuition would have provided. Unfortunately, they did not communicate this well or in advance of the decision with the Freeholders or the surrounding community and did not take the Freeholders' opinion into consideration while voting. In response, the Freeholders subtly suggested they would

withhold future funding for the college unless the policy was amended to charge out-of-state tuition to the undocumented students.

This political threat along with other law-based implications was enough to force the Board to amend the policy. If this information had been taken into consideration and understood prior to the Board's vote, much of the controversy over the decision to admit and charge a lower tuition could have been avoided.

#### **Recommendation 4**

**Publicize all admissions policies to reduce confusion. Assist local guidance counselors with the college process for undocumented students.** Because no state or federal laws are in place in 31 states, individual institutions have different policies in place for dealing with the undocumented population. In 2007, there were estimated to be 1.7 million illegal immigrants under the age of 18 residing in the United States ( U.S. Census Bureau, 2007b). In school districts across the nation, immigrant children represent 20% of the student population. This figure is expected to increase to 30% by 2015 (Fix & Passel, 2003). Currently, 65,000 undocumented students graduate from American high schools each year and only about 10% of those undocumented high school graduates attend college each year (Fortuny, Capps, Passel, 2007).

As these data show, the undocumented population in the United States is large and secondary and post-secondary personnel will continue to work with these students on pursuing the dream of a college education.

Secondary schools are not permitted to ask about a student's legal status. Often, guidance counselors are not aware that a student is undocumented until it is time to begin

the college application process. This leaves little time for the counselor to assist the student and help them find institutions that may be sensitive to their undocumented status. If each public college and university actively posted their admissions policies for undocumented students on their websites, this would reduce the confusion for undocumented students who are completing the college search process.

### **Recommendation 5**

**Plan ahead for change and involve all who will be affected by it in the process.** The initial decision made by HCC to ban undocumented students in 2001 was made by a few leaders on campus and the Board of Trustees. No input was provided by other members of the college community or the public and, while the policy change was put down in writing, it was not publicized.

On the other hand, the decision to amend that policy in 2011 was thoroughly discussed by the Board of Trustees, the President of the college and other student affairs personnel in advance of the voting process to implement the policy changes. This advanced discussion prepared the campus for the changes that were to come and allowed for the departments that were most affected to create new policies and procedures to work with the newly enrolled undocumented students.

Unfortunately, no advance notice was given to the community served by HCC and the response to the policy change was immediate and negative. The college did its best to accommodate the public opinion and provided an open forum for them to express their feelings on the issue, but not until after the initial vote had already been made. It is important for the community to get engaged in the dialogue regarding sensitive policy

issues such college access and financial aid for undocumented students; public forums should be held prior to the initial decision and vote and more information need to be disseminated to the public about the policy and the laws in place (or lack thereof) to adequately address undocumented students' access to public higher education.

Institutions located in the 31 states without legislation relating to undocumented students should provide information sessions for interested undocumented students and their parents in order to educate them on the college application and financial aid process. Because undocumented students cannot apply for federal or state financial aid, paying for college becomes a major issue. Providing information about institutional money and other scholarships may allow a student who thought college was out of reach financially to realize they can attend and continue their education.

### **Conclusion**

This study presented the experiences of one institution that underwent several controversial policy changes regarding the admission of undocumented students over a 10-year period. Previous literature on access and affordability of public higher education for undocumented students focused on the students' experience, the legislation (or lack thereof) for this population and the financial aid restrictions this population faced.

Given a scarcity of research that examines the consequences and outcomes of a major admissions policy change at the institutional level, this study contributes to the literature by providing a real-life scenario and recommendations for other institutions to follow when considering overall policy change, especially in an area that is deemed controversial.

There are 31 states and thousands of institutions that may face the same issues HCC did. The decision to go public with an admission policy change led to a response that no one at the institution expected. Ultimately, the decision to allow undocumented students to attend resulted in 55 students taking advantage of the opportunity to enroll at their local community college for the first time in over a decade. Although it was a difficult process to live through, I am proud HCC made the decision to do what was right to serve all of its population, even in the face of anger, ignorance and controversy. My hope is to see those students continue the process to become legal U.S. citizens and to encourage other undocumented students to continue with their education and give back to the community they have called home for most of their lives.

## REFERENCES

- Alfred, J. (2003). *Denial of the American dream: The plight of undocumented high school students within the U.S. educational system*. *New York Law School Journal of Human Rights*, 19: 615-650.
- American Association of Community Colleges. (2012). Community college trends and statistics. Retrieved from [www.aacc.nche.edu/aboutCC/trends/pages/default.aspx](http://www.aacc.nche.edu/aboutCC/trends/pages/default.aspx).
- Arriola, S. & Murphy, K. (2010, Winter). Defined by Limitations. *Journal of College Admissions*, 206.
- Badger, E., & Yale-Loehr, S. (2001, April). *They can't go home again: Undocumented aliens and access to U.S. higher education*. Paper presented at the National Conference of the American Association of Collegiate Registrar and Admissions Officers, Seattle, WA.
- Banko, V. (2011, March 18). HCC admissions policy rewards those who broke law. *Daily Record*, A9.
- Banks-Gunzenhauser, M. (2009). *Sense of belonging and opportunities for academic success for immigrant Latino students: A case study*. (Doctoral dissertation) Retrieved from Dissertations & Theses: Full Text.(Publication No. AAT 3373642).
- Bean, F. D., King, A. G., & Passel, J. S. (1986). The number of illegal migrants of Mexican origin in the United States: Sex ratio-based estimates for 1980. *Demography*, 20, 99-109.
- Bean, F. D., Van Hook, J., & Woodrow-Lafield, K. (2001). Estimates of numbers of unauthorized migrants residing in the United States: The total, Mexican, and non-Mexican Central American unauthorized populations in mid-2001. (Special Report). Washington, DC: Pew Hispanic Center.
- Berdahl, R.O., Altbach, P.G., & Gumport, P.J. (2011). *American higher education in the twenty-first century: Social, political, and economic challenges* (3rd ed.) Baltimore, MD: Johns Hopkins University Press.
- Bess, J. & Dee, J. (2008). *Understanding college and university organization: Theories for effective policy and practice*. Sterling, VA: Stylus Publishing.
- Biswas, R. (2005). *Access to community college for undocumented immigrants: A guide for state policymakers*. (An Achieving the Dream Policy Brief). Retrieved from [www.achievingthedream.org](http://www.achievingthedream.org)



- Bolman & Deal (2003). *Reframing organizations: Artistry, choice, and leadership*. San Francisco, CA: Jossey-Bass.
- Braskamp, L., & Wergin, J. (1998). Forming new social partnerships. In W. G. Tierney (Ed.), *The responsive university: Restructuring for high performance* (pp. 62-91). Baltimore, MD: Johns Hopkins University Press.
- Bregman, A. (2011). *Educational aspirations: Supporting college trajectories for Latino youth*. (Doctoral dissertation). Retrieved from Dissertations & Theses: Full Text.(Publication No. AAT 3429249).
- Brunet-Egan Memorandum (2011). Report of positive and negative community response To admission policy change.
- Bueschel, A.C. (2003). *The missing link: The role of community colleges in the transitions between high school and college*. Stanford, CA: Bridge Project.
- Chan, B. (2010, Winter). Not Just a Latino Issue: Undocumented students in higher education. *Journal Of College Admission*.
- Clarke, R. (2011). *Giving voice to student and alumnae opposition during the transition to coeducation by a college for women*. (Doctoral dissertation). Retrieved from Dissertations and Theses: Full Text. (Publication No. 3453978)
- Damanpour, F. & Evan, W. (1984). Organizational innovation and performance: the problem of "organizational lag." *Administrative Science Quarterly*, vol. 29, pp. 392-409
- Daniels, R. (2002). *Coming to America: A history of immigration and ethnicity in American life*. New York, NY: Harper Perennial.
- Daniels, R. (2005a). *American immigration*. Oxford, England: Oxford University Press.
- Daniels, R. (2005b). *Guarding the golden door: American immigration policy and immigrants since 1882*. New York, NY: Hill and Wang.
- Deal, T., & Kennedy, A. (1992). *Corporate cultures*. Reading, MA: Addison-Wesley.
- Development, Relief, and Education for Alien Minors (DREAM) Act of 2003, S. 1545, 108th Cong. (2003)
- Dyer, C. (1990). Protest and the politics of open admissions: The impact of the

Black and Puerto Rican students' community (of City College). (Doctoral dissertation). Retrieved from Dissertations & Theses: Full Text. (Publication No. 9029930).

Dublin, T. (1993). *Immigrant voices: New lives in America, 1773-1986*. Chicago, IL: University of Illinois Press.

Durbin, R. (2011, May 11). Durbin, Reid, Menendez, 30 others introduce the dream act. (Press release). Retrieved from [www://durbin.senate.gov](http://www.durbin.senate.gov)

Energy of a Nation. (2012). *Minnesota fact sheet for undocumented students*. Retrieved from [www.energyofanation.org](http://www.energyofanation.org)

Espenshade, T. J. (1995). Unauthorized immigration to the U.S. *Annual Review of Sociology*, 21, 195-216.

Fainaru, S., & Grimaldi, J. (2001, September 23). FBI: Terrorists were using flight schools. *The Washington Post*, A24.

Feranchak, E. (2007, November). An analysis of the attitudes of higher education leaders in 18 high-immigration states about the appropriateness of providing education benefits to undocumented immigrants. (Doctoral dissertation). Retrieved from Dissertations & Theses: Full Text. (Publication No. AAT 3271889).

Fix, M., & Passel, J. S. (1999). *Trends in non-citizens' and citizens' use of public benefits following welfare reform: 1994-1997*. Washington, DC: The Urban Institute.

Fix, M., & Passel, J. S. (2003) U.S. immigration-trends and implications for schools. Washington, DC: The Urban Institute, Immigration Studies Program.

Fortuny, K., Capps, R., & Passel, J. S. (2007). *The characteristics of unauthorized immigrants in California, Los Angeles County, and the United States*. Washington, DC: The Urban Institute.

Fry, R. (2005). *Recent changes in the entry of Hispanic and White youths into college*. Washington DC: Pew Hispanic Center.

Gibson, C. J., & Lennon, E. (1999). *Historical census statistics on the foreign-born population of the United States: 1850 to 1990*. The U.S. Census Bureau. Retrieved from <http://www.census.gov>.

Gilroy, M. (2008, September 18). Battle continues over in-state tuition for illegal immigrants. *Hispanic Outlook in Higher Education*, 18, 20-22.

- Glaser, B. G., & Strauss, A. L. (1967). *The discovery of grounded theory*. Chicago, IL: Aldine Publishing Company.
- Gonzales, R. G. (2007) Wasted talent and broken dreams: The lost potential of undocumented students. *Immigration Policy in Focus*, 5(13), 1-11.
- Gonzales, R. G. (2009, April). Young lives on hold: The college dreams of undocumented students. *The College Board Advocacy*. Retrieved from <http://www.collegeboard.com/advocacy>
- Griswold, R. (2003). *Beyond smoke and mirrors: Mexican immigration in an era of free trade and operation gatekeeper: The rise of the undocumented alien and the making of the U.S.-Mexico boundary*. San Francisco, CA: California Historical Society.
- Hay-Brown, M. (2012). Students celebrate approval of Maryland Dream Act. Retrieved from <http://articles.baltimoresun.com/2012-11-06/news>
- Hillside Community College Admissions Policy. (2001).
- Hillside Community College Admissions Policy. (2011).
- Hillside Community College Tuition and Fees. (2011).
- Hillside Community College Board of Trustees Meeting Minutes. (2001, December 12).
- Illegal Immigration Reform and Immigrant Responsibility Act, Pub. L. No. 104-208, §505, 110 Stat. 3009 (1996).
- International Organization for Migration (2004). *Glossary on Migration*. Retrieved from [www.iom.int](http://www.iom.int)
- Johnson, J. (2006). The economic impact of the Hispanic population on the state of North Carolina. Retrieved from [http://www.kenaflegler.unc.edu/KI/reports/2006\\_HispanicStudy/](http://www.kenaflegler.unc.edu/KI/reports/2006_HispanicStudy/).
- Jones, J. (2003). Nearly half of Americans say immigration levels should be decreased. Retrieved from <http://www.gallup.com/poll/8815/nearly-half-americans-say-immigration-levels-should-decreased.aspx>

- Keller, G. (1983) *Academic Strategy*. Baltimore, MD and London, Englan: The Johns Hopkins University Press.
- Koloff, A. (2011, February 27). Freeholders want new tuition rules: Fault HCC immigrant policy. *Daily Record*, A2, A9.
- Koloff, A. (2011, April 20). HCC votes to charge higher rates to illegal immigrants. *Daily Record*, A2.
- Lee, J. B., Frishberg, E., Shkodriani, G., Freeman, S., Magenis, A. & Bobo, S. (2009). *Study on the admission of undocumented students into the North Carolina community college system: A report to the North Carolina community college system*. Bethesda, MD: JBL Associates.
- Lipman, F. (2006). The taxation of undocumented immigrants: Separate, un-equal, and without representation. *Harvard Latino Law Review*, 9, 1-59.
- Llagas, C., & Snyder, T. (2003). *Status and trends in the education of Hispanics* (No. NCES 2003-008). Washington, DC: National Center for Education Statistics.
- Maki, J. (2004). The three R's: Reading, 'riting, and rewarding illegal immigrants: How higher education has acquiesced in the illegal presence of undocumented aliens in the United States. *William and Mary Bill of Rights Journal*, 13, 1341-1373.
- Mangan, K. (2011, May 18). In-state tuition for illegal immigrants can be a plus for both states and students. *The Chronicle of Higher Education*, 57(28).
- Manochio, M. (2011, February 18). HCC students protest tuition rise but praise vote to let illegal aliens attend classes. *Daily Record*, A1.
- March, J. G. (1991). How decisions happen in organizations. *Human-Computer Interaction*, 6(2), 95-117.
- Massey, D. S. (1981). Social class and ethnic segregation: A reconsideration of methods and conclusions. *American Sociological Review*, 46, 641-50.
- Mehta, C., & Ali, A. (2003). *Education for all: Chicago's undocumented immigrants and their access to higher education*. Chicago, IL: Center for Urban Economic Development and University of Illinois.
- Miles, M., & Huberman, A. M. (1994). *Qualitative data analysis: An expanded sourcebook* (2nd ed.). Thousand Oaks, CA: Sage Publications.
- Minority Committee Report and Recommendations (April 20, 2011).

- Morse, J., & Field, P. A. (1995). *Nursing research: The application of qualitative approaches* (2nd ed.). Cheltenham, United Kingdom: Nelson Thornes.
- Murray, J. (2011, April 8). HCC and illegal immigrants: Elevate everyone. *Daily Record*, A4.
- National Association for College Admission Counseling (2009). *Undocumented students in the college admission process*. Retrieved from <http://www.nacacnet.org/LegislativeAction>
- National Center for Education Statistics (2008). *Post-secondary fast facts for 2008*. Retrieved from <http://www.nces.ed.gov>
- National Conference of State Legislators (2011, May). Allow in-state tuition for undocumented students. Retrieved from <http://www.ncsl.org>
- National Immigration Forum (2011, May 11). Immigration policy update for May 11, 2011. Retrieved from <http://www.immigrationforum.com>
- National Immigration Law Center (2012). *Frequently asked questions for the Obama administration's deferred action for childhood arrivals*. Retrieved from <http://www.nilc.org/FAQdeferredactionyouth.html>
- Ngai, M. M. (2004). *Impossible subjects: 'Undocumented Aliens' and the making of modern America*. Princeton, NJ: Princeton University Press.
- Nerini, T. ((2008). Learning from the shadows: An exploration of the impact of Washington State's in-state tuition policy on undocumented immigrant students and institutions of higher education. (Doctoral dissertation). Retrieved from Dissertations & Theses: Full Text. (Publication No. AAT NR46817).
- North Carolina Administrative Code (NCAC). (2009). *Title 23. Community colleges. Admission to colleges*. Retrieved from <http://ncrules.state.nc.us/ncac.asp>
- North Carolina Community College System (NCCCS). (2008, May 13). Memo CC 08-114. Retrieved from [http://www.nccommunitycolleges.edu/Numbered\\_Memos/Memos/index2008.htm](http://www.nccommunitycolleges.edu/Numbered_Memos/Memos/index2008.htm)
- Obama, B. (2010, July 29). Remarks by the President on education reform at the National Urban League Centennial Conference, Washington Convention Center, Washington, DC.
- Olivas, M. (2004). IIRIRA, The DREAM Act, and undocumented college student residency. *Immigration and Nationality Law Review*, 40, 323-352.
- O'Neill, J. (2011, March 2). Schools chief applauds HCC's new admissions policy.

*Daily Record*, A9.

- Ong Hang, B. (2004). *Defining American through immigration policy*. Philadelphia, PA: Temple University Press.
- Oseguera, L., Flores, S., & Burciaga, E. (2010, Winter). Documenting implementation realities: Undocumented immigrant students in California and North Carolina. *Journal of College Admission*.
- Passel, J. S. (2005, March 21). *Estimates of the size and characteristics of the undocumented population*. Washington, DC: Pew Research Center, Pew Hispanic Center. Retrieved from [www.pewhispanic.org](http://www.pewhispanic.org)
- Passel, J. S. (2011, Spring). Demography of immigrant youth: Past, present, and future. *Future of Children*, 21(1). Retrieved from [www.futureofchildren.org](http://www.futureofchildren.org)
- Passel, J. S., & Cohn, D. (2011, February 1). *Unauthorized immigrant population: National and state trends, 2010*. Washington, DC: Pew Research Center, Pew Hispanic Center. Retrieved from [www.pewhispanic.org](http://www.pewhispanic.org)
- Passel, J. S., & Cohn, D. (2012, January 9). *U.S. foreign-born population: How much change from 2009 to 2010?* Washington, DC: Pew Research Center, Pew Hispanic Center. Retrieved from [www.pewhispanic.org](http://www.pewhispanic.org)
- Patton, M. (2002). *Qualitative research and evaluation methods* (3rd ed.). Thousand Oaks, CA: Sage Publications.
- Perea, J. (1997). *Immigrants out! The new nativism and the anti-immigrant impulse in the United States*. New York, NY: NYU University Press.
- Perez, W. (2009). *We ARE Americans: Undocumented students pursuing the American dream*. Sterling, VA: Stylus Publishing.
- Perez, W. (2010, Winter). Higher education access for undocumented students: Recommendations for counseling professionals. *Journal of College Admission*.
- Pew Hispanic Research Center (2013). *A nation of immigrants*. Retrieved from <http://www.pewhispanic.org>
- Pluviose, D. (2008, October 2). Learning while undocumented: North Carolina community college students are caught in the crosshairs of illegal immigration opponents. *Diverse Issues in Higher Education*, 25(17).
- Plyler v. Doe, 457 U.S. 202 (1982).
- President's Advisory Commission on Educational Excellence for Hispanic Americans.

- (2000). *Creating the will: Hispanics achieving educational excellence*. Washington, DC: U.S. Government Printing Office.
- Rincon, A. (2008). *Undocumented immigrants and higher education: Si se puede!* New York, NY: LFB Scholarly Publishing.
- Russel, A. (2011, March 4). State policies regarding undocumented college students: A narrative of unresolved issues, ongoing debate, and missed opportunities. (AASCU Policy Brief). Retrieved from <http://www.aascu.org/media/pm/pdf/pmmarch11.pdf>
- S.952 (2011). 112th Congress, 1st Session. To authorize the cancellation of removal and adjustment of status of certain alien students who are long term United States residents and who entered the United States as children and for other purposes. Retrieved from [www.gpo.gov](http://www.gpo.gov)
- Sanders, M. S. (2010). Hope, opportunity, and access: The in-state tuition debate in North Carolina. *Journal of Latinos and Education*, 9(2), 108-125.
- Seidman, A. (1995). The community college: A challenge for change. *Community College Journal of Research and Practice*, 19(3), 247-254.
- Seidman, A. (2011, July 22). In Maryland, an immigration battle redux. *Los Angeles Times*.
- Spencer, A. (2007). Counter-terror--The role of immigration in the fight against terrorism. *Hamburg Review of Social Sciences*, (2), 58-79.
- Stake, R. (1995). *The art of case study research*. Thousand Oaks, CA: Sage Publishing.
- Stamato, L. (2011, April 1). HCC trustees should stand by admissions decision. *Daily Record*, A9.
- Stevenson, A. (2004). DREAMing of an equal future for immigrant children: Federal and state initiatives to improve undocumented students' access to postsecondary education. *Arizona Law Review*, 46, 551-580.
- Strauss, A., & Corbin, J. (1990). *Basics of qualitative research: Grounded theory procedures and techniques*. London, England: Sage Publications.
- Thompson, G. (2011, November 11). How the right made racism sound fair--and changed immigration politics. *Color Lines News for Action*. Retrieved from [http://colorlines.com/archives/2011/09/how\\_the\\_right\\_made\\_racist\\_rhetoric\\_sound\\_neutral\\_and\\_shaped\\_immigration\\_politics.html](http://colorlines.com/archives/2011/09/how_the_right_made_racist_rhetoric_sound_neutral_and_shaped_immigration_politics.html)

- Tirman, J. (2006). Immigration and insecurity: Post 9/11 fear in the United States. *Audit of the conventional wisdom*. MIT Center for International Studies. Retrieved online November 11, 2012 from [http://web.mit.edu/cis/pdf/Audit\\_Tirman\\_Immigration\\_6.06.pdf](http://web.mit.edu/cis/pdf/Audit_Tirman_Immigration_6.06.pdf)
- Tinto, V. (1998). Colleges as communities: Taking research on student persistence seriously. *The Review of Higher Education*, 21(2), 167-177.
- Toll v. Moreno, 458 U.S. 1 (1982).
- Turner-Johnson, A., & Janosik, S. M. (2008, Summer). Undocumented students: A public policy morass. *College & University*. 84(1).
- United States Constitution, Amendment XIV, Section I
- U.S. Census Bureau (2000). Current population survey. Washington, DC: U.S. Department of Commerce.
- U.S. Census Bureau (2007). *The American community-Hispanics: 2004* (No. ACS-03). Washington, DC: U.S. Department of Commerce.
- U.S. Census Bureau (2007). *Current population survey*. Washington, DC: U.S. Department of Commerce.
- U.S. Citizenship and Immigration Services (2012). *Consideration of deferred action for childhood arrivals process*. Retrieved from [www.uscis.gov](http://www.uscis.gov)
- Waldman, S. (2011, March 6). Better a "bleeding heart" than no heart at all. *Daily Record*, A9.
- Walton, C. (2003, October). College tuition and undocumented immigrants. (National Conference of State Legislatures Legislative Brief). Retrieved from [www.ncsl.org/programs/educ/undocimmigrant.htm](http://www.ncsl.org/programs/educ/undocimmigrant.htm)
- Warren, C. (1984). Open admissions at City College: The implementation of an egalitarian reform in a meritocratic institution. (Doctoral dissertation). Retrieved from Dissertations and Theses: Full Text. (Publication No. 8427493).
- Warren, R., & Passel, J. S. (1987). A count of the uncountable: Estimates of undocumented aliens counted in the 1980 U.S. census. *Demography*, 24, 375-393.
- Wharton, D. (2011, March 18). Opposition to HCC policy isn't bigotry, hatred. *Daily Record*, A9.



- Wexler-Love, E. (2011). Aspirations, involvement, and survival: Immigrant Latino youth navigating school and community. (Doctoral dissertation). Retrieved from Dissertations & Theses: Full Text. (Publication No. AAT 3434946).
- Wood, C. (1995, April 19). Memorandum addressing students with expired or outdated visas not attending HCC unless their visa status is corrected.
- Yin, R. (1984). *Case study research: Design and methods* (1st ed.). Thousand Oaks, CA: Sage Publishing.
- Yin, R. (2009). *Case study research: Design and methods* (4th ed.). Thousand Oaks, CA: Sage Publishing.
- Zaltman, G., & Duncan, R. (1977). *Strategies for planned change*. New York, NY: Wiley Publishing.

Figure 1

State Approaches to Undocumented Students

- - In State State Aid
- - Bans Admission
- - In State No Aid
- - Flexible Policy
- - Out-of-State
- - No State Policy



3-28-11

## Appendix A

### Interview Guide

1. How familiar are you with the admissions policy that banned undocumented students from attending HCC that was implemented in 2001? Describe to me what you know about that admissions policy.
2. How did you feel about this policy with regard to the institution's open admissions policy? Can you clarify the basis for this opinion?
3. What do you think about the institution's decision to change the policy to admit undocumented students? What is your opinion? What is the basis for this opinion?
4. What do you think about the guidelines put in place for the policy? What is your opinion of the policy? What is the basis for this opinion?
5. Do you know how the admissions policy changes took place to charge undocumented students out-of-state tuition?
6. Why do you think the admissions policy change was reversed to charge undocumented students out-of-state tuition?
7. How were the policy changes communicated to you or your area? Did you feel this communication was timely and accurate?
8. How did you and your area respond to the admissions policy changes? How have these changes affected your day-to-day work?
9. Were there any factors that influenced your response to the admissions policy changes?

10. What are your feelings on illegal immigration?
11. Do you feel that undocumented students are at fault for their illegal status?
12. Do you believe the decision to change the admissions policy was the right thing to do? If yes, why?
13. Do you believe allowing undocumented students to attend college will improve their opportunities in the future? How?
14. What ways do you think community colleges can serve the undocumented student population?

## Appendix B: Categorical Matrix

167

		illegal immigrant- immediate public outcry				
Tuition Policy Reversal	Political	Undocumented students could attend HCC but had to pay much higher out of state tuition rate- Public opinions negative and positive	#5, #6	Felt attacked by general public, acknowledged also had strong support for the new policy, discussed entitlement of this population to in-county rates, did they pay taxes? Felt Freeholders put pressure on Board and Board caved to that and public pressure, compromised to make all happy	Report & recommendation of Minority Enrollment committee of Board 4/20/11, numerous newspaper articles, letters to editor, e-mails to college	#2
Effect on Daily Responsibilities	Structural, Human Resources	Materials updated to reflect policy changes, student database updated to accommo- date new guidelines and new documen- tation required for this	#8	Little to no impact for academic areas, all students treated the same, student services made adjustment to apps and record keeping to track this population- very little impact on daily life on campus	Website info for undocumented population outlining new requirements- new application showing option to mark non- resident to self- identify as undocumented	#4

		populatio n				
External Factors & Feelings on Illegal Immigration	Political, Human Resources	Personal feelings felt by all, both positive and negative-did feelings impact decision of the college to change the policy?	#9, #10, #11, #12	All immigrants at one time, federal government needs to do more to fix this issue, messy and complicated, sensitive topic and frustrating-can't influence immigration policy so just have to work to educate these students	none	#3
Community Colleges' role serving the Undocumented Student Population	Symbolic, Political	Access & affordability for disadvantaged populations-play major role in educating minorities, immigrants and first generation college students	#13, #14	Undocumented students not at fault for illegal status, should be able to continue education beyond high school at local community college-higher education level means can contribute more to society-many are great students, exposure to other students and cultures can help influence their families to pursue becoming legal	Multiple reports and articles showing community colleges educate over 40% of minorities and, in some locations, over 60%-often the only option for undocumented students due to access and affordability	4

