

May 3, 2006

To: Chair Academic Senate

From: Chair Academic Freedom & Responsibility Committee

I have obtained from Campus Council a suggested methodology for the faculty to follow in handling requests from Federal agents for information about the faculty members teaching, research or students. I am requesting that this information be placed in the My Senate website and that all faculty be notified that the information is available on the web site.

If a faculty member is contracted in any way by a Federal agent under the provisions of the PATRIOT ACT the faculty member should be aware that the Patriot Act does NOT entitle the FBI to information without a court order.

I.) When a court order is claimed.

Faculty should ask the agent to show them the court order so they may determine precisely what information the court order allows the agent to obtain.

II.) Faculty should inform the agent that any information requested on students, other faculty members, research programs, patient data must first be reviewed by the Campus Council to ensure confidentiality protections are observed before such information can be released.

- III.) Faculty should contact the Office of the Campus Council immediately and notify the Office of the court order.
- IV.) If the campus council is not available request that the UC Office of the General Council in Oakland be notified.
- V.) If the agent is accompanied by a member of the Davis Police Department obtain identification of the Officer. Notify the Campus Police Department of the presence of the FBI agent and his/ her identification.
- VI.) Specifically request a reasonable amount of time to comply with the court order so that University Council is afforded an opportunity to review the court order for its legal sufficiency, narrow the scope of the inquiry if possible and advise the faculty member how to respond to the court order.
- a. If the court order is for specific documents, such as research data, papers, correspondence, several days would be a reasonable time to request for a response.
- b. If the court order is a search warrant a request for a delay of several hours in order to contact Campus Council and the Campus Police is reasonable.

Be absolutely certain to document your request for additional time either in writing or by witnesses to your request.

- c. If the agent is in possession of a court ordered search warrant and insists upon immediate execution of the search, document the interaction with the agent by witnesses and obtain the identification of the agent but do not impede the search.
- d. Request a list of any and all items removed from the Faculty members office or lab before the items are taken. Make the request in the presence of witnesses.

VII.) When there is no court order.

The faculty member has the following options if the agent does NOT have a court order.

- a. Decline to talk to the agent.
- b. Ask the agent to schedule a more convenient time to meet, but you are NOT required to meet with the agent at all if you choose not to.
- c. Redirect the agent to the Campus Council Office or other Officials who may have the information the agent is looking for.
- d. DO NOT give any information out if you are NOT certain as to its protection under confidentiality laws until you have consulted the Office of the Campus Council.

- e. Request the agent to provide you with a list of the specific information being sought so the Campus Council can determine if any of it falls under confidentiality laws.